

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – APRIL 15, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on April 15, 2020. Dr. Weiss called the meeting order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors:                      Frederic K. Weiss, Chair  
   Daniel Grenier, Vice Chair  
   James McCartney, Secretary  
   Suzanne Blundi, Treasurer  
   John B. Lewis, Supervisor

Others:    Kurt Ferguson, Township Manager  
   David Truelove, Township Solicitor  
   Andrew Pockl, Township Engineer  
   Kenneth Coluzzi, Chief of Police  
   James Majewski, Director Planning & Zoning  
   Monica Tierney, Park & Recreation Director

COVID 19 REPORT

Mr. Ferguson stated as noted on the Township Website, the current closure date of the Township has been extended, and there is now a presumed opening date of May 4. He stated also on the Website is a notice about Governor Wolf's intent for eight additional weeks of closure, although this is subject to change. Mr. Ferguson stated a number of Governors on the East Coast are working together and are all indicating their intent of an additional eight weeks of closure. Mr. Ferguson stated while the Township's current re-opening date is scheduled for May 4, they will discuss this date every week with Township staff.

Mr. Ferguson stated they continue with their program of calling every Senior household which has registered with the Township. He stated in response to some of those calls, they have had instances where they have delivered food and other items to households in need. He encouraged residents to contact the Township if there is someone they are concerned about even if they are not a Senior citizen.

Mr. Ferguson stated the Township staff continues to work remotely processing Permits where relevant and continuing with sewer lateral inspections for houses being sold. He stated Public Works is working using the street sweeper as well as repairs using safety precautions that are outlined. He stated updates are being posted on the Township Website and on the Facebook page of what the Township is doing.

## COMMUNITY ANNOUNCEMENTS

### Park & Recreation Digital Recreation Opportunities

Dr. Weiss stated information about Park & Recreation digital recreation opportunities can be found on the Township Website.

### Pool Closure

Mr. Ferguson stated the Pool will be closed for the season. He stated the decision was based on a number of factors particularly the fact that they were unclear as to when the Governor's Order would be lifted. He stated an additional weeks would mean that this situation could go on until mid-June to July. Mr. Ferguson stated the situation involves not just getting the pools physically ready, it is also the need to have the over one hundred staff members having their background checks, physicals, and training done. He stated there are limitations in being able to do that, and it typically takes approximately eight weeks to get ready. He stated some have questioned that time; and while he feels they might be able to be a little quicker than that, they have found that getting all of the prep work done for the pool and the staff takes eight weeks.

Mr. Ferguson stated there were also financial concerns regardless of when the Pool were to open. He stated they had already had members contacting the Township asking for refunds. He stated they were unclear running the costs if there would be enough members, which would result in taxpayers having to pay for Pool costs.

Mr. Ferguson stated he had provided the Board of Supervisors a report outlining some of the concerns including the concerns about the fixed costs that go with Park & Recreation that are attributed to the Pool, and those concerns led to the conclusion not to open the Pool this year.

Ms. Blundi reminded residents to complete their Census Application which came in the mail and which can also be done on the Web. Ms. Blundi stated the EAC had hoped to have a Styrofoam collection which had been successful in the past. She stated while that was scheduled to take place this weekend, that will not take place, and it will take place sometime in September. Ms. Blundi discussed problems with the spotted lantern fly which residents should destroy if they see it as it is an invasive species.

Ms. Blundi stated the yard waste site will be open this weekend, and there are detailed instructions as to how to access the site on the Township Website so that they can keep everyone safe. Mr. Ferguson noted that residents will need to be patient as the process will not be as efficient as it normally would be. He stated they will permit two cars at a time to go to opposite sides of the pile so that they can maintain proper social distancing. He stated there will be signs and sufficient staff. He stated anyone coming to the site should be masked adding that the staff will be masked as well. Mr. Ferguson stated while they will not be asking for ID, they will take License Plates down so they can track the number of cars coming in. He stated information is on the Township Website, and they are pleased to be able to offer this service. He stated additional dates are listed for May on the Township Website.

#### APPROVAL OF MINUTES

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the Minutes of April 1, 2020 as written.

#### TREASURER'S REPORT

##### Approval of Warrant Lists from April 6, 2020

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the Warrant Lists from April 6, 2020 in the amount of \$989,737.46 as attached to the Minutes.

##### Approval of March Interfund Transfers

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the March Interfund Transfers in the amount of \$705,153.87 as attached to the Minutes.

Discussion and Motion to Postpone Approval of December, 2019 Interfund Transfers

Mr. Ferguson stated he has provided an explanation for the December, 2019 transfer. Ms. Blundi stated this is a General Fund transfer to the Golf Course Budget in the amount of \$268,126.00. Mr. Ferguson stated every year they are bringing the Golf Fund back to zero so it is not carrying a negative balance every year. He stated they Budget a certain transfer every year that helps keep the Golf Course revenue neutral since there is not enough revenue to make the Bond payment. Mr. Ferguson stated they are currently involved in the Audit process, and after reconciling everything \$268,126 was the amount which was determined was needed to go to the Golf Course for the end of 2019 so that they would end the year at zero.

Mr. Lewis asked when this number was calculated, and Mr. Ferguson stated it was calculated since the last Supervisors' meeting. Mr. Lewis asked if there was not a previous fund transfer to the Golf Fund at the end of 2019, and he asked if this is a supplemental amount. Mr. Ferguson stated they did not do a Golf Transfer at the end of 2019 because it was unknown at that time what the amount needed would be to bring it to zero.

Mr. Grenier asked how the number they are considering to transfer compares to what was proposed in the Budget. Mr. Ferguson stated it had been estimated that the year-end number that would be needed would be \$333,620, and what is now being discussed is \$268,126.

Ms. Blundi moved and Dr. Weiss seconded to transfer a Budget correction of \$268,126 from the General Fund to the Golf Fund. Motion did not carry as Ms. Blundi and Dr. Weiss were in favor and Mr. Grenier, Mr. Lewis, and Mr. McCartney were opposed.

Mr. Lewis moved to postpone this issue to the next meeting. Mr. Grenier seconded.

Mr. Ferguson asked Mr. Truelove if this should be reported to the Auditor, and Mr. Truelove agreed.

Motion to postpone carried unanimously.

## ENGINEER'S REPORT

Mr. Pockl stated his report was provided to the Board in their packet.

### Discussion of Bid Results for the 2020 Bike Path Maintenance Program

Mr. Pockl stated Bids were opened on March 26 for the 2020 Bike Path Maintenance Program which was to overlay asphalt on sections of bike paths throughout the Township. He stated three Bids were received with Polaris Construction Company being the low Bid at \$32,920. Mr. Pockl stated given the current climate of finances within the Township and given the fact that the low Bid was 20% higher than the engineer's estimate, the recommendation is that the Bid not be awarded at this time.

Mr. Truelove asked Mr. Pockl if he would recommend that this be re-Bid, and Mr. Pockl stated he would not at this time given the current financial climate within the Township.

Mr. Lewis asked how many linear feet of trail improvement was going to be done, and Mr. Pockl stated it was approximately 1,500 feet. Mr. Lewis stated that is less than half of what was in the 2020 Budget. He stated on Page 22 of the 2020 Budget it indicates they budgeted for 3,000 linear feet on Heacock Road from Oxford Valley to Covington and 468 linear feet from Big Oak/Five Mile Woods entrance to Knightsbridge Drive, and he asked how the scope changed on the Bid. Mr. Pockl stated the scope changed because a considerable portion of the bike path in front of the Dog Park was already newly-paved so that was removed from the scope. Mr. Lewis stated while the 1,500 feet came in at \$32,000 which is significantly higher than they had budgeted, the bike paths are getting extensive use within the Township at this time; and he would suggest that they consider re-Bidding.

Mr. Pockl stated when they had discussed this with the contractor who is doing the Road Program, the contractor indicated this would probably come in at around the amount that could be under the State-wide threshold to have to put it out to public Bid; however, Mr. Pockl stated when they got three quotes from other contractors, it came in over the threshold of \$21,000. He stated the lowest quote received was \$27,000 from Bray Bros.

Mr. Lewis asked if the Board would be willing to have the Township contact the contractor doing the Road Program to see if they could get a quote that is under the threshold for Bid, and therefore be able to complete these improvements.

Mr. Pockl stated that was already done. Mr. Pockl stated when he talked to their estimator he had indicated it was close to the threshold; but when they were asked for a quote, they did not submit one. Mr. Pockl stated the contractor did look at it and indicated that it would be higher than \$21,000, and they put in a Bid of \$34,203. Mr. Pockl stated they were the second low Bid that was received on March 26.

Mr. Lewis moved and Mr. Grenier seconded to re-Bid the project.

Mr. Grenier asked the difference between the engineer's estimate and the low Bid, and Mr. Pockl stated the engineer's estimate was approximately \$25,000. Mr. Grenier stated petroleum prices have dropped considerably recently, and he asked Mr. Pockl if he is seeing any changes in any pricing in the last month; and Mr. Pockl stated he is not, but he feels the current pandemic has resulted in a number of contractors closed down at this time. Mr. Grenier asked if there were any line items that stood out as major differences between the Bid and the engineer's estimate that accounted for the cost difference. Mr. Pockl stated it was mostly that each line item price was a little higher to account for the small amount of work involved. He stated this is not a Road Program where they are doing a significant project. He stated this project requires a lot of hand labor as opposed to machine labor, and hand labor is more expensive.

Mr. Grenier asked, given the Governor's Order, what that means for this specific project. Mr. Truelove stated he believes that this project would fall outside the permissible type of construction that can occur at this time although he would have to look into that further.

Mr. Grenier asked if they were to re-Bid this and received a good price, how long would that Bid be good for, and Mr. Truelove stated he believes it is 120 days. Mr. Pockl stated they do not have to re-Bid this immediately, and they could re-Bid it at a time when the Township decides is the most favorable time to do so. Dr. Weiss asked Mr. Pockl if he feels they could do better with the Bid. Mr. Pockl stated while it is possible they could do better, there are costs to re-Bid it and they would probably not have a significant savings overall to the Township by re-Bidding. Dr. Weiss stated if the current Bid is good for 120 days, since they cannot do the project anyway at this time, the Board could postpone making a decision until they get clarity from the Governor's Office.

Mr. Lewis stated he would like to be prepared when things are allowed to start up. He stated it does not seem that there would be a significant cost savings to re-Bidding immediately. He stated potentially they could go back to the contractor doing the Road Program after a period of time.

Mr. Lewis asked if he should withdraw the Motion, and Mr. Truelove stated that could be done and they could consider this matter again at future meetings.

Mr. Lewis withdrew his Motion.

Dr. Weiss stated he would entertain a Motion to postpone until the Governor changes the stay Order. Mr. Lewis agreed to make that Motion although he added he was not sure a Motion was needed. Mr. McCartney seconded the Motion.

Ms. Blundi asked if they want to postpone this that long since they might miss some days since the Motion indicates they have to wait and they may know prior to the official date that the Order is about to be lifted. She asked if they could not leave it open ended, monitor this, and try to get “back on track” as soon as possible.

Mr. Lewis withdrew his Motion.

Dr. Weiss stated he feels that they could decide not to act at this time and just empower the staff to work with the Bidders to get a sense of where we can go; and when they are ready to make a decision, they can do that. This was acceptable to the Board. Mr. Pockl stated he agrees that the best course of action is to leave it open ended, and they will re-visit it as the Township sees fit. Mr. Truelove stated no further Motion is needed on this matter, and Mr. Pockl understands that he should be monitoring this.

Mr. Zachary Rubin, 1661 Covington Road, stated although there is currently no Motion on the floor, a Motion to postpone to a definite time is debatable and it should have been debatable when they were talking about the Fund Transfer for the Golf Course. Mr. Rubin stated with regard to the bike path, asphalt is only made up of 5% of oil and 95% is stone. He stated even though prices for petroleum are down now, that would not be a big factor in the future since it only makes up 5% of the cost of asphalt.

## PROJECT UPDATES

There were no comments on Project Updates at this time.

## MANAGER'S REPORT

### Approval of Resolution No. 2416 to Extend Face Value Period for Township Property Taxes until July 30, 2020

Mr. Ferguson stated what is proposed is consistent with what the County passed. He stated the County extended it to Thursday, July 30, so Friday, July 31 would be considered out of the Face period. He added they did confirm that with the County. He stated most other Townships are considering mimicking what the County has done.

Mr. Lewis moved and Mr. Grenier seconded to adopt Resolution No. 2416 to extend Face Value period for Township property taxes until July 30, 2020.

Mr. Grenier stated he is in favor of doing this given the current financial situation everyone is experiencing; and while he would have liked to do more than this, to be in line with the County, he feels it is important to move forward with this.

Motion carried unanimously.

### Sewer Projects Update

Mr. Lewis asked for an update on the Stackhouse project budgeted in the amount of \$592,000 which includes a State Grant of \$408,000. He asked for a timeline for completion and asked if they are currently on Budget. Mr. Ferguson stated they are on Budget, and they are working on getting the Easements. He stated sewer work is exempt under the Order.

Mr. Lewis asked about the Brookstone project which was budgeted in the amount of \$335,000, and he asked the timeline for that to be completed. Mr. Ferguson stated it was to be completed this year. He stated that pump station is currently in failure. He stated it serves 369 homes. He stated were it to fail, it would drain right to the creek. He stated last evening they received an emergency call that the Stackhouse pump station had shut down, and they are having the same issues with Brookstone.



Mr. Ferguson stated both of those pump stations are approximately sixty years old, and the typical lifespan for a pump station is fifteen years. Mr. Lewis stated both are proposed to be completed by the year of the year, and Mr. Ferguson agreed.

Mr. Lewis stated there are a number of other sewer projects, and he asked if they are continuing to work on those since they are exempt from the Order. Mr. Ferguson stated the I & I Program is the other project, and he anticipates having something to the Board by the second meeting in May or the first meeting in June. He stated the Sewer engineer, Mr. Ebert, has been working on this and has ideas where the flow is particularly heavy in terms of where it is infiltrating into the pipes.

Mr. Ferguson stated there are fourteen pump stations in the Township, and ten of them are at least thirty to sixty years old. He stated pipes are taking on additional flow that run into those pump stations that are already somewhat compromised. He stated they passed a Sewage Plan to get this work done. He stated the sewer lining they discussed was to do a minimal number of manhole liners as well as to line the pipes in two Service Areas. He stated all of that work would be scheduled and underway to be completed this year.

Mr. Grenier asked if we were scheduled to start any of the Sewer projects by now that have not yet been started. Mr. Ferguson stated they were proceeding with Stackhouse; however, there were some issues finalizing some Easements for that project. He stated he would not have anticipated that the other projects would have been underway at this point.

Mr. Grenier stated the 37% Sewer rate increase was significant, and he would like to make sure that if we are not able to do all of the projects this year, we might be able to give back a certain amount to the rate payers for the last three quarters of the year given the financial situation for Township residents.

Mr. Ferguson stated the projects he discussed were for 2020, and there are additional projects proposed for 2021 which includes the Silver Lake pump station which is sixty-two years old and serves 25% of the Township. Mr. Grenier stated he understands this, but he is suggesting that they re-assess this in December when they are working on the Budget for next year's rates if they are not going to get everything done this year.

Ms. Blundi stated if they are unable to get the work done proposed for this year, they would have to get the work done right away in 2021 because not doing the work is putting the residents in a different kind of danger. She stated the Plan they put in place when Mr. Grenier was the Chair was a multi-year budgeted Plan. Ms. Blundi stated even if they cannot get the work proposed for this year done this year, they will still need the funds to get that work done next year.

Mr. Grenier stated if they are taking 37% up front, they are putting money in the bank that might not get spent. He stated if they could project how much a project would be versus how much there is in the bank, they could easily assess the numbers. He stated for the first quarter of this year, we have not spent any of the 37% on new projects. He stated it may work out that they may not have to continue the 37% for the rest of this year, and they can assess at Budget time what they need for next year.

Mr. Lewis stated part of this is being in concert with having fund balances in sync to the operations of the entity so that we are not running excessive positive or negative balances in any funds. He stated if they do not anticipate spending the money in the current year, they should not be taking it from the Sewer customers. He stated part of the premise for those who voted for the Sewer increase was that we were going to be doing a lot of projects for the next seven years; and if this increase is done once, they may not have to do it again, but that adjusts every year, and there may be a chance to re-consider this and consider what projects get done when. He stated the challenge is that this is a unique circumstance, and while we can continue to work on projects, they may not be at the same pace, and it may be a better or worse Budget. He stated they should continue to analyze this on a recurring basis.

Mr. Ferguson stated this is deemed an Enterprise Fund which can be complicated to track where they are actually are on a cash basis. He stated the current 2019 year-end cash basis for the Sewer Fund was minus \$1.4 million. He stated that has been a negative balance that has carried forward and was much more than that in years' past. He stated the next quarter for collections pays for the previous shortfalls, and that "keeps rolling;" but it is not that the Sewer Fund has a lot of cash sitting there. He stated the Plan is modest, and it is not an aggressive Plan to upgrade the system. He stated it is a sixty-year Plan for the lining of pipes and the pump stations over a period of twelve years. He stated they were progressing with the Plan since there are exemptions for Sewer projects, and he was bringing these forward to try to get these projects done. He stated there has been wet weather and there are additional people now staying at

home given the Stay-At-Home Order, and the current meter readings are up approximately 25% compared to a year ago. He stated his means that we will be treating more, and there will be higher treatment costs as well.

Mr. Grenier asked when PFM is analyzing the Sewer sale could a decrease in rates have an effect, and Mr. Ferguson stated it could. He stated what had been presented to PFM was that there is a Plan with rates to cover costs for that Plan which had been outlined and approved by DEP. He stated it is not therefore just about the sale price, but it would be what the potential purchaser would feel about a rate quote that would not meet the costs that have been outlined and approved by DEP.

Dr. Weiss stated the 537 Plan as approved by the DEP over a seven-year period is approximately \$15 million; and if they delay any of the projects, it just transfers to the next year. He stated if they were to decide to marginally reduce rates this year, it would just mean an additional increase in the next year to make up for the shortfall. He stated that would be a Budget issue for next year.

#### SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session at 6:45 p.m. and items related to Real Estate, personnel, and informational items were discussed.

#### ZONING HEARING BOARD MATTER

With Regard to the Michel Alleva and Tiffanie Goulazian Variance request for the property at 397 Collins Grant Court in order to permit construction of a fence within the stormwater easement, it was agreed to leave the matter to the Zoning Hearing Board.

#### DISCUSSION AND REJECTION OF FINAL LAND DEVELOPMENT PLAN FOR DOGWOOD DRIVE

Mr. Edward Murphy, attorney, was present. Mr. Truelove stated this matter has been discussed for some time and there has been a disagreement regarding the applicability and legality of a section of the Ordinance regarding tree replacement which is Section 178-85.H4.

Mr. Truelove stated he has prepared a draft Approval letter which Mr. Murphy and the Board members have seen. Mr. Truelove stated there are two choices set forth in the letter which reflect calculations for tree replacement under the old Ordinance which was applicable at the time of the initial Application, and another which is applicable under a more-recent iteration of the Ordinance. He stated yesterday the Township also received a recommendation from the Environmental Advisory Council proposing to modify tree replacement in exchange for Dedication of a Lot to the Township for passive open space.

Mr. Truelove stated the Board would need to make a Motion to adopt the terms in the letter and choose either Option A or Option B. He stated Option A would be to apply the old version of the Ordinance and the Applicant would have to replace a total of 1,278 trees, with 66 replacement trees to be planted on the site leaving a balance of 1,212 trees as otherwise required. An additional 22 street trees shall be counted toward the overall otherwise required replacement trees. After consideration of the replacement trees planted by the Applicant, in lieu of planting the remaining 1,190 trees, the Applicant shall pay the sum of \$315 per required replacement tree for a total sum of \$381,780 to the Township. He stated Option B would be for the Applicant to comply with the new iteration of the Ordinance of the same number, and the Applicant would be required to replace a total of 947 trees as 52 trees growing on site are unhealthy ash trees as determined by the Township engineer's arborist, all of which shall be removed to prevent the spread of the disease. He stated of the remaining trees to be replaced, the Applicant shall plant a total of 66 replacement trees on site and an additional 22 street trees which the Township accepts as additional replacement trees with the balance of 859 replacement trees as opposed to 1,190 and in lieu of those 859 replacement trees, the Applicant shall pay the sum of \$315 per the requirement for replacement trees for a total sum of \$273,735. He stated the difference between the two numbers is approximately \$108,045. He stated there is also the option which the Board may want to consider as suggested by the EAC.

Mr. Truelove stated the Board could make a Motion to approve the draft letter submitted subject to Conditions as accepted by the Applicant and the Board should then specify the Condition for the replacement tree issue which he feels is the only issue that Mr. Murphy has dispute with. Mr. Truelove stated if the Applicant will not accept the Conditions of Approval, the next Motion would be for the Board to reject the Application.

Ms. Blundi stated she sees that some of the reports predate her tenure on the Board, and some of the professionals who were involved in analyzing this project are no longer affiliated with the Township, and perhaps the Township is even in litigation with them which gives her pause in terms of the Board's ability to rely on some of the information before them. She asked if they are able to re-visit that at this point or is it just to discuss the trees. Mr. Truelove stated the one person who has been a constant through this process is Mr. Majewski. Mr. Truelove stated if the Board wanted to revisit the Plan, the Township would need a grant of Extension of time from the Applicant because the current Extension expires at the end of this month; and this is the last meeting that the Board could obtain that if the Applicant would be willing to grant an Extension.

Mr. Grenier stated one of the letters discussed the ash trees that are dying; however, the Board does not have that report or who wrote it to see if it was one of the prior professionals and what their analysis was. He stated he would like to see the actual reports versus just the letters.

Mr. Truelove stated this is outside of his expertise, and he feels it would be appropriate to ask Mr. Murphy if he would agree to an Extension so that those reports could be reviewed by the Board and re-visited if necessary. He stated he has not had an opportunity to discuss that with Mr. Murphy at this point.

Dr. Weiss asked if the Board would consider a Motion to proceed with one of the three options that have been suggested in the letter and the Board can then continue the discussion if they wish. Mr. Grenier asked Mr. Truelove if they would be asking for a Continuance, and Mr. Truelove stated it would be an Extension so that the Board has time to review the reports.

Mr. Majewski stated the tree count done for the Plans listed all the trees and their varieties which is where the number of 52 trees came from. Mr. Murphy stated all of the trees that were subject to the study were located in the field. He stated with regard to the question raised as to whether an Extension would be appropriate, unless that Extension will result in a dramatic reduction in the calculation of the Tree Replacement Fee, he does not feel there is any value in further continuing the matter beyond where it is now. He stated it has been "languishing" for almost fifteen years. He stated they have no issue with anything other than the applicability of the Tree Replacement Ordinance to this particular site.

Dr. Weiss stated he understands that the tree count is not a subject of debate rather it is the Fee for the tree replacement/planting of the trees. Mr. Murphy stated he agrees adding that they do not have an issue with the way the Ordinance is supposed to operate. He stated some time ago the EAC recommended that credit be provided for the 22 street trees planted on the site, and that is reflected in both options in the draft letter in paragraph 13. He stated the question about the impact of the diseased ash trees is something new. He stated Mr. Truelove also provided the contrast of the two options going from approximately \$383,000 to \$275,000 for the five Lots if they are given credit for the ash trees; however, regardless whether they are given credit for that or not, the \$275,000 number is “equally oppressive” and does not enable the Applicant to move forward. He stated he did not hear that anyone was suggesting they deviate from the formula set up by the Ordinance; and if that is not going to happen, he feels the options are clear.

Dr. Weiss stated he understands that the options are to go with either Option 1 or 2 with regard to getting credit for the ash trees or go with a third Option and Waive the Fee-In-Lieu of. He stated they would either enforce the Tree Replacement Ordinance as it stands or do what has been done in the past by many other developments and Waive the Fee. Mr. Murphy stated he agrees those are the options subject to Mr. Truelove’s advice. Mr. Truelove stated that he would agree and there has been nothing presented as a way to come to an agreement at this point.

Mr. Lewis moved to proceed with Option 2 which is the calculation under the new Tree Replacement Ordinance and giving credit for the 52 ash trees.

Mr. Grenier stated the Motion references the new Tree Ordinance. He stated this Ordinance was updated last year. He asked if they would request an Extension would that change the Ordinance they are working under. Mr. Murphy stated the law says that they are to operate under the Ordinances that existed as of the time of the submission of the Plan; and if they are to deviate from that, they would have to call that out. Mr. Truelove stated that would be the Ordinance with the higher number.

Mr. Lewis stated in making the Motion with Option 2 the Board would be deviating from SALDO rules in terms of when the process started, and he recognizes that this would be the case adding that in this case that would be a benefit to the Applicant to apply the current Tree Ordinance.

Mr. Truelove stated they would be making a Motion to approve the Plan with another Variance to conform to the current Ordinance.

Mr. Grenier seconded the Motion.

Mr. Murphy stated he was provided a copy of the draft of the Approval letter with both options highlighted, and he has no quarrel with any of the other Conditions that are outlined in the letter including all of the other Fees that are specified in paragraphs 3, 5, and 6 dealing with Park & Rec, Traffic, stormwater etc. He stated they understand all of those and agree to them, and the only one they have a quarrel with is the Tree Replacement calculation and the applicability of the Ordinance to this site.

Mr. Truelove stated he would ask if the Counsel's client would agree to all the Conditions; and anticipating that he would say that they agree to all of them except those outlined in Paragraph 13, therefore the Motion could not be fulfilled because the Applicant will not agree to all the Conditions.

Mr. Murphy agreed.

Mr. Lewis stated from a legal perspective that would end the discussion in terms of the timeline, and Mr. Truelove agreed. Mr. Truelove stated the next thing for the Board to do would be to make a Motion to deny the Application and specify the reason for that which is the refusal of the Applicant to agree to the provisions in Ordinance No. 178-85.H4. Mr. Murphy agreed.

Dr. Weiss stated knowing that the Motion is unacceptable to the developer, he asked Mr. Lewis if he is willing to withdraw his Motion. Mr. Lewis stated if the Applicant has not provided a framework for what would "make them happy," his duty is to uphold the law and the Ordinances. He stated in this case they actually took the most favorable approach for the Applicant. He stated he would have a difficult time changing his position. Dr. Weiss stated Mr. Lewis could withdraw his Motion and make a new Motion to deny the Application. Mr. Lewis stated he would rather the Board approve it under the Law as it is since that is the proper process; and if the Applicant's attorney has received prior approval to reject the proposal that is fine as well. He stated he wants to follow the process in the right manner.

Mr. Truelove asked Mr. Murphy if he agrees to all the provisions in the letter, and Mr. Murphy stated he does with the exception of Paragraph 13.

Mr. Truelove stated since the Applicant will not agree to those Conditions, the Motion made cannot be fulfilled, and therefore should be withdrawn since the Applicant will not agree to the Conditions set forth as specified in the Motion.

Mr. Lewis stated Mr. Truelove is suggesting that based on the Testimony of the Applicant's attorney, he should withdraw his Motion and make a Motion to reject the Application. Mr. Truelove agreed adding it should be based upon the refusal to agree to the provisions set forth in Paragraph 13 of the draft Approval letter based upon Ordinance 178-85.H4. He stated they would not have to specify which version since Mr. Murphy has indicated neither Option is acceptable.

Mr. Lewis asked when the original Application was made, and Mr. Murphy stated he believes that the initial Application was in 2006. Mr. Truelove stated the original Plan was prepared May 5, 2006.

Mr. Lewis moved and Mr. Grenier seconded to withdraw the Motion and revise it as specified by the solicitor and reject the Final Land Development Plan Approval for Dogwood Drive due to the Applicant's unwillingness to meet the terms of the acceptance letter specifically the Condition referencing Ordinance No. 178-85.H4.

Ms. Carolyn Fogel, 12 Dogwood Drive, stated she has lived on Dogwood Drive since before 2006 and has seen Mr. Murphy at many meetings. She stated there is a "lot going on;" and she feels since many of the Board members are new, they need to digest this information since it effects all those who live there. She stated there are many unanswered questions, and she would like the Board to do their due diligence. She stated she is in favor of denying the Application.

Motion carried unanimously.

#### PUBLIC COMMENT

Mr. Mike Brody, 509 Brookbend Court, stated with regard to the prior Sewer discussion, he agrees with Mr. Lewis and Mr. Grenier; and if the Township is not going to be spending the money for the Sewer projects there should be consideration and potentially re-evaluation of what is being done in terms of charges for this year.



Mr. Brody stated he would like to have an update on the selling or leasing of the Sewer system. Mr. Ferguson stated the Request for Bids is out, and he feels they will have official proposals before the Board by the end of May. Mr. Brody asked if those Bids are for leasing and selling the system, and Mr. Ferguson stated those are Bids for the sale of the system. Mr. Brody stated he felt there would have been a presentation of a report in terms of what options were brought to the table beyond just selling the system as when they were considering this before it was not just to sell, and it was to evaluate all of the different options.

Mr. Brody asked how the decision was made to only consider selling the system. Mr. Ferguson stated the Board of Supervisors had introduced an intermediate step that was to do an evaluation of the various options that were privileged Bids which was an evaluation as far as where everyone was coming out at in terms of interested parties. He stated as part of that presentation, the Board made the decision based upon that review that the Concession Lease would not be considered and only the sale would be contemplated moving forward.

Mr. Brody stated in the past there has been extended discussion about much less significant issues. He noted at the last public meeting there was a significant amount of time discussing a "\$10,000 air conditioner." He noted that while he agrees with the rationale for closing the Pool, for that big of an issue, he feels it was inappropriate to not have that as an Agenda item to be discussed publicly. He stated he feels the Board previously made it a point to be strong on process. He stated he recognizes the financial issues of people "pulling away;" and he feels that summer camps will probably close sooner than the Pool necessarily had to. He stated families in the Township may have been willing to pay more for a Pool membership this year. He stated if there had been a more open discussion on this they may have been able to determine if it was feasible to keep the Pool open. He stated he feels the staff tries to do their best, but he is disappointed in how this was handled.

Mr. Ferguson stated with regard to the decision that was made about closing the Pool, he had put together a memorandum to the Board with the comment that it was the recommendation of the staff to not open the Pool this year; and if the Board had a concern about this and wanted a different process, they should let him know. Mr. Ferguson stated he now understands that was not how the Board read what he had written, and moving forward all of the decisions coming forth will be a matter for public discussion. He stated while Ms. Tierney wrote the letter that went out, it was at his direction.

Mr. Grenier stated with regard to Mr. Brody's comment regarding the Sewer system, it was not a unanimous decision by the Board to proceed with just the sale option, and some of the Board members did want to look into a potential Concession Lease/Public-Private Partnership; however, that was not the direction the Board elected to go. Mr. Grenier stated that decision was not made at a Public Meeting. Mr. Grenier stated he also agrees with Mr. Brody and wishes the review process was followed with regard to the Pool. He stated while he understands the decision that was made, he would have liked there to have been a presentation made to the Board that showed the financial scenarios we would have been up against. He stated while that did not happen in that instance, he is happy that it will happen in the future. He stated he feels there was time in order for them to address this issue.

A resident from 156 Pinnacle Circle, stated she is concerned about why the Board did not decide to transfer the funds for the Golf Course given the Pool is closed for the season. She stated it is possible to socially-distance yourself at the Golf Course. She stated the out-of-town Fees for the Golf Course should be increased. She stated with regard to the bike paths, she would like to know where the public can go to see the placement of prospective bike paths and how to provide suggestions on bike paths. She stated at the current time when trying to cross Big Oak Road, the crosswalk painting is no longer there, and she feels they should add pedestrian crosswalks. She stated she would also ask that the Township consider more Saturdays for recycling of yard waste and would also like there to be consideration for the residents to be able to recycle old paint and metal as they are cleaning out their garages. She also stated that at some time the Township added a Tree Ordinance, but she does not feel the replacement of a "500 year old oak tree with a sapling is an equivalent ecologic trade off;" and she asked that the Board consider that in the future. She also asked if they are removing trees for development, where the new trees will go.

Mr. Ferguson stated with regard to the Golf Course, prior to the Governor's Orders, the Township had made changes at the Golf Course which they felt were very effective including social distancing and lack of contact including payments that would be not cash related, removing the ball cleaners and the rakes, and staggering the Tee times to keep people separate. He stated Pennsylvania is one of twelve States that does not allow golfing.

Mr. Ferguson stated with regard to the Big Oak Road crosswalk, this is a State responsibility. He stated the Township could bring that up with the State which is going to re-pave Big Oak Road and painting the crosswalks is part of that project although he does not have a specific timeframe on that. He stated they could reach out to PennDOT to see if there is any delay on that project.

Mr. Ferguson stated with regard to disposal of paint and other hazardous materials they are included under Hazardous Waste Collections, the dates of which are posted on the Township Website; and these are typically done by the County and are offered a few times a year. He stated if the Township gets any more information on that, it will be posted on the Township's Webpage.

Mr. Truelove stated with regard to the Tree Replacement Ordinance, it is not one for one in terms of a large oak tree for a young sapling, and the Ordinance section that was referenced earlier during the Dogwood Drive discussion does provide specifics as to the calculations of trees to be replaced.

Mr. Lewis stated with regard to the question about the bike paths on the Township Website they have the Comprehensive Master Plan of the Township which was recently approved, and it includes a map of all bike paths in Lower Makefield.

Mr. Peter LaChance stated he is the Constable and as a member of law enforcement he does not give out his home address. He stated a number of years ago he headed up one of the premier Private/Public Partnership engineering firms in America. He stated he is very disappointed with how the "sewer thing is going down." He stated he knows a lot about that business, and he is not sure that the Township's financial consultant for the sewer system is as knowledgeable as the Township believes. He stated he feels the Township was led to believe that they should put out a Bid strictly for a sale and not allow themselves the option to have an Operations and Maintenance Contract with a Concession Fee attached. He stated as he indicated previously this is not a Lease. He stated when they operate it as a Maintenance Contract, they would come to the Township with every project. He stated that was specifically what he asked for previously, and no one looked into it.

Mr. LaChance stated he is also concerned that a Bid was put out without it being public, and he is not aware that there was a meeting when this was approved in public for Bids to go out. He stated he is not sure that is legal in Pennsylvania; and in Municipalities he has worked with across the United State, that is illegal. He stated even if it is not illegal, it is not serving the public to not have a discussion about putting out the Bids. He stated they also did not share the Bids with the Sewer Authority, and the Sewer Authority itself did not know that the Township put out Bids until tonight. Mr. LaChance stated the Sewer Authority did not have a chance to look at the Bids; and he, as an expert, did not have a chance to look at them.

Dr. Weiss stated they have not sent out any Bids to anyone at this time. He stated there was an intermediate process that gave the Board a sense of what an Indicative Lease would be, and in the mix there was a group that was interested in going in that direction; but upon further study and analysis between PFM, the Board, and the attorneys, they decided as a Board not to pursue a Lease.

Mr. LaChance stated he never mentioned a Lease, and he would not recommend looking at a Lease. He asked if PFM ever used the words “Operations & Maintenance Contract with a Concession Fee.” Dr. Weiss stated the Board decided that putting together a Concession Lease or a Private/Public Partnership would not be in the best interest of the Township.

Mr. Truelove stated these are Indicative Bids and there is still another process moving forward. He stated under the Second Class Township Code if the conveyance is to a Public Utility or another Authority, it technically does not have to go through the Bid process. He stated the term that was used as he recalls was Concession Lease. Mr. LaChance stated in a Concession Lease, they can do whatever they want while they have that asset; however, if there is an Operations & Maintenance Contract if there is a Capital project over a certain amount of money that the Township sets forth, they have to come to the Township to get that money. Mr. LaChance stated he has been proposing an Operations & Maintenance Contract the whole time. He stated if the Bidders did not know this option was being offered which would be a lower risk for them, they would not have given the Township numbers for that option.

Mr. Lewis asked Mr. Truelove if the vote that the Board made in terms of narrowing down the RFP consideration should have been made public. Mr. Truelove stated it did not need to be at that stage. He stated because it was an Indicative Bid, there is a lot of proprietary information that was included; and there was caveat language in that the information was not to be released publicly. Mr. Lewis stated that it was not a unanimous vote.

Mr. Lewis stated there is nothing that would prohibit the Township at this time to amend the decision in the future since Bids have not actually been sent out, and Mr. Truelove stated that is correct. Mr. LaChance stated he would like to see that. Mr. Lewis stated this is a very important decision and one that he feels needs significant review. He stated he hopes that the Sewer Sub-Committee will have a chance to review this before Bids are submitted since they have been dealing with Sewer-related issues for many years. He stated those meetings are public.

Ms. Alison Smith, 25 Glen Drive, stated she is the President of Artists of Yardley which leases the Janney House on the Patterson Farm from the Township. She stated they have approximately 250 members and offer classes and camps. She stated they started leasing the property ten years ago, and they have done a lot of work to improve the property and to grow their program. She stated initially they had three classes a session, and they now have between eleven and fifteen classes a session; and their summer camp has grown to over four hundred students. She stated they have numerous shows and do a lot for the community. Ms. Smith stated they pay \$1,024 a month to the Township for rent. She stated as have many other groups, they have been impacted by the financial crisis. She stated they have had to cancel two of their education sessions which would have brought in a net profit of \$12,000. Ms. Smith stated they are hoping to be able to continue soon with classes and summer camp, but their summer camp has not generated the number of sign-ups that they had seen for the last two years. She stated they are not sure what is going to happen in terms of classes in the fall. She stated they are hoping that the Township will waive the rent for the rest of the year as they are struggling. She stated while they are starting on-line classes and are going to have a gallery of art and putting up a children's page with activities for children to help the community, they are not able to produce revenue at this time.

Dr. Weiss asked if the Township decides not to waive the rent for the year, what would that do to the finances of the Artists of Yardley. Ms. Smith stated it would take away from the "cushion" that they have; but if they do not see the future camps and classes be very robust, she is concerned that they might not be here next year.

Mr. Lewis stated the Lease is structured in a way that they get credit for work they perform on the house and many times that was a significant portion of the Lease proceeds. He stated he feels that they are probably unable to do

that now. He stated he has been a contributor to Artists of Yardley and his family members have taken classes. He stated he would be open, given the unique circumstances, to consider a structured arrangement that would help them as it relates to the Lease payments.

Dr. Weiss asked if they were to waive the rent as long as the emergency is in effect would that help, and Ms. Smith stated it would. She stated if they could leave it open and they see a reduction in revenue from the summer camp and classes, they could come back to the Township since that is a big part of their operation.

Ms. Blundi stated this is an important part of the community; however, she would like to have a broader discussion on the overall impact to all of the different groups that are suffering. She stated they have discussed the property taxes and the sewers; and while she is happy to address these items, she does not feel they should all be “one-offs.” She stated they have asked Mr. Ferguson to look at what they could scale back on, and she does not know if that work is still being done. She stated she feels there should be a more process-driven way of addressing these issues.

Mr. Grenier stated he agrees with Ms. Blundi and while some things are on a “fluid time,” he feels a holistic approach should be taken to our “functions, operations, Budgets, processes and procedures to get the full view” so that they can see where they may be able to save, cut back, or postpone. He stated he would like to see “very soon” a holistic report.

Dr. Weiss asked if the Board would like to make this a Discussion Item later this evening, address it now, or postpone further discussion on it once they have a broader picture. Dr. Weiss stated with regard to the request being made by Ms. Smith, they could add it to the Discussion Items and discuss it further, grant the relief at this point, or advise Ms. Smith that they will consider this and report on it at a later meeting.

Mr. Lewis asked if they should have a Motion that would ask for a comprehensive strategy to deal with post-pandemic recreational activities within the Township and a re-opening strategy and that would include items that would require potentially some remediation including things like the Lease to the Artists of Yardley, and possibly this could be ready for the second meeting in May. He stated this might address the concern about “one-offs” and that there be a consistent strategy that covers everyone.

Dr. Weiss asked if the strategy would include credits to user groups presently giving the Township money, and Mr. Lewis agreed. Dr. Weiss stated if there is a comprehensive approach they would not just be talking about Artists of Yardley, and it would also include YMS and the other sports groups. He stated if that is the consensus of the Board they could direct the staff to present the Board with a Plan in thirty days.

Mr. Lewis stated the Motion could be direction to the Township Manager to develop a comprehensive community recreation strategy and response to the pandemic that covers restoration of recreation services and user groups within the community that have been adversely impacted by the pandemic so there is one over-arching plan. He stated the Golf Course is one that many of them want to open up as soon as legally possible. He stated the Artists of Yardley Lease is unique and did not anticipate this unique circumstance so he would want that to be fully considered as part of this.

Ms. Blundi stated she feels the Board should discuss what steps they can take now specifically in terms of the Golf Course and urging the Governor and our Representatives to advocate for us to allow us to re-open the Golf Course with the restrictions that Mr. Ferguson outlined earlier this evening in keeping with the CDC guidelines and the recommendations of other health officials. She stated there will be a “gigantic” impact on our Budget if we do not get revenue from the Golf Course.

Dr. Weiss stated he will add this to the Discussion Items for consideration later on the Agenda, and there can be a broader discussion at that time.

Ms. Smith thanked the Board for their consideration and added she will await the Board’s next steps.

Mr. Grenier asked if what Dr. Weiss is discussing is something specific, and Dr. Weiss stated it is the general exit strategy from the pandemic.

Mr. Ferguson asked if he has thirty days to complete a report, and Dr. Weiss stated they will discuss that later.

Mr. Zachary Rubin stated in January Public Comment was at the end of the Agenda, and this evening it has been moved ahead which is in the right direction; however, he feels Public Comment should be at the beginning of the meeting.

Ms. Michelle Weinberg, 1329 Apple Blossom Drive, asked when Pool refunds will be processed. Ms. Tierney stated they are currently processing these, and people should start seeing credit card payments the next week or so. She stated those who paid with cash or check will take longer to process, and she hopes they will be sent out by the end of the month. Ms. Weinberg asked if there will be any damage to the Pool since it will be idle all season. Ms. Tierney stated they will continue to maintain the Pool, and it will remain as it is in the winter being half full but with no chemicals.

## DISCUSSION ITEMS

### 1674 Edgewood Road (Ishmael and Quill House)

Mr. Edward Murphy, attorney, stated there have been numerous discussions about this issue with the Township Administration and Mr. Cam Troilo. He stated the property is located at Edgewood point, and a slide was shown of the property. Mr. Murphy stated the proposal being discussed is to remove the Danny Quill House and restore the Ishmael House. He stated in the area where the Quill House is located, they propose to construct an eighteen space stone or gravel parking lot with street trees and trees interspersed throughout the parking lot.

A slide was shown of what the Ishmael House would look like if it were restored. Mr. Murphy stated that is the property that is closest to the point of Yardley-Langhorne and Edgewood Roads. He stated it is across the street from the Retail/Residential project that was recently renovated and opened. He stated the parking lot would be located to the east of the Ishmael House.

Mr. Murphy stated because the issue has been the subject of discussion for some time they felt it was best to present it to the Board of Supervisors this evening for their review and comment.

Mr. Lewis asked for information as to how Mr. Murphy's client acquired the property. Mr. Murphy stated while he is not exactly sure, Mr. Troilo has owned the property for some time probably at least ten years. Mr. Lewis asked Mr. Murphy if his client has made any promises regarding the property to Township Committees or staff; however, Mr. Murphy stated he was not aware of this. Mr. Murphy stated he has been involved with Mr. Troilo for a number of years. He stated he is familiar with a matter than involved an enforcement action initiated by the Township in 2013 dealing with both buildings.



He stated there was a letter issued by the then Code Enforcement Officer, Bob Habgood, to Mr. Troilo alleging certain deficiencies with respect to the buildings; and they filed an Appeal to the Building Code Board of Appeals of the Township, and that matter has laid dormant since then.

Mr. Lewis asked if Mr. Murphy or his client are aware of Chapter 152 of the Township Code which is related to blighted/vacant properties. Mr. Murphy stated he is familiar with it; and once the Board adopted it, Mr. Troilo registered the property as provided in the Ordinance. Mr. Lewis asked Mr. Murphy if Township staff contacted them regarding the Ordinance when it was enacted; and Mr. Murphy stated the Township did, and he believes that all properties that the Township staff felt fell within that Ordinance received correspondence suggesting that they register the property in accordance with the Ordinance which they did. Mr. Lewis asked Mr. Murphy if his client received an Order for this property or any of the other properties under this Code. Mr. Murphy stated to his knowledge his client did not; and all he knows is that when the Ordinance was adopted the property was registered, although he would defer to the Administration if something else may have happened that he is unfamiliar with.

Mr. Lewis stated Mr. Murphy had indicated that he had long-term discussions with Township staff or Supervisors, and he asked for details of that and what guidance he was provided related to this Ordinance. Mr. Murphy stated the discussion was not focused on the Ordinance rather it was focused on trying to develop a proposal to improve the corner which they believe is what the current proposal represents. He stated they focused more on what could be done to the property in order to address the conditions that exist now and it was not necessarily talking about the Ordinance per se. He stated the adoption of the Ordinance might have been the trigger for those conversations, but the conversations were not about the Ordinance itself.

Mr. Lewis asked if anyone issued an Order for any of the properties. Mr. Ferguson stated he did not issue an Order on those properties. He stated when the Ordinance came out, the Township sent letters out to nineteen properties. He stated Mr. Troilo owns the property with these two houses on that one property. Mr. Ferguson stated he did have a discussion with Mr. Troilo at the time through Mr. Murphy to

understand the implications of that Ordinance. Mr. Ferguson stated Mr. Kirk, the Code Enforcement Officer, made sure that both houses were secure and that people could not get in. Mr. Ferguson stated they then began meeting with Mr. Troilo and Mr. Murphy regarding plans they had discussed in various forms to take to the Township. Mr. Ferguson stated he understood that there was a previous Order that was sitting dormant with the Township Appeals Committee; and before there was a legal proceeding, they discussed the issue of whether there was something they could do with the property that could be presented to the Board of Supervisors prior to proceeding to litigation while the buildings continued to deteriorate, and potentially put the Township in the position of there being a ruling that may not come out the way the Township would choose.

Mr. Ferguson stated he had individual discussions with Board members advising that Mr. Troilo through Mr. Murphy would come to the Board of Supervisors with a potential Plan which would go before HARB; however, before they went to HARB, they wanted to get a sense from the Board of Supervisors of whether there was any desire to see this Plan proceed. Mr. Ferguson stated this was delayed somewhat as there was a medical issue of someone involved. He stated an Order was not given. Mr. Ferguson stated if the Board of Supervisors decides they are not in favor of the Plan, Mr. Truelove could be instructed to file tomorrow if that is what the Board wants to do.

Mr. Ferguson stated there are other properties in the Township as well that they probably could take before a Magistrate, and some of those property owners have begun to show marginal improvement which is the standard by which a Magistrate will continue to grant more time, and the Township has been flexible because those property owners were moving forward. Mr. Ferguson stated he has not issued an Order or initiated a Judicial proceeding for this property being discussed this evening because the plans were proceeding with staff as to what could be permitted, the amount impervious surface on the site, etc. Mr. Ferguson stated if a majority of the Board does not wish to have the Applicant proceed to HARB, they can go “down another path” with this property.

Mr. Lewis asked if the Board of Supervisors provided any direction with regard to enforcement related to this particular developer, and Mr. Ferguson stated the Board did not. Mr. Lewis stated he feels that statement is in contrast to the e-mail Mr. Ferguson sent him. Mr. Ferguson stated there was an Executive Session when this matter was discussed, and

Ms. Blundi, Mr. McCartney, and Dr. Weiss indicated that the Township should continue on this path, and bring this Plan to the Board of Supervisors.

Mr. Lewis stated that does not reflect his recollection of the meeting, and it does not reflect what Mr. Ferguson said when he re-canvassed after that discussion. He asked Mr. Ferguson why he would need to re-canvass if there was a majority. Mr. Ferguson stated one of the Supervisors gave a statement that was unclear whether they wanted to go right to enforcement or bring the Plan forward. He stated he re-canvassed that Supervisor who indicated they were in favor of going in the direction that we are now.

Mr. Lewis stated he has spoken to two Supervisors who do not recall a re-canvass, and he himself was not involved in any decision on that. Mr. Ferguson stated in the meeting it was clear that there were two Supervisors who were in favor of going in this direction, and there were two who wanted him to go strong on enforcement. He stated there was one person who he felt was ambiguous on where they stood, and he re-canvassed that one Supervisor and asked their opinion, and they indicated that he should proceed in the direction that we are at tonight. Mr. Lewis stated Mr. Ferguson did not communicate that to other Supervisors who had expressed interest in this particular issue. Mr. Ferguson stated when they had the meeting it was a two/two vote that he was clear on, and he followed up the next day to proceed in this manner; and he did not communicate with the rest of the Board members and advise that he had re-canvassed one Supervisor in particular. Mr. Lewis stated his recollection was that Mr. Ferguson received guidance one way, and then something changed; and the Supervisors who had provided guidance were not told that it had changed. Mr. Ferguson stated Mr. Grenier and Mr. Lewis wanted to take them to Court. He stated he also had comments from Dr. Weiss and Mr. McCartney stating they were fine with proceeding in the manner they are proceeding this evening. Mr. Ferguson stated Ms. Blundi had answered the question in a way that he found unclear so he followed up with her the next day, and she indicated to him that bringing this Plan in this manner to the Board was acceptable to her.

Mr. Lewis stated he does not feel that reflects adequately what the Board members were communicating. He stated it was not that they were asking Mr. Ferguson to take the developer to Court, it was that they were asking that the Ordinance be enforced as written. Mr. Ferguson stated the Ordinance has been enforced as written, and they registered the property and secured it so no one could get inside, and now they are proceeding with a Plan to present and move forward.

Mr. Ferguson stated this is the way the Township has handled other properties in the Township that are not necessarily having their properties 100% compliant. He stated there are nineteen of these properties in the Township which are all registered; and this property owner is compliant in this regard.

Mr. Lewis asked Mr. Truelove if he is fine with this assessment. Mr. Truelove stated he has not looked at any of this for a long time and he was never directed to do anything by either the Administration or a majority of the Board to pursue anything at any time. He stated he was vaguely aware of a prior action that was commenced that Mr. Murphy referenced this evening that was done when he was not the Township solicitor, but he has never seen the paperwork on that. He stated the only concern he would have is whether it is appropriate to commence something now until the other matter is resolved as they may overlap in terms of what the issues may be. Mr. Truelove stated until he is directed to do a more in-depth review he would not take it upon himself to go in a direction that has not been authorized.

Mr. Lewis stated this is the first time that he is seeing the drawing, and he would be open for it to be considered by HARB; however, it is a process discussion about how Ordinances are enforced and how they are tracked accordingly. Mr. Lewis stated his main concern is that they have an Ordinance, and they are not sure if it was properly enforced or direction given, and then it was "re-thought" and other Board members were not communicated with. He stated this is a process concern which is "troubling." He stated he does not want that to necessarily stop the broader discussion about this particular proposal, but it is important to make sure that the Township's best interests are protected.

Mr. Ferguson stated if the Board wants a report that they can weigh in on, they have been working with property owners to upgrade their properties and have not taken them to Court. He stated it is his opinion and the opinion of the Code Enforcement Officer that they have shown enough progress that a Magistrate would be satisfied. He stated if the Board wants a literal interpretation of the Ordinance and insists that all the work be done or it will result in a Court Action, they could go in that route as well on those properties.

Mr. Lewis stated this particular client of Mr. Murphy's just recently completed suing the Township and his payment track record on other Fees is not what one would consider "admirable in any circumstance." Mr. Lewis stated he feels for those who fall into that category a strict interpretation of the Law is appropriate. Mr. Murphy stated he does not know if there is any accuracy

to what Mr. Lewis just stated. He stated if there is something that Mr. Lewis claims someone has been recalcitrant in paying, he would be shocked if it was this client; however, he would be willing to talk to the Administration about that. Mr. Lewis stated that was reviewed last summer to get closure and payment for things that were significantly outstanding. Mr. Lewis stated he is trying to speak in general terms about Mr. Murphy's client. Mr. Murphy stated he feels everyone understands what Mr. Lewis is saying; and if there is something that is an issue, he needs to know about it.

Dr. Weiss stated while he hears what Mr. Lewis is saying about process, he disagrees strongly as to how this was taken care of as it has been going on for months, and Mr. Lewis was well aware of it. Dr. Weiss stated this process has been very transparent among the Board members, and the confusion as to one individual's decision as to how to proceed a month ago is noted; however, he would like to move this along. Dr. Weiss stated the discussion is how Mr. Murphy should proceed and whether he should go to HARB. He stated it is very preliminary at this point, and Mr. Murphy is entitled to get direction. Dr. Weiss stated if the Board wants to have both structures renovated over one structure being renovated and the other one being demolished that is within the purview of the discussion but he feels all other discussion is "superfluous."

Ms. Blundi stated she would like to hear HARB's opinion, and they should be asked to weigh in. Mr. McCartney stated he would be in favor of having HARB look at this Plan, and that is what he had expressed during the Executive Session.

Mr. Grenier stated he is intrigued by the concept. Mr. Grenier stated he has seen the Site Plan view as well as the architectural rendering of the one building. He asked Mr. Murphy if he feels that the proposed building is within the design requirements of the Historic District, and Mr. Murphy stated it is. Mr. Murphy stated what is depicted in the architectural sketch is an approximately 800 to 900 square foot Retail space. He stated the upstairs would not be large enough to accommodate anything other than storage. Mr. Grenier stated it indicates "Ice Cream Parlor," and he assumes they would not be able to accommodate too many tables given the square footage; and Mr. Murphy agreed. Mr. Murphy stated they had talked to Mr. Majewski and Mr. Ferguson when they were working on the Site Plan to identify the number of parking spaces that would be required by Ordinance to accommodate either a Retail or Office Use of that size. He stated it would be a low-impact use on the first floor only.

Mr. Grenier stated he assumes the Site Plan shown considered the number of parking spaces that were specified by Mr. Majewski, and Mr. Murphy stated it does. Mr. Murphy added that it also includes some additional overflow spaces for DeLorenzo's across the street. Mr. Grenier asked if it is proposed to be a stone parking lot versus pavement, and Mr. Murphy agreed it would be a gravel parking lot. Mr. Murphy stated Mr. Majewski had recommended that the handicapped spaces required would need to be paved, but the balance would be stone or gravel.

Mr. Grenier stated there have been comments about sight lines/sight triangles at this particular point, and he noted the rendering shows the building close to the point. He asked Mr. Murphy if they gave any consideration to improving that sight triangle and what that might mean. Mr. Murphy stated he is not certain although he believes it was the intention to renovate and restore the building at its current location, and they will maintain the existing sight triangles on both roads and he is not sure that they would be improved by this restoration. Mr. Grenier stated he realizes that it is early in the process for that. Mr. Grenier asked if there would have to be a crosswalk, and Mr. Murphy stated there would be a painted crosswalk that would enable Retail customers to travel between the Retail complex across the street and this site. Mr. Grenier asked if that would require a light, and Mr. Murphy stated he does not believe that it would require a traffic signal.

Mr. Grenier stated generally speaking he has always been intrigued by this project, but he had indicated that the client should be aware of the Ordinance; and that if this gets stalled and they do not move forward his client should be aware that the Ordinance would be strongly enforced. He stated he would like to hear what HARB has to say especially since the Plan requires the demolition of the other house.

Ms. Rachel Leech stated she is a resident of Chalfont and not Lower Makefield Township. She stated she would like the Board of Supervisors and HARB to seriously consider not approving the demolition of either of these houses. She stated she is in favor of the fact that Mr. Troilo wants to renovate one of the houses and re-use it, but she does not feel that should come at the cost of demolishing the other house. She stated both of the buildings are contributing buildings to the historic Village of Edgewood, and both are important to keep. She stated when the Village was designated in the early 1980s, there were thirty-two buildings that were part of the Village; and as of 2013 that number has decreased to twenty-two buildings. She stated she

does not feel that we can afford to lose any more and still keep the historic nature of Edgewood Village. Dr. Weiss stated this is a very preliminary discussion, and no decisions are going to be made in the near future.

Ms. Gail Friedman, 699 A Rose Hollow Drive, stated she has lived there for twenty years and she has seen the deterioration of Edgewood Village. She stated what she has heard this evening suggests that discussions on this Plan have been taking place “in twos and in threes basically sub-rosa and not in a public forum.” She stated she has also heard that there was an enforcement action that has “been tabled somewhere and that the Township’s legal counsel has not been brought into the discussion.” Ms. Friedman stated she has reviewed the Ordinance on line, and it provides not only that the buildings be registered and secured but also that they be maintained, and it gives the Township tools to use to maintain it which would require going to Court. Ms. Friedman stated it also provides that the Township can deny Building Permits if someone does not maintain their property or live up to conditions that have been placed on them for previous developments. Ms. Friedman questioned how a parking lot could be considered an improvement to the Village. She asked why they would need the parking lot for DeLorenzo’s as DeLorenzo’s has indicated that they are re-evaluating their restaurant business right now. She asked if DeLorenzo’s really needs more parking, and she asked why people could not walk there from the supermarket. Ms. Friedman stated there are concerns about decimating a National Historic District. She stated there are nineteen houses being evaluated for maintenance problems. She stated that over the years that she has been aware that there have been houses owned not by developers that are in disrepair, but by single homeowners who are having trouble maintaining a historic home which is a lot different from a major developer who is “letting properties go to seed.”

Dr. Helen Heinz stated she is very concerned and she stated there is no reason why they should give Mr. Troilo the right to demolish the house they call the Danny Quill house. She provided a brief history of the house. Dr. Heinz stated she has noticed over the past few years that you can actually see inside through the roof. She stated she has always maintained that the only way that a house that is being demolished by neglect would continue to stand is if the roof is intact. She stated they have asked the Township to cite Mr. Troilo for a whole new roof. She stated he did put boards on the windows, but it is the roof which keeps the structure intact. She stated she is sure he will come in and indicate it needs to be demolished, and that would be because of his neglect that has happened.

that has happened. Dr. Heinz stated she questions the proposal for the parking lot. She stated next to it is a driveway with a parking lot and next to that is the parking lot for the Memorial. She stated there is the open space against Langhorne Road, and she feels that is the next project “he will come in to install a property there and then the parking lot makes perfect sense, and knowing how Mr. Troilo works she is sure that is part of the plan.” She stated originally when this Lot was taken over after Mr. Troilo “evicted the tenants,” he came in with a bank that was going to go in the Danny Quill House and then have an addition on that which is possible under the Guidelines and create a property that had a drive-through to Langhorne Road. Dr. Heinz stated Mr. Troilo has owned this property for thirty years, and this is not the first incarnation of this property. She stated she knows Mr. Murphy is well aware of this. Dr. Heinz stated they need to “cherish” every piece that is left of Edgewood Village. She stated they spent hours writing the TND Ordinance and part of the restrictions on that were that anything that could be seen from the major roads had to be inspected by HARB. She stated they expected that Mr. Troilo would have installed the Retail to begin with, and he did not do that. Dr. Heinz stated in strict compliance the Township could force him to bring in all the houses that you can see from Stony Hill Road before HARB, but he has chosen not to do that. She stated it is very disappointing to hear the Supervisors say that they are “okay” with another building being demolished. Dr. Weiss stated the only thing the Board of Supervisors is agreeing to is letting HARB do their job.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated she is very familiar with the two houses. She stated with regard to Mr. Troilo’s ownership of the property, she looked it up in the Tax Records today; and out of the last thirty-seven years, Mr. Troilo has owned the property for thirty-three of those years. She stated he purchased it in 1983 and owned it until 2007 when it was sold, and then he bought it back again in December, 2011, and he owns it at the present time. Ms. Doan stated in that time she has seen the “house go down.” She stated Mr. Troilo owns over two dozen properties in the area as well as a construction business, and there is “no excuse for him to let those properties go down.” She stated it is not as if he is a struggling homeowner. She stated this is “deliberate demolition by neglect.” She stated she understood that years ago Mr. Troilo came before the Board and asked for a Demolition Permit which was denied, and she does not know why he is coming back again asking that he still wants to demolish it. Ms. Doan stated we still have the Historic District and we should keep it. She stated there was a house across the street from the Ishmael House which was bulldozed and was supposed to be replaced, but it never was. Ms. Doan stated the Township has the Ordinances, but they are



not enforced. Ms. Doan stated there are 1,700 signatures on a Petition to save the Historic Village of Edgewood, and she feels that is what should be done. She stated she agrees that HARB should weigh in.

Mr. David Miller, 1646 Yardley-Langhorne Road, stated he lives about one half block from the property under consideration. He stated the property is bounded by Yardley-Langhorne Road, Edgewood Road, the Township-owned property, and the little Church; and on the eastern end by the back part of the little Church. He asked if the property they are proposing to develop is the entire property running from road to road to the front and the back of the Church property; and Mr. Murphy stated it is the entire property that Mr. Troilo owns. Mr. Miller asked if he should have received notification that this was going to be on the Board of Supervisors' Agenda tonight since he only lives a half block away. Mr. Truelove stated this is only a discussion item, and there is no official Application. He stated this is just a concept discussion; and if there were an official Application for some type of relief for an official Application submitted, Mr. Miller would have received Notice. Mr. Miller stated he agrees with the comments made by the previous callers.

Dr. Weiss stated he feels that the consensus of the Board is that the developer should go before HARB. Mr. Murphy stated he will review all the comments he heard this evening with Mr. Troilo, and he understands what the direction is on how they should proceed.

#### Heston Hall – Zoning Hearing Board Appeal #20-1858

Mr. Murphy showed a Plan of the subject of this Zoning Application. He stated it shows the existing Heston Hall complex in the lower left of the Plan and the on-going development of the balance of the Edgewood Village project. Mr. Murphy stated the red line shows what is the subject of the Application. He stated the Application does not involve any new improvements, rather it is the creation of a separate Lot for the existing Heston Hall complex that is seen in the lower left hand side and the parking that supports it. He stated it also includes a small addition to Heston Hall that was approved when the overall Plan was approved in 2011. Mr. Murphy stated they are requesting certain relief that is triggered by establishing the red line which creates a separate free-standing Lot separate and apart from the undeveloped Commercial portion that fronts on Langhorne-Yardley Road that includes

eight other potential new pad sites. He stated they are not requesting any improvements, and it is just to create a separate Lot for Heston Hall separate from the balance of the undeveloped Commercial space.

There was no discussion by the Board or Public Comment at this time.

Timko Family Associates, LP – Zoning Hearing Board Appeal #20-1857

Mr. Murphy stated he asked that this matter be put on for discussion this evening as he recognized that the Board of Supervisors had seen the Application previously; however, at that time he was not aware it was going to be discussed by the Board or he would have made an effort to attend that meeting and discuss it with the Board. He stated he is aware that the Board has already weighed in and to date has directed its solicitor to attend the Zoning Hearing Board meeting and oppose the request.

Mr. Murphy showed a depiction of the existing Lot at the intersection of Edgewood and Sandy Run Roads. He stated the Lot is approximately one and a half acres and over 93% of the Lot is devoted to various types of natural resources including wetlands, floodplains, steep slopes, trees, etc. He stated the application of the Township's Ordinance with regard to natural resources including the percent of preservation of the different resources and the buffers that have to extend from the edge of those resources effectively creates a situation where even one house could not be built on the one and a half acres in an R-2 District which should permit a house to be built on 12,500 square feet.

Mr. Murphy stated the request is to build a single-family home on this Lot and that is shown on the Sketch being shown. He stated to do that it would require certain items of Zoning relief which are outlined in the Application. He stated he wanted to make sure he had the opportunity to discuss this project with the Board and answer any questions so that the Board would better understand the nature of the relief. He stated this is a situation that if Zoning relief were not to be provided the Lot would be sterilized, which would trigger another discussion with the Board if that were to happen. Mr. Murphy stated that is the reason why he asked the Administration if he could address the Board tonight to go over any questions they have and see if there is a different thought as to what position the Board wanted to take with regard to the Application.

Mr. Grenier asked about the yellow dashed line depicted on the Sketch, and Mr. Murphy stated he believes that is the limit of disturbance line. He stated the back yellow dashed line is the limit of the wetlands. He stated the 75' buffer would extend from that point forward. He stated there are also other dimensions on the actual Plan that accompanied the Application which show this more clearly. Mr. Murphy stated if you measure from the limit of the wetlands, all the required buffers which buffers have been calculated to be 75', it would extend almost to Sandy Run Road. He stated all of the different yards they would be required to observe would be overlapping so that there is effectively a negative building envelope. Mr. Grenier stated as part of the Sandy Run Road issue, the Township had the Army Corps come out and do a wetlands delineation; and he asked if that is the line being shown. Mr. Murphy stated it is, and they obtained that information from Mr. Majewski as the Plan was being developed. Mr. Grenier stated he is looking at the FEMA maps and there is also a regulated floodway, and Mr. Murphy agreed.

Mr. Majewski stated the yellow dashed line close to the proposed house is the wetlands that were delineated by the Township that was done for the Sandy Run Road project. He stated the proposed house would be located 24.5' from the limit of the wetlands at its closest point. Mr. Grenier noted the yellow crisscrossed hatch area to the north, and Mr. Murphy stated he believes those are steep sloped areas; and Mr. Majewski agreed. Mr. Grenier stated he assumes the area also qualifies as woodlands, and Mr. Majewski stated the whole property qualifies as woodlands. He stated he believes that this is one of the few environmental requirements that they do meet, and they are under the disturbance for woodlands. Mr. Grenier stated they have wetlands, floodplain, woodlands, and buffers. Mr. Murphy stated they have all of those as well as steep slopes. Mr. Grenier asked Mr. Majewski if there are any other buffers from natural resources that would also be included in addition to wetlands, woodlands and stream buffers. Mr. Majewski stated there is also a steep slope buffer; and where there are steep slopes greater than a four to one slope, they require a 25' setback from that so that you do not build a structure within an area that is more prone to having erosion problems. Mr. Grenier noted the driveway corner, and he asked if that is within the 25' steep slope buffer. Mr. Majewski stated it is not, and it ends at the wood line.

Mr. Murphy stated if the current position of the Board remains and the Zoning Hearing Board rejects the Zoning relief the Lot would then become sterilized and it would become a de facto taking. He stated there would be a proceeding that would be filed thereafter to reclaim the value that the Ordinances would have created as applied to this particular Lot with its own particular characteristics.

Mr. Grenier asked if the entire property were wetlands and they were denied Federal and State Permits would that fall under the same definition as a taking. Mr. Truelove stated that might change the focus as to what entity, if any, is responsible for the alleged taking. Mr. Grenier stated he is not sure whether there are any threatened, endangered species on the property. Mr. Grenier asked if the Municipalities Planning Code allows them to enforce this; and Mr. Truelove stated it allows the Township to enforce their Ordinances, but it does not necessarily contemplate alleged Constitutional violations per se. He stated there is a presumption when Legislation is passed, that it is Constitutional. Mr. Murphy stated generally that is accurate; however, their position is that this Lot as applied by the Ordinances and the buffers that the Township's Ordinance establishes, makes the Lot unbuildable, and that is the reason for the request for relief. He stated that is the classic case for when relief should be considered which is when you cannot make any other reasonable use of the property as it is Zoned, and that is this case. He stated these are not Federal regulations that are creating the issue, rather these are Township-controlled and established Ordinances and buffers that create the situation as applied to this Lot.

Ms. Blundi asked Mr. Murphy how long his client has owned this Lot, and Mr. Murphy stated he can get that information as he is not certain although it has been "a while." Mr. McCartney stated it appears they bought it in 1988. He stated it seems that there were two Lots one on each side of the train tracks. Mr. Truelove stated some of the same family members own properties on each side of the train tracks. Mr. Murphy stated this Lot is owned by two sisters who inherited the property from their parents. He stated two other sisters own the Lot across the street that backs up to the Railroad. Mr. Majewski stated a family member did purchase it back in 1988, and it has been passed between other Timko family members.

Dr. Weiss asked why this was brought to the Board of Supervisors this evening; and Mr. Murphy stated he was unaware the evening when the Board considered it months ago, and had he known it was going to be considered he would have come to the meeting and talked to the Board as he has tonight to make sure everyone was aware of the details and

where this could ultimately go depending on the outcome of the Zoning Hearing Board Application. Dr. Weiss stated the Board voted to oppose the Application, and Mr. Murphy agreed. Dr. Weiss asked if any of the Board members were interested in reconsidering their position at this time, and there were no Board members interested in changing their position.

Mr. Alan Dresser 1907 Lynbrooke Drive, stated he is a member of the Environmental Advisory Council. Mr. Dresser asked why a 75' buffer was being used at this location since a 75' buffer applies to an area where the vegetation is between one foot and twenty feet. He stated he has gone by this property numerous times, and the trees are tall so it might be more appropriate to use a 50' buffer. He stated they would therefore have to recalculate the natural resource protection areas. Dr. Weiss stated if that is the case, that will be a decision for the Zoning Hearing Board. Mr. Dresser asked that Mr. Majewski looked into this since if the buffer area has vegetation over 20' the 50' buffer applies and not the 75'. Mr. Majewski stated he believes Mr. Dresser is correct but there are also steep slopes coming up the hill. Dr. Weiss asked if going from 75' to 50' would change the parameters of the development significantly; and Mr. Murphy stated it might reduce the scope of some of the relief they are requesting, but it would not eliminate it.

Mr. Dresser stated the buffers are there to protect the streams and wetlands and reduce silt inflow into the streams. He stated Brock Creek is classified as impaired by the Pennsylvania DEP for silt. He stated he does not know if this would affect our MS4 Permit, but "it would not look good if this Variance is granted."

Mr. Dresser stated with regard to Dogwood Drive, the Environmental Advisory Council has always felt it would be a good idea for that property as part of the development would dedicate Lot #6 which is 8.9 acres in size to the Township to use as passive open space. He stated at one point Mr. Murphy had stated that the owner would consider that, and he asked if that is still the situation. Mr. Murphy stated that question is probably moot since the Board of Supervisors denied the Subdivision earlier. Mr. Dresser stated it might be important for further negotiations; however, Mr. Murphy stated he does not feel they will get to that question for a long time. Mr. Majewski stated Note #26 on the Plans for Dogwood Drive does state that the Township would take dedication of that open space Lot.

M & M Storage – Sketch Plan Presentation

Mr. Murphy showed a slide of a suggested development of a remnant piece of property located behind the Kohl's and directly adjacent to the ramp for westbound traffic on Super 1 to get off onto Oxford Valley Road. He stated the site has been discussed over the years, and years ago there was a proposal for a hotel. He stated it is a site that is not particularly attractive for a lot of reasons. He stated the Sketch Plan identifies a potential multi-story, climate-controlled storage facility that would be constructed to look like an office building as most new, modern storage facilities are. He stated the Plan shows a footprint of a building of approximately 21,600 square feet and it would include approximately 850 individual, climate-controlled storage units which would be all inside. He stated there would be no outside storage, and no boats, RVs, or campers. He stated based on experience 80% of the space would be occupied by Residential customers along with some pharma reps and some small business record storage users. Mr. Murphy stated there would be two access points on Oxford Valley Road. He stated there would be typical office hours with an office inside. He stated all access would be via card keys, and there would be video monitoring 24/7. He stated there would be interior elevators also controlled by codes to enable renters to go to their units on the upper floors.

Mr. Murphy stated the value of the project is approximately \$14 million so it would be a meaningful ratable to the Township on a property that he is not sure many people would even realize is in Lower Makefield. He stated the Plan does contemplate certain items of Zoning relief because the property is burdened by some wetlands and a floodplain in the back which would not be encroached into. He stated there would also be a certain amount of tree disturbance associated with the project. He stated while it is an initial Sketch Plan, he wanted to give the Board the opportunity to think about it.

Mr. Lewis asked if the height of the building "eclipses" Kohl's adding that the property does slope. Mr. Murphy stated it will be taller than Kohl's. He stated this property was largely fill which was created when Super 1 was built, and the property does slope from the front corner back to Super 1, but he does feel it would be taller than the Kohl's. Mr. Lewis asked if the owner of the property would be running the storage facility. Mr. Murphy stated it would be an owner-controlled and maintained facility and would be one of six to seven that they maintain throughout the area.

Ms. Blundi asked if will be a five-story building, and Mr. Murphy agreed.

Dr. Weiss asked if this is R-3 Zoning, and Mr. Murphy stated he believes that it is. Dr. Weiss asked if it this is a permitted use in R-3, and Mr. Murphy stated it is not. Mr. Truelove stated it would require a Use Variance in addition to the dimensional Variances Mr. Murphy has indicated. Mr. Majewski stated the use of a mini warehouse is not permitted anywhere in the Township. He stated the definition of warehousing and distribution is the closest one to what they are proposing, but since it does not meet that definition what they are proposing is undefined completely in the Township Ordinance; and Mr. Murphy stated he agrees with Mr. Majewski's assessment.

Mr. Murphy asked if the Board feels this is a project worthy of being pursued further adding they could discuss this at some point in the future. Ms. Blundi stated she does not if it is five stories.

Mr. Grenier stated when he was on the EAC this property was one of their top-ranked properties for future open space acquisition, and he believes that they attempted to contact the property owner and he assumes the property owner is the same that Mr. Murphy is representing. Mr. Murphy stated he is representing the person who is purchasing the property. Mr. Grenier stated the property is heavily wooded, and he would like to know what they find in the area since he believes that it is directly connected to the Five Mile Woods. Mr. Grenier stated given its location, he asked if there have been any discussions with PennDOT to see what their issues may be with regard to the entry/exit. Mr. Murphy stated a Scoping Application has been submitted to PennDOT, but he does not believe anything has been scheduled because of the Covid situation. He stated they are making it a point to talk to PennDOT about appropriate points of ingress and egress, and he is sure that there will be some restrictions on movements on Oxford Valley Road at that location. Mr. Grenier stated he feels the proposal is a "tough sell" given the nature of the property and the height of the building. He stated the fact they also do not consider this Use in the Township Code is of concern.

Mr. McCartney stated it appears that the Township owns a lot of what is behind the parcel and going into the Five Mile Woods, and he would be concerned about the environmental impact as well as the height of the building.

Dr. Weiss stated he understands that housing will never be built on that property. He stated he feels that it is the consensus of the Board that something different from what is being presented would be more acceptable.

Mr. Lewis stated this is a unique case, and he is slightly more open to the types of development that would go there. He stated the height issue may be a “deal breaker” but that depends on the slope of this property. He stated this would also have significant removal of forest which is an issue. He stated he would not pre-judge this proposal at this time, and would not be opposed to letting the Zoning Hearing Board give it a fair assessment.

### Community Day

Mr. Ferguson stated a memo from Ms. Tierney was in the Board’s packet outlining an overview of Community Day including time constraints and concerns and her thoughts about fireworks and the Township’s ability to secure the date that we have in late August but still be able to get the deposit back with time considerations.

Ms. Tierney stated at this juncture she feels it would be too early to cancel Community Day, although if they do have the Community Day it will be different. She stated she feels they could put the deposit down for the fireworks knowing that they would have to cancel within forty-five days to get all of that money back. She stated they also need to consider rides, capacity, etc.

Dr. Weiss asked if she has had discussions with vendors about being flexible because of the situation. Ms. Tierney stated most vendors would be flexible and only one of the ride vendors is a little less flexible, and they would keep the deposit and use it toward next year’s event. She stated a lot of the small vendors are small businesses, and it would be good to be able to bring them all together in some capacity to help them out as we re-integrate.

Mr. Grenier stated he believes that Farmers’ Markets and other community markets are trying to find ways to keep themselves afloat at this time. He stated if they cannot do anything at Community Day that would be more typical of what has been done in the past, it would be good to promote small businesses in a market-type setting. He stated they do not know what the Governor’s Orders will be at that point.



Mr. Ferguson stated at this point Ms. Tierney is looking for direction from the Board with regard to putting a deposit down for the fireworks so that we can secure that day understanding that if the Board decides not to hold the event, within certain time constraints we could get the deposit back. He stated they would need to put down an \$8,000 deposit. Dr. Weiss asked when the date would be they would need to decide if they wanted to get their deposit back, and Mr. Ferguson stated it would be within forty-five days of the event so it would be approximately the first week of July that they would have to cancel. Dr. Weiss stated unless he hears something different from the Board they could let Community Day proceed as planned. Mr. Ferguson stated the only deposit they would look at to secure the date at this time would be for the fireworks. Dr. Weiss stated he would not have a problem giving the deposit at this time knowing that they have until the first week in July to change their minds, and by that time they should have a better feel of what is happening.

Mr. Ferguson asked if there are three Board members that agree with that. Mr. McCartney stated if they put a deposit down for the fireworks, that would be refundable as of July, and Mr. Ferguson stated they would have to give forty-five days' notice to cancel the event and get that deposit back. He stated the date of the event is late August. Mr. Grenier asked if they specified business days versus calendar days; and Mr. Ferguson stated while typically it is calendar days, they would confirm that. Dr. Weiss stated he believes that there is a majority of the Board indicating they should continue with this.

#### Solicitor Retainer

Dr. Weiss stated RFPs had been sent out for solicitors. He stated while it was not discussed by the full Board, they had discussed amongst themselves how the solicitor's retainer was established. He stated in some years they did not have a retainer and other years they did, and there were questions as to how the retainer was administered. Dr. Weiss stated he asked Mr. Ferguson a number of questions, and there was a meeting with the solicitor and they "administratively cleared up" how the retainer was being administered. Dr. Weiss stated he feels it is appropriate at this time to bring it to the Board so everyone has a full understanding of it, and they can have a formal vote on it if they determine they want to do that.

Mr. Ferguson stated last year there was a lot of discussion amongst individual Board members regarding a retainer for Hill Wallack, the Township solicitor. He stated various Board members had asked him about his insights on comparable retainers in other Townships or other ways it was administered. Mr. Ferguson stated he participates in a number of National and Regional Manager groups and he had provided insights on various other retainers that were relevant. He stated what he had conveyed to Board members was that there were some Townships on a National scale that were administering a retainer where instead of an up-front payment, there was a guarantee on the back end so that if a certain dollar amount threshold was not reached, the retainer would kick in. He stated he had discussed that with several Board members throughout 2019.

Mr. Ferguson stated when Dr. Weiss took over as Chair of the Board at the beginning of this year, he had asked Mr. Ferguson to have a meeting with Mr. Truelove to go over the concept and implement it. Mr. Ferguson stated the dollar amount would be the same as the retainer previously charged, but it would be administered in a different way and that was effective in January for the first billing cycle in February.

Mr. Grenier stated when they voted to approve Hill Wallack as the solicitor for this year, it was tied to a proposal that Hill Wallack gave the Township in response to the RFP; and it was very specific in a three-year rate proposal that also spelled out their retainer arrangements, and there were rates for 2019, 2020, and 2021 and it was a very specific monthly retainer. Mr. Grenier stated that is what he voted on since that was the proposal they were given. He stated he was not aware that the Chair and the Township Manager went back to the solicitor and made the request that the firm change their approach as to the retainer without the direction of the Board of Supervisors which he feels is a breakdown in process. Mr. Grenier stated he was very upset about this, and he has been pushing for this to be put on the Agenda for a couple of months. Mr. Grenier stated he also asked the solicitor if this is something that should be voted on in public, and he advised that this should be a public vote because it is a change in the Contract term. Mr. Grenier stated he understands the desire to change things to save money for the Township; however, like other things that have been discussed this evening, he is disturbed by the process that was followed “behind the scenes that does not engage the entire Board in a very public and transparent manner.”

Dr. Weiss stated while he appreciates Mr. Grenier’s sentiment, he disagrees with his view and recollection of events. Mr. Grenier stated he is looking at the Contract right now; and if Dr. Weiss would like to ask the solicitor for his

opinion, he would like to hear it. Dr. Weiss stated the rate sheet has not changed and the retainer has not changed. He stated they discussed an administrative function at a meeting that was held between the chief administrator of the Township and the solicitor, and he had no problem in conveying the discussion, and it was discussed with every member of the Board. He stated this has been an on-going discussion for more than a year. He stated the fact that they came to a clarification on the rate sheet is a good thing. He stated he has no problem with bringing it to a vote as has been conveyed to Mr. Grenier by the solicitor, and that is why they are having this discussion. Dr. Weiss stated while they can have a disagreement as to the process, the fact is that the Contract has not been changed and it has been vetted by and agreed to by the solicitor. Dr. Weiss stated he is satisfied, and he is well aware of the need for transparency on the issue; however, he will not agree that Mr. Grenier was not aware of this, as he had this discussion with Mr. Grenier directly for over a year.

Mr. Grenier stated he disagrees with Dr. Weiss' recollection of their discussion. Dr. Weiss stated they cannot prove it either way, and their recollections are different. Dr. Weiss stated the question before the Board is with regard to what has been agreed to by the Township Manager and the solicitor with regard to administrating the retainer and whether they should go with that from this point forward or should they go with the way it was done in previous years, and he is open to discussion on that issue.

Mr. Lewis stated this continues a series of significant process breakdowns on major policies. He stated he does not share Dr. Weiss' recollection of the issue, and he is concerned because it was never brought to his attention at all last year. He stated the first time he heard of it was when it came to Executive Session this year. Mr. Lewis stated he may not have had a problem with this particular policy or the decision, but it is troubling when it is stated that an issue occurred and was being discussed for a year but there are some Supervisors that were not aware of that. He stated that is a process breakdown, and as Chair Dr. Weiss has to own those process breakdowns.

Dr. Weiss stated since this has now been brought up amongst the Board, the Board should consider if they are interested in the new definition of the retainer or not.

Mr. Lewis stated he feels in the interest of transparency they need to discuss the specific differences between what was agreed to in the RFP that was voted on and approved by the Board, what has been proposed here, and when it became enacted.

Ms. Blundi stated it is her understanding that the clarifications that were made as to how bills will be specified so that the residents would understand better how money is being spent is a benefit. She stated if the solicitor feels they need to vote on that because it is a change to the Contract, she would be willing to vote on that now. She stated in her experience as an attorney she has always had to be very specific even when billing against a retainer. She stated they have not changed the rate structure, and she would like to move this forward.

Mr. McCartney stated the Township Manager has gone through the process with the solicitor and the solicitor comprehends what the rate structure will be and it is in line with what the proposal was. He stated he would like to hear from the solicitor to make sure he is in agreement with this.

Dr. Weiss asked for a discussion of the details of the administrative changes that were made so that they can proceed. Dr. Weiss asked for a comparison with what was done previous to this year. Mr. Ferguson stated he was not pressing for this, and it was one of many items he discussed with individual Board members last year including the former Chair and the Treasurer when he was asked what other Townships have done. He stated last year some issues came up which were questioned by several Supervisors with regard to billing as to what qualified as retainer, and there were certain things that were ambiguous that they may or may not have been billed for that constantly came into question. He stated the retainer would have a laundry list of generalized things without times assigned to them of what fell under that criteria including meetings, Right-to-Know Requests, etc. Mr. Ferguson stated he had advised that part of his experience was the idea the retainer as it is currently outlined would not exist as an up-front payment; and all of the time that was spent would be billed and specified in the bill so that there would not be pages of generalized descriptions, and there would be time assigned to it. He stated in the event that the bill itself came in under what the retainer was, the firm would be guaranteed the retainer as a floor. He stated instead of getting it up front, there would be a straight bill of time with the retainer used as a floor in the event things were slow such as now where things are shut down; but the firm would have a guarantee of a certain amount of money every month. He stated this is the concept that he talked about last year, and that was what was picked up on early this year by the Chair.

Mr. Ferguson stated what has resulted is a bill that has all the time specified and there is not a separate category of retainer with generalized descriptions of four or five pages; and it is now all timed out with specific dollar amounts based upon whether it is the solicitor's time or someone else in that office which could have varying rates.

Mr. Truelove stated he was approached with this in January. He stated his firm began working for the Township, with a hiatus in between, back in 2006; and that was when the hourly rate was established at \$145 an hour. He stated that is the current rate; and it has not been raised in fourteen years, although in their proposal, it would be raised by \$5 an hour next year. Mr. Truelove stated about three to four years ago the then Board decided they wanted to establish a retainer structure for the firm as opposed to separate bills for separate files. He stated there are still some separate files that do not fall within the description of the retainer. He stated at that time the Board was proposing to do the same things with the then engineering firm; however, that never transpired. Mr. Truelove stated the direction at that time was that even though they would put the time in the bills at the time the bill for the retainer was submitted to the Township, they were directed by the Township that they did not need that; and that is why the time was not there. He stated it was not that they were not supplying an adequate amount of the work they were doing, it was that at that time it was indicated that the time spent was irrelevant. He stated it was done that way for two to three years. He stated that there were questions last year, and he has no problem including the time because part of their software requires them to include the time when they submit a bill. He stated even though it is an administrative change to the terms, he does feel that it is a change in the way the Contract was administered and conducted; and from that perspective, that is something that the Board should consider as a whole for transparency purposes.

Mr. McCartney stated this is the explanation he needed to hear, and it seems that it is more of an administrative situation as to the billing. He stated he feels this creates more transparency for the public to see as far as the billing.

Dr. Weiss asked Ms. Blundi if the arrangement that was made seems to be reasonable, and Ms. Blundi stated she feels it is. She added to the extent that there are some Board members who feel that the process was not followed, to the extent that she owns any of that, she would like to apologize. She stated this is something that she is familiar with

professionally and is more the norm, and she felt that this was an administrative clarification. She stated she knows that there had been conversations since she has been on the Board in terms of all of the bills that are received from the professionals that they contract with as to whether they have enough specificity so that we know what the invoices reflect. Ms. Blundi stated she has been signing the checks for sixteen months, and this change that Mr. Truelove and his firm agreed to seems like a “win/win” for everyone.

Mr. Mike Brody stated it seems like this Discussion Item and the previous Discussion Item needed a “polling of the Board for a degree of continuation.” He stated he was under the impression that Discussion Items were to discuss things for future meetings. He asked if they are trying to vote on these, why are these not actually Agenda items. Dr. Weiss stated the solicitor has indicated that this is a technical issue, and they are having an open discussion. He stated it could have been “Additional Business,” but they decided to put it under Discussion Items. Mr. Brody asked about the previous item for a deposit for the fireworks. He stated while he agrees with both of the issues, he does not understand why they are not on the Agenda and are on as Discussion Items when they are looking for confirmation from the Board on what they want to do. He stated the intention of Discussion Items when it was created by Mr. Grenier was to have discussion about ideas for future communications.

Ms. Blundi stated the items are clearly listed on the Agenda and while what Mr. Brody had indicated was what was discussed in the beginning when Discussion Items came up, she is not sure it was limited in that sense. Mr. Lewis stated he feels this is another process question. He stated the concept of Discussion Items was to begin the discussion about items such as Ordinances and future decisions so that they were considered in a more open dialogue. He stated he does not feel it was designed to affirm or adjudicate previous decisions which were or were not made with the proper process. He stated he believes that Mr. Brody’s concern is legitimate.

Dr. Weiss stated the Discussion format as he remembers was that if the Board decided to make a decision they could do so on these issues, and he believes that last year, they did have some votes during Discussion Items.

Mr. Grenier stated he established the concept of Discussion Items last year, and Mr. Brody is correct that they would address items that came up during either Public Comment that would need more discussion than what a Public Comment would typically allow for so that they could

keep the Public Comment portion at the beginning of the meeting to twenty minutes as opposed to two hours; and it also allowed for Supervisors, staff members, or members of Boards and Commissions that had ideas of concepts they wanted to put before the Board for discussion, not votes, so that they could get a discussion started. He stated it was not established to have a vote; and if they were going to have a vote, the initial discussion would be a Discussion Item, and once the Board had a consensus to move forward, it would then be a separate item on the Agenda for a vote.

Mr. Grenier stated with respect to what is being discussed with the solicitor, the solicitor indicated that this required a public vote since it was technically a change to the terms and conditions of the Contract, so he would not have put this under a Discussion Items nor would he have put some of the other items that are under Discussion Items; and he would have put them as a separate item on the Agenda or under the Manager's Report as something to vote on.

Dr. Weiss stated the Board does not have to vote on this tonight, and they could wait until the next meeting and have further discussion on it. He stated they could make this a formal Agenda item at the next meeting.

Mr. Brian Jamison, 100 Polo Run Drive, stated he is "put out by the system that is going on." He stated this is probably the third time since Dr. Weiss took over that there has been a disagreement as to whether he properly notified the Supervisors about certain items. He stated polling the Board members on issues by phone calls is not the same as transparency and public disclosure. Mr. Jamison stated he has seen times this evening when the Supervisors have asked questions and were told to "be quiet and their time was up." He stated this is not what was intended "our Democracy in Lower Makefield to be." He stated this has got to change.

Dr. Weiss stated during the political process there can be disagreements. He stated there are also times when recollections are different. Dr. Weiss stated there are currently two Supervisors who disagree with this issue and they have mentioned the word "process;" but they are having this conversation because of the concerns, and everything is out in the open. Dr. Weiss noted the Sunshine Laws are also specific and there are times when they can talk one-on-one and they can get a consensus. He stated there are things that can be done one-on-one but they cannot make decisions, and there are Administrative things that the Township Manager can do that are well within his authority. Dr. Weiss stated he

understands conflict and what Mr. Jamison is saying but he is allowed to disagree. Dr. Weiss stated if the Board decides at the next meeting to go back to the original way the retainer was administered they can do that. Dr. Weiss stated they have not had the discussion of process as a Board because until this evening, there has been no need to although they could have that discussion at a future meeting. Dr. Weiss stated he feels everything has been very transparent.

Dr. Weiss stated he finds it “amusing” that two members of the Board in particular who have served as Chair in the previous two years have never had this issue before until they were no longer in this position. Dr. Weiss stated he has to think of the future and the next person who is in the position of the Chair so that they have the flexibility and the privilege to run the meeting as they see fit. Dr. Weiss stated the Chair does not determine what information to keep and what not to keep, and every Supervisor has the same authority that he has to contact the Township Manager or any other senior staff for daily updates; and if they do not do that, that is their prerogative. Dr. Weiss stated he speaks with every Supervisor who will speak with him and return his calls, and those who decide that they want to make decisions on their own, that is within their purview; however, if they say they did not get information that is on them, but he is not going to single anyone out. He stated everyone has the ability to talk to the Township Manager on a daily basis.

Mr. Jamison stated Dr. Weiss had indicated that he wondered why this had not happened when the two previous men were Chair, and maybe it is because it was not an issue then. Dr. Weiss stated it was an issue, but he respected the Chair in each individual year to run the meeting as they saw fit.

Dr. Weiss stated he finds it interesting in these times that each member who feels a need to reach out does not reach out and decides to make these meetings “a showcase for whatever issue they may feel is right or wrong with the way the Township is being run.” Dr. Weiss stated our staff has done an amazing job this year in spite of tremendous obstacles; and with the amount of people we have in the office today, “it is amazing that anything gets done.” He stated we have been under a Declaration of Emergency for four weeks, and we do not know when it is going to end. He stated every Supervisor should be stepping up to see what they can do to help and talking with each other, and everyone has that opportunity. He stated we should take advantage of the situation and be talking to each other so that when the Board gets together at the public meetings, they will all know what is going on. He stated he is concerned that there are those who do not take the time to



call the Township Manager or the Chair for any concern and instead wait for the public meeting to have these kinds of discussions for no reason other than “grandstanding” because there are Township Supervisors who will not return calls or answer texts. He stated when they state that the process is wrong, he finds that to be disingenuous. He stated in the future if at any time there is an issue that a Supervisor has a question about, he feels it would be prudent to come to the people they have an issue with before they come to the public meeting. He stated all that is happening now he feels is counterproductive.

#### Sandy Run Road Design RFP/Project

Mr. Ferguson stated the Board has the Design RFP that had been discussed previously. He stated the question he has heard from Board members is whether there is a desire to award the RFP given the current situation or if this should be put on hold. He stated if the Board decides to go forward they can discuss this, and there are questions about insurance that the Board would need to resolve before they would award. Mr. Ferguson stated he has discussed this with several Supervisors who individually called him, and he understands there is some question as to whether or not now is the time to move forward on this. Mr. Ferguson stated this is in the Budget under the Bond Fund and it is not coming out of tax dollars, but it is already known there will be shortfalls this year that he has already discussed including in the Golf Fund. He stated while they have not yet seen a “dip in things” financially, and they have already made some cuts, there are still unknowns and this item could be a buffer in the event there are limited options to offset the costs. He stated in the coming months they will have a better sense of where the Township will be financially, and the Board could decide in the coming months if they want to put this back out, and they could proceed with the project later; or the Board could decide to proceed with this now as they have the money to do this.

Mr. Ferguson stated this option had a much more limited expense than what was originally being looked at. He stated the Board needs to decide if they want to proceed with this Design RFP at this time. He stated part of the quotes include inspections, and this may be a legal question. He stated if they were just to have the design put together and not go forward with the project, part of the assumption in the RFP was that they would be the design inspectors so they would have costs and would expect

to be paid something as part of the process. He stated if it was truncated to be just the design itself, he does not know what the impact would be. Mr. Truelove stated arguably they would have a claim if they had done work with the expectation that they would get paid for eventually and the project was halted.

Mr. Lewis stated they received four RFPs but he did not get the actual RFP responses. He stated the insurance coverage is an important issue that they have dealt with from a prior engineering firm. He stated one of firms is a very large firm, and he is certain that they could accommodate or already have some degree of insurance to protect the Township. He stated that firm also has experience with roundabouts, and they were the low Bidder. He stated another of the firms also has roundabout experience in Pennsylvania, but there may be an insurance issue as they are a smaller firm. He stated another firm was higher in cost than the lowest Bidder but they also had a lot of experience in this area. Mr. Lewis asked if the staff reviewed the RFPs and did they agree that the lowest Bidder could meet what was expected.

Mr. Ferguson stated what Mr. Lewis has referred to was not forwarded to the Board since they only gave tentative reviews prior to devoting staff and spending money to have that done since he first wanted to make sure that the Board wanted to proceed with this. He stated the traffic engineer did do a cursory review and found everyone met the qualifications with insurance being one of them. Mr. Ferguson stated the first question is whether the Board wants to proceed with awarding the design at this point. He stated he can have the review to the Board in a few days and there are already staff members engaged in that, but he stopped that to wait to have the discussion with the Board as to whether they wanted to move forward with this project at this point.

Mr. Lewis stated this is an important issue that they wanted to complete by the end of the year. He stated this portion of the project is relatively small and probably only 10%; however, they do not know given the current circumstances how it will effect this project. Mr. Lewis stated he would like to have the opportunity to proceed with the project so that they could reopen the road before the end of the year. He stated he was impressed with the Bidders, and feels that they could all do an excellent job. He stated they could still decide that they do not build it, but they could get the design and then wait until the beginning of next year. He stated this has been a long-standing issues for members of the community which has cost them significantly each day.

Ms. Blundi stated while she agrees with what Mr. Lewis has stated, they just spent a significant time discussing that it may be inappropriate to vote on items that are listed in this portion of the Agenda; and if the process now requires that they put this on the next Agenda so that it can be voted on, she does not know how much more they want to discuss this item.

Mr. Ferguson stated he was just waiting for the Board to decide if they want to proceed with the project before he spent money engaging staff to review this. He stated there would also be some legal questions. He stated he is not sure that they need to take a vote; however, he wanted to know if there was a consensus of the Board wishing to go forward. Mr. Ferguson stated one of the legal questions is if a firm did the design but the Township does not proceed with the construction, he feels the Township would still be “on the hook” for the full cost even if the firm did not do the inspection. He stated whoever they pick may also agree to a reduced fee. Mr. Ferguson stated he can provide the proposals if the Board wants to move forward, and then the Board could make an award at the next meeting. He stated there is work to do that will take six to seven weeks, and once things open up and if there was not an issue with Township finances, they could possibly have the work done this year depending on how the Board wants to proceed at this point.

Dr. Weiss stated if they decide to continue on with the project they will need to determine if they are keeping these Bids or if they have to reject all the Bids. He stated while he understands how the Board wants to have “process,” he feels that this is a situation where the Board might at least have a consensus on whether they want to proceed with or delay the project; and from there they can have a vote at the next meeting whether to keep or reject the Bids.

Mr. Lewis stated the lowest Bidder has indicated that the construction consultation service is approximately \$3,700. Mr. McCartney stated Mr. Truelove has indicated that if they engage with a firm, the Township could be “on the hook” for the full amount even if we do not use them for that portion of the work; and Mr. Truelove agreed. Mr. Grenier asked if it is a firm fixed price Contract or is it time and materials not to exceed, and Mr. Truelove stated he would have to look into that. Mr. Grenier stated normally if it is time and materials there is flexibility where there is not for a fixed price. Mr. Grenier stated he feels this should be clarified.

Mr. Grenier stated with regard to stepping back and considering the overall financial standing of the Township with the different projects, this is a much smaller project to take on if it can be clarified; and it may be worthwhile to

move forward with the design so that it would be “shovel ready” when they are permitted to proceed. Mr. Grenier stated in the Manager’s Report there is a July 1 date in the amount of \$1.3 million that they will be behind at the Golf Course. He stated there is approximately \$750,000 set aside for construction of Sandy Run; and if they cannot get the Golf Course open, they are going to be looking at where there are sums of money to cover other costs including the Golf Course.

Dr. Weiss asked if there is a consensus by the Board as to whether we should continue on or delay the project at this point.

Mr. Ferguson stated Mr. Truelove could look at the RFP and the Bids as submitted to see if it could be taken apart item by item or if it is all one requirement. Dr. Weiss stated they also need to address the insurance issue, and Mr. Ferguson stated they could get Mr. Truelove’s opinion on that as well. Dr. Weiss asked if the Board would be in favor of proceeding with this. Mr. Lewis stated they would have the solicitor review this and see if they could vote to award the Bid at the next meeting. Mr. Ferguson stated he is suggesting that Mr. Truelove look at this, and then the Board would be able to make a determination if they want to do all of it, some of it, or none of it. This was acceptable to the Board.

Mr. Grenier asked if this will line up with what they were discussing in terms of the projects/Budget/re-opening Plan. Mr. Ferguson stated they have budgeted enough money in that fund this year for this project for design and construction; and if they just do the design, they would be well under that amount. Mr. Ferguson stated he feels the Board has a desire to do this project; and if they are able to put something together to get it shovel ready, and things come out better than expected, they could move forward and not lose the months, but it is still a question if the Board wants to proceed with everything in the RFP since a portion of that is for construction inspection. Mr. Ferguson stated there are three weeks before the next Board of Supervisors meeting and he and Mr. Truelove could work on this and get information well in advance of the next meeting so that the Board can be ready to have a discussion at the next meeting as to how they want to proceed. There was no objection to this from the Board members.

Discussion of Pandemic Exit Strategy

Dr. Weiss stated there are issues that Board members have concerns over, and he asked if there are any parameters the Board would like to see.

Ms. Blundi stated she feels the Board should consider writing a letter to the Governor urging him to allow the Township to re-open the Golf Course under strategies that are supported by the CDC. She stated given the earlier discussion about items on this portion of the Agenda, if it appropriate, she would like to discuss that and vote on whether there is a consensus on such a letter.

Dr. Weiss stated he sees no harm in writing a letter to the Governor asking him to re-open the Golf Courses in the State as long as proper social distancing is met; and he would support anything the Board wants to do to get us back on our feet sooner rather than later; and he would be willing to sign such a letter.

Ms. Blundi stated it is important to remember that the Debt Service for the Golf Course this year is over \$1 million. She stated she is not asking that the Golf Course be opened to unlimited people; and as Mr. Ferguson noted earlier there are approximately thirty-five States which still have their golf courses operating, and there are ways to do it which we were doing previously that would dramatically reduce contact. Ms. Blundi stated any round of golf they are able to get in is better than nothing. She stated as the State is looking to determine what a phased re-opening means, she would like to get this out there.

Mr. McCartney stated he would be in support of this.

Mr. Lewis stated he has some misgivings about this. He stated he appreciates the work that the Governor and Secretary Levine have done adding that the decision made on the Golf Course was a difficult one. Mr. Lewis stated he wants the Golf Course open, but he wants them to be respectful of the Governor and the Secretary for their work so far which is why he feels it is important to work on the strategy. He stated he would not be opposed to “behind-the-scenes” discussions and get engagement from our Representatives on this and work on a one-to-one level at a level lower than the Governor. Mr. Lewis stated he would not want there to be any statements from the Township that indicate that we should restart immediately or ask for special dispensation. He stated this is a unique circumstance, and he feels the way we respond and how we work with different levels of Government is very important and reflects on our Township. He stated this is why he is uncomfortable writing a letter to the Governor because he feels it will be

seen inappropriately, and he does not believe that it would be effective; and he feels there are other ways they could do this in a more effective manner that would not be a “public asking or a condemnation of existing policy of the Governor,” and this is why he feels that it is not appropriate.

Mr. Grenier stated he understands the desire to get the Golf Course open and start creating profit for the Township, but he has difficulty with this because the Governors of Pennsylvania, New Jersey, and New York, and basically the entire Northeast have decided not to have the golf courses open. Mr. Grenier stated we also have our own emergency management personnel who have shut down essentially every other function in the Township including our park and recreation areas. Mr. Grenier stated he has difficulty shutting everything else down but trying to get the Golf Course open so that the Township can make money.

Ms. Blundi stated she would be willing to add something about the parks.

Mr. Grenier stated he would not be in support of this because he does not think any public health or Government officials support this. He stated he has family members who have this disease so this is personal, and he cannot “ethically condone a letter to the Governor trying to open this up so that the Township can make a buck off of golf when we are shutting down everything else.”

Ms. Blundi stated she understands Mr. Grenier’s comments and her thoughts are with Mr. Grenier and his family. She stated this is a difficult time, and there is a balance going on everywhere. She stated she is not suggesting that the Golf Course open tomorrow. She stated they discussed earlier the difficult position the residents are in for a number of reasons, and she feels it would be “careless” not to explore this option. She stated while she is not certain a letter to the Governor would be effective, she does not feel that means they should not try. She stated the context of the letter is important. She stated she has spent a lot of time working in the medical field, and she feels they should consider “on balance” doing what is best for the Township. She stated she is not suggesting the Golf Course be opened and allow as many rounds as they can or have everyone in one golf cart. She stated she would agree that they should keep the ball washers off and have people pay over the Internet. Ms. Blundi stated if they do not start to explore these things, they will not find solutions. Ms. Blundi stated she would be willing to draft a letter and circulate it to the Board or articulate it now.

Mr. McCartney asked Chief Coluzzi for his thoughts on this. Chief Coluzzi stated if they were making a decision tonight to open the Golf Course and defy the Governor's Orders, he would be adamantly against that. Mr. McCartney stated that is not what they are considering, and he is just asking for feedback from a safety standpoint. Mr. McCartney stated they are aware of the amount of activity taking place at the Canal, and there are probably 300 to 400 people walking along the Canal that are walking within 1' to 3' of each other. He stated at a Golf Course the golfers go as individuals or possibly with a group of two walking. He stated there would be no golf carts and no touching of the flag or the ball wash. He asked if Chief Coluzzi feels that would be a safer activity as opposed to hundreds of people walking along the Canal within close proximity of each other.

Chief Coluzzi stated it could be a safer activity at the right time; however, right now he would not want them to risk any activity. He stated in the last twenty-four hours they had sixteen additional deaths in Bucks County related to Covid. He stated even though community spread is probably slowing down, it is increasing greatly in the nursing homes and facilities, and he would not want to risk anything at this point by reducing the measures that are in place now.

Mr. McCartney asked if he feels it does not look good for the Township to open the Golf Course if there is an increase in cases, and Chief Coluzzi agreed. He stated at some point in time they will open it and will still restrict a lot of movements and activities at the Golf Course. He stated there will be restrictions as already noted as far as use of carts and items being touched, as well as possibly masks to be worn by players and limits of two players at a time and restrictions on distance; however, he does not feel that should be done in the next few weeks.

Dr. Weiss stated possibly they could write a letter asking that the Governor make this a priority when things start to get better provided social distancing is kept. Chief Coluzzi stated in talking to State and County officials at the daily briefing, that would probably be one of the first functions that they would resume. Dr. Weiss stated he feels that sending a letter stating that would be "putting an exclamation point" with the County's approach. Chief Coluzzi stated he is not stating that he is opposed to writing a letter, and that would be a perception and political decision to make. He stated whether or not it would be effective, he does not know; however he feels that one of the first activities that they most likely will have resume in many areas including the Township would be golf.

Dr. Weiss asked Ms. Blundi if she would still want to write the letter having heard this information, and Ms. Blundi stated she would. She stated the letter is not asking that they be permitted to open the Golf Course today, rather it would be asking the Governor to allow the Golf Courses to be opened with restrictions. She stated she feels Lower Makefield is in a unique situation because of the debt structure at the Golf Course, and she does not feel it does any harm in talking about this so that people understand some of the issues that we are all facing because of the way the debt is structured and other fiscal issues. She stated she is not stating that the letter would indicate that “we are going to go rogue,” and it is just asking the Governor to take notice of where Lower Makefield is and to make it a priority in allowing us to re-open the Golf Course; and she added she does not see the harm in that.

Mr. McCartney stated having heard what Chief Coluzzi has stated, he can see both sides of this; however, he agrees with Ms. Blundi that sending a letter would not hurt. He stated he understands there was an exemption period when the Township could have filed for the Golf Course to be open. Chief Coluzzi stated the only exemption period was until April 9 and that was for non-essential businesses and construction, etc. to apply for exemptions and it did not have to do with recreational activities.

Dr. Weiss stated he feels that there is a consensus to write the letter, and he asked Ms. Blundi to consider all the comments that have been made. He asked that they see the letter before it goes out to the general public.

Mr. Grenier stated he has very strong feelings against the letter, and he asked if his name could not be on the letter if the Board decides to send this out, and Mr. Truelove stated that is acceptable. Mr. Truelove stated he would suggest that the letter include the names of the Board of Supervisors who are in support of this and those who are not in support would not be on it.

Dr. Weiss stated with regard to an exit strategy for Covid, he is sure that the staff has been working on this as things improve. He asked Mr. Ferguson if something could be put in place in the next month as to how things can be put back to normal. Mr. Ferguson asked if this would be specific to recreation, and Dr. Weiss stated it would be specific to Park & Rec recognizing that the Pool will be closed. He asked if this is something the staff could do over the next month. Mr. Ferguson stated he and Ms. Tierney could write a report on this recognizing that there will be unknowns and assumptions that could



change. Dr. Weiss stated he would be looking for a broad strategy and possible timelines as to how long it would take to get back to 100% considering when the Governor will lift the Declaration. Mr. Ferguson stated while they can do this, there will be challenges. He stated he and his family belong to the Y which had done a survey where they have determined that once it is opened up, half the people will not be comfortable coming back to do various things that they did before. Mr. Ferguson stated he is not sure that he could measure the psychological impact of what this will be, but he and Ms. Tierney will put something together. Dr. Weiss stated he feels they should keep it as broad as possible since they do not know what will happen in the next four to six weeks.

#### SUPERVISORS REPORTS

Mr. Grenier stated the Sewer Authority has asked if they can meet as has the Sewer Sub-Committee. Dr. Weiss stated if they can do it under the requirements of the Sunshine Act, he feels that could be done.

There being no further business the meeting was adjourned at 12:21 a.m.

Respectfully Submitted,

James McCartney, Secretary