

**Upper Makefield Township Board of Supervisors**  
**September 23, 2015 Meeting Minutes**

The September 23, 2015 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 S. Breeden, Treasurer Mary Ryan, Member Dan Rattigan and Member Mike Tierney. Also in attendance were Interim Township Manager David R. Nyman, Township Solicitor Mary Eberle, Esq., Township Engineer Douglas Rossino, P.E., Director of Planning & Zoning Dave Kuhns and Chief Mark Schmidt.

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 announced that there will be an executive session following this evening's meeting for personnel matters.

**SPECIAL ITEMS**

Chief Schmidt recognized Officer Harry Vitello for a successful first year of the Police Facebook page.

**PUBLIC COMMENT**

Vic Ameye, Washington Crossing, stated that he disagreed with the announced rate of increase provided in the recently approved Public Works contract. He suggested that the contract be given to the FAC for analysis.

Barbara Rintala, River Road, asked about not providing for Old and New Business on the agenda. Mr. Cino stated the policy for submission of business. She also asked about the automated speed sign and noise monitoring devices, specifically pointing out the noise from the New Jersey State Police firing range across the river. Finally, she asked why an elected auditor needed to file a Right to Know request for financial information.

Diana Nolan, River Crossing, suggested that the stipend provided to firefighters working for the Public Works department should be offered to all volunteer firemen. She stated concern about paid firefighters causing a divisive situation in the Fire Company.

Diana Kelly, Old Buckland Valley, stated it was inappropriate to kill deer in a development and questioned the appropriateness of it. She provided options for deer management aside from killing.

Ellen Lane-Novitz, Washington Crossing, thanked Ms. Caporiccio for solving broadcasting problems. She favors a virtual checkbook for the Township. She asked about bow hunting approvals. She stated her disapproval of the approval of the Public Works contract. She agreed that elected auditors should have full access to financial information without the need of a Right to Know request.

**APPROVAL OF MINUTES AND BILLS PAYABLE**

A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to approve the Board of Supervisors meeting minutes of September 1, 2015; September 9, 2015 Budget Workshop and September 16, 2015 Budget Workshop. Motion carried by a unanimous vote.

Mr. Cino read into the record the bills for September 23, 2015. A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to approve the September 23, 2015 Bills Payable List in the amount of \$184,373.76. Motion carried on a unanimous vote.

### **PLANNING AND ZONING ISSUES**

Mr. Kuhns introduced Sidney Gibson, from Newtown Middle School, who made a presentation supporting sustainability in the community. Sidney requested approval from the Board to submit an online application to consider Upper Makefield as a sustainable community and to work with staff to implement the program. A motion was made by Mr. Breeden and was seconded by Ms. Ryan to support Sidney Gibson's efforts to work with staff to evaluate the sustainable community goals and activities in Upper Makefield and prepare an online application.

### **SOLICITOR'S REPORT**

#### **Ordinance No. 309 – Amending SALDO Floodplain Regulations**

Ms. Eberle introduced Ordinance No. 309, amending the SALDO floodplain regulations. Mr. Cino opened the public hearing. There were no comments from the Board of Supervisors and no comments from the public. Mr. Cino closed the public hearing. A motion was then made by Ms. Ryan and was seconded by Mr. Rattigan to adopt Ordinance No. 309. Motion carried by a unanimous vote.

#### **Open Space Agreement**

Ms. Eberle stated that she is still reviewing the recently received draft agreement of the potential open space purchase of parcel #47-004-007. Therefore, she was recommending that this item be tabled for future consideration.

### **INTERIM MANAGER'S REPORT**

#### **Fund Balance Report**

Mr. Nyman noted that the Fund Balance and Budget vs. Actual Reports are in the Board's packets.

#### **Enclave Water Treatment Plant Escrow Release No. 3**

Mr. Nyman provided an update of the project, noting the plant was completed and providing water to the development and recommended approval of Escrow Release No. 3 in the amount of \$346,755.00. A motion was made by Ms. Ryan and seconded by Mr. Rattigan to approve Enclave Water Treatment Plant Escrow Release No. 3 in the amount of \$346,755.00. Motion carried on unanimous vote.

#### **Enclave Wastewater Treatment Plant Escrow Release No. 3**

Mr. Nyman provided an update of the project, noting the plant was completed but not operational as there was not enough flow from the development at this time and recommended approval of Escrow Release No. 3 in the amount of \$728,480. Mr. Rattigan made a motion which was seconded by Ms. Ryan to approve Enclave Water Treatment Plant Escrow Release No. 3 in the amount of \$728,480. Motion carried on unanimous vote.

#### **Sale of Vehicles**

##### **2014 Chevy Impala**

Mr. Nyman reported on the bid received, which was listed on Municibid. Discussion followed and a motion was made by Ms. Ryan and seconded by Mr. Rattigan to award the bid for the sale of the 2004 Chevy Impala to Joseph Mullins for the price of \$1,801. Motion carried on unanimous vote.

### **2006 Dodge Charger**

Mr. Nyman reported an additional bid received, which was listed on Municibid. Discussion followed and a motion was made by Mr. Rattigan and seconded by Ms. Ryan to award the bid for the sale of the 2006 Dodge Charger to Tom Clancy for the price of \$3,350. Motion carried on unanimous vote.

### **Planning & Zoning Administrative Assistant**

A motion was made by Mr. Rattigan and seconded by Ms. Ryan to hire Debra McFadden as the part-time administrative assistant in the Planning & Zoning Department at rate of \$16/hour to replace an employee who has moved out of state. Motion carried on a 4 to 1 vote with Mr. Breeden voting in opposition.

### **Presentation of 2016 Preliminary Budget**

Mr. Nyman provided a Powerpoint presentation of the 2016 Preliminary Budget for the Board's consideration, reviewing all Township funds.

Mr. Breeden stated that the EIT projection was not developed using sound methodology and would fall short. He stated that the budget contains no reduction in expenses and would support tabling it at this time.

Mr. Tierney agreed with Mr. Breeden and said that because there are a lot of questions, he would like it tabled as well.

Mr. Breeden stated this budget was a raid on the Open Space funds, citing a recent General Fund transfer and recent savings from re-financing.

Mr. Cino stated that he recognized the differences of opinion regarding additional borrowing instead of using available cash for additional preservation, but that this budget provides a 17% tax reduction and continues to fully fund the Capital Improvement program.

Mr. Breeden stated that the EIT projection needed more and better information.

Mr. Tierney, citing numbers provided by a member of the FAC at the last Budget Workshop, stated that the Open Space Fund millage was incorrect and that we should advertise an appropriate budget.

Mr. Rattigan stated that this preliminary budget was still subject to change following public review and comment and that the numbers provided by the member of the FAC were the opinion of one member.

A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to authorize the advertisement of the 2016 Preliminary Budget. Following public comment, the motion carried by a 3 to 2 vote, with Mr. Breeden and Mr. Tierney voting in opposition.

Ellen Lane-Novitz, Washington Crossing, stated that she paid taxes for open space debt financing and doesn't believe that money could be used for anything else and requested that the Board delay the vote.

Dan Johansson, Upper Makefield, asked if the two million still available to be borrowed was in addition to the one million fund balance.

Barbara Rintala, River Road, stated she didn't see a problem with putting this budget out for public

review and questioned a delay.

Ron LaNasa, Washington Crossing, thanked the staff for their efforts, recommending approval of the motion, recommended providing funds for additional staff and elected official training and stated he was not in favor of borrowing money and paying interest when cash was available.

Mr. Cino recessed the meeting at 9:56 and reconvened at 10:01.

Mr. Breeden stated that an increase for staff of 0.25% as provided to Council Rock teachers was more in line than the proposed 2.5%.

Mr. Johannson again ask how the use of the open space fund balance would eliminate the ability to borrow.

Ellen Lane-Novitz again stated her tax monies are paid for debt payments and requested the Board put off the vote.

Bill Hoeffler, Washington Crossing, stated the Board should pass the motion and allow for public inspection. He further stated a charge that one of the candidates for supervisor's son did damage to Township property. When asked his source of information, he replied through the Freedom of Information Act, further when asked if he had filed a Right to Know to attain the information, he said no.

Mr. Cino again recessed the meeting at 10:20 and reconvened at 10:25 stating that additional public comment would be held until the end of the meeting.

#### **Wastewater Treatment Plant Transfer to HOA Feasibility**

Mr. Nyman noted the letter in Board packets which was sent to the DEP per Board direction inquiring about transferring ownership and perpetual maintenance responsibilities of the operation of the water and wastewater systems in the Township to the respective homeowners' associations.

#### **RFPs**

Mr. Nyman informed the Board that copies of the RFPs for consultant services they requested were provided tonight for their review.

#### **ENGINEER'S REPORT**

##### **2015 Road Program – Payment Request #2**

Mr. Rossino provided an update of the project and recommended approval of Payment Request #2 in the amount of \$399,173.09. After brief discussion, Mr. Rattigan made a motion which was seconded by Ms. Ryan to approve Payment Request #2 in the amount of \$399,173.09. Motion carried by unanimous vote.

#### **Engineer's Report**

Mr. Rossino provided highlights of the Engineer's Report, which was in the Board's packets.

**BOARD AND COMMISSION REPORTS**

Mr. Cino announced that the following reports were included in the Board's packets:

- Environmental Advisory Council – August 11, 2015
- Park and Recreation Board – July 13, 2015 and August 10, 2015
- Planning Commission – July 22, 2015

**DEPARTMENT REPORTS**

**Planning and Zoning Department**

Mr. Kuhns highlighted the monthly Planning and Zoning Department Report.

**Police Department**

Chief Mark Schmidt highlighted the Police Department Report. He further noted that Pineville Road is re-opened, that plans for the impact of the Papal visit have been completed and that the nationally advertised drug take back program would be delayed until October 17<sup>th</sup> in Bucks and Montgomery Counties due to the Papal visit.

Mr. Cino announced that the following reports were included in the Board's packets:

- Fire Department Reports
- Ambulance Report
- Fire Marshall Report
- Public Works Department Report

**PUBLIC COMMENT AND MEDIA QUESTIONS:**

Ellen Lane-Novitz stated that the Board needs to be nice and courteous and that she had not seen anything done incorrectly by the Manager.

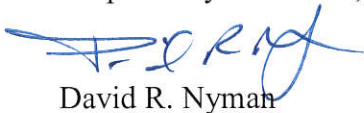
Guy Polhemus stated that today is Yom Kippur, a day of reflection, and that dissension creates debate and scrutiny.

Mr. Breeden stated his opinion that Mr. Hoefer's comments were despicable for bringing up a child's misdeeds in a public forum.

**ADJOURNMENT:**

A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to adjourn the meeting at 10:36 p.m. Motion carried on unanimous vote.

Respectfully submitted,



David R. Nyman  
Interim Township Manager  
Approved: October 6, 2015

**SEPTEMBER 2015 GENERAL FUND BILLS - 9/23/15**

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
409.321	Acteon Networks	\$1,830.00	maint./software agreement for phone sys. thru 10/7/16
409.373	Affordable Elevator Inspections	\$125.00	PA Labor & Industry 3 Yr. Periodic Test
430.260	Asphalt Care Equipment	\$157.50	paving lutes/rake
400.210	Associated Imaging Solutions	\$242.81	copier charges
410.238	Atlantic Tactical	\$58.80	radio pouches
410.210	AWARDS and MORE	\$48.25	Facebook Page award plaque
400.374	CIT Technology	\$555.74	copier rental
400.312	CKS Engineers	\$420.38	engineering fees
414.313A-1	" "	\$3,634.97	" "
430.238	Clemens	\$135.00	uniform rental
409.321	Comcast	\$347.19	phone service/internet service Admin.
409.321	Comcast	\$145.97	phone service/internet service PW
409.373	Cooper Pest Solutions	\$122.03	exterior program/general maint.
400.340	Courier Times	\$279.04	classified advertising
414ZHB	" "	\$403.25	" "
409.140	Coverall	\$1,060.00	cleaning service
487	DVHT	\$52,240.95	health insurance premium
400.314	Eckert Seamans Cherin & Mellott	\$960.00	legal fees
410.314	" "	\$150.00	" "
409.373	Epic Systems Group	\$162.60	alarm monitoring
403.225	Nicholas Ettore	\$237.59	July 2015 expenses
400.313	Gilmore & Associates	\$13,549.22	engineering fees
414.313A	" "	\$11,075.74	" "
409.373	Good Air Conditioning & Heating	\$480.00	annual maintenance PD Bldg. 9/29/15 - 9/28/16
400.314	Grim, Biehn & Thatcher	\$8,295.00	legal fees
414.314A	" "	\$1,142.00	" "
414.314-2	" "	\$30.00	" "
410.192	Kaplan University	\$4,281.00	tuition - C. Huff
409.373	Kencor	\$175.00	monthly elevator maintenance
411.212	John Kernan	\$280.00	reimburse for course IAAI-ECT
410.374	Kerrigan's Sunoco	\$2,787.62	PD vehicle maint./repairs
411.740	" "	\$153.26	Emergency Mgmt. vehicle repair
403.115	Keystone Collections Group	\$5,457.55	tax collector
414.374	LICOM Communications	\$359.65	install mobile radio/antenna
414ZHB	McNamara, Bolla & Panzer	\$513.00	legal fees ZHB
400.210	Newtown Office Supply	\$43.89	office supplies
410.210	" "	\$62.20	" "
409.215	" "	\$77.43	bidg. supplies
400.210	Office Basics	\$37.43	office supplies
414.210	" "	\$37.42	" "
409.321	PA One Call	\$70.52	monthly activity fee
409.215	Ready Refresh (formerly Deer Park)	\$41.25	drinking water for township buildings
409.373	Sherwin-Williams	\$34.92	paint/tray liners

**SEPTEMBER 2015 GENERAL FUND BILLS - 9/23/15**

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
407.319	Ron Skotleski Video Productions	\$950.00	produce BoS Mtgs. 9/1 & 9/9/troubleshoot audio prob.
400.210	Staples Advantage	\$11.78	office supplies
410.210	" "	\$120.70	" "
409.215	" "	\$176.46	bdg. supplies
410.231	Superior Plus Energy	\$1,370.51	unleaded gasoline
430.231	" "	\$1,170.20	diesel
430.371	T & T Tree Service	\$750.00	tree removal
409.373	John L. Tomlinson & Son	\$195.00	remove/repl. photo cell in PD parking lot
438.460	" "	\$2,875.00	street lamp repl. after car accident (insurance reimb.)
409.373	Townscapes	\$670.00	mowing/weeding Twp. Complex/mowing Bike Path
414.322	Donna Ulanowski	\$1,047.00	refund balance Professional Services Escrows
409.341	UPS	\$7.05	express mail
409.341	U. S. Postal Service	\$1,000.00	replenish postage meter
410.239A	Witmer Public Safety	\$276.00	ammunition
410.375	YIS/Cowden Group	\$347.00	calibration
410.540-3	" "	\$2,425.50	traffic safety equipment
	<b>TOTAL</b>	<b>\$125,693.37</b>	

\*\*FOR BOARD APPROVAL

SEPTEMBER 2015 LIQUID FUELS BILLS - 9/23/15

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
437	All Industrial Safety Prod.	\$34.16	insect repellent towelettes
437	Betts Equipment	\$153.27	equipment repair
430.260	Cardmember Service	\$148.98	** small tools
438B	" "	\$258.61	** bridge work
438.245	Eureka Stone Quarry	\$249.31	road paving materials
438B	Robert B. Hawkins	\$2,475.00	bridge work repairs
437	Home Depot	\$152.36	** shop supplies
438.245	" "	\$39.70	** road maintenance
437	Kerrigan's Sunoco	\$430.74	PW vehicle maint./repair
434SL	PECO	\$130.97	street lighting
437	Praxair	\$28.67	cylinder rental
	<b>TOTAL</b>	<b>\$4,101.77</b>	

\*\*PAID INTERIMLY



**SEPTEMBER 2015 PARK & REC BILLS - 9/23/15**

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
452.250	AP Modern Electric	\$685.00	wire/install receptacles BB
452.250	Cardmember Service	\$108.50 **	dog waste bags/can liners
452.250	Coverall	\$520.00	cleaning of restrooms
452.250	Eurofins QC	\$30.00	water testing
452.250	PECO	\$69.96 **	electric
452.250	Private Utility Enterprises	\$261.30	maint. of water systems
452.250	Townscapes	\$2,300.00	mowing/weeding
	<b>TOTAL</b>	<b>\$3,974.76</b>	

\*\*PAID INTERIMLY

**SEPTEMBER 2015 PARK 3 YR CAP BILLS - 9/23/15**

<u>Acct #</u>	<u>Company Name</u>	<u>Amount</u>	<u>Comments</u>
452.300	Gilmore & Associates	\$17.50	engineering fees

**TOTAL** **\$17.50**

\*\*PAID INTERIMLY

**SEPTEMBER 2015 WATER & SEWER BILLS - 9/23/15**

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.371	Eurofins QC	\$714.00	testing
429.374	FRANC Environmental	\$1,725.00	clean clarifier/chlorine contact tank
429.376	" "	\$1,975.68	sludge hauling
429.374	MGK Industries	\$9,975.00	WWTP clarifier repair
429.372	PECO	\$78.46 **	electric
429.372	PECO	\$108.35 **	electric
429.372	PECO	\$513.38 **	electric
429.372	PECO	\$1,589.79 **	electric
429.110	Prior Nami Business Systems	\$4,144.00	folder/insertor sealer for mailings
429.100	Private Utility Enterprises	\$10,371.68	plant operator
429.374	Townscapes	\$440.00	lawn mowing at plant
429.110	U. S. Postal Service	\$305.76	postage for water/sewer billing
429.421	Verizon	\$35.51 **	phone
429.421	Verizon	\$40.70 **	phone
	<b>TOTAL</b>	<b>\$32,017.31</b>	

\*\*PAID INTERIMLY

**SEPTEMBER 2015 GRADING ESCROW - 9/23/15**

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
414.313E	Toll Brothers	\$2,000.00	Dutchess Farm Lot #60
	<b>TOTAL</b>	<b>\$2,000.00</b>	

SEPTEMBER 2015 OPEN SPACE BILLS - 9/23/15

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
461.70	Heritage Conservancy	\$420.00	professional services
	<b>TOTAL</b>	<b>\$420.00</b>	

\*\*PAID INTERIMLY

\*OVER BUDGET

SEPTEMBER 2015 TREE FUND - 9/23/15

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
409	Cardmember Service	\$75.00	** reg. for Tree Tenders Trng.-3 attendees
	<b>TOTAL</b>	<b>\$75.00</b>	

\*\*PAID INTERIMLY

**SEPTEMBER 2015 INTERIM BILLS - 9/23/15**

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
400.460	BCATO	\$35.00	2015 Annual Fall Mtg. - Dan Rattigan
410.210	Cardmember Service	\$133.24	office supplies
407.319	" "	\$1,074.15	a/v upgrades - meeting room/broadcast
409.750A	" "	\$160.00	chairs
400.374	" "	\$254.98	hard drive
410.470	" "	\$120.99	police investigations
410.750	" "	\$439.84	duffle bags/camera equipment
438.460	" "	\$36.89	drinking water
409.321	Comcast	\$6.32	PD spec. video acct.
409.361	PECO	\$1,167.75	electric - Admin Bldg.
409.361	PECO	\$1,274.73	electric - PD Bldg.
	<b>TOTAL</b>	<b>\$4,703.89</b>	

\*PREVIOUSLY APPROVED BY BOARD

SEPTEMBER 2015 RIPARIAN RESTORATION & PRESERVATION FUND - 9/23/15

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
414.421	Grim, Biehn & Thatcher	\$30.00	legal fees
	<b>TOTAL</b>	<b>\$30.00</b>	

\*\*PAID INTERIMLY

\*OVER BUDGET



SEPTEMBER 2015 DUTCHESS FARM BILLS - 9/23/15

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.313	CKS Engineers	\$558.22	engineering fees
429.371	Eurofins QC	\$320.00	testing
429.374	Jennings Alberts	\$1,668.00	roots blower
429.100	Private Utility Enterprises	\$2,769.31	plant operator
429.210	USA BlueBook	\$303.64	supplies
429.421	Verizon	\$41.57 **	phone
	<b>TOTAL</b>	<b>\$5,660.74</b>	

\*\*PAID INTERIMLY

SEPTEMBER 2015 REV RUN EMERGENCY SERVICES - 9/23/15

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
411	ERC Electric	\$1,882.00	modifications to old bunk room
411	Fire Station Outfitters	\$1,380.00	recliners

**TOTAL**                    **\$3,262.00**

\*\*PAID INTERIMLY

**SEPTEMBER 2015 WATER/SEWER CAPITAL RESERVE BILLS - 9/23/15**

<u>Acct #</u>	<u>Company Name</u>	<u>Amount</u>	<u>Comments</u>
429.740	CKS Engineers	\$2,417.42	engineering fees
	<b>TOTAL</b>	<b>\$2,417.42</b>	

\*\*PAID INTERIMLY