

Upper Makefield Township Board of Supervisors
January 19, 2011 Meeting Minutes

The January 19, 2011 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Bud Baldwin at 7:34 p.m. In attendance were the following members of the Board of Supervisors: Chair Bud Baldwin, Vice Chair Tom Cino, Treasurer Mary Ryan, Member Dave Kulig and Member Dan Rattigan. Also in attendance were Township Manager Stephanie Teoli, Township Solicitor John Rice, Esq., Township Engineer Larry Young, P.E. and Director of Planning & Zoning Dave Kuhns.

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

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:

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

ANNOUNCEMENTS:

Mr. Baldwin announced that an Executive Session was held prior to meeting to discuss pending litigation.

PUBLIC COMMENT:

Shawn Dougherty, Teamsters Local 107, provided comment about the impasse in negotiations between Upper Makefield Township and its public works employees. He outlined that the Union is looking for longevity pay, stand by pay, a shift to Teamsters healthcare package and increases of 2.5%, 2.7% and 3.5% over the three-year contract. He further commented that the Township contracts out work that should be handled by the public works employees.

Carol Ann Sasso, Jericho Mountain Road, provided the following recommendations to the Board: that a summary be provided to the audience on all meeting topics; that all acronyms be explained; that an improvement be made to the microphone system in the room; that a U-shaped dais be installed and that the minutes be more explicit. She further requested information on an email that she previously sent to the Board and Manager.

APPROVAL OF MINUTES AND BILLS PAYABLE:

A motion was made by Mr. Cino and was seconded by Ms. Ryan to approve the January 3, 2011 minutes. Motion carried on a 3-0-2 vote with Mr. Kulig and Mr. Rattigan abstaining. Ms. Ryan commented in response to Ms. Sasso that the Board reviews and edits all minutes before approval.

A motion was made by Mr. Cino and was seconded by Mr. Kulig to approve the January 5, 2011 minutes. Motion carried by unanimous vote.

Ms. Teoli read into the record the bills for January 19, 2011. A motion was made by Mr. Kulig and was seconded by Mr. Cino to approve the January 19, 2011 Bills Payable List in the amount of \$171,511.58. Motion carried on a unanimous vote with Mr. Baldwin abstaining from payment of the Grim, Biehn & Thatcher bill.

BOARD AND COMMISSION APPOINTMENTS

A motion was made by Mr. Kulig and was seconded by Ms. Ryan to approve the following appointments to Upper Makefield Township boards and commissions for the terms indicated:

- A. **Planning Commission – 4-Year Term**
Bob Curtin - Term Expires 12/31/2014
Greg Pitonak - Term Expires 12/31/2014
- B. **Historical Advisory Commission – 5-Year Term**
Cynthia Maxel - Term Expires 12/31/2015
- C. **Historic Architectural Review Board – 5-Year Term**
Richard Walker - Term Expires 12/31/2015
- D. **Joint Planning Commission – 2-Year Term**
Walt Wydro - Term Expires 12/31/2012
- E. **Zoning Hearing Board – 5-Year Term/3-Year Term for Alternates**
Barbara Hirst - Term Expires 12/31/2015
Ben Kreider - Alternate Term Expires 12/31/13
Janet Chabey – Alternate Term Expires 12/31/13
- F. **Cable Advisory Board – 2-Year Term**
Marc Zaharchuk - Expires 12/31/2012
- G. **Environmental Advisory Council – 3-Year Term**
Ed Ford - Term Expires 12/31/2013
Phil Sandine - Term Expires 12/31/2013
Bill Fox - Term Expires 12/31/2013
Denton Kanouff – Unexpired Term Expiring 12/31/11
- H. **Park and Recreation Board – 5-Year Term**
Dawn Wyatt - Term Expires 12/31/15
- I. **Council Rock Senior Citizens Center**
William Kennedy – Term Expires 12/31/11
- J. **Vacancy Board Chair – 1-Year Term**
Bill Gunser - Term Expires 12/31/11

Pension Plan Discussion

Colleen Deere of Mockenhaupt Benefits Group provided a presentation outlining defined benefit and defined contribution pension plans (attached).

PLANNING AND ZONING ISSUES:

Foster Preliminary Minor Subdivision Plan, 16 Stoneybrook Road

The applicant was represented by Don Marshall, Esq. Mr. Marshall provided an overview of the plan, referencing the November 19, 2010 Gilmore & Associates review letter.

After discussion, a motion was made by Mr. Kulig, seconded by Mr. Rattigan to approve the Foster Preliminary/Final Subdivision Plan, subject to the Gilmore & Associates November 19, 2010 review letter, including requested waivers set forth in that letter with the exception of approval of only partial waivers for driveway slope and fencing and denial of the street tree waiver. The approval is subject to outside agency reviews and PennDOT approval of access to Stoneybrook Road. Motion carried on a unanimous vote.

Foster Preliminary Sewage Facilities Planning Exception, 16 Stoneybrook Road

The applicant was represented by Don Marshall, Esq. Mr. Marshall provided an overview of the application, referencing the December 8, 2010 Mercuri Associates review letter.

After discussion, a motion was made by Ms. Ryan, seconded by Mr. Kulig to approve the Foster Preliminary Sewage Facilities Planning Exception. Motion carried on a unanimous vote.

2011 Fee Schedule

A motion was made by Mr. Cino and was seconded by Mr. Kulig to approve the 2011 Fee Schedule. Motion carried on a unanimous vote.

SOLICITOR'S REPORT:

Ordinance No. 296 – Water Systems

This issue was tabled for discussion at an upcoming meeting.

MANAGER'S REPORT:

Ms. Teoli announced that Upper Makefield Township was recently awarded first place in the E-Newsletter category in the Pennsylvania State Association of Township Supervisors Communications Award. She added that the township placed third in the website category.

Fund Balance Report

Ms. Teoli provided highlights of the Fund Balance Report and provided a year end Financial Report for 2010 (attached). She is meeting with department heads to review expenses and highlighted cost-savings measures already implemented.

2011/12 Township Landscape Bid

Ms. Teoli provided an overview of the 2011/12 Township Landscape Bid and requested authorization to advertise. Following discussion, a motion was made by Mr. Rattigan and seconded by Mr. Kulig to authorize advertisement of the 2011/12 Township Landscape Bid. Motion carried on unanimous vote.

Resolution No. 2011-1-19-01 – Approving the Emergency Operations Plan Three-Year Update

Ms. Teoli provided an overview of the plan prepared by Emergency Management Coordinator Robert A. Kay, Sr. A motion was made by Ms. Ryan and seconded by Mr. Rattigan to approve Resolution No. 011-1-19-01. Motion carried on unanimous vote.

Open Space Loan – Prepayment and Refinancing

Ms. Teoli provided background information for principal prepayment and refinancing of the existing Open Space Loan, and recommended the board consider going out to bid for refinancing of the loan. She explained that the original loan of \$8,000,000 was made in 2007 at a fixed rate of 4.15% for 60 months. The loan adjusts every five years to 89% of the prime rate with no floor. Ms. Teoli noted that if the Board wished to prepay the principal, \$2.2 million could be taken from the Open Space Fund, leaving a fund balance of approximately \$600,000.

Ms. Teoli further reported that First National Bank of Newtown offered a loan modification on the remaining principal balance at 3.4% for the first 60 months of the loan with adjustment made every five years to 89% of prime rate with a 3.4% floor.

After lengthy discussion, the Board agreed, by common consensus, to authorize the manager to move forward with seeking proposals for refinancing of the loan.

Resolution No. 2011-1-19-02 – Municipal/Governmental Signature Authorization

A motion was made by Mr. Cino and was seconded by Ms. Ryan to approve Resolution No. 2011-1-19-02. Motion carried on a unanimous vote.

Banking Services Request for Proposals

A motion was made by Mr. Rattigan and was seconded by Mr. Baldwin to authorize the Township Manager to prepare a banking services RFP. Motion carried on a unanimous vote.

Duathlon Request

Following the success of last year's event, the Missy Flynn Foundation submitted a request to hold a duathlon in Upper Makefield Township on Sunday, September 4, 2011. The request includes closing River Road from 7:30 am – 9:00 am for the safety of the bicyclists, and the Township would be reimbursed for any costs incurred in coordinating the road closure.

After discussion, a motion was made by Mr. Kulig and was seconded by Ms. Ryan to approve the request, subject to submission of appropriate indemnification documentation by the organization. Motion carried on a unanimous vote.

ENGINEER'S REPORT:

Eagle Road Drainage Improvement & Road Resurfacing Project Payment Request #4 - Final

Mr. Young provided an update of the project and recommended approval of Payment Request #4 – Final in the amount of \$30,774.70. After brief discussion, Mr. Kulig made a motion which was seconded by Mr. Cino to approve Payment Request #4 - Final in the amount of \$30,774.70. Motion carried on unanimous vote.

BOARD AND COMMISSION REPORTS:

Mr. Baldwin announced that the following reports were included in the Board packets:

DEPARTMENT REPORTS:

Mr. Baldwin announced that the following reports were included in the Board packets:

- Parks and Recreation Board – December 13, 2010
- Planning Commission – October 27, 2010
- Fire Department Report
- Fire Marshal Report
- Public Works Department Report

Planning and Zoning Department

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

Police Department

Chief Mark Schmidt highlighted the Police Department Report.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Police Regionalization Discussion

Mr. Baldwin announced that there had been previous discussion of police regionalization among Jointure communities in the past and, at Ms. Ryan's request, the issue was placed on the agenda for discussion. Mr. Baldwin then requested a motion to open discussions with Jointure communities regarding police regionalization. A motion was made by Mr. Rattigan and was seconded by Ms. Ryan to move forward with this effort. Motion carried on a unanimous vote.

DRJTBC Streetscape Grant Discussion

Ms. Ryan reported on the Delaware River Joint Toll Bridge Commission grant that had been awarded to Upper Makefield Township for streetscape improvements. She noted that the grant has a 10% match of \$5,400 required from the Township. Ms. Ryan further reported that resident and CIOC member, Pat Fiedler, recently offered to purchase one of the benches with a \$2,300 donation.

A motion was then made by Ms. Ryan to utilize the Parks and Recreation Capital Fund for the remaining 5% match. The motion was seconded by Mr. Rattigan and carried on a unanimous vote.

Reimbursement Request, 104 Dillon Way

Mr. Baldwin reported on a request from a resident for a water surge protector. After significant discussion of the water surge problem in Traditions, the board decided to defer a decision until it received a report from the township water engineer regarding the proposed solution to the water surge problem.

PUBLIC COMMENT AND MEDIA QUESTIONS:

Dennis Heath, River Road, congratulated the manager, employees and Board for cost cutting measures and consideration of refinancing debt. He provided further comment on the township's pension plan, open space program and the streetscape project.

Carol Ann Sasso, Jericho Mountain Road, requested information on access to Township Ordinances. Mr. Kulig explained to Mrs. Sasso how she could access ordinances on line.

ADJOURNMENT:

A motion was made by Mr. Kulig and was seconded by Mr. Rattigan to adjourn the meeting at 9:55 p.m. Motion carried on unanimous vote.

Approved: February 16, 2011