

Upper Makefield Township Board of Supervisors

November 1, 2016 Meeting Minutes

The November 1, 2016 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Dan Rattigan at 7:30 p.m. In attendance were the following members of the Board of Supervisors: Chair Dan Rattigan, Vice Chair Tom Cino, Member Diana Nolan, and Member Mike Tierney. Member Mary Ryan participated via telephone. Also in attendance were Interim Township Manager David Nyman, Township Solicitor Mary Eberle, Esq., Township Engineer Larry Young, P.E., Assistant Township Manager Judy Caporiccio, Director of Planning and 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. Rattigan led in the recitation of the Pledge of Allegiance which was followed by a moment of silence.

ANNOUNCEMENTS

Mr. Rattigan made the following announcements:

- Residents interested in serving on a Township volunteer board or committee are invited to submit a Volunteer Board application, which can be found on the Township website.
- There is an E-Waste Recycling Event on November 12 from 9 – Noon at Council Rock High School South. Visit www.ewasteexperts.com for more information.
- Regarding a recent news article about police negotiations, Mr. Rattigan noted that negotiations began in the summer of 2015 and that both sides agreed to enter into arbitration.
- The Trenton-Mercer County airport expansion plan comment period has been extended.
- An Executive Session was held prior to this evening's meeting for litigation matters.

PUBLIC COMMENT

Dan Johansson, 815 McConkey Drive, thanked the manager for acknowledging his efforts regarding EIT concerns for 2017. He also asked if the Township has bylaws regarding the conduct of a meeting. Ms. Eberle explained that we do not but we loosely follow Roberts' Rules of Order.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Ms. Ryan and was seconded by Ms. Nolan to approve the October 18, 2016 minutes. Motion carried by a unanimous vote.

A motion was made by Ms. Nolan and was seconded by Ms. Ryan to approve the October 20, 2016 Budget Workshop minutes. Motion carried by a unanimous vote.

A motion was made by Mr. Cino and was seconded by Ms. Ryan to approve the October 25, 2016 Budget Workshop minutes. Motion carried by a unanimous vote.

Mr. Rattigan directed attention to the bills list for November 1, 2016. A motion was made by Mr. Cino and was seconded by Ms. Nolan to approve the November 1, 2016 Bills Payable list in the amount of \$68,391.53. Motion carried by a unanimous vote.

PLANNING AND ZONING ISSUES

There were no Planning and Zoning issues.

SOLICITOR'S REPORT

Melsky Final Subdivision Review

Ms. Eberle provided an overview of the Melsky Final Subdivision Plan citing the Court Remand for the Township's consideration. She stated that the Township Planning Commission recommended denial as the plan fails to comply with our Ordinances. She noted that a stenographer was present. Marc Kaplan, Esq., Gregg Adelman, Esq., and Greg LaGreca represented Toll Brothers.

Mr. Kaplan distributed a notebook titled "Melsky Tract – Exhibit Binder" with 13 documents to which he referred during his presentation. He cited the remand order and stated that Toll had met the requirements. Ms. Eberle and Mr. Young disagreed that all of the requirements had been met. Specifically, Ms. Eberle and Mr. Young recommended denial because the detention basins are still located in the open space in violation of the zoning ordinance, the applicant did not demonstrate compliance with the stormwater management ordinance because the applicant has not performed sufficient testing across the entire site or requested a waiver from the infiltration requirements, and the applicant failed to comply with all conditions stated in the 2007 approval letter such as pervious pavement, correct landscaping species, and correct number of replacement trees.

Dr. William Palcovick, a soil scientist for Toll, stated that Toll had done sufficient soil testing to meet our Ordinance and that the parcel would not permit sufficient infiltration. Mr. Young stated that Toll had not completed sufficient testing. Mr. Kaplan stated that DEP and the Bucks County Conservation District had approved their permits. Mrs. Eberle pointed out that the applicant was also required to meet the Township stormwater ordinance.

Darryl Zaslow, Esq., attorney for the neighbors, reminded the Board that after the plan received preliminary/final approval from the Township, a suit by the neighbors precipitated the current remand order. He stated that the remand order required the Township to evaluate the 2007 plan, not to accept multiple revised plans. In either case, Mr. Zaslow argued that Toll has not met the requirements, and the Board must deny the plan for failure to comply with Township Ordinances.

Pam Fitzpatrick, 331 Stoopville Road, stated that she had only received notice of this meeting a couple of hours before. She agrees that the soils will not infiltrate and shared concerns regarding the Toll development on the Melsky tract in Newtown Township.

Jane Johnson, Upper Makefield, stated that the Township did an injustice to the neighbors with their original approval of the plan and that the high density proposed by Toll does not comply.

Following the recommendation of the Township consultants, a motion was made by Mr. Rattigan and was seconded by Mr. Cino to deny the Melsky subdivision plan for non-compliance with the remand order of the court. Motion carried by a unanimous vote.

INTERIM MANAGER'S REPORT

Consortium Salt Bids

Mr. Nyman provided an overview of the 2016/17 Consortium Salt bid noting the recommendation of Public Works Superintendent Bob Johnson to award the bid to Morton Salt, Inc. for a delivered cost of \$56.13/ton. A motion was made by Mr. Cino and was seconded by Ms. Nolan to award the 2016/17 Salt Bid to Morton Salt, Inc. for a delivered cost of \$56.13/ton. Motion carried by a unanimous vote.

Government Channel Content

Mr. Nyman referenced discussion at the last meeting regarding content on the Government Access Channel. He noted that the Township is able to select what is broadcast as well as make changes, that we can have video produced, but at a cost, and that staff is open to suggestions from the Board. Ms. Nolan suggested that Township committees share ideas regarding content.

Auditing Services RFP Update

Mr. Nyman provided an update of the Auditing Services RFP Update and noted that it has been advertised and responses are due November 18, 2016.

Ms. Nolan stated that she had reviewed the PSATS article cited at the last meeting and read the duties of elected auditors when the township chose to hire a professional auditor.

Mr. Tierney stated his opinion that the elected auditors would only serve as a second set of eyes and the Board had the ability to authorize their review.

Ms. Eberle reviewed the language in the Second Class Township Code, stating there was no permissive language to allow for an audit by an elected auditor when a professional auditor had been hired.

Presentation of 2017 Preliminary Budget

Mr. Nyman provided a presentation of the 2017 Preliminary Budget for Board consideration, reviewing all Township funds.

Dan Johansson, Upper Makefield, acknowledged that the Township has a "Plan B" for earned income taxes and asked for an explanation. Mr. Nyman reiterated that the Budget includes 1 mil for General Fund, anticipates a surplus in 2016 for EIT, and a hiring freeze is recommended until the unknowns are resolved.

With no discussion, a motion was made by Mr. Cino and seconded by Ms. Nolan to authorize advertisement of the 2017 Preliminary Budget. Motion carried by unanimous vote.

ENGINEER'S REPORT

There was no Engineer's Report.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

A motion was made by Mr. Cino and was seconded by Ms. Nolan to adjourn to meeting at 9:58 p.m. Motion carried by a unanimous vote.

Respectfully submitted,



David R. Nyman
Interim Township Manager
Approved: November 15, 2016

NOVEMBER 2016 GENERAL FUND BILLS - 11/1/16

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
400.210	Associated Imaging Solutions	\$345.79	copier charges
410.462	COSI	\$492.45	drug/alcohol testing P. D.
409.321	Comcast	\$328.98	phone service/Internet service P. D. Bldg.
409.321	Comcast	\$425.08	phone service/Internet service Admin. Bldg.
414ZHB	Donna DeAngelis-Lehmann	\$180.00	court reporter - Zoning Hearing Board
484	Delaware Valley Workers Comp.	\$3,537.00	modified balance due after audit
400.750	Dell	\$901.87	computer
414.461	E-Waste Experts	\$200.00	UMT portion of charges for E-waste Collection Event 10/8/16
400.314	Eckert Seamans Cherin & Mellott	\$450.00	legal fees
410.314	" "	\$2,280.00	" "
409.373	William Fabian & Son	\$35.70	concrete for fuel tank pad at P. W. Bldg.
409.215	Joseph Finkle & Son	\$71.70	bulbs for Admin. Bldg.
409.373	" "	\$80.41	supplies to mount new fuel tank steps P. W. Bldg.
414.315C	Gilmore & Associates	\$1,782.50	Stoopville Phase II engineering fees
409.373	Good Air Conditioning & Heating	\$460.00	repairs to rear lobby A/C
414ZHB	HRMM&L	\$456.00	legal fees - ZHB
414ZHB	High Swartz	\$988.00	legal fees - ZHB
409.373	Lester Leedom	\$750.00	iron stair for fuel tank P. W. Bldg.
400.210	Newtown Office Supply	\$45.33	office supplies
400.210	Office Basics	\$55.90	office supplies
414.210	" "	\$55.90	" "
409.361	PECO	\$890.02	electric - Admin. Bldg.
409.361	PECO	\$1,034.95	electric - PD Bldg.
409.215	Quill	\$52.95	bldg. supplies
409.215	Ready Refresh	\$62.97	drinking water for Twp. bldgs.
410.231	Riggins	\$1,867.35	unleaded gasoline
410.238	Samzie's Uniforms	\$929.49	uniform items
410.750	" "	\$133.90	batteries/key cuffs
407.319	Ron Skotleski Video Productions	\$800.00	producer fee BoS Mtg. 10/18/16/Budget Wks. 10/20/16
409.373	Smith's Yardville Supply	\$27.31	building maintenance
488	Standard Insurance	\$705.73	add/life insurance premium
488A	" "	\$1,775.12	std insurance premium
488B	" "	\$1,040.98	ltd insurance premium
409.750A	Staples Business Advantage	\$199.99	table for Admin. Bldg. lobby
409.215	" "	\$152.19	bldg. supplies
409.230	Superior Plus Energy	\$418.56	propane
410.238	Tullytown Police	\$899.00	reimburse for vest brought by G. Russi
409.321	Verizon Wireless	\$1,093.79	mobile phone service
410.541	" "	\$26.69	" "
409.373	Waste Management	\$340.58	trash collection/recycling Twp. complex
TOTAL		\$26,354.18	

**FOR BOARD APPROVAL

NOVEMBER 2016 LIQUID FUELS BILLS - 11/1/16

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
433TL	Armour & Sons Electric	\$512.50	traffic signal repair
437	Bradco Supply	\$1,121.91	plow parts
438.245	Colony Materials	\$120.00	materials disposal
437	Davis Feed Mill	\$84.95	grass seed mix for stock
439	Eureka Stone Quarry	\$84.50	Thompson Mill Rd.
437	Wm. W. Fabian & Son	\$11.90	concrete mix
430.260	Joseph Finkle & Son	\$18.96	shop tool
437	" "	\$180.89	maint. items for trucks/plows
438.245	Robert B. Hawkins	\$2,000.00	drain box repair/headwall
437	Histand's Equipment	\$236.19	shop supplies/maint./repair
430.260	NAPA Auto Parts	\$65.85	shop tools
437	" "	\$39.33	shop supplies/maint./repair
437	Plasterer Equipment Co.	\$1,104.10	backhoe repair
437	R & S Equipment Repair	\$1,922.11	onsite truck repair
437	Scrappy's Auto Service	\$720.80	truck insp./maint.
437	Smith's Yardville Supply	\$20.27	plow parts
438.245	" "	\$29.98	line marking tape
437	Sosmetal Products	\$215.92	shop supplies
437	Tanner's Lawn & Snow Equip.	\$31.00	blower/hand truck repairs
	TOTAL	\$8,521.16	

**PAID INTERIMLY

NOVEMBER 2016 PARK & REC BILLS - 11/1/16

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
367	Katarzyna Chea	\$100.00	refund use fees
452.250	EPA	\$498.70	parts/labor repairs Br. Park
452.250	Eureka Stone Quarry	\$544.69	Lookout Park paving
452.250	Eurofins QC	\$30.00	water system testing
452.250	PECO	\$89.05	electric
452.250	PECO	\$115.44	electric
452.250	PECO	\$27.71	electric
452.250	Smith's Yardville Supply	\$33.57	playground/plumb. repairs
452.250	Staples Business Advantage	\$152.19	restroom supplies
452.250	Waste Management	\$269.62	trash collection/recycling parks
	TOTAL	\$1,860.97	

**PAID INTERIMLY

NOVEMBER 2016 WATER & SEWER BILLS - 11/1/16

<u>ACCT#</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.371	Eurofins QC	\$117.00	testing
429.374	Ovivo	\$4,079.66	plant repairs
429.372	PECO	\$1,798.01	electric
429.372	PECO	\$1,444.01	electric
429.372	PECO	\$108.02	electric
429.372	PECO	\$135.72	electric
429.372	PECO	\$88.12	electric
429.371	M. J. Reider Associates	\$148.00	testing
429.374	Smith's Yardville Supply	\$92.67	plant bldg. repairs
429.421	Verizon	\$41.46	phone
429.421	Verizon	\$113.92	phone
	TOTAL	\$8,166.59	

**PAID INTERIMLY

NOVEMBER 2016 OPEN SPACE BILLS - 11/1/16

<u>ACCT#</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
403	Heritage Conservancy	\$900.00	professional fees
	TOTAL	\$900.00	

**PAID INTERIMLY

*OVER BUDGET

NOVEMBER 2016 DUTCHESS FARM BILLS - 11/1/16

<u>ACCT #</u>	<u>COMPANY NAME</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
429.372	PECO	\$683.97	electric
429.371	M. J. Reider Associates	\$184.00	testing
429.210	USA BlueBook	\$151.84	supplies
	TOTAL	\$1,019.81	

**PAID INTERIMLY

NOVEMBER 2016 CAPITAL RESERVE BILLS - 11/1/16

<u>Acct #</u>	<u>Company Name</u>	<u>Amount</u>	<u>Comments</u>
410.751	Corporate Environme	\$845.00	balance due to disassemble and store furniture
410.740	Havis	\$505.00	gun locks for new P. D. vehicle

TOTAL **\$1,350.00**

**PAID INTERIMLY