

**BRISTOL TOWNSHIP
2501 BATH ROAD
BRISTOL, PA 19007**

FEBRUARY 15, 2012

COUNCIL MEETING

President Lewis called the meeting to order at 7:03 P.M.

Roll Call:	Mr. Tucker	Arrived 7:14 P.M.
	Mr. Pluta	Present
	Mr. Bowen	Present
	Ms. Longhitano	Present
	Mr. Glasson	Present
	Vice President Brennan	Present
	President Lewis	Present

Motion by Ms. Longhitano to approve the minutes from the January 3, 2012 and January 19, 2012 Council Meetings. Second by Vice President Brennan.

Motion carried by a vote of 6-0.

Motion by Mr. Glasson to approve the outstanding voucher list and requisitions for February 15, 2012. Second by Mr. Bowen.

Mr. Obert said at the last meeting Council approved a voucher list for February and questioned if this was another one for February.

Mr. Pluta said the voucher list that was approved at the last meeting was for the tabled January voucher list.

Motion carried by a vote of 6-0.

PUBLIC HEARINGS:

Mr. Flager said Town Center (TC) Overlay District does not permit Fast Food Restaurants. The former Township Solicitor has drafted an Ordinance to change Fast Foods to a conditional use.

**BRISTOL TOWNSHIP COUNCIL MEETING
FEBRUARY 15, 2012 CONTINUED**

Motion by Ms. Longhitano to approve an Ordinance of the Township of Bristol, County of Bucks, amending the Bristol Township Zoning Ordinance, Section 303, Table of Use Regulations, Subsection D, Retail and Consumer Services Uses, by permitting Fast Food Restaurants by Conditional Use in the Town Center (TC) Overlay District. Second by Mr. Bowen.

Mr. Pluta questioned if a Fast Food Restaurant comes in and the Board elects for them to come in as a Conditional Use, when they move out is it transferred to the new owner.

Mr. Flager said the new company would have the right to come in for conditional use.

Mr. John Hanna 729 Cedar Avenue questioned why the new company would have the right to transfer. Council should have the right to stop someone from coming in.

Mr. Flager said they would still have to come to the Township. Fast Food Restaurants will be a permitted use. Council can set reasonable conditions.

Mr. Obert said there is a list of what is prohibited in Town Center for a reason, it will detract from the intention of Town Center.

Mr. Pluta said the reason the previous Council started with this is because by definition a Starbucks or Panera Bread are not permitted in Town Center District. They come in the category of fast food. By changing it to a conditional use Council has some control of what type of business goes in there.

Mr. Retzler questioned if later on another Fast Food Restaurant would want to come in and Council does not want them there and changes the Ordinance back would that be a setup for a Civil Right Violation.

Mr. Flager said that it is a hypothetical question and nobody can answer that question.

President Lewis closed the Public Hearing.

**BRISTOL TOWNSHIP COUNCIL MEETING
FEBRUARY 15, 2012 CONTINUED**

Motion carried by a vote of 7-0, unanimous.

Mr. Flager said they discussed various legal and personnel matters in Executive Session before the meeting.

Motion by Vice President Brennan to amend the Agenda. Second by Mr. Bowen.

Motion carried by a vote of 7-0, unanimous.

Vice President Brennan said there was a separate fund that could have possibly been used for Political reasons.

Motion by Vice President Brennan to direct and authorize the Township Manager to investigate and disclose any potential or alleged or suspected violations of the competitive bidding requirements of the First Class Township Code. Violations of Open Meeting Law of the First Class Township Code. Approving Contracts and spending Township Funds without Council approval at a Public Meeting. Maintaining undisclosed funds to pay projects not authorized by Council and misappropriating Township Funds. Second by Mr. Glasson.

Mr. Obert questioned how much it will cost and who is going to pay for it.

Vice President Brennan said the Manager is going to investigate.

Mr. Charlie Shaw asked if it was taxpayer money.

Vice President Brennan said if it is Township money it must be taxpayer money.

Andrew Mowena questioned if Council verified this before coming to the Council.

Vice President Brennan said yes.

Motion carried by a vote of 5-0 with Mr. Pluta and Mr. Tucker abstaining.

**BRISTOL TOWNSHIP COUNCIL MEETING
FEBRUARY 15, 2012 CONTINUED**

Presentation from Interim Township Manager on the Proposed Amended 2012 Town Budget.

Mr. McCauley said Council reopened the Budget with the goal of eliminating the 3/10 of a mill tax increase. He tried to accomplish Council's directive with few changes as possible. He was successful in eliminating the 3/10 mill tax increase and lower the amount of fund balance being used to balance the 2012 Budget. The original adopted Budget used \$709,455.00 to balance the General Fund; the proposed amended Budget is using \$587,629.00. Mr. McCauley gave a Power Point Presentation to go over the proposed Budget and the causes of the Township's financial crisis.

The interim Township Manager reported to Council that the proposed amended 2012 Township Budget had little impact on the overall financial situation of the township. He then reviewed the major funds that comprised the proposed \$43,639,347 budget. Mr. McCauley presented a slide showing that 82.13% of the General Fund was for salaries and benefits. Mr. McCauley presented slides detailing the history of township real estate tax millage since 2005 and the decline of the value of the mill since 2007. The Manager pointed out that of the average tax dollar; 10 cents went to Bristol Township and Bucks County, while 80 cents went to the Bristol Township School District using a pie chart and bar graph.

Mr. McCauley then presented slides detailing the cost of the township's health insurance plans and the impact of providing such generous leave provisions in its contracts with unions.

The Manager presented a slide showing that \$1,253,887.50 in the proposed 2012 budget could be directly attributable to financial mismanagement of the police pension plan and wastewater treatment plant and collection system. However, this cost was nothing in comparison to the next financial crisis looming over the township. The 2010 audit of financial statements outlined how the township had \$67,917,267 of unfunded liability for Other Post Employment Benefits. The township should have reserved \$12,539,886 as of December 31, 2010, but had set aside nothing for this expense. The impact of this situation is that the township will have negative net assets by 2014, if nothing is done as illustrated by the final slide in the budget presentation.

**BRISTOL TOWNSHIP COUNCIL MEETING
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Mr. McCauley explained that the township could not afford it workforce or the cost of the benefits being provided to them. Serious cost cutting would have to take place to avoid a financial Armageddon. He further recommended that Council do everything it could to encourage development and growth in the township's tax base. However, growth to the tax base would not be seen for five years, if we started now.

Mr. Bowen said besides the issues of not having money the State bought Jack's Marina to use for wetlands. That would have been a possibility of a good revenue source. The Turnpike is coming and in taking businesses and residential homes we lose that tax base too.

President Lewis thanked Mr. McCauley for a very well prepared overview of the financial straights of the Township.

There were public comments on the presentation.

REPORT FROM SOLICITOR:

Mr. Flager said Mr. Jeff Bartlett had certain benefits that were due to him when he left in the amount of \$42,000.00. Mr. McCauley spoke with Mr. Bartlett. Mr. Bartlett agreed to be available for litigation matters and reduce the amount to \$30,000.00. He agreed to sign a full release holding the Township harmless for any future claims that he may have.

Motion by Ms. Longhitano to approve a Separation Agreement for former Managing Director Jeff Bartlett. Second by Vice President Brennan.

Motion carried by a vote of 7-0, unanimous.

COUNCIL ITEMS:

Mr. Flager requested Council to vote to advertise the Comprehensive Amendment to Chapter 5 Administration Code of the Township to be considered for adoption at the March 1, 2012 Council Meeting.

**BRISTOL TOWNSHIP COUNCIL MEETING
FEBRUARY 15, 2012 CONTINUED**

Motion by Mr. Bowen to advertise the Comprehensive Amendment to Chapter 5 Administration of Government of the Code of the Township of Bristol. Second by Mr. Glasson.

Motion carried by a vote of 7-0, unanimous.

Action: Final Escrow release for Keystone Heritage:

Mr. McCauley said this is a final escrow release for a job that was done in 2010. It has been recommended by the Director of Building and Planning and the former Township Engineer has signed off. Everything is in order.

Motion by Mr. Bowen to release the final escrow for Keystone Heritage. Second by Ms. Longhitano.

Motion carried by a vote of 7-0, unanimous.

Motion by Ms. Longhitano to approve the amended 2012 Budget. Second by Mr. Glasson.

Mr. Pluta said there is a \$25,000.00 line item in the amended Budget in the Sewer Fund for the Manager's salary. He requested that they reduce General Contingency of the General Fund by \$25,000.00 and transfer it to the Managers salary line.

Mr. McCauley said that it is simple cost accounting; he spends more than twenty five percent of his time overseeing the operations of the Sewer Fund. Twenty five of his salary is being charged to the Refuse Fund and increased the Performance Grant by \$55,000.00.

Motion carried by a vote of 6-1 with Mr. Pluta opposed.

Mr. Smith said there was an increase in Sewer Funds Salary and questioned if they were going to hire new employees.

**BRISTOL TOWNSHIP COUNCIL MEETING
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Mr. McCauley said that will be determined. He believes that the EPA was looking for additional personnel.

Mr. Pluta said the purpose of the two new employees were to man the camera truck. There is a staffing requirement for the Consent Order, but these two employees were not a part of that.

OTHER:

Vice President Brennan said there will be a March 1, 2012 School Board Meeting and there is going to be a tax increase. He suggested the homeowners get involved and attend the meetings.

OPPORTUNITY FOR RESIDENTS TO ADDRESS COUNCIL:

Mr. Obert said he does not think that the School Board has voted on a tax increase. He said some of the schools are in need of paving.

Mrs. Anne Vesce spoke on the Budget and questioned if there would be less Officers in the Township.

Mr. McCauley said he addressed this previously that there will be a cut in the Police Budget. The amount reduced was in Staff Support Service.

Mr. Retzler commended the Police.

Mr. Mowena questioned if the Managers salary will be increased next year.

Vice President Brennan said he is an Interim Manager.

Motion by Ms. Longhitano to adjourn the meeting. Second by Mr. Glasson.

Motion carried by a vote of 7-0, unanimous.

**BRISTOL TOWNSHIP COUNCIL MEETING
FEBRUARY 15, 2012 CONTINUED**

- 1. Motion to approve the minutes from the January 3, 2012 and January 19, 2012 Council Meetings.**
- 2. Motion to approve the outstanding voucher list and requisitions for February 15, 2012.**
- 3. Motion to approve an Ordinance of the Township of Bristol, County of Bucks, amending the Bristol Township Zoning Ordinance, Section 303, Table of Use Regulations, Subsection D, Retail and Consumer Services Uses, by permitting Fast Food Restaurants by Conditional Use in the Town Center (TC) Overlay District.**
- 4. Motion to amend the Agenda.**
- 5. Motion to direct and authorize the Township Manager to investigate and disclose any potential or alleged or suspected violations of the competitive bidding requirements of the First Class Township Code. Approving Contracts and spending Township Funds without Council approval at a Public Meeting. Maintaining undisclosed funds to pay projects not authorized by Council and misappropriating Township Funds.**
- 6. Motion to approve a Separation Agreement for former Managing Director Jeff Bartlett.**
- 7. Motion to advertise the Comprehensive Amendment to Chapter 5 Administration of Government of the Code of the Township of Bristol.**
- 8. Motion to release the final escrow for Keystone Heritage**
- 9. Motion to approve the amended 2012 Budget.**
- 10. Motion to adjourn the meeting.**

**Respectfully submitted by
Betsey Kelly
Secretary**