

Upper Makefield Township Board of Supervisors
October 7, 2014 Meeting Minutes

The October 7, 2014 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:30 p.m. In attendance were the following members of the Board of Supervisors: Chair Tom Cino, Vice Chair Larry 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. and Township Engineer Doug Rossino, P.E.

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 made the following announcements:

- An Executive Session was held prior to tonight's meeting to discuss personnel matters and an Executive Session will be held following the meeting to discuss personnel matters. There may be a need to reconvene following tonight's second executive session.
- An Executive Session will also be held on October 16 for personnel matters
- The first Budget Workshop will be held on Wednesday, October 15 at 7:30 pm. The second Budget Workshop is scheduled for Wednesday, October 22 at 7:30 pm.
- A new telephone system is being installed at the municipal complex tomorrow, Wednesday, October 8. There may be some interruption in phone service as the transition occurs.
- Because Election Day falls on the same date as the November 4 Board of Supervisors meeting, that meeting will be rescheduled to Wednesday, November 5.

Ms. Ryan announced that the Fire House Open House for Fire Prevention Week is this Friday.

PUBLIC COMMENT

Ellen Lane Novitz, Washington Crossing, expressed concern that the lights at Washington Crossing Park were on and no one was around after 7:30. She asked how the per capita tax is spent and by whom and expressed concern that some residents of Dolington have requested that repairs to their septic systems be borne by the entire Township.

Le Sheppard, Wrightstown, wanted to make the public aware of tax increases being considered by the Council Rock School District.

Ron Smolow, Three Ponds Lane, stated that Asplundh had destroyed approximately 40 mature trees along Eagle Road and Stony Brook Lane and wondered if the stumps would be removed, further stating that this tree removal was counter to the Township's efforts to restore woodlands. He believes PECO should have to get a permit, provide advance notice and replace trees removed.

Dan Johannson, Upper Makefield, asked what happens to the wood when PECO cuts down trees.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Ms. Ryan and was seconded by Mr. Cino to approve the September 16, 2014 minutes. Motion carried by a unanimous vote.

Mr. Cino directed attention to the bills list for October 7, 2014.

Mr. Breeden shared information from the PA Township News regarding suggested Township oversight of volunteer fire company tax funds, which could require justification of the use of the funds before releasing them, recommending non-payment of the \$300,000 on the Bills List pending such justification.

A motion was made by Mr. Breeden and was seconded by Mr. Tierney for the manager to review the current process for the release of funds to the fire company and make recommendations. Motion carried by a unanimous vote.

A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to approve the October 7, 2014 Bills Payable list in the amount of \$1,259,044.12. Motion carried by a unanimous vote.

PLANNING AND ZONING ISSUES

Sound Engineer Research Report

Mr. Kuhns provided an overview a report of the costs to acquire a consultant and equipment to provide sound measurement to facilitate the enforcement of the Noise Ordinance, as requested by the Board.

Ms. Ryan asked how the other members of our Jointure enforce their noise ordinances.

Mr. Tierney asked about certification required for readings to be acceptable in court.

Mr. Cino recommended having a consultant for no more than two events and to have our Solicitor review our Ordinance for sustainability in court.

Ms. Eberle indicated that noise levels needed to be significantly higher than allowable to stand up in court.

Mr. Breeden stated that enforcement Township-wide could cause concern for athletic events.

Mr. Tierney suggested a review of the Noise Ordinance levels.

A motion by Mr. Cino to authorize the use of a consultant for two events as a trial to evaluate the alleged violations died for lack of a second.

SOLICITOR'S REPORT

Telecommunications Ordinance

Ms. Eberle provided an overview of the JMZO Telecommunications Ordinance regarding tower-based and non-tower wireless communications facilities. Discussion followed and a motion was made by Ms. Ryan and seconded by Mr. Cino to authorize advertisement of the Telecommunications Ordinance. Motion carried on unanimous vote.

Floodplain Ordinance

Ms. Eberle provided an overview of the floodplain ordinance and the Bucks County Floodplain Ordinance Update Timeline. Discussion followed concerning whether the new ordinance would be a stand-alone ordinance or a revision to the JMZO. Discussion followed and Ms. Eberle will proceed with seeking to have the Ordinance amended through the JMZO and work with our Jointure partners to get proposals for an Engineer to assist with language.

Pump and Haul Agreement – The Enclave of Upper Makefield

Ms. Eberle provided an overview of the Pump and Haul Agreement for The Enclave of Upper Makefield and requested authorization to execute the Agreement. A motion was made by Mr. Rattigan and seconded by Ms. Ryan to authorize execution of the Pump and Haul Agreement for The Enclave of Upper Makefield. Motion carried by a unanimous vote.

BRRAM (Bucks Residents for Responsible Airport Management)

Ms. Eberle introduced Rich Delello and Holly Bussey from BRRAM, Bucks Residents for Responsible Airport Management. BRRAM has filed a suit against the FAA, Mercer County and Frontier Airlines as a result of increased air traffic at Trenton-Mercer Airport and its effect on Bucks County residents. In the suit, BRRAM requested that increased air traffic be stopped until the FAA prepares an Environmental Assessment and until all Federal environmental regulations are satisfied. In June, the Board authorized Grim, Biehn & Thatcher to file an amicus brief. BRRAM is requesting a financial contribution to the lawsuit from the Township, as Lower Makefield has recently done.

Ms. Bussey and Mr. Delello stated the intent of the lawsuit was to require the airport to comply with the law to perform an Environmental Impact Study, that this was expensive litigation and that they are a non-profit.

A motion was made by Mr. Rattigan and was seconded by Mr. Tierney to have Upper Makefield join the lawsuit at a cost not to exceed \$10,000.

Mike Murray, Upper Makefield, asked where the money for this expenditure would come from and how many people were really affected.

Motion carried by a unanimous vote.

Executive Session Minutes Consideration

Ms. Eberle reviewed executive session protocol and addressed the consideration of providing minutes of executive sessions, reviewing potential legal ramifications stating that such minutes would not be subject to Right-to-Know, but could be opened through court discovery.

Mr. Tierney asked if minutes could be tailored to specific sessions.

Mr. Breeden stated that he agreed with the Bucks County Courier Times recommendation to keep minutes of executive sessions and that Board members should be accountable to the public, suggesting minutes be recorded and transcription made available.

Mr. Rattigan stated that he is not aware of any Townships currently keeping executive session minutes and is concerned about potential legal exposure.

Mr. Cino asked if there might be any other means of providing a record.

Ms. Eberle stated that the Solicitor could take explicit notes.

The matter was tabled and the Solicitor was directed to give further consideration to other means of providing a record.

INTERIM MANAGER'S REPORT

2014/15 Consortium Salt Bids

Mr. Nyman provided an overview of the 2014/15 Consortium Salt Bids noting that Public Works Superintendent Bob Johnson recommended approval of the contract to Morton Salt for the delivered cost of \$57.57/ton. A motion was made by Mr. Breeden and was seconded by Mr. Rattigan to award the 2014/15 Consortium Salt Bid to Morton Salt in the amount of \$57.57/ton. Motion carried by a unanimous vote.

Hiring of Public Works Employee Don McAnulty

Mr. Nyman presented the recommendation of Public Works Superintendent Bob Johnson to hire Don McAnulty to fill the position of Public Works Laborer. A motion was made by Mr. Rattigan and was seconded by Mr. Breeden to approve the hiring of Don McAnulty as Public Works Laborer, conditioned upon his passing a physical exam and drug test. Motion carried by a unanimous vote.

Tree Trimming Update

Mr. Nyman provided an update of Public Works Superintendent Bob Johnson's efforts to obtain estimates for tree trimming services as budgeted. Three estimates have been received, and Warwick Tree is tentatively scheduled to begin the work within Washington Crossing in early-mid November for a cost of \$15,000. Residents will be notified of the impending work and of the tentative work schedule.

The Regency (Enclave) at Upper Makefield (Gray Tract) Water Treatment Plant – Escrow Release #2

Mr. Nyman provided an update of the project and indicated Mr. Zarko's recommendation to approve Escrow Release #2 in the amount of \$1,015,850. A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to approve The Regency at Upper Makefield Water Treatment Plant Escrow Release #2 in the amount of \$1,015,850. Motion carried by a unanimous vote.

The Regency (Enclave) at Upper Makefield (Gray Tract) Wastewater Treatment Plant – Escrow Release #2

Mr. Nyman provided an update of the project and indicated Mr. Zarko's recommendation to approve Escrow Release #2 in the amount of \$1,022,420. A motion was made by Mr. Rattigan and was seconded by Mr. Breeden to approve The Regency at Upper Makefield Wastewater Treatment Plant Escrow Release #2 in the amount of \$1,022,420. Motion carried by a unanimous vote.

Consultant RFP's Received for Review

Mr. Nyman indicated that 15 RFPs were received for various professional consultant services following the Township's solicitation for RFPs.

Mr. Breeden asked on what basis he would be able to evaluate which candidate would be the best qualified.

Mr. Tierney suggested using ad hoc residents to provide input on the applicants, possibly using the FAC.

Mr. Cino suggested that the Board read and share comments and that the manager make recommendations. He also asked for resident input.

ENGINEER'S REPORT

Barone, 447 Lurgan Road (Reese Tract), Construction Escrow Release No. 7 (Final)

Mr. Rossino provided an update of the project and recommended approval of Construction Escrow Release No. 7 (Final), in the amount of \$60,459.15. A motion was made by Ms. Ryan which was seconded by Mr. Breeden to approve the Barone Construction Escrow Release No. 7 (Final) in the amount of \$60,459.15 conditioned upon the establishment of financial security of \$16,332.46 to guarantee improvements for the 18 Month Maintenance Period. Motion carried by a unanimous vote.

2014 Road Paving Project – Payment Request #3 (Final)

Mr. Rossino provided an update of the project and recommended approval of Payment Request #3 (Final) in the amount of \$151,482.63. A motion was made by Mr. Rattigan which was seconded by Ms. Ryan to approve the 2014 Road Paving Project – Payment Request #3 (Final) in the amount of \$151,482.63. Motion carried by a unanimous vote.

Resolution No. 2014-10-07-01 – Clean Water Act

Mr. Rossino introduced the resolution commenting on proposed changes to and expansion of the Clean Water Act and noted that the EAC has provided input and is supportive of the resolution. Discussion followed and a motion was made by Ms. Ryan and was seconded by Mr. Breeden to approve Resolution No. 2014-10-07-01. Motion carried by a unanimous vote.

PUBLIC COMMENT AND MEDIA QUESTIONS

Tom Carroll, Jr, Crossing Winery, addressed the Board to set the record straight regarding allegations that the Winery's events exceed the noise ordinance using information from the 2012 Sound Study performed by the Township.

Carol Evinski, Longmeadow Drive, expressed shock at Mr. Carroll's comments and said the Township needs to enforce its Noise Ordinance.

Mary Melton, 23 Longmeadow Drive, stated the noise keeps her children awake and residents have a right to expect peace and quiet. She stated that the Winery was in violation of all three sections of the Noise Ordinance and residents may need to consider additional actions.

ADJOURNMENT

A motion was made by Mr. Breeden and was seconded by Ms. Ryan to adjourn the meeting into executive session at 10:15 p.m. Motion carried by a unanimous vote.

Approved: October 21, 2014

OCTOBER 2014 GENERAL FUND BILLS - 10/7/14

ACCT #	COMPANY NAME	AMOUNT	COMMENTS
362.41	Aqua Bello Designs	\$1,096.00	reimburse for canceled permit less 8% admin. fee
362.49	" "	\$852.00	refund balance Professional Services Escrow
430.371	Bair's Tree & Lawn	\$6,750.00	tree removal Twp. complex & roads
414.322	Gaetano Barone	\$579.65	refund balance Professional Services Escrow
400.312	CKS Engineers	\$4,584.00	engineering fees
414.313A-1	" "	\$3,335.22	" "
400.340	Cardmember Service - First Nat'l Bank	\$594.00	Township Manager ad
400.374	" "	\$52.98	network back-up monthly
407.319	" "	\$11.59	renew domain
409.215	" "	\$133.02	building supplies
409.750	" "	\$359.98	security cameras
410.192	" "	\$495.32	training
410.238	" "	\$38.87	emblems
410.239A	" "	\$60.95	range expenses
410.210	" "	\$111.26	office supplies
414.210	" "	\$16.94	office supplies
430.238	Clemens	\$114.50	uniform rental
409.373	" "	\$18.10	floor mat rental
409.321	Comcast - PD	\$322.82	phone/long distance/internet
487	DVHT	\$47,081.10	health insurance
486.355	Delaware Valley Insurance Trust	\$15,330.00	fourth quarter premium
484	Delaware Valley Workers Compensation	\$17,726.00	fourth quarter premium
411.150	" "	\$5,052.00	" "
410.239A	Patrick Durkin	\$73.42	firearms training expenses
400.314	Eckert Seamans Cherin & Mellott	\$2,570.72	legal fees
403.225	Nicholas Ettorre	\$277.25	September 2014 expenses
409.215	Joseph Finkle & Son	\$52.00	bulbs for PD bldg.
410.238	Galls	\$39.78	safety gloves
430.260	Garden State Highway Products	\$130.00	school bus signs - resident reimbursed
400.313	Gilmore & Associates	\$12,619.91	engineering fees
414.313A	" "	\$8,920.32	" "
400.374	HPT Systems	\$304.00	antivirus renewal through 9/2015
410.239A	Hope Hatton	\$33.03	firearms training expenses
411.212	John Kernan	\$11.87	reimburse for expenses
414.141	Keystone Municipal Services	\$1,530.00	inspection service
407.319	Learned Associates	\$1,500.00	May 2014 eNews & September 2014 eNews
407.319	Leightronix	\$3,983.00	annual subscription/PEG Central renewal
409.373	Lucas Ltd.	\$1,149.35	repairs to well pump/filter on Twp. complex
409.373	M.A. Landscapes	\$480.00	lawn mowing/weeding Twp. complex/ mowing bike path
452.373	" "	\$45.00	weeding - Streetscape
400.210	Newtown Office Supply	\$130.99	office supplies
410.210	" "	\$483.58	" "
414.210	" "	\$69.90	" "
409.361	PECO	\$1,196.41	electric - Admin. Bldg.
409.361	PECO	\$1,376.36	electric - P.D. Bldg.
438.460	PSATS	\$200.00	4 PW employees - Flagger Training
410.238	Petty Cash - Police	\$12.50	reimburse Petty Cash
410.210	" "	\$87.29	" "
410.470	" "	\$22.35	" "
410.540-3	" "	\$60.55	" "
410.540-1	Positive Promotions	\$104.45	D.A.R.E. handouts
400.374	SafeChoice	\$1,775.00	annual license agreement - SafeChoice software

OCTOBER 2014 GENERAL FUND BILLS - 10/7/14

<i>ACCT #</i>	<i>COMPANY NAME</i>	<i>AMOUNT</i>	<i>COMMENTS</i>
410.238	Samzie's	\$24.00	nameplates
410.239A	" "	\$65.00	mag holder/wallet
410.750	" "	\$24.00	stinger battery
414.322	S. Curtis Seifert	\$209.46	refund balance Professional Services Escrow
407.319	Ron Skotleski Video Productions	\$400.00	BoS Mtg. 9/16/14
410.374	Sparkle Car Wash	\$2,100.00	annual pass all PD vehicles 10/18/14 - 10/17/15
488	Standard Insurance	\$642.58	add/life insurance premium
488A	" "	\$1,430.90	std insurance premium
488B	" "	\$839.17	ltd insurance premium
409.215	Staples Advantage	\$198.39	bldg. supplies
400.210	" "	\$35.80	office supplies
400.210	Staples Credit Plan	\$47.01	office supplies
411.212	" "	\$76.49	" "
414.210	" "	\$18.91	" "
430.231	Suburban Propane	\$2,349.97	diesel fuel
410.231	Superior Plus Energy	\$1,977.49	unleaded gasoline
410.210	Thomson Reuters	\$165.00	Quinlan Search & Seizure Guidebook 2014 subs.
411.5	Upper Makefield Firefighters Relief Assoc.	\$143,596.78	2014 Commonwealth allocation
483.001	U.M.T. Nonpolice Pension Fund	\$77,941.18	2014 Township contribution
489.01	U.M.T. Nonpolice Pension Fund	\$64,944.84	2014 State allocation
483.002	U.M.T. Police Pension Fund	\$105,303.60	2014 Township contribution
489.02	U.M.T. Police Pension Fund	\$101,580.40	2014 State allocation
409.321	Verizon Wireless	\$971.26	mobile phone service
410.541	" "	\$26.22	" "
410.374	YIS/Cowden Group	\$374.05	calibration
TOTAL		\$649,297.83	

**FOR BOARD APPROVAL

OCTOBER 2014 LIQUID FUELS BILLS - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
437.2	A & M Truck Tire Service	\$1,356.00	truck tires
437	Betts Equipment	\$53.53	weed whacker cover/chain
438.245	Cardmember Svc. - First Nat'l Bank	\$717.17	roller rental for rd. paving
438.245	Eureka Stone Quarry	\$5,100.53	road paving materials
437	Joseph Finkle & Son	\$35.77	shop supplies
432S	Garden State Highway Products	\$224.55	signs
438.245	Hanson Aggregates	\$54.00	Tac Coat
437	Bill Marsh Ford	\$501.29	vehicle insp./maintenance
437	New Pig	\$276.52	oil absorbents
437	Praxair	\$28.67	cylinder rental
437	Scrappy's	\$2,570.96	truck inspections/repairs
437	Tanner's Lawn & Snow Equip.	\$87.30	sharpen chain/tube
437	Torodyne	\$272.24	2 truck batteries
	TOTAL	\$11,278.53	

**PAID INTERIMLY

OCTOBER 2014 PARK & REC BILLS - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
452.250	M.A. Landscapes	\$1,248.00	lawn mowing - parks
452.250	PECO	\$40.03	electric
452.250	PECO	\$83.83	electric
452.250	PECO	\$125.17	electric
452.250	QC Laboratories	\$30.00	water testing at parks
452.250	Staples Advantage	\$175.28	trash bags/restroom supp.
452.250	John L. Tomlinson & Son	\$150.00	moved switch to kitchen
	TOTAL	\$1,852.31	

**PAID INTERIMLY

OCTOBER 2014 WATER & SEWER BILLS - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.313	CKS Engineers	\$1,119.94	engineering fees
429.210	Coyne Chemical	\$591.25	Sodium Hypochlorite
429.376	FRANC Environmental	\$1,567.80	sludge hauling
429.374	M.A. Landscapes	\$260.00	lawn mowing - treatment plant
429.372	PECO	\$85.44	electric
429.372	PECO	\$109.94	electric
429.372	PECO	\$84.96	electric
429.372	PECO	\$1,977.88	electric
429.372	PECO	\$1,354.39	electric
429.371	QC Laboratories	\$156.00	testing
429.110	SafeChoice	\$1,775.00	annual license agreement - billing software
429.371	Suburban Testing Labs	\$393.00	testing
429.421	Verizon	\$38.43	phone
429.421	Verizon	\$37.62	phone
429.421	Verizon	\$110.02	phone
429.421	Verizon	\$38.43	phone
	TOTAL	\$9,700.10	

**PAID INTERIMLY

OCTOBER 2014 FIRE FUND - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
411.540	Upper Makefield Fire Company	\$300,000.00	per budget
	TOTAL	\$300,000.00	

OCTOBER 2014 GRADING ESCROW - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
414.313E	Donald/Marilyn Hayden	\$2,000.00	17 Stonebridge Crossing Road
414.313E	John Hubert Associates	\$2,000.00	2960 Windy Bush Road
414.313E	Timothy/Kathleen Nolan	\$2,000.00	4 Stonebridge Crossing Road
	TOTAL	\$6,000.00	

OCTOBER 2014 OPEN SPACE BILLS - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
461.71	U.M.T. Capital Reserve Fund	\$128,188.00	** reimburse fund for Open Space purch.
	TOTAL	\$128,188.00	

**PAID INTERIMLY

*OVER BUDGET

OCTOBER 2014 INTERIM BILLS - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
414.460	District Court #38-2-02	\$26.10	court fees - civil fine
TOTAL		\$26.10	

*PREVIOUSLY APPROVED BY BOARD

OCTOBER 2014 DUTCHESS FARM BILLS - 10/7/14

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.313	CKS Engineers	\$412.00	engineering fees
429.210	FRANC Environmental	\$837.60	Aluminum Sulfate
429.371	QC Laboratories	\$133.00	testing
429.110	SafeChoice	\$300.00	annual license agreement - billing software
429.371	Suburban Testing Labs	\$113.00	testing
	TOTAL	\$1,795.60	

**PAID INTERIMLY

OCTOBER 2014 CAPITAL RESERVE BILLS - 10/7/14

<u>Acct #</u>	<u>Company Name</u>	<u>Amount</u>	<u>Comments</u>
410.740	Hubb Systems/Data911	\$5,849.00	computerized data sys. for new PD vehicle
461	Barbara Zimmerman, et al	\$128,188.00	** acquisition of Open Space
TOTAL		\$134,037.00	

**PAID INTERIMLY

OCTOBER 2014 WATER/SEWER CAPITAL RESERVE BILLS - 10/7/14

<u>Acct #</u>	<u>Company Name</u>	<u>Amount</u>	<u>Comments</u>
429.740	CKS Engineers	\$1,808.29	engineering fees
429.740	Teledyne Instruments	\$15,060.36	refrigerated samplers (3)
	TOTAL	\$16,868.65	

**PAID INTERIMLY