

**Upper Makefield Township Board of Supervisors**  
**May 5, 2010 Meeting Minutes**

The May 5, 2010 meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Dave Kulig at 7:35 p.m. In attendance were the following members of the Board of Supervisors: Chair Dave Kulig, Vice Chair Bud Baldwin, Treasurer John Silvers, Member Tom Cino and Member Dan Rattigan. Also in attendance were Township Manager Stephanie Teoli, Township Solicitor John Rice, Esq. and Township Engineer Larry Young, P.E.

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

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE:**

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

**ANNOUNCEMENTS:**

Mr. Kulig announced that the Upper Makefield Fire Company Annual Carnival was scheduled for May 10<sup>th</sup> – May 16<sup>th</sup>.

Mr. Kulig encouraged residents to take the opportunity to vote on Primary Election Day, May 18<sup>th</sup>.

**PUBLIC COMMENT:**

Peggy Kennedy, Washington Crossing, expressed her opposition to HB 2126. She reported on an alternative offer made by the Crossing Legacy Foundation to provide \$1 million for a 99-year lease of the park.

Amy McClellan, 882 Washington Crossing Road, expressed her opposition to legislation that would transfer 137 acres of the Washington Crossing Historic Park to Bowman's Hill Wildflower Preserve.

**SPECIAL ITEMS:**

Eric Stern made a presentation to the Board of Supervisors regarding a proposal to hold a Duathlon in Upper Makefield Township on Sunday, September 5, 2010. He provided background on the Missy Flynn Foundation which would be the primary recipient of race proceeds and also expressed a desire to provide some race proceeds to the Washington Crossing Historic Park. He explained that the race would commence with a two-mile run within the Washington Crossing Historic Park, followed by a twelve-mile bike ride on River Road, and conclude with a three-mile run in the Park. Mr. Stern requested the Board's permission to close River Road for a period of ninety minutes on that morning from 8:00 a.m. through 9:30 a.m. Mr. Stern explained that the Township would be reimbursed for any costs incurred in coordinating the road closure.

After discussion, a motion was made by Mr. Rattigan and was seconded by Mr. Silvers to approve the request, with an earlier road closure of 7:30 a.m. to 9:00 a.m., subject to submission of appropriate indemnification documentation from the organization. Motion carried on a unanimous vote.

**APPROVAL OF MINUTES AND BILLS PAYABLE:**

A motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the April 21, 2010 minutes. Motion carried by a unanimous vote.

Mr. Kulig directed attention to the bills list for May 5, 2010. A motion was made by Mr. Baldwin and was seconded by Mr. Cino to approve the May 5, 2010 Bills Payable list in the amount of \$83,679.17. Motion carried by a unanimous vote, with Mr. Baldwin recusing himself from approval of invoices to Grim, Biehn & Thatcher.

**SOLICITOR'S REPORT:**

**Gray Development Agreements**

Mr. Rice provided an overview of the following Gray Development Agreements:

- Development Agreement – Site Agreement
- Water Treatment Plant Agreement
- Wastewater Treatment Plant Agreement
- Pump and Haul Agreement

After some discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Rattigan to authorize the execution of Gray Development Agreements, subject to the receipt of financial guarantee in a form acceptable to the Township Solicitor. Motion carried by a unanimous vote.

**FCO Zoning Ordinance Amendment (JMZO 2010-1) Discussion**

Mr. Kulig provided an update on the status of the amendment to the Joint Municipal Zoning Ordinance which would remove all but the VA cemetery and County open space parcels of property from the Federal Cemetery Overlay District. Discussion followed, and the Board of Supervisors agreed, by common consensus, to move forward with the Zoning Ordinance Amendment in its current form.

Mr. Rice announced that the Board would need to meet in Executive Session to discuss a matter of pending litigation. No action will be taken.

## **MANAGER'S REPORT:**

### **2011 Electricity Purchase**

Ms. Teoli provided background information as requested at the last meeting regarding the expiration of electric generation rate caps and participation in the Municipal Utility Alliance (MUA).

#### **Resolution No. 2010-05-05-01 – Authorizing Intergovernmental Agreement Appointing Mutual Utility Alliance**

Ms. Teoli introduced the resolution authorizing an intergovernmental agreement appointing Mutual Utility Alliance for the purpose of bidding and purchasing certain utility products and services as designated in the amended and restated Intergovernmental Cooperation Agreement. Following discussion, a motion was made by Mr. Silvers and was seconded by Mr. Baldwin to approve Resolution No. 2010-05-05-01. Motion carried by a unanimous vote.

#### **Ordinance No. 292 – Confirming Resolution 2010-05-05-01, Authorizing Intergovernmental Agreement**

A motion was made by Mr. Silvers and was seconded by Mr. Baldwin to authorize advertisement of Ordinance No. 292. Motion carried by a unanimous vote.

#### **Contract for Purchase of Electricity – 2011**

A motion was made by Mr. Silvers and was seconded by Mr. Baldwin to authorize execution of a four-year contract with Constellation New Energy for purchase of electricity at a rate of \$0.091541/kWh. Motion carried by a unanimous vote.

### **Fuel Bid – Heating Oil**

Ms. Teoli reported that the bid previously awarded for heating oil must be reconsidered because the township cannot accept delivery of 6,000 gallons at one time as required in that bid category. Therefore, the bid must be awarded from a different category (Less than 6,000 gallons). A motion was made by Mr. Baldwin and was seconded by Mr. Silvers to award the 2010 Heating Oil Bid to Farm and Home Oil Company at a delivery cost of 0.185 cents per gallon. Motion carried by a unanimous vote.

## **ENGINEER'S REPORT:**

### **Demolition & Site Restoration, 995 Cox Avenue – Payment Request #2**

Mr. Young provided an update of the project at 995 Cox Avenue and recommended approval of Payment Request #2 in the amount of \$975. After brief discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Silvers to approve Payment Request #2 in the amount of \$975. Motion carried by a unanimous vote.

**Belamour Estates – Escrow Release No. 3**

Mr. Young recommended approval of the Belamour Estates Site Work Construction Escrow Release No. 3 in the amount of \$146,759.89. After some discussion, Mr. Cino made a motion which was seconded by Mr. Silvers to approve Escrow Release No. 3 in the amount of \$146,759.89. Motion carried by a unanimous vote.

**Vintage Farm at Highland Escrow Release No. 4 (Final)**

Mr. Young provided an overview of the project and recommended approval of Escrow Release No. 4 (Final) in the amount of \$70,870.50. Following brief discussion, a motion was made by Mr. Baldwin and was seconded by Mr. Silvers to approve Escrow Release No. 4 (Final) in the amount of \$70,870.50. Motion carried by a unanimous vote.

**Resolution No. 2010-05-05-02 – Completion of Vintage Farm at Highland Subdivision**

A motion was made by Mr. Baldwin and was seconded by Mr. Silvers to approve Resolution No. 2010-05-05-02 approving the completion of the Vintage Farm at Highland Subdivision. Motion carried by a unanimous vote.

**Engineer's Report**

Mr. Young reviewed the highlights of the Engineer's Report.

**OLD BUSINESS:**

Mr. Kulig led discussion on the recommendation recently made by the EAC to appoint Heritage Conservancy as Land Trust Beneficiary on the fifteen Conservation Easements that are held solely by Upper Makefield Township. Appointing Heritage Conservancy to this role would strengthen the long-term preservation of these properties. The cost of this change would be \$2,500 per easement or a total of \$37,500. Mr. Kulig reported that he would work to negotiate this number with Heritage Conservancy and asked the Board to continue to weigh this issue for future discussion and decision.

**NEW BUSINESS:**

There was no new business.

**PUBLIC COMMENT AND MEDIA QUESTIONS:**

Petra Schlatter of The Advance asked for information regarding the upcoming Jointure Meeting.

**ADJOURNMENT:**

A motion was made by Mr. Rattigan and was seconded by Mr. Silvers to adjourn the meeting at 9:05 p.m. Motion carried.

Approved: May 19, 2010