

**Upper Makefield Township Board of Supervisors
March 4, 2014 Meeting Minutes**

The March 4, 2014 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:33 p.m. In attendance were the following members of the Board of Supervisors: Chair Tom Cino, Vice Chair Larry S. Breeden, Treasurer Mary Ryan, Member Dan Rattigan and Member Mike Tierney. Also in attendance were Interim Township Manager David Nyman, Township Solicitor, Mary Eberle, Esq., Township Engineer Larry Young, P.E., and Director of Planning and Zoning Dave Kuhns.

There were also members of the public and representatives of the press present.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mr. Cino led in the recitation of the Pledge of Allegiance which was followed by a moment of silence.

ANNOUNCEMENTS

Mr. Cino acknowledged the return of David Nyman as Interim Township Manager and welcomed him back.

Mr. Cino announced that the Township is working to set-up a meeting with PECO that will be advertised and convenient for the public.

Finally, Mr. Cino reminded all to sign up for ReadyNotifyPA to have access to emergency announcements.

SPECIAL ITEMS

Stormwater Presentation

Samantha Brinker of Gilmore & Associates, Inc. provided a presentation of the stormwater management program as part of the public educational requirement for the Township's annual NPDES Permit renewal.

PUBLIC COMMENT

Dan Worden, 395 Lurgan Road, shared his concern regarding the establishment of a committee to advise the Board on financing indicating that he felt it was an abrogation of the Supervisors' elected duties. He doesn't believe that pro bono legal and engineering services will work and will have a negative impact on quality firms. He urged residents to contact the Township to share their concerns regarding this type of a committee.

Betsy Falconi, 464 Brownsburg Road, also expressed concerns regarding the establishment of a financial oversight board. She was concerned that it would be a duplication of tasks already done by staff and as such would be considered muddling staff jobs, actually undercutting staff and indicating a lack of trust in staff and appointed professionals. Such a committee would need to be tightly defined. Additionally she was concerned about the proposal to return unanticipated revenues back to the taxpayers, noting it to be short-sighted.

Ann Marie Murray, 480 East Brownsburg Road, stated that her tax bill was \$8,800 with only \$1,000 of that coming to the Township and that the last tax increase by the Township only amounted to an additional \$22. She felt that current efforts indicated that new Board members were not pleased by the current staff. If any new committees are formed, she would propose one to determine why we have

lost two Township Managers in a little over a year. If a financial committee is created, she would like an opportunity to be on it.

Ed Ford, 995 Washington Crossing Road, stated that Open Space is a gift for the future generations and enhances everyone's current property values. He shared comments regarding the Board's recent procedure to appoint committee members as well as his history of service to the Township, noting that as a Township Supervisor he refused his salary and worked to establish televising Board meetings.

Michael Logan, 850 Highland Road, favored an financial advisory committee, stating that public sector benefits have enjoyed huge increases and have exceeded those in the private sector.

Dave Rosser, 130 Bruce Road, appreciated Mr. Ameye's presentation at the last meeting and supported the idea of a Taxpayer Protection Clause noting that everyone to whom he had spoken considered it to be a homerun. He further complimented Mr. Johannson on his request for a status report and asked Ms. Eberle for a status report on the Taxpayer Protection Clause.

Karin Traina, 1159 River Road, stated that as a financial analyst and auditor by profession she would advise the Board to provide any financial review committee a narrow focus noting that there would be many behind-the-scene needs to provide relevant information for the committee. She further noted that the Planning Commission had reviewed the TAP grant proposal and recommended that the Township seek funding to mitigate several stormwater issues in areas of consistent flooding.

Steven Markin, 75 Dillon Way, expressed concern regarding a shortage of facts and was not concerned about the proposed advisory board as posted for review, suggesting that it should be used as a tool with a defined scope.

Bob West, 1663 Wrightstown Road, shared thoughts on volunteerism as a former elected Supervisor, noting it to be the greatest gift we can give to our community but that it comes with responsibility and knowledge. He was concerned about the tree trimming proposal. He advised the Board to take advantage of existing resources on staff and become educated on issues before meetings. He further indicated that a reduction in the real estate tax was unwise and that allocating the assets of the Township was the Board's responsibility.

Guy Polhemus, Washington Crossing Road, noted that it appeared as though the Old Guard was present and was concerned that they were piling on the new Board member. He requested civility and stated that he didn't believe the public was getting the facts.

Bill Kolick, Traditions, felt that there was a political agenda at work and doesn't understand the complaint against the proposed committee. As a retiree, he supports tax rebates.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Mr. Breeden and was seconded by Mrs. Ryan to approve the February 4, 2014 Board of Supervisors Meeting minutes. Motion carried by a unanimous vote.

A motion was made by Ms. Ryan and was seconded by Mr. Tierney to approve the February 18, 2014 Board of Supervisors Meeting minutes. Motion carried by a unanimous vote.

Mr. Cino directed the Board's attention to the Bills List for March 4, 2014. A motion was made by Ms. Ryan and was seconded by Mr. Cino to approve the March 4, 2014 Bills Payable List in the amount of \$87,377.45. Motion carried by a unanimous vote.

PLANNING AND ZONING ISSUES

TAP Grant Application Discussion

Mr. Kuhns provided an overview of the TAP Grant program. Both the EAC and the Planning Commission have reviewed the program and are in favor of submitting an application for storm water management related to highway construction or runoff, but specifically not to include bike paths or trails. Discussion followed with public comment consisting of:

Bud Baldwin, 1212 Eagle Road, indicated that the EAC suggested that this grant could be used to fund a long sought after stream study of the Jericho, Houghs and Pidcock Creeks.

Tim Birch, Highland Road, expressed concerns regarding flooding along Wrightstown Road and wondered if that issue could be addressed.

Dave Rosser, 130 Bruce Road, asked if matching funding would be required.

Guy Polhemus, Washington Crossing Road, was concerned about the open-endedness of the grant proposal.

Ron Smolow, Three Ponds Lane, urged submission of the grant, requesting consideration of the storm water problem at Pineville Road and Eagle Road. He supports the idea of seeking grant funding and does not understand the fear.

Steven Markin, 75 Dillon Way, questioned why we needed to address storm water issues associated with State roads.

A motion was made by Mr. Cino and seconded by Mr. Rattigan to authorize submission of the TAP Grant application before the April 3 deadline. Motion carried by a unanimous vote.

Mr. Breeden suggested that public hearings be conducted to determine the Township's position on bike paths. Mr. Cino noted that a previous study determined that despite there being interest, they would be very costly and difficult to accomplish.

SOLICITOR'S REPORT

Resolution No. 2014-03-04-01-Creating a Financial Advisory Committee

Ms. Eberle introduced the resolution creating a Financial Advisory committee to study and make recommendation on financial issues of concern to the Township on a project-by-project bases as directed by the Board of Supervisors, noting that this draft provided for five members with an additional two to be appointed ad hoc, that specific qualifications had been eliminated and that a specific list of potential projects had also been eliminated. Discussion followed with public comment consisting of:

Tim Duffy, 12 Spring Court, stating that good government is limited government, that problems need to be clearly defined, and specific issues require specific expertise. He supports the ad hoc component of the proposed committee, noting that a committee with no bounds or limitations is counterproductive.

Steven Markin, 75 Dillon Way, believes Board members are not far apart on this issue, noting areas of

specialization to be important, but concerned about appointments being politicized. He believes the purpose to be to render advice not readily available with an infusion of expertise.

Bob West, 1663 Wrightstown Road, was concerned that this ad hoc application would morph and emphasized that the committee would serve at the pleasure of the Board.

Ann Marie Murray, 490 W. Brownsburg, asked Mr. Tierney if he was in favor of having the committee have a defined task or focus. Following a discussion, she indicated that she was more confused than before.

Karin Traina, 1159 River Road, noted that when a company evaluates a list of budget items, their tasks are specifically targeted. She further noted that the Planning Commission was controlled by applications submitted and ordinances to be considered.

A motion was made by Mr. Cino and seconded by Mr. Rattigan to adopt Resolution No. 2014-03-04-01 as presented. Motion carried 3 to 2 with Mr. Breeden and Mr. Tierney voting in opposition.

Mr. Cino announced that the Township would be seeking volunteers to fill this committee, applications should be submitted to the Township and interviews would be scheduled for all applicants.

INTERIM MANAGER'S REPORT

Duathlon Request

Mr. Nyman reported on the request to hold the fifth annual Bucks County Duathlon Request in Upper Makefield Township on Sunday, August 31, 2014. He explained that the request includes closing River Road from approximately 7:30 am – 9:30 am for the safety of the bicyclists. After discussion, a motion was made by Mr. Rattigan and was seconded by Ms. Ryan to approve the request. Motion carried by a unanimous vote.

Sale of 1991 International Dump Truck

Mr. Nyman reported on the bid received, which was listed on Municibid, noting that several providers had indicated the truck's value at between \$8,000 and \$10,000. Discussion followed and a motion was made by Mr. Breeden and was seconded by Ms. Ryan to award the bid for the sale of the 1991 International dump truck to James Pattock for the price of \$13,101. Motion carried by a unanimous vote.

Mr. Cino declared a recess at 10:20 PM. The meeting reconvened at 10:30 PM.

Current Budget Performance Discussion

Mr. Nyman provided a financial status review in an effort to address concerns raised at the two previous meetings, noting an unappropriated balance of \$703,000 resulting from both overperformance of a number of revenue line items and cost savings in expenditures. He reviewed appropriate provisions enacted by the Board during the 2014 Budget adoption and noted that the current Township debt is \$16,396,470. He shared suggestions for the Board's consideration regarding Fund Balances noting that after two months this year, expenditures have exceeded the entire first quarter of last year by over \$500,000. He also reviewed highlights of the budgeting process noting the Board's ability to decide at that time the real estate tax rate, whether or not to use surpluses to pay down debt or to use them to fund additional reserves. Finally, he highlighted the difficulties of accurately projecting EIT revenues, especially in a situation where the financial decisions of a few residents can have significant

impact on these revenues.

Mr. Breeden made a motion to institute a Taxpayer Protection Clause into the Budgeting process which would re-open the Budget in the event that we collect more in revenue than anticipated so that the reduction of millage can be considered to cover this unanticipated revenue. Mr. Tierney seconded the motion and public discussion included:

Vic Ameye, East Grant, shared that he had submitted several Right-to-Know requests to obtain financial information seeking a solution to protect taxpayers. He noted that the EIT projection provided to the Township consisted of a single page. He believes the \$3,200,000 revenue figure to be overstated. He questioned two fund transfers, specifically a \$250,000 transfer from the Building Construction Fund to the Open Space Fund. (Mrs. Eberle will research this concern). Finally, he was concerned about the inability to more accurately project EIT revenues. (The Township Manager will investigate the possibility of have a representative from Keystone Collections attend a future Board meeting).

Mr. Kolek, Traditions, also asked about Keystone Collections accuracy in providing projections.

Following discussion, the motion failed by a 2 to 3 vote, with Ms. Ryan, Mr. Rattigan and Mr. Cino voting in opposition.

Mr. Tierney made a motion to have the \$703,000 identified as unappropriated revenue placed in a restricted account to insure it was available for consideration during the next Budget preparation. The motion was seconded by Mr. Breeden. Following discussion the motion failed by a 2 to 3 vote with Ms. Ryan, Mr. Rattigan and Mr. Cino voting in opposition.

Disaster Funding Status

Mr. Nyman shared correspondence from the Bucks County Emergency Management Agency indicating that the County did not qualify for the Disaster Declaration.

Road Salt Concerns

Mr. Nyman shared information from Mr. Johnson, Public Works Director, noting that the earliest we might expect a salt shipment would be March 10th.

ENGINEER'S REPORT

There was no Engineer's Report.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There were no additional public comment.

ADJOURNMENT

A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to adjourn the meeting at 11:25 p.m. Motion carried on unanimous vote.

Approved: March 18, 2014

MARCH 2014 GENERAL FUND BILLS - 3/4/14

ACCT#	COMPANY NAME	AMOUNT	COMMENTS
430.238	All Industrial - Safety Products	\$328.60	jackets/gloves
400.210	Associated Imaging Solutions	\$127.61	copier charges
409.373	ATCO International	\$138.75	aroma packs for septic system
400.460	Bucks County TMA	\$750.00	TMA Bucks membership 4/14 - 3/15
410.210	Business Management Daily	\$39.95	Federal & State Employment Law 6-month update
400.460	Cardmember Service - First Nat'l Bank	\$720.50	PSATS/mgr's ad
410.192	" "	\$527.04	training
410.460	" "	\$527.66	EZ Pass/food for storm
410.238	" "	\$139.24	uniforms
409.215	" "	\$289.88	bldg. supplies
430.238	Clemens	\$90.00	uniforms
409.321	Comcast - PD	\$320.08	phone/long distance/internet
409.373	Cooper Pest Solutions	\$122.03	pest control - exterior/general maintenance
414ZHB	Donna DeAngelis-Lehmann	\$160.00	court reporter
410.192	Delaware Valley Insurance Trust	\$25.00	seminar - Durkin
400.314	Eckert Seamans Cherin & Mellott	\$5,580.00	legal fees
409.373	Joseph Finkle & Son	\$30.08	bldg. maintenance
400.210	Francotyp-Postalia	\$35.35	ink cartridge for postage meter
410.210	" "	\$35.33	" "
414.210	" "	\$35.33	" "
409.341	" "	\$129.00	postage meter/modem 2/7/14 - 5/6/14
410.238	Gall's	\$173.98	boots
409.373	Good Air Conditioning & Heating	\$2,700.00	annual maint. Admin./PW/PW garage/PD heater unit
410.192	Daniel Jones	\$282.50	reimburse expenses - training seminar
414.141	Keystone Municipal Services	\$1,050.00	inspection services
414ZHB	McNamara, Boli & Panzer	\$980.00	ZHB legal fees
410.374	Bill Marsh Ford	\$70.00	PD vehicle repair
400.210	Newtown Office Supply	\$47.51	office supplies
410.210	" "	\$133.18	" "
414.210	" "	\$134.77	" "
409.215	" "	\$69.40	bldg. supplies
409.361	PECO	\$1,299.82	electric
409.361	PECO	\$1,492.16	electric
410.372C	Pennsylvania Chiefs of Police Assoc.	\$8,199.00	Livescan/CPIN maintenance fees for 2014
438.460	Petty Cash - Public Works	\$96.00	reimburse petty cash
410.231	Riggins	\$2,576.93	unleaded gasoline
430.231	" "	\$4,866.65	diesel fuel
407.319	Ron Skotleski Video Productions	\$875.00	BoS mtg. broadcasts 2/4/14 & 2/18/14
409.373	Smith's Yardville Supply	\$3.99	repairs to electrical box Admin. Bldg.
488	Standard Insurance	\$684.59	add/life insurance premium
488A	" "	\$1,632.36	std insurance premium
488B	" "	\$957.34	ltd insurance premium
409.230	Suburban Propane	\$3,348.98	heating fuel - Admin. Bldg./PW garage
409.230	Superior Plus Energy	\$1,337.45	propane
410.210	Thomson Reuters	\$277.08	Quinlan Arrest Law Bulletin subsc. 2/1/14 - 1/31/15
409.321	Verizon Wireless	\$1,226.87	mobile phone service
410.541	" "	\$26.23	" "
452.373	W.D.B. Lawn & Garden Services	\$2,455.00	snow/ice removal Streetscape 2/13 & 2/18
409.373	Waste Management	\$285.50	trash removal/recycling
TOTAL		\$47,433.72	

**FOR BOARD APPROVAL

MARCH 2014 LIQUID FUELS BILLS - 3/4/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
437	All Industrial - Safety Products	\$100.14	traffic cones
437	ATCO International	\$90.00	lubricant
432A	R. P. Blair	\$1,440.00	hauling - road salt
437	Bucks County International	\$37.98	PW vehicle repair
432A	Eureka Stone Quarry	\$5,165.41	stone to mix w/salt
437	Joseph Finkle & Son	\$162.83	shop supplies
437	Hoover Truck Center	\$112.20	truck repair
437	Napa Auto Parts	\$140.04	parts/shop supplies
434SL	PECO	\$131.57	street lighting
433TL	PECO	\$32.36	traffic lighting
437	Plaster Equipment Company	\$60.62	light for loader/backhoe
437	Smith's Yardville Supply	\$158.82	parts/shop supplies
437	U.S. Municipal	\$177.03	truck repair parts
	TOTAL	\$7,809.00	

**PAID INTERIMLY

MARCH 2014 PARK & REC BILLS - 3/4/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
452.250	George Allen Portable Toilets	\$49.50	port-a- potty rental
452.250	Cardmember Svc. - First Nat'l	\$37.21	repairs - Brownsburg Pk.
452.250	PECO	\$60.58	electric
452.250	PECO	\$27.99	electric
452.250	PECO	\$54.87	electric
452.250	Waste Management	\$245.00	trash/recycling parks
	TOTAL	\$475.15	

**PAID INTERIMLY

MARCH 2014 WATER & SEWER BILLS - 3/4/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.210	Coyne Chemical Company	\$2,928.66	chlorine/sodium hypochlorite
429.374	Deckman Electric	\$2,945.00	rebuild 2 pumps
429.110	Newtown Office Supply	\$28.70	self-inking stamp for water bills
429.372	PECO	\$291.98	electric
429.372	PECO	\$334.82	electric
429.372	PECO	\$2,417.25	electric
429.372	PECO	\$1,718.33	electric
429.372	PECO	\$103.63	electric
429.100	Private Utility Enterprises	\$11,508.11	plant operator
429.371	QC Laboratories	\$20.00	testing
429.374	Smith's Yardville Supply	\$119.05	maint. items
429.373	Suburban Propane	\$1,142.31	fuel for generators
429.371	Suburban Testing Labs	\$244.00	testing
429.210	USA BlueBook	\$389.04	supplies
429.374	" "	\$10.99	maintenance items
429.421	Verizon	\$103.91	phone
	TOTAL	\$24,305.78	

**PAID INTERIMLY

MARCH 2014 POLICE PENSION BILLS - 3/4/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
400	Mockenhaupt Benefits Group	\$750.00	qtrly actuarial svcs.

TOTAL **\$750.00**

**PAID INTERIMLY

MARCH 2014 NON-POLICE PENSION BILLS - 3/4/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
400	Mockenhaupt Benefits Group	\$1,025.00	qtrly actuarial svcs./ben. calc.

TOTAL **\$1,025.00**

**PAID INTERIMLY

MARCH 2014 DUTCHESS FARM BILLS - 3/4/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.210	Coyne Chemical	\$942.60	aluminum sulfate
429.376	FRANC Environmental	\$579.45	sludge removal
429.100	Private Utility Enterprises	\$3,409.40	plant operator
429.371	QC Laboratories	\$127.50	testing
429.373	Suburban Propane	\$245.85	fuel for generators
429.371	Suburban Testing Labs	\$274.00	testing
	TOTAL	\$5,578.80	

**PAID INTERIMLY