

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MNUTES – MARCH 4, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 4, 2020. Dr. Weiss called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

Board of Supervisors:                      Frederic K. Weiss, Chair  
   Daniel Grenier, Vice Chair  
   James McCartney, Secretary  
   Suzanne Blundi, Treasurer  
   John B. Lewis, Supervisor

Others:    Kurt Ferguson, Township Manager  
   David Truelove, Township Solicitor  
   Andrew Pockl,, Township Engineer  
   Kenneth Coluzzi Chief of Police

COMMUNITY ANNOUNCEMENTS

Dr. Weiss announced that the 2020 Pool Registration Discount period ends on Friday at 4:00 p.m.

Dr. Weiss announced that the LMT Park & Recreation and the Pool Camp Registrations are currently open and the Pool and Park Department are hiring for all summer positions. Information can be found on the Township's Website.

Dr. Weiss announced that Doylestown Borough is hosting a movie screening about reducing single-use plastics on March 10, 2020 from 6:00 p.m. to 8:30 p.m. at the County Theater, 20 East State Street, Doylestown.

MEMORIAL PARK FOOD TRUCK FESTIVAL OVERVIEW

Ms. Monica Tierney was present and stated that last year the Township held an "impromptu" event at Memorial Park, and they received a lot of positive feedback about having more events at Memorial Park and questions as to why that same event was not being held this year. Ms. Tierney stated she had been

approached previously by an individual about having an event at one of the Township parks, and so she reached out to that individual about holding an event this year at Memorial Park. Ms. Tierney stated that individual suggested a Food Truck Festival, and had proposed a certain amount being paid to the Township per food truck. Ms. Tierney stated the proposal went before the Park & Recreation Board which felt that the amount being proposed would not allow the Township to break even on their costs associated with the event. Ms. Tierney stated she discussed this with the individual who raised the rate she would charge per food truck to \$250, and Ms. Tierney stated she feels the Township would be able to break even covering the staff the Township would need to provide.

Ms. Tierney stated she feels this will be a great event to try. She stated they are looking to hold the event on June 6, 2020 from 12 to 7:00 p.m. She stated food trucks generally are there for lunch and dinner.

Mr. Grenier stated he attended the Memorial Day event held at Memorial Park last year which was a great event. He stated he would like to have more details on the fees and how this will be organized. Ms. Tierney stated Mommy's Lil' Black Book runs a lot of these events in the Bucks County area, and she has attended some of them, and they are very well run. Ms. Tierney stated the benefit to the Township is that we will have an event that will not require much from the Township which will be at no cost. Mr. Grenier asked about parking arrangements if the food trucks will take up the parking area near the playground. Ms. Tierney stated last year for the Memorial Day event, they had everyone park in the grass on the east side; and they would do the same thing this time.

Ms. Blundi stated she would like to get more details as they move forward. She stated while she is glad that Ms. Tierney expects that the Township will break even, she would prefer that they make money although she does believe in doing things to help the community. She stated she would also like a "rudimentary drawing" of what is proposed since she had initially envisioned trucks parking on the grass which could be a problem if there was inclement weather. She stated she now understands that the trucks would not be on the grass, but she would like more details. Ms. Tierney agreed to share more information moving forward.

Ms. Tierney stated the individual running the event brings in costumed characters, "balloon twisters," face painters, etc. She stated she also brings in moon bounces, which at this point would cost \$5 per person; however,

Ms. Tierney stated she would like to try to find a sponsor for the moon bounces so that they can offer that to the public for free.

Mr. Lewis asked as a potential revenue source, will the Township have a manned table where the Township could cross sell Pool and Dog Park Memberships.

Ms. Tierney stated she would be in favor of a Township table at the event, adding the Township had a table at the Memorial Day event last year. Mr. Lewis asked if they were able to sell Memberships there last year. Ms. Tierney stated they did not sell Memberships at the event, but they did give out information and answer questions. She stated she does not feel people would be ready to pay for a full Camp Membership or a Program when coming to this event; however, she feels they could provide them with the information. Mr. Lewis stated he feels if they could sell something and attribute it directly to that event, it would be a way of proving that the event paid out for the Township. Ms. Tierney stated possibly they could provide a coupon at the event that someone would show when registering for something, and the Township would then know that they got it from this event. Mr. Lewis stated they could also have something for the Golf Course.

Mr. McCartney stated he heard good feedback about the event last year, and he would be in favor of cross selling some of the other products that the Township offers.

Mr. Grenier stated he feels that if the Moon Bounce will cost a nominal fee, the public should be made aware of this so that those who come have cash with them. He asked Ms. Tierney when a decision needs to be made on proceeding with this event. Ms. Tierney stated she feels a decision would need to be made this evening so that the individual running the event can start selling spots.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the staff moving forward with the Memorial Park Food Truck Festival.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to suspend the rules and next consider Items IX b. and IX c. on the Agenda.

MOTION TO AWARD THE BID FOR PAINTING OLYMPIC AND INTERMEDIATE POOLS

Mr. Ferguson stated he outlined in an e-mail to the Board yesterday that they had not Bid out pool cleaning in previous years, and they had started doing that to make sure they were in compliance with all Bidding requirements.

Mr. Ferguson stated there were three Bids, and they came in with widely divergent costs to clean and paint the four pools – the tot pool, lap pool, intermediate pool, and the Olympic pool. He stated the high Bidder was over \$90,000 and the low Bidder was \$33,157.50. Mr. Ferguson stated since that amount is above \$25,000; the Board would have to reject the Bids and re-bid with prevailing wage requirements which would dramatically increase the costs.

Mr. Ferguson stated last year the Olympic pool was not painted since they were doing the gutter project. He stated the two most actively-used pools are the Olympic pool and the intermediate pool. He stated the recommendation would be to wash and paint just the Olympic pool and the intermediate pool for a total cost of \$23,620 which would keep the Township compliant.

Mr. Ferguson stated they will have to come up with a strategy to address cleaning and painting the pools understanding that the collective amount to do all the pools at one time will be problematic as to the cost. He stated he feels that some of the pools going forward could be painted every other year and others like the Olympic pool will most likely have to be painted every year. He stated they will need to work on a plan as to the timing of how they will do this.

Mr. Grenier moved and Ms. Blundi seconded to award the bid for acid wash and paint the Olympic pool and the intermediate pool to Berardelli Pool Service LLC at a cost of \$23,620.00. (See note within discussion of Roof Mounted Fan Exhaust Systems regarding Amendment to this Motion).

Dr. Weiss stated he understands that they will have a time schedule for the future, and they will get these two pools done before the Pool opens; and Mr. Ferguson agreed.

Motion carried unanimously.

MOTION TO AUTHORIZE WORK TO INSTALL ROOF MOUNTED FAN EXHAUST SYSTEMS AT THE POOL

Mr. Ferguson stated the Pool is not paid for by taxpayers, rather it is paid for by User Fees. He stated two years ago they went to great lengths to have the Pool be self-sufficient in that the Fees collected support the Pool in its entirety. He stated Ms. Tierney very aggressively manages expenses during the year.

Mr. Ferguson stated for 2020 there was approximately \$70,000 that was allocated toward bathroom improvements at the Pool. He stated they asked staff, including Mr. Pockl, their opinions on the primary goal of venting that space since the bathrooms are not properly vented. He stated they also considered updating the tiles, toilets, and showers; and they wanted to price out all of this work. He stated it had not been contemplated that the plumbing would need to be reconfigured in such a way that it would impact the floors, walls, etc. Mr. Ferguson stated it is anticipated that to do everything it would cost over \$200,000. Mr. Ferguson stated they still feel that it is important to do the venting project, and that cost would be approximately \$11,000.

Mr. Ferguson stated the goal is still to upgrade the bathrooms at some point. He stated he feels that next year they could look at ways to use short-term financing, etc. to do a broader fix. He stated at this point they would recommend that the Board approve the ventilation which they would work to get done in advance of the Pool opening, and they feel this would be a big improvement over the existing condition.

Mr. Ferguson added that they have also taken other measures to deal with some of the issues at the Pool and the bathrooms. He stated they have hired an outside company to deal with the bees and other pests. He stated Ms. Tierney has also arranged for someone to come in weekly to do a “massive clean of the site,” with the Pool staff supporting that during the week.

Dr. Weiss stated it was just brought to his attention that the Motion previously made with regard to the Pool painting had an incorrect amount with regard to the cost.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to Amend the prior Motion to reflect a total cost of \$23,920.00.

With regard to the Pool bathroom exhaust system, Ms. Blundi moved and Mr. McCartney seconded to authorize work to install roof-mounted fan exhaust systems and related work as Bid through JOC, at a cost of \$11,485.54.

Mr. Grenier stated the overall Bids for all of the work was above \$200,000, and he would like to know going forward if for that cost would it make more sense rather than fixing the bathrooms to take them out and start over. Mr. Ferguson stated he would agree they should look into that. Mr. Grenier stated depending on what is done, there is some risk that moving forward with any bathroom project, the roof-mounted fan exhaust systems could get used for only a short period of time if they do something else later; and Mr. Ferguson agreed.

Dr. Weiss stated it is the consensus of the Board that they look into all of these issues and eventually come up with a final report on what is the best way to handle this.

Ms. Blundi stated this brings to light the work that has to be done in the Township because of work that was not done in years past. She stated they were able to get the slide project done last year and were also able to build a maintenance plan into that. Mr. Ferguson stated with regard to the slides the company will be out to do the maintenance. He stated they signed a Maintenance Agreement with the company that will certify and watch the safety of the slide at a cost of approximately \$4,000 a year where previously we were spending approximately \$15,000 a year to have it sanded and painted, and he feels signing that Maintenance Agreement was in the best interest of the Pool users.

Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF MINUTES OF FEBRUARY 19, 2020

Ms. Blundi moved and Mr. McCartney seconded to approve the Minutes of February 19, 2020 as written.

Mr. Lewis noted at the bottom Page 14 it states: “Dr. Weiss stated that before his Election as Board Chair, he discussed with each of the members of the Board his intention to move Public Comment to the end and there was not one objection at the time.” Mr. Lewis stated while he is not asking that the Minutes be changed in any way, he would like the Record to reflect that

Supervisor Weiss did not discuss with him his intention to move Public Comment to the end of the meeting prior to it showing up on the first Agenda. Mr. Lewis stated it is possible that Dr. Weiss had discussions with other members, but he did not discuss it with him; and he would like this evening's Minutes to reflect that.

Dr. Weiss stated every member of the Board receives a draft copy of the Agenda numerous days before the meeting, and the Agenda was very clear on this format. Dr. Weiss stated he invites comments previous to the Agenda's publication, and not one member of the Board stated any objection, made any comment, or had any question on the form of the Agenda.

Mr. Grenier stated Dr. Weiss does share the Agenda with the Board ahead of time. He stated while there was no discussion with him on this particular item, the Agenda was shared.

Motion carried unanimously to approve the Minutes as written.

#### ENGINEER'S REPORT

Mr. Pockl stated he provided a copy of his Report in the Board's packet. He stated at the last meeting the Board authorized the Base Bid, Alternate Bid #1, and Alternate Bid #3 for the 2020 Road Program contingent upon the contractor meeting the Township's Responsible Contractor Ordinance requirements after a ten-day review period. Mr. Pockl stated that review period has expired, and they had reached out to several Municipalities that the contractor had worked for over the past year. He stated that this contractor was also the contractor for the Lower Makefield Road Program last year. He stated they found that there were no objections, and they are now getting the Contracts together to be sent to the contractor for signature.

Mr. Pockl stated with regard to Memorial Park, he met with Township staff to review the line items that could be re-Bid to fit within the Township's Budget. He stated he produced an Exhibit Plan that will be presented to the Park & Recreation Board at their next meeting. He stated there will then be a presentation to the Board of Supervisors.

Mr. Ferguson stated they re-worked the Bids because the prices came in high, and Mr. Pockl has worked diligently to come up with options as to how this could be phased and implemented. He stated he also worked with Ms. Tierney as to where she felt the needs would be and what the community has discussed with regard to the need. He stated he is hopeful that there will be a presentation to the Board of Supervisors shortly after the Park & Recreation Board meeting next week.

Mr. Pockl stated he will add into the specifications about the event that will be occurring at Memorial Park on June 6 so that the contractor knows that they cannot do work on that day and that the area will be open to the public.

Mr. Pockl stated with regard to the Bike Path Reconstruction/Maintenance Program, they reached out to a contractor who does paving work who indicated that the amount of work for bike path renovations being proposed would put them at the threshold for being able to put it out for Request for Quotations and not have to go through the Public Bidding process. Mr. Pockl stated when they put it out to five separate contractors for a Request For Quotation, the ones that came back were in excess of the threshold and therefore they anticipate going through the Public Bidding process in March.

Mr. Pockl stated he met with the Township staff and they are putting together an initial cost estimate for the Township Facilities Condition Report. He stated he has received the inventory information for the facilities, and he expects to move forward with that.

Mr. Pockl stated he is meeting with the residents at Scammell's Corner on Friday of this week to listen to their concerns about work that needs to be completed in advance of acceptance of Final Dedication.

Mr. Pockl stated construction is being done at the Lower Makefield Corporate Center at both the North and South Campuses. He stated construction has also begun on the Octagon Center across from Regency South. He stated pre-construction meetings were held last week, and they anticipate starting work and putting in a new entrance along Big Oak Road within the next week. He stated after that all of the work is internal to the site, and he does not feel there will be much impact on traffic in that area.

#### AUTHORIZE PURCHASE OF TWO JOHN DEERE ZERO TURN MOWERS

Mr. Ferguson stated as noted in his Manager's Report to the Board, money had been budgeted to purchase two zero turn mowers for the Public Works Department, and some old ones have been traded in to get the cost down to \$15,000.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to authorize the purchase of two John Deere zero turn mowers as Bid through CoStars at a total net cost of \$15,000.

#### DISCUSSION AND MOTION ON SANDY RUN ROAD

Mr. Lewis asked for an update on Sandy Run Road. Mr. Ferguson stated he had forwarded to the Board of Supervisors the RFP with some points and questions, and he was waiting for clarification from the Board. He stated the goal is to have a "complete date" of November 30. He stated he had asked the Board about insurance, a component about political contributions, and whether they wanted to have a separate draft Agreement attached to the RFP as has been done with other RFPs. Mr. Ferguson stated he was waiting for clarification from the Board on those three items.

Mr. Lewis asked about the timeline if the Board provides their comments now. Mr. Ferguson stated they are on a fairly tight timeframe given the goal of completing the project in 2020. He stated he would like to get this out as soon as possible. He stated this is a collaborative approach that involves the Township's traffic engineer, the design engineer, and the Municipal engineer who would have review of the design itself and be the inspector on the project with controls being put in place regarding staying on the timeframe. He stated this was the control they wanted with "many different professional eyes on this," to design, review, inspect and sign off on which was the goal of the Board of Supervisors.

Mr. Ferguson stated he was waiting for clarification from the Board on the insurance, political contributions, and if the Board wanted to have a draft Agreement attached to the RFP and what they might want that to look like.

Mr. Lewis asked if the Board could discuss those issues now. Mr. Ferguson stated that would be a decision for the Board, and he also asked if there were any other issues that the Board felt they needed to discuss. Mr. Ferguson

added that the Board had already approved to advertise the RFP; and when that was approved, he had advised the Board at that meeting that he would have the Board look at it in advance before advertising it.

Mr. Ferguson stated the first question he had was about the disclosure of political contributions, and he asked if that is still an interest of the Board.

Dr. Weiss asked Mr. Truelove if this is something the Board can discuss during the open session or should they discuss this in Executive Session. Mr. Truelove stated they could do both; and if there are certain things they would not want to discuss publicly in terms of strategy, the Board could reserve those for Executive Session. Mr. Ferguson stated he does not feel these involve strategy, and eventually there will be a public distribution of the RFP.

Mr. Ferguson asked if the Board wants to add anything with regard to political contributions. Ms. Blundi stated she feels they should be consistent with what they did last year, and that should be the standard going forward. Mr. Ferguson stated he will have to check that language since there were items specific to timing before an Election as well as candidates. He stated they could update the date as appropriate.

Mr. Zachary Rubin, 1661 Covington Road, said the Supreme Court ruled many years ago that “money is speech,” and he feels that limiting political contributions is an abridgement on the freedom of speech according to the U.S. Supreme Court. He stated if they have any kind of controls, he does not believe that will pass Constitutional muster. Dr. Weiss stated it is not a prohibition. Mr. Ferguson stated the way it read previously it had to do with disclosure and timing on the award of the Contract. Dr. Weiss stated they should coordinate this with the Township solicitor to make sure the language is appropriate.

Mr. Ferguson stated the next issue has to do with insurance that was listed for the project. He stated with regard to the number of \$5 million per incident and \$10 million aggregate, he looked at the County template for the RFP. He stated he would like the Board to consider if they want to leave the insurance where it was at \$5 million or \$10 million or do something different. Mr. Ferguson stated in the notes he provided to the Board of Supervisors indicated that the County requires \$2 million for bridge projects.

Mr. Grenier stated he feels strongly that we should keep the insurance requirement as is. He stated this is an engineering design project which will lead to construction, and this is a very important project in the Township

and has been for the last several years. He stated he feels it is important to protect the Township. He stated he feels \$5 million and \$10 million are very common in the industry. Mr. Grenier stated there is sometimes a concern that smaller firms do not want to spend the money to get the coverage; however, he feels that is the cost of doing business.

Mr. Lewis stated he had asked if there was a concern that we could lose Bidders. Mr. Ferguson stated he feels this would be a direct pass-through cost in this instance. He stated if there is a larger firm, they could probably acquire the additional insurance at a more affordable rate than a smaller firm, and a smaller firm may have higher quotes because of that. He stated he does not feel this would preclude firms from bidding on this, but we might see higher quotes with the higher insurance requirement. Mr. Grenier stated his personal experience is that a lot of larger firms already carry that much although he agrees that smaller firms do not always carry that much. Mr. Ferguson stated most firms in this area that do Municipal projects do not have this high level of insurance, and most have \$2 million. He stated he feels they will have to remind most firms of this requirement because it will be atypical locally to have this sort of requirement although he is not indicating that having that higher amount is wrong.

Ms. Blundi stated while she understands Mr. Grenier's concern she also agrees that insurance is often guided by what the standard is in the area. She asked what other Township's require; and Mr. Ferguson stated they have looked at Upper and Lower Merion, Northampton, some areas in Chester, and in Bucks County and most insurance requirements tend to be around \$2 million. He stated if there were a large project in the amount of \$20 million project in another Township, he cannot say that they may not have required a higher amount.

Mr. McCartney asked what the premium change would be if a firm were to have to get the \$5 million/\$10 million. Mr. Ferguson stated he feels for a larger firm it could be approximately \$12,000 and double that for a smaller firm adding that for some smaller firms they may not be able to have the underwriting to be able to support that sort of insurance. Mr. Ferguson stated he feels this will be a direct pass-through cost as the firms will get their quote for the insurance, and put the Bid together factoring in the insurance costs as well. Mr. McCartney stated he assumes that would be an additional \$12,000 for a larger firm that does not currently have that coverage, and Mr. Ferguson agreed there could be no additional cost since some firms could have already assumed that cost.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to maintain the \$5 million and \$10 million insurance requirements.

Mr. Ferguson stated he had incorporated the insurance requirements directly into the RFP. He stated the draft Agreement we had that was distributed as part of the RFPs is more specific to a consultant's role on an on-going basis; and he is not sure if they want to have a separate draft Agreement or if that is even necessary for a project like this, but he would defer to the will of the Board if they need an Agreement to go with this. He stated since he did not feel they needed that, this is why he included the insurance requirements and put it directly in the RFP. Mr. Grenier stated he feels they could append those Conditions to the RFP; and if they sign those, that would be fine. He stated generally we have Professional Service Agreements/Master Service Agreements for projects where we do not amend the language, and they are all inclusive. Mr. Truelove stated they would want to include some-thing in the RFP information that says that the Draft Contract is part of the RFP. Mr. Grenier stated he does not recall if there was anything within those Terms and Conditions that would necessitate a change.

Mr. Ferguson stated he will discuss this tomorrow with Mr. Truelove and they can resolve that, and with the direction he has on the other items, they can get the RFP out by Friday. Mr. Lewis asked if it is out by Friday, would the Township have responses back by the 26<sup>th</sup>, and Mr. Ferguson stated he feels they will still be able to meet the time-frame that was previously provided to the Board.

Mr. Grenier stated he would want to make sure that it is built into the schedule that there is a Sediment Control Plan so that there is a good understanding from the Bucks County Conservation District how long that will take since it is not always thirty days. Mr. Grenier stated before they go to Final Bid, he would like the Board to see the design at a Public Meeting so that they know exactly what is going out for Bid and generally what it will look like. Mr. Ferguson stated while he would defer to the Board on this, that will change the timeline and will probably push it back a couple of weeks depending on when a Board meeting fits in.

Dr. Weiss stated while he does not have a strong objection to doing what Mr. Grenier is suggesting, they have already seen the concept. He asked if there are wetland, floodplain, or condemnation issues that they are not aware of at this point. Mr. Ferguson asked if the Board still wants to see this if there are not any changes from what the expectations were. Mr. Grenier stated they have seen a "cartoon" of what the conceptual design is; and oftentimes when

you get to Final design things change and it is not quite what the concept was. He stated once you get past 70% of the design, there is not much that gets changed, and he would like to see it somewhere between 70% and 100% of the design. Mr. Ferguson stated he could bring them in for an update once they are three quarters of the way through the design. Mr. Ferguson stated that would not affect the RFP, but it would affect the timeline; and he would factor in that timeline to determine when they would have that meeting. Dr. Weiss stated if there is a timing issue, they could call a Special Meeting.

#### SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:45 p.m. and informational items, Real Estate, and personnel were discussed.

Mr. Grenier left the meeting at this time.

Approval of Resolution No. 2413 Authorizing Condemnation of Portion of Property i/n/o Scott for Construction of Sanitary Sewer Pump Station

Approval of Resolution No. 2414 Authorizing Condemnation of Portion of Property i/n/o Middlemiss for Construction of Sanitary Sewer Pump Station

Approval of Resolution No. 2415 Authorizing Condemnation of Portion of Property in/n/o Harris for Construction of Sanitary Sewer Pump Station

Mr. Truelove stated all three of these items are Resolutions authorizing Condemnation of portions of properties, three separate parcels with different owners. He stated in 2008/2009 Ms. Sandra Middlemiss, who lives on Mahlon which is near Yardley-Morrisville Road and the Stackhouse area, wanted to subdivide her property. He stated the Subdivision was approved; however, because of economic reasons given the downturn in the economy, the parcel was never developed. He stated in the interim it was determined that the Sewer Authority needed a pump station in that area, and Ms. Middlemiss was approached about building a pump station on one of the parcels that she had subdivided. Mr. Truelove stated she agreed to this subject to a cost that was factored in. Mr. Truelove stated there are also two adjacent properties one owned by the Estate of Ms. Scott and the other by Mr. Harris, and those properties are required to cross over in order to access the pump station by way of Easements for pipes and other purposes.

Mr. Truelove stated these three Resolutions authorize Condemnation of a portion of the properties. He stated for the Middlemiss and Scott properties, the owners have agreed to the prices; and they will be friendly Condemnations. He stated the third property owner, Mr. Harris, has not agreed to the price at this point so that will be a normal Condemnation. Mr. Truelove added that the reason they go through the Condemnation process is because it benefits the property owner as they would not have to pay Transfer Taxes. He stated that has been done in the past in the Township including the Patterson Farm property which was condemned under the same circumstances in 1998.

Mr. Truelove stated if Mr. Harris decides that he wants to contest the valuation that has been determined, he has up to five years to do that. The other two property owners by Agreement have agreed not to do that so it is known what those prices will be.

Ms. Blundi moved and Mr. Lewis seconded to approve Resolution No. 2413 authorizing Condemnation of portion of property in the name of Scott for construction of sanitary sewer pump station.

Mr. Grenier re-joined the meeting at this time.

Motion carried with Mr. Grenier abstained.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2414 authorizing Condemnation of portion of property in the name of Middlemiss for construction of sanitary sewer pump station.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2415 authorizing Condemnation of portion of property in the name of Harris for construction of sanitary sewer pump station.

#### Approve Advertisement to Amend the Responsible Contractor's Ordinance

Mr. Truelove stated at the last Board of Supervisors meeting, his office was directed to prepare Amendments to the Responsible Contractor's Ordinance to shorten some of the timeframes for review, specifically Chapter 99, Section 6 to change the language so that it is from thirty days to not to exceed thirty days, and Sub-Section 8 to change the language for making it available for public inspection and reducing it from twenty-one to fourteen days. He stated

it was felt that this would make this a more efficient process since for most of the projects many times the contractors are well known to the Township in terms of their responsibility. He stated they are requesting from the Board authorization to advertise the Ordinance with these changes and consider passing it at a subsequent meeting.

Ms. Blundi moved, and Mr. McCartney seconded to advertise to amend the Responsible Contractor's Ordinance as outlined by the solicitor.

Mr. Grenier asked if there is anything else that they feel should be changed, and Mr. Truelove stated his office was not directed to change anything else. Mr. Truelove stated they wanted to be able to make this a more practical review process.

Mr. Ferguson stated the idea would be that when they proceed with awarding projects, part of the award would include a recommendation for a certain number of days. He stated they wanted to have a level of flexibility to fit the situation.

Mr. Grenier asked if they feel there is any issue with getting everything done in thirty days. Mr. Ferguson stated he feels reasonably it should take no more than two weeks, but up to thirty days gives leeway if necessary.

Mr. Zachary Rubin read from an e-mail he received from Congressman Fitzpatrick about the difficulty of finding skilled workers, and he has introduced a Bill entitled the Apprenticeship Act. Mr. Rubin stated he feels that if the Board is going to consider amending this Ordinance, they should put back into the Ordinance the Class A Apprenticeship Program requirement for any Bids over \$75,000. He stated the Township previously had this requirement in the Ordinance, but it was deleted.

Mr. McCartney asked when it was removed, and Mr. Truelove stated he believes it was in 2010. Mr. McCartney asked if there were specific issues that the Township was running into because of having that requirement. Mr. Truelove stated there were some people who felt that there were particular types of work needed to be done for the Township which would not have Apprenticeship programs. He stated it was noted at the time, that the requirement could be Waived depending on the circumstances; however, it was the sentiment of the Board at that time that it was an "onerous requirement."

Dr. Weiss stated they could consider Mr. Rubin's recommendation at a future date. Mr. Grenier stated he feels this would require more discussion and review.

Motion carried unanimously.

#### ZONING HEARING BOARD MATTERS

With regard to the Cameron C. Troilo request to subdivide the property located at 1790 Langhorne-Yardley Road resulting in Variances for greater than permitted impervious surface and less than required setbacks, Mr. Truelove stated this is the Heston Hall property and some adjacent concrete pads. He stated they currently occupy one parcel, and there is a request to subdivide the parcel, Heston Hall being part of one and the pads being another.

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried that the solicitor participate.

Mr. Bryan McNamara, 1412 Heather Circle, asked how many townhomes they are looking for. Mr. Truelove stated that is not before the Board at this point. He stated this is a Commercial area, and is just about Subdividing the property. Mr. Ferguson stated it is about moving a Lot Line. Mr. McNamara asked how big the Lot would be that they want to create outside of where the historic property is. Mr. Truelove stated there are eight concrete pads but he does not know the dimensions. Mr. Ferguson stated this request before the Zoning Hearing Board has nothing to do with building a project, and it has to do with moving the Lot Line for that one specific Commercial property. Dr. Weiss stated the Board of Supervisors has just voted to participate at the Zoning Hearing Board when this matter will be heard.

Mr. McNamara stated they are moving the Lot Line for a purpose, and the purpose would be to build on it. He noted the DeLorenzo's property when they added an extra building and apartments that were not part of Zoning at the time. He stated they also did not meet the Green Space Ordinance and the Parking Ordinances. He stated the Township was supposed to get the Lot, and it seemed that the Troilos were in favor of that to balance out putting the additional building on. He stated he felt the tradeoff was the Township getting the triangular piece of property and two historic sites to offset the parking requirements that they were not meeting and the green space requirements that they were not meeting with the apartments.

Mr. Lewis stated while he would have to check, he did not believe that was part of it; and the key item was the parking. Mr. Lewis stated the Zoning Hearing Board Waived the number of parking spaces, and he feels that some people feel that today there is insufficient parking.

Mr. McNamara stated he feels that they are required to have a certain amount of green space, and Mr. Lewis stated that would be part of SALDO.

Dr. Weiss stated while he appreciates the information, this has nothing to do with what the Board has voted on with regard to the Zoning Hearing Board.

Mr. McNamara asked the size of the parcel, and Dr. Weiss stated he feels that would be a good point to bring up at the Zoning Hearing Board.

#### APPROVAL OF EXTENSIONS – MARRAZZO PROPERTY TOWNHOMES AND MARK WINTERSTEEN

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the Extension request for the Marrasso Property Townhomes until June 8, 2020.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the Extension request for the Mark Wintersteen property until June 6, 2020.

#### SUPERVISORS REPORTS

Mr. Lewis stated Farmland Preservation met last week. He stated the week of March 24 is Agricultural Week, and it is important to remember the importance of farmland preservation which provides additional open space in the community. He stated the Farmland Preservation Corporation operates as a separate 501-C3. He stated those who live near a Farmland Preservation property should not interfere with any of the buffers or attempt to take down any of the fences that Farmland Preservation has placed. Mr. Lewis stated if residents have concerns about any of the pesticides or herbicides used on those properties, they are all generally considered to be safe.

Mr. Grenier noted that there is a vacancy on the Sewer Authority.

Mr. McCartney stated the Trenton-Mercer Airport Review Board asked that he announce that if anyone is interested in volunteering for that Committee, information can be found at BRAAM.org.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved to appoint Kim Rock to the Park & Recreation Board. Motion died for lack of a Second.

#### PUBLIC COMMENT

Mr. Zachary Rubin asked the Chair when a resident can ask a Supervisor a question that is not on the Agenda in a Public forum. Dr. Weiss stated this would be the time to do so. Mr. Rubin stated he would like the four other Supervisors to give him their opinion about moving Public Comment to the end of the meeting when it was previously at the beginning of the meeting.

Mr. Lewis stated when he saw the Agenda for the first meeting when Public Comment had been moved to the end of the meeting, he did not notice that it had been moved to the end of the Agenda so he was surprised when that occurred adding that he had participated by phone at the meeting when that occurred. He stated following that, he wrote an e-mail to the Chair asking to have Public Comment restored to the beginning of the meeting. Mr. Lewis stated he is a strong believer that Public Comment at the beginning of the meeting is important because the Board wants to hear Public Comment. He stated Public Service is an honor and “requires a certain degree of grace.” He stated he admits that he has not been the “most perfect in civility and grace at all times, and this is something he is trying to work on.” He stated he does try to listen to people when they come to speak at Public Comment. He stated there have been many cases when the public has improved the policy outputs of the Township. He noted in 2013 the late Pete Stainthorpe was his Republican opponent, and while Supervisor, Mr. Stainthorpe was very good at listening to people and keeping an open mind. Mr. Lewis stated when someone from the public brought up an issue which was later resolved with a good result, Mr. Stainthorpe remembered to thank those people who had brought up the issue. Mr. Lewis stated he feels having Public Comment first is important. He stated he has tried to advance that over the last few weeks, and he will continue to do so as he feels it is very important that they have Public Comment

at the beginning of the meeting. He stated collectively many Board members are trying to do that in a constructive, civil manner, and it is frustrating when that takes time which could be used on policy issues.

Mr. Grenier stated three of the current Board members have been the Board Chair. He stated the Agenda is the prerogative of the Chair as they see fit. He stated when he himself was Chair he made some changes by adding Community Announcements and Discussion Items, but he maintained Public Comment at the beginning of the meeting. He stated when Mr. Lewis was Chair, he added the three-minute guidance for Public Comment which was kept by Mr. Grenier when he was Chair, although he is not sure how often that was enforced. Mr. Grenier stated he would prefer to have Public Comment at the beginning of the meeting because he personally feels many issues do come forward at that time by parents of children regarding items in their neighborhoods; and their preference would be to be able to provide their comments at the beginning of the meeting so that they could make their comments and then go home. He stated he voiced his preference to Dr. Weiss; however, he is respectful of the Chair's ability and prerogative of setting the Agenda.

Ms. Blundi stated there are many ways that the Supervisors get to interact with their constituents. She stated this is the fourth time she has had the opportunity to hear Mr. Rubin's "deep passion" on this issue which she appreciates; however, she stated the Supervisors do receive numerous e-mails, and there is also Facebook or even just speaking to residents in the Township. Ms. Blundi stated she feels it is a little disingenuous to say that people do not have a way to approach their Public Officials without having Public Comment at 7:30 p.m. instead of 8:45 p.m. which is what it has been for the last few meetings. Ms. Blundi stated she understands Mr. Rubin's passion about this issue, and she thanked him for bringing it up again.

Mr. McCartney stated he did have a private conversation with the Chair about this issue and he expressed to him where he feels Public Comment should be, but he also respects the Agenda Dr. Weiss sets as the Chair. Mr. McCartney stated he also respects Mr. Rubin's comments during individual Agenda items. Mr. McCartney stated he has only been on the Board since January, and at every Public Comment Mr. Rubin has expressed his objection to where Public Comment is; and he does not feel that is a constructive use of Public Comment. He stated at this point the Board is indicating that this is where Public Comment is going to be, and they are

supporting the Chair at this point. He stated he feels if Mr. Rubin is going to speak at Public Comment, it is counterproductive to keep talking about where Public Comment is.

Mr. Rubin stated at any time, two-thirds of the Board can suspend the rules and move Public Comment up to the beginning. He stated e-mails and Facebook are not a Public forum, and the citizens have a right to discuss issues with their representatives in a Public forum. Ms. Blundi stated that is what Public Comment is, and that is happening right now.

Mr. Robert Abrams, 652 Teich Drive, thanked Mr. Rubin for all he has done. Mr. Abrams stated the “Board is a disgrace.” He stated at the last meeting he came late; and while he wanted to make Public Comment, “he missed it.” He stated he has been involved with the School District for many years, and he always heard that the students are deprived of their sleep. He stated at the last Board of Supervisors meeting, there were two students that were here two hours longer than they had to be. He stated the Chair is telling us that “education does not count here,” and the Board is supporting that if children who want to participate will be penalized for wanting to support where they live and be involved. Mr. Abrams stated he had a discussion on Facebook with the Dr. Weiss and advised him that for one of the monthly meetings they should have unlimited Public Comment at the beginning and the business at the end, and for the second meeting, they should have the business at the beginning, and the Public Comment at the end; but Dr. Weiss did not respond. Mr. Abrams stated it is “ridiculous that people cannot participate here or that they are pigeon-holed into a time when they damage their own lives when they want to participate here.” He stated this is supposed to be a place where you want to come to and participate and make it better. He stated the Board does not want to let anyone participate, and they want to make it worse for everyone. Mr. Abrams read a quote about freedom of speech. Mr. Abrams stated there is “something nefarious going on that the Public needs to be silenced, and we need to find out exactly what it is.” He stated he gave the Board an option that was fair to everyone; and if the Board does not consider that, he understands where the Board is.

Dr. Weiss stated the Board will be going into Executive Session at this time to discuss some open issues and will not be making any decisions at that meeting.

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There being no further business, Dr. Weiss adjourned the Public Meeting at 9:05 p.m. Mr. Truelove stated he will announce the purpose of the Executive Session at the next meeting.

Respectfully Submitted,

James McCartney, Secretary