

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – AUGUST 19, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on August 19, 2020. Dr. Weiss called the meeting to order at 7:34 p.m. and called the Roll.

Those present:

Board of Supervisors: Frederic K. Weiss, Chair
 Daniel Grenier, Vice Chair (left meeting in progress)
 James McCartney, Secretary
 Suzanne Blundi, Treasurer
 John B. Lewis, Supervisor

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

COVID-19 UPDATE

Ms. Tierney stated this year they will do be doing the 9/11 Remembrance differently because of COVID-19 restrictions and to offer the safest possible event that they can. She stated she has been working with the family members of the 9/11 victims along with the normal event organizers, and they have come up with a plan to have the fountains on for the week for open visitations to pay respects. She stated in the evening on 9/11 starting at 7:00 p.m., there will be a drive-through to pay respects. She stated during that time there will be a radio broadcast of recorded speeches. She stated the drive-through can also be watched live on Facebook, YouTube Live, and the Township's TV Channel along with the pre-recorded speeches.

COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated that drive-up movies will be available at Memorial Park on August 21 which will be Footloose and August 22 which will be Shrek. Tickets can be purchased by going to maegav.com.

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

Dr. Weiss stated the EAC will be holding a Styrofoam Recycling Event on October 31 from 10 a.m. until Noon in the Township parking lot.

Dr. Weiss stated any student group is welcome to call before the meeting or at the beginning of the meeting to make announcements which can be given at this time on the Agenda.

Mr. Grenier stated he wished to thank everyone who has reached out to him as he has been fighting pneumonia for a quite some time. He particularly thanked Mr. Lewis. He stated he has been isolated for over three weeks and is still recovering. He thanked everyone for their support.

APPROVAL OF MINUTES OF JULY 15, 2020 AND AUGUST 5, 2020

Mr. Grenier stated he did not attend the August 5 meeting, and Mr. Truelove advised Mr. Grenier he is not precluded from voting on those Minutes.

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of July 15, 2020 and August 5, 2020 Minutes as written.

TREASURER'S REPORT

Approval of Warrant Lists from July 20, 2020, August 3, 2020, and August 17, 2020

Ms. Blundi moved and Mr. Grenier seconded to approve the Warrant Lists from July 20, 2020, August 3, 2020, and August 17, 2020 in the amount of \$2,951,808.84 as attached to the Minutes.

Mr. Ferguson stated this is a large number but it includes the Liquid Fuels payment in the amount of \$920,000, and a quarterly payment to MMA for transmission treatment costs for \$450,000; and these would not normally be seen on every Warrant List.

Motion carried unanimously.

Approval of July Interfund Transfers

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the July Interfund Transfers in the amount of \$621,513.14 as attached to the Minutes.

SEWER CAPITAL EXPENDITURES

Mr. Fred Ebert, Township Sewer engineer, was present. Mr. Ferguson stated these projects were Bid out a few months ago, and the presentation that Mr. Ebert is going to make was also presented to the Sewer Authority. Mr. Ebert stated a power point presentation has been prepared for this matter. He stated seven Contracts were Bid, and the Bids were received on July 28. He stated they were reviewed by the Sewer Authority which made recommendations on July 29.

Approve Award of Bid for Sanitary Sewer Main Cured In Place Liner Project

Mr. Ebert stated this is for the Bucks County Water and Sewer Authority Service Area and the MMA Service Area. He stated nine Bids were received which is highly unusual, and normally they would get three to four Bids. He stated this was an attractive project which was well timed. He stated the Bids received ranged from a low of \$259,817 to a high of \$455,000. Mr. Ebert stated the 2020 Budget for this was \$390,000. He stated the low Bidder was Standard Pipe Services, LLC. Mr. Ebert stated it was a competitive Bid, and the low Bidder indicated that his Bid was low because he was able to make a large volume purchase of the liner of the same size due to other projects that he was recently-awarded. He stated they also use their own by-pass pumping. The Sewer Authority recommended the award of this Bid to Standard Pipe Services, LLC.

Ms. Blundi moved and Mr. Lewis seconded to award the Bid to Standard Pipe Services, LLC. in the amount of \$259,817.

Mr. McCartney asked Mr. Ebert if he has had experience with this firm; and Mr. Ebert stated he has not on his jobs, but some of his other clients and engineers he is close with have used them extensively, and they indicated they have always done excellent work, and they have a good reputation of having all the equipment needed to get in and handle the

job. He stated this is in the smaller range of the size jobs that they do, and one of their specialties is doing the work out of roadways because they have all the mobile equipment.

Mr. Grenier asked where they are based, and Mr. Ebert stated their local office is in Flemington, New Jersey. Mr. Lewis stated their Corporate office is in Bear, Delaware. Mr. Grenier stated he assumes they are able to meet all Bid requirements for insurance, health, and safety; and Mr. Ebert stated they are. Mr. Ebert added that they had the Township solicitor check the Contracts, and they also checked five references. Mr. Grenier asked if they are allowed to do this type of work during COVID, and Mr. Ebert stated they are. Mr. Ebert stated they also offered to provide a shop drawing submittal as to what their COVID procedures are. He stated they may also request permission to work off hours. Mr. Grenier asked if the Township was not in favor of that would that impact the price, and Mr. Ebert stated it would not.

Motion carried unanimously.

Approve Award of Bid for Sanitary Sewer Manhole Rehabilitation Project

Mr. Ebert stated this is part of the Corrective Action Plan with work to be done in both the Bucks County Water and Sewer Authority Service Area as well as the Morrisville Municipal Service Area. He stated the range of Bids was high, but a number of Bidders were coming in from out of State. He stated the Budget was \$35,000, and the range of Bids was \$34,000 to \$113,940. He stated the low Bidder was Advanced Rehabilitation Technology, who is he very familiar with. He stated in order to generate additional competition, they approved three other applications all of which are slightly proprietary, but they are all basically the same. He stated Advanced Rehabilitation Technology is usually the low Bidder because of the volume of work they do and their reputation. He stated they do a lot of projects in the local area. He stated the Sewer Authority recommended that the Bid be awarded to Advance Rehabilitation Technology in the amount of \$34,000.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to award the Bid to Advanced Rehabilitation Technology in the amount of \$34,000.

Mr. Grenier asked Mr. Ebert to comment on the same questions he asked about the prior Bid.

Mr. Ebert stated he did talk to them about COVID since they did not volunteer to put in a Shop Drawing, but they agreed to do that. He stated they also offered a ten-year guarantee. Mr. Ebert stated since he has direct knowledge of them so they only checked three references. Mr. Ebert stated they had no issues with work hours. He asked if they would need any assistance from the Township for flagging, and they indicated that they take care of all of their own traffic control; adding these are not in high-volume areas.

Motion carried unanimously.

Approve Award of Bid for Brookstone Pump Station Upgrade Mechanical

Mr. Ebert stated the Brookstone Pump Station actually has two Contracts – one for mechanical and one for electrical because once you go over \$25,000 you have to Bid the trades separately so that you are using the correct prevailing rate. He stated the range of Bids for the mechanical was from \$270,000 to \$598,500. He stated the Budget was \$285,000 for the mechanical out of a total that was seen in the approved Budget of \$334,750 which included the mechanical and electrical portions. Mr. Ebert stated the low Bid for the mechanical was in the amount of \$270,356 from Blooming Glen Contractors. Mr. Ebert stated there were a large number of Bidders for this. He stated the lowest three Bidders were all within 8 ½% of each other. Mr. Ebert stated this was a retro-fit and not a new system, and they are just replacing pieces and components; and since there was no standardization already, they opened it up to a large range of Bidders and manufacturers who could meet the performance specifications and requirements. He stated there were multiple vendors providing very competitive Bidding.

Mr. Ebert stated the Sewer Authority recommended the award of the Bid to Blooming Glen Contractors. Mr. Ebert stated he has worked extensively with Blooming Glen, and they also just completed an emergency Bid due to flooding. Mr. Ebert stated he did not ask them to submit a Shop Drawing submittal on COVID since he has been working with them during that time period, and they have a written protocol on their job trailer and also twice a day they had internal safety inspectors coming out. He stated they are part of a large corporation which has strict requirements. Mr. Ebert stated Blooming Glen does look for Change Orders, but they are reasonable; and the fact that they ask for a Change Order does mean that they are awarded it. Mr. Ebert stated the quality of their work has always been above average; and while he would not say they are the best, they more than exceed the requirements of the job.

Mr. Ebert stated they have indicated that they will order all of the equipment and mobilize one time.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to award the Bid to Blooming Glen Contractors for the mechanical in the amount of \$270,356.

Approve Award of Bid for Brookstone Pump Station Upgrade Electrical

Mr. Ebert stated this is the electrical award for the Brookstone Pump Station. He stated they received Bids ranging from \$48,000 to \$108,000. He stated the Budget for this was \$49,750, and the low Bid was \$48,195 from AJM Electric. He stated the top seven Bidders were all within 5% of each other. Mr. Ebert stated AJM does a lot of work at Schools, and they have a very strenuous COVID program. He stated they normally do School work in the summer and waste-water and institutional work at other times of the year. Mr. Ebert stated they contacted a number of references. He stated he was involved with them on three projects, but it was a number of years ago. He stated the references were the same as his recollection of having worked with them.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to award the Bid to AJM Electric in the amount of \$48,195.

Ms. Blundi asked for the next items on the Agenda are they able to reject and re-Bid all in one Motion or does it require four separate Motions; and Mr. Truelove stated it would be best to do four separate Motions.

Rejection of Bid for Stackhouse Pump Station Upgrade Mechanical and Electrical

Mr. Ebert stated the range of Bids was \$463,490 to \$861,000; and the Budget was \$377,881 for the mechanical out of a total for the project of \$592,000. Mr. Ebert stated there is a Grant for this project. He stated the low bid at \$463,490 is significantly higher than the Budget of \$377,881. He stated one of the reasons for this was that they tried to standardize and have one system but that allowed the vendor to take advantage of it and increase the price since there were no alternatives proposed.

Mr. Ebert stated his recommendation is to reject the Bids, and revise the Bid to open it up to alternative pump and control manufacturers so that no one person can package it and significantly increase the price. He stated they are also going to remove the muffin monster as it is not required, and they do not have one in all of the other pump stations. He stated removing the muffin monster allows him to open up the pump and control Bids much more so we should receive Bids very similar to what was received for Brookstone.

Mr. Ebert stated the contractors were also concerned about the amount of coordination on such a relatively-small project. He stated the mechanical contractor would have to go in and then the electrical contractor. He stated the contractor installing the gravity sewer line to bring the wastewater from the existing pump station over and the force main back has to mobilize at least twice and most likely three times which drove that Bid up considerably.

Mr. Ebert stated the recommendation is to reject the Bid and re-Bid with a revised design within the next two weeks. He stated they received a significant amount of input back from the contractors that should help get this down to the Budgeted amount.

Mr. Lewis stated the muffin monster is good for grinding up wipes, etc., and he asked Mr. Ebert if he is concerned that removing the muffin monster will cause a larger issue in the future. Mr. Ebert stated there are always concerns about that. He stated the muffin monster they had included was the best, and it will be replaced with a manual trash rack that will have to be cleaned out every day. He stated there are muffin monsters on very few of the existing pump stations. He stated while he is in favor of keeping the muffin monster, it would increase the Budget by \$50,000. He stated he would have to re-adjust the Budget, since he could not meet the Budget if he kept the muffin monster. He stated he does not believe that it is necessary to keep the muffin monster. He stated there has been a change since COVID because of the number of wipes they now get. He stated if they keep the muffin monster in, the Board would have to realize that some of the money that was saved on the Lining Contract would have to be shifted in the Budget. Mr. Lewis stated if someone else has similar technology, they should be fine; and Mr. Ebert stated there are other shredders available.

Mr. Ebert stated there is a problem with the wipes because the regular shredders shred the material into long strips, but the wipes need to be shredded vertically and horizontally. Mr. Ebert stated he has no

issue if the Board would allow them to transfer money in the Budget but he does not believe he can meet the Budget price with the upgrade of the muffin monster.

Mr. Grenier moved and Ms. Blundi seconded to reject the Bid for the Stackhouse Pump Station upgrade – mechanical.

Mr. Ferguson asked Mr. Ebert if the muffin monster was included would it come in at \$50,000 over, and Mr. Ebert stated it would come in at \$50,000 to \$60,000. Mr. Ferguson stated the cumulative savings that they had in the other projects would provide for “additional room” if this is something that the Board was interested in doing.

Mr. Grenier advised all residents that regardless of what the packaging says, wipes are not flushable; and they do tremendous damage to the sewer systems both the pump stations and at the treatment plants.

Mr. Grenier stated there are other brands that may be less expensive, and there have been a lot of discussions about issues regarding the Budget this year and last year, and he feels they should consider whatever they can do to reasonably save money. He stated he would be in favor of rejecting the Bid, and see if they can do better re-Bidding it.

Mr. Lewis stated there are downstream technologies which handle wipes at the treatment center in an aggressive way.

Ms. Blundi asked if they could retrofit this, and Bid it without the muffin monster and then possibly have it installed in the future after further discussion or would that increase the cost higher than the \$50,000 to \$60,000 that he is estimating. Mr. Ebert stated it would definitely increase the cost, and it could be \$75,000 if it was put out to Bid separately in the future. He stated the muffin monster is the best way to do this as it minimizes the labor costs, protects the pumps, and protects the reliability of the pump station. He stated they could probably pass it through this pump station without a problem, but the key is to ultimately get it out of the system, and that does happen at the treatment center.

Motion carried unanimously.

Mr. Ebert stated they also need to reject the Bid for the electrical at the Stackhouse Pump Station. He stated the range of Bids was \$140,000 to \$244,000. He stated the Budget was \$115,000 out of the total Budget of \$592,000. He stated because of the overage on the mechanical portion, the Bids were higher because while most of the equipment was purchased by the vendor for the mechanical, there were certain ancillary items that were part of the overall package which they are going to break out. He stated there is some value engineering that they can do on this one; however, they need to have a quiet generator and there are a number of things they need. He stated if they eliminate the muffin monster in the re-Bid, he will be able to get down to the \$115,000.

Mr. Ebert stated he is also going to recommend that they give the option for someone to Bid all three. He stated the coordination on these and the amount of times they have to mobilize and de-mobilize and deal with other contractors increased the Bids. He stated he and the Sewer Authority are recommending that they reject the Bids and re-Bid it with a revised design.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to reject the Bid for the electrical for the Stackhouse Pump station.

Rejection of Bid for Stackhouse Pump Station Conveyance System and Discussion of Re-Bid of Pump Station Upgrade and Conveyance System

Mr. Ebert stated one of the primary reasons they are looking at combining all three Contracts was because everyone was concerned that this part of the job was so small, and they would have to mobilize a number of times. He stated the mechanical contractors indicated that they would like to incorporate this as well as the electrical. Mr. Ebert stated they only received two Bids for this part of the project. He stated the recommendation is to re-Bid this and allow all three Contracts to be coordinated. He stated he will also reach out to smaller local contractors. Mr. Ebert stated there will be no revisions to this Contract other than to incorporate an option for all three Contracts to be Bid at a de-duct if they are awarded all three Contracts, and this is his recommendation as well as the recommendation of the Sewer Authority.

Mr. Grenier moved and Mr. Lewis seconded to reject the Bid for the Stackhouse Pump Station conveyance system.

Mr. Grenier asked how quickly could these be re-designed and re-Bid; and Mr. Ebert stated his goal would be to have it out the end of next week or the beginning of the following week, and only have a three-week Bid. He stated he is just opening it up by naming other alternatives. He stated they will also poll some of the contractors and ask what it would take to reduce their costs. He stated coordination is a lot, but he feels there are still a significant number of costs that he needs to get down. Mr. Ebert stated if the Board wishes to increase the Budget to keep the muffin monster in, that would make it easier. He stated as an engineer he would recommend keeping it in, but for budgetary reasons, it is acceptable the other way. Mr. Ebert stated they have already started major re-design of the Bid. Mr. Ebert stated he would like to try to get this to the Board at their second meeting in September or the first meeting in October. Mr. Grenier asked if that would be a presentation to the Board for a vote to put it out to Bid based on the revised design; and Mr. Ebert stated he was not going to do that because of the timeline. He stated he could have it to the Board for their first meeting in September to review the revised Bid, but that would delay the overall award of the project by two weeks.

Mr. Ebert stated he could come back with a better Budget as it relates to the muffin monster so the Board would know what money they were transferring. Mr. Grenier asked how long it would be out for Bid, and Mr. Ebert stated it would be three weeks, and he would specifically highlight in the scope of work what changed from the previous Bid. Mr. Grenier stated they would be looking to award the Bid in October, and Mr. Ebert stated they would. Mr. Grenier asked if they would start right after that, and Mr. Ebert stated they would not although they could start shop drawings after that. Mr. Ebert stated due to COVID there was a delay since for a time they stopped manufacturing the pumps. He added that he could not quantify that was the reason the Bids were high since the same pump manufacturer was the one that was selected for Brookstone which came in on Budget with no delay. Mr. Ebert stated once a shop drawing is put out, you are put in line for the pump.

Mr. Grenier asked what is the estimated time for construction; and Mr. Ebert stated it would be December/January, but it would have to be finished in March/April because of the rehabilitation of the resident's yard.

Motion carried unanimously.

Mr. Ferguson stated they will have Mr. Ebert come back at the September 2 meeting to discuss the Re-Bid so the Board is not voting on that this evening. He stated Mr. Ebert will include a discussion of the muffin monster with more specific numbers so that the Board can decide if they want that included.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Report in their packet. Ms. Blundi asked about Scammel's Corner, and she asked if he had heard back from the residents. Mr. Pockl stated he has not heard anything from the residents. He stated he reached out to the developer several times, and they got back to him late last week indicating that the Plan that they have for the rain garden remediation which includes installing a seepage bed was submitted to DEP and the Conservation District, and has been approved by the Conservation District. He stated they are now Bidding that work out to several contractors. Mr. Pockl stated he asked them about their timeline and how this impacts the other punch list items, and he has not yet heard from them on that. Mr. Pockl stated he is concerned about the planting season and getting grass to grow. He added it will take them a couple of weeks for construction; but there should be time to get it done within the planting season.

Mr. Grenier asked when he feels construction will start, and Mr. Pockl stated it depends on when the developer gets their Bids back and awards it. Mr. Pockl stated he is going to want to see shop drawings for the materials that they are going to provide. He stated he feels a realistic timeframe would be starting by the third week in September. Mr. Grenier asked when they would be done, and Mr. Pockl stated it would not take more than a week to complete the work. Mr. Grenier stated that would be at optimal fall planting season. Mr. Pockl stated that is for the rain garden in the cul-de-sac, and they still have to dress up some of the roadside swales and also address some items at the rain garden at the bottom of the hill. Mr. Pockl stated the developer indicated that they were not going to do that until they were finished the rain garden because they did not want cars driving off the edge and ruining the roadside swales. Mr. Pockl stated he feels all the work could take two weeks so it would still be within the optimal planting season.

Approval of Traffic Control Plan for the Reconstruction of Dobry Road

Mr. Pockl stated at a previous meeting they discussed a Concept Plan that the developer provided for re-routing traffic on Dobry Road from the six properties that are further west of the Caddis Development; and that traffic would be routed through the Caddis site and out to Oxford Valley Road through the constructed driveway of the Caddis Development.

Mr. Pockl stated they have come back with a Revised Concept Plan showing more detail, and that has been submitted to PennDOT. Mr. Pockl stated this Revised Concept Plan was provided to the Board in their packet, and it shows barricades and detours along Dobry Road at either end of the work site, and a fence along the driveway in the Caddis Development that has a black mesh screen on either side for light and noise attenuation. He stated it also shows additional signage on Oxford Valley Road which notifies drivers that they can make a left-turn in and a left-turn out. He stated the pork chop would not be installed in the driveway that will prohibit that turning movement in the permanent condition; but in this temporary condition that will be about two weeks, and the driveway would permit left-turning and right-turning vehicles entering and exiting that driveway. Mr. Pockl stated they still need to get PennDOT to sign off on this since Oxford Valley Road is a State road.

Mr. Lewis asked if they resolved the lighting issues that the residents had in Regency. Mr. Pockl stated the contractor had completed a light level study at the property line and submitted photographs and a conceptual plan as to where the measurements were taken, and it did show zero foot candles at the property line. Mr. Pockl stated they are going to plant thirty-five Green Giant arborvitae. He stated that when the contractor was completing some work along the property line shared with Regency, they overstepped the bounds and removed some existing trees. He stated as a result, they opened up an area that they needed to remediate. Mr. Pockl stated they came back with the planting plan for thirty-five, 7' Green Giant arborvitae, and they were installed today. Mr. Pockl stated when they installed them, they installed them a little too far down the hill from where the approved plan showed them, so he advised the contractor that they have to be moved up closer to the top of the hill which will provide a better screen.

Mr. Lewis stated there was previously concern about McCullough trash trucks, but he understands that they no longer stage from Dobry Road so that concern should not be an issue. Mr. Pockl stated that is correct; and

even if they did, a fully-loaded trash truck is approximately 80,000 pounds, and it is believed a vehicle of that weight would be able to pass over the storm management system and would not be a concern.

Mr. Lewis moved and Ms. Blundi seconded to approve the Traffic Control Plan for the reconstruction of Dobry Road as outlined by the Township engineer.

Mr. Grenier asked if that could be contingent on PennDOT approval, and Mr. Lewis agreed to revise his Motion to make it contingent on PennDOT's approval, and Ms. Blundi agreed.

Mr. Grenier asked if the arborvitae were being planted on the Regency property, and Mr. Pockl stated the trees that were removed were on the Regency property. Mr. Pockl stated he instructed them to plant the new trees on the Regency property close to the top of the hill, but not going into the level area where the trees would be planted in someone's rear yard. He stated additional landscaping and screening is to be provided within the Caddis property as shown on the Landscape Plan. Mr. Grenier asked if they are replacing the same species, and Mr. Pockl stated they are not as there was no way to tell exactly what the species were that were removed. Ms. Blundi stated they were not arborvitae, and Mr. Pockl agreed. Mr. Pockl stated he took the Landscaping Plan proposing the arborvitae to the Regency Homeowners' Association as well as to the property owner who is closest to that area, and they both approved that species. Mr. Grenier asked if that area was included in Regency's Landscaping Plan or if the trees that were removed were trees that had already been growing there; and Mr. Pockl stated those were mature trees that were already there, and they were not part of the Regency buffer.

Ms. Blundi stated she is concerned that they accidentally went onto another property and removed mature trees, and now they are replacing them with trees that they were supposed to plant all along. Mr. Pockl stated they were not supposed to plant these all along. Mr. Pockl stated there is additional landscaping buffering that is assorted species that was required to be planted on the Caddis development, and they are still going to do that in addition to planting these arborvitae that they are planting on the Regency property.

Mr. Grenier asked if what is being planted is equitable with what had been taken out. Mr. Ferguson stated Mr. Majewski has advised that what was removed was primarily underbrush and smaller trees in poor condition.

Mr. Pockl stated they are now planting 35 evergreen trees which he feels will exceed what was removed.

Mr. Grenier stated he does have a concern about planting that many of a single species. He agreed arborvitae are fast-growing and good for screening, but they do not provide as good a habitat as the vegetation which was there. He stated he wished they would have planted a different, higher-quality mix. Mr. Pockl stated he believes that the goal was to maximize the screening effect, and that was what was expressed as being most important by those in Regency.

Motion carried unanimously to approve the Traffic Control Plan.

Authorization to Proceed with the Application of a Multimodal Transportation Fund Grant for the Construction of ADA Ramps Throughout the Township

Mr. Pockl stated this is a Grant issued by DCED, and it was announced earlier this year that no match was required. He stated the Application deadline is the end of September. Mr. Pockl stated in talking with Township staff, they feel an appropriate project would be addressing ADA ramps that they would normally replace in the Road Program. He stated in the past these were incorporated in the Road Program as that is a requirement of PennDOT; however, in order to do that they generally had contractors who were asphalt contractors Bid on the Road Program and then sub the ADA ramps out to a concrete contractors, and then markup that work with the Township paying a 15% surcharge to complete the ADA ramps. Mr. Pockl stated it was felt that they should look at the roads that are on the Road Program for the next two years and include the ADA ramps from those. Mr. Pockl stated any other roads that the Public Works Director had in mind for 2023 were included as well. Mr. Pockl stated there is a general cost estimate which was included in the Board's packet in the amount of \$266,000 which includes a 10% contingency. He stated Grant requirements allow them to add 2% administration and 15% engineering which brings the total Grant request to \$307,615.

Mr. Lewis moved and Mr. McCartney seconded to apply for a Multimodal Transportation Fund Grant for the construction of ADA ramps throughout the Township.

Mr. Ferguson stated they are trying to get the most out of every dollar they can to put toward paving and pave getting one-year ahead with the ADA ramps as well as inlet repairs that can be done in-house. He stated if they would not have to include those items in the Road Paving Bids, they would have the capability of putting more money directly into roads instead of these other areas that would use up some of that money. Mr. Ferguson stated this is helpful and also allows them to be forward thinking with roads with this work being done a year in advance.

Mr. Grenier left the meeting at this time.

Motion carried unanimously. Mr. Grenier was not present for the vote.

Authorization to Proceed with the Application of a Multimodal Transportation Fund Grant for the Construction of the Woodside Road Bike Path

Mr. Pockl stated the Township has already received a Grant for \$52,500 for the land acquisition costs, design, putting together a Bid package, and putting it out to Bid for the construction of the Woodside Road bike path. He stated this Grant covers shared-use paths, and they believe this project would qualify for that; and it is in the Township's best interest to put in an Application. Mr. Pockl stated he believes the Township has a Budget of \$120,000 for the construction of the bike path, and that could be offered as a match even though there is no match required; and that might "sweeten the deal" for anyone reviewing the Grant Application.

Mr. Ferguson stated that \$120,000 was part of the .24 mills that was instituted a few years ago with the idea that would be utilized for the bike path. He stated that money was moved into a Capital Reserve Fund in Recreation that was earmarked that way. Mr. Ferguson stated the Township applied for this project before and offered the match; and while they felt good about the Application, it was denied. He stated they recognize all the Municipalities will be going for Grants where there is no match. He stated they would need to get direction from the Board if they wish to apply that money to this project to offer up a match to increase our chances for success on the bike path.

Ms. Blundi stated she has recused herself on this issue in the past, and she will continue to do so.

Mr. Lewis moved and Mr. McCartney seconded to proceed with the Application of a Multimodal Transportation Fund Grant for the construction of the Woodside Road bike path.

Mr. Ferguson asked if the Board would include in the Motion or have a consensus on the matter of the \$120,000 as a match. Mr. McCartney stated he understands it was already earmarked for that. Mr. Ferguson stated at the time they approved a .24 mill to go for recreation projects. He stated the intent at that time was to use that money as a match for the bike path although it is at the discretion of the Board if they still want to do that. Mr. McCartney asked if there are any members of the Board who were part of that discussion who see a need to change that. Mr. Lewis stated he does not see any reason why they should not use that to help improve their Grant chances. He added that the Township is actually contractually obligated as part of the arrangement with the Delaware River Joint Toll Bridge Commission when they sold the Park & Ride to eventually build a bike path. He stated he feels it would be helpful if they could use money that was allocated so that they could get it done sooner.

Dr. Weiss stated he agrees with Mr. Lewis, but he feels it should be a unanimous vote, and Mr. Grenier is not available at this time.

Mr. Ferguson stated Mr. McCartney is not exempt from voting on this just because he was not on the Board when it was previously discussed, and it is still a decision of the Board. Dr. Weiss stated there would have to be three Board members in favor. Mr. McCartney stated he was just looking for a history of this and to see if there was any reason to make a change.

Mr. Lewis stated he would move to revise the Motion to authorize the Township staff to proceed with the Application of the Multimodal Transportation Fund Grant for the construction of the Woodside Road bike path and use funds that have been previously allocated toward that as a match in an effort to secure the Grant. Mr. McCartney seconded. Motion carried with Mr. Lewis, Mr. McCartney, and Dr. Weiss in favor and Ms. Blundi abstained. Mr. Grenier was not present for the vote.

Approval of Change Order #1 for the 2020 Bike Path Maintenance Program Project

Mr. Pockl stated this is for the area north of Covington Road. He stated he had provided an estimated amount in June and there was an authorization to proceed with the work. He stated this is a final amount based on the quantity that was placed in the area. He stated the recommendation is to approve the Change Order in the amount of \$5,017.40.

Ms. Blundi moved and Mr. Lewis seconded to approve Change Order #1 for the 2020 Bike Path Maintenance Program in the amount of \$5,017.40. Motion carried unanimously. Mr. Grenier was not present for the vote.

Postponement of Consideration of Change Order #2 for the 2020 Bike Path Maintenance Program Project

Mr. Pockl stated this is for the area south of Oxford Valley Road and Heacock Road to address repairs that were safety concerns in that area along the bike path. He stated the Board had approved this for an amount not to exceed \$4,000. He stated the quantities show that the tonnage that they placed down exceeded the \$4,000, and the scope of work was significant. He stated in discussion with them, they still agreed to do the work for a lump sum amount of \$4,000.

Ms. Blundi moved and Mr. McCartney seconded to approve Change Order #2.

Mr. Pockl stated he received an e-mail from Mr. Truelove's office about the ownership of this portion of the bike path, and it is owned by the development and was never Deeded over to the Township. He stated the Board would have to give him authorization to seek reimbursement for this work. Mr. Truelove stated those would be two separate Motions. Dr. Weiss asked if the development has been notified; and Mr. Truelove stated he does not know, but they could do that. Mr. Truelove stated they could wait until the next meeting to approve the change Order. Dr. Weiss stated even though it is not a large amount of money, he feels they should hear back from the development before the Board votes to approve the Change Order. Mr. Lewis asked if there is a risk that it could cost more if they wait to approve the Change Order. Mr. Pockl stated the work is already done. It was agreed that this matter should be postponed.

Mr. McCartney moved and Ms. Blundi seconded to Table the Motion and postpone to September 2. Motion carried unanimously. Mr. Grenier was not present for the vote.

Postponement of Consideration of Pay Application #1 for the 2020 Bike Path Maintenance Program Project

Mr. Pockl stated the Payment Certification would be a payment for the project in full, and he feels given that Change Order #2 was not approved, it is appropriate to also Table/postpone a vote on this as well.

Mr. Truelove stated since there is no Motion, there is nothing to Table or defer at this time.

Dr. Weiss stated they will postpone this until September 2.

Approval of Change Order #3 for the 2020 Liquid Fuels Road Program

Mr. Pockl stated this is a Change Order that adjusts the final amount based on the quantities that were actually placed in the field. He stated it is a net credit to the Township in the amount of \$52,643.58.

Ms. Blundi moved, Mr. McCartney seconded and it unanimously carried to approve Change Order #3 with the Township to receive a net credit of \$52,643.58. Mr. Grenier was not present for the vote.

Pay Application #2 for the 2020 Liquid Fuels Road Program Project Discussion

Mr. Pockl stated he is pulling this off the Agenda because the Contractor had not provided him the required Maintenance Bond in time. Mr. Pockl stated he also has some concerns over ponding at Rose Hollow Drive, and he is reaching out to the contractor to have them remediate that. He stated this item will most likely be on the next Agenda contingent on the contractor providing the Maintenance Bond and doing the remediation work.

Mr. Ferguson asked how much the Pay Application would have been for; and Mr. Pockl stated while he does not have the exact amount this evening, he believes that it would have been approximately \$45,000.

Presentation of the Status of the MS4 Program

Mr. Pockl stated present with him this evening is Ms. Elizabeth Colletti from his office who has been involved with contact and coordination with DEP on the status of our MSF Permit and Pollution Reduction Plan, and is also involved with coordinating with Yardley Borough as Yardley has received a Grant to study the Buck Creek watershed. Mr. Pockl stated Ms. Colletti is an expert in all matters of stormwater management and Permitting.

Mr. Pockl stated MS4 stands for Municipal Separate Storm Sewer System and it includes all of the stormwater conveyance from impervious areas owned by the Township including roads and sidewalks and the way they are conveyed to the streams. He stated DEP issues a Permit to the Township for the MS4 system so that we are allowed to discharge to Waters of the Commonwealth.

Mr. Pockl showed a slide outlining the history of the Pennsylvania General Permit which oversees the NPDES (National Pollution Discharge Elimination System) for the MS4 which dates back to 1990. He stated significant changes were made in 2013 which created requirements on Municipalities to implement minimum control measures. He stated the Federal EPA released new requirements in 2016, and Pennsylvania implemented them in 2018 as part of their Permit requirements for the Pollution Reduction Plan. Mr. Pockl stated at this point the Township is required to reduce its sediment loads by 10%.

Mr. Pockl stated there are Permit requirements and he showed a slide of the list of Minimum Control Measures. He stated within the MS4 Permit, we are required to meet the six Minimum Control Measures as well as the Pollution Reduction Plan and the Pollution Control Measures.

A slide was shown of the Permit schedule from PADEP. He stated Minimum Control Measure 1 is Public Education and Outreach. He stated that is updated annually and included in our Annual Report and we distribute two types of materials annually to the public which are mostly flyers and information that we have in the Township Building as well on the Township Website and annual presentations such as the one being given tonight. Mr. Pockl stated Minimum Control Measure 2 is Public Involvement, and we must conduct at least one Public Meeting dedicated to the MS4 Program by 2023, and we are doing that this evening. Mr. Pockl stated Minimum Control Measure 3 is Illicit Discharge Detection and Elimination, and that is a program where you must have a map of the entire MS4 system which is

updated and maintained annually. He stated the requirement to have the system mapped was since 2013, but DEP has since put in regulations on what is to be shown on the map which are “more robust;” and the Township has been working with DEP to complete the mapping. He stated also required is dry weather inspection of all outfalls. He stated where our storm sewer pipes discharge to the stream is considered an outfall, and we need to inspect each of the outfalls during dry weather and get water quality data on them at least once by 2023. Mr. Pockl stated there must also be a Stormwater Management Ordinance which must be consistent with the DEP Model Ordinance implemented by September 30, 2022.

Mr. Pockl stated Control Measure 4 is Annual Reports, and they been submitting those. He stated included in those are any violations that they witness or come across during their inspections.

Mr. Pockl stated Control Measure 5 is a full inventory of the post-construction Stormwater Management BMPs and Operations and Maintenance activities which was required starting in 2018. Mr. Pockl stated that since then for all new developments, they have required an Operation & Maintenance Plan; and they have been submitted to the Township’s Building & Planning Department and the Township engineer’s office so they have been tracking that since 2018. He stated they are working on completing the list of other BMPs that were installed prior to 2018.

Mr. Pockl stated Minimum Control Measure 6 is that there is an Operations and Maintenance Plan updated annually starting in 2018.

Mr. Pockl stated all of those items were included in the last MS4 Annual Report to DEP in 2019.

Mr. Pockl stated the Pollution Reduction Plan was due in September, 2017; and it was submitted by the previous Township engineer. He stated DEP took some time to review that. Ms. Colletti stated DEP did not get back to the Township until July, 2018. She stated they had an in-person meeting with them in September and DEP indicated it was not adequate and the mapping was below par for what they were anticipating. She stated they decided on a schedule moving forward as to how to get it up to the standards that they were looking for.

Ms. Colletti stated with regard to Pollution Control Measurements, until you have your approved Pollution Reduction Plan and the updated Permit, the Pollution Control Measurements are not activated. She stated they refer to them as Appendix A, B, C and she reviewed what each of them deal with. Ms. Colletti stated it depends on the individual waterways what you are subject to. She stated Lower Makefield has an Appendix B requirement, and they have to delineate the sewer shed and create a source inventory of what could potentially be contributing to that particular pollutant. She stated this is something new that is due with the Annual Report, and a lot of people are very far behind on that because DEP has not actually provided any kind of direction as to what the source inventory should be. Ms. Colletti stated they are trying to utilize the efforts that Yardley Borough is going through as part of the Buck Creek Watershed visual assessment which will take note of all types of potential sources for pollution and trying to append that to our efforts in Lower Makefield that occur outside of just the Buck Creek Watershed. Ms. Colletti stated once we have the list, we will have to go through a process of investigating all of the potential sources and determining protocols for dealing with the run-off and whether or not they are following proper procedure. She stated this is then added to the Annual Report.

Ms. Colletti stated at the same time the Annual Wastewater Ordinance came into effect; and if that is not already explicitly laid out in the existing Storm-water Ordinance, you are expected to develop a completely separate one, and that has to be in place by 2022.

Ms. Colletti stated everything has to be wrapped up by five years after the approval of the PRP to show that you have met your Pollution Reduction requirements. Mr. Pockl stated initially it was due in 2023; however, DEP has been the “bottleneck,” and they have taken a long time for their reviews. He stated DEP has to review every Municipality’s submission of their Pollution Reduction Plan. He stated when this was discussed with DEP District 6, they indicated that they had about 215 Pollution Reduction Plans that they had to review; and they anticipated that it would take approximately two weeks to review them, and that was in 2018. He stated he is not sure where they are at this point with that review. Mr. Pockl stated we are reaching out to DEP and meeting with them, and that keeps us in compliance even though we are behind where some other Municipalities are as far as a completed Pollution Reduction Plan. Mr. Pockl stated DEP has indicated that the Municipality has to implement the improvements by five years after the Plan is approved.

Mr. Pockl stated with regard to Minimum Control Measure 1 – Public Education and Outreach, he had previously reviewed how the Township is meeting that goal. He stated they completed an Annual Stormwater presentation on May 19. He also showed some of the literature that is made available to the public. Mr. Pockl stated DEP wants copies of all of this included in the Annual Report to them for the MS4 Permit.

Mr. Pockl stated with regard to compliance with Minimum Control Measure 2 – Public Involvement and Participation the Township has the EAC, and the public reviews Stormwater Ordinances or any changes as well as public review of Land Development Applications at the Planning Commission and Board of Supervisors' meetings.

Mr. Pockl stated with regard to Illicit Discharge and Detection, they are meeting that requirement by upgrading the Storm Sewer Map and the Township GIS. He stated this year they completed basin inspections on over forty basins throughout the Township, and they also have Ordinances in the Stormwater Management Ordinance that prohibits illicit discharges. Mr. Pockl showed a copy of an old map as well as pictures of what they are trying to avoid with regard to illicit discharge. He encouraged anyone seeing something like this to contact the Township immediately.

Mr. Pockl stated Minimum Control Measure 4 is construction site run-off control; and the way this is being complied with is that any Permit that is submitted which shows an earth disturbance of more than 2,000 square feet requires a review by the Bucks County Conservation District for erosion and sediment control measures. Mr. Pockl stated the Township also completes routine construction inspections to check on those erosion and sediment control measures to make sure that they are being properly maintained and are implemented according to the Plan. He stated they occasionally issue Notices of an E & S violation, and copies of those get included in the Annual Report.

Mr. Pockl stated with regard to Minimum Control Measure 5 – Post Construction Stormwater Management, under the Township's Stormwater Management Ordinance, any additional impervious areas need to be mitigated whether it is volume control for improving water quality or flooding control for reducing the amount of flow that gets to our streams to control flooding in the 100 year storm. He stated it also requires an Operations & Maintenance Agreement for all new BMPS that are constructed, and that establishes the personnel who are responsible for

the maintenance of the stormwater management facilities, contact information, and outlines an annual inspection of those BMPs to insure that they are functioning properly.

Photos of some BMPs that are being implemented during construction were shown which they check to make sure they are working correctly and that they are installed according to the approved Plan.

Mr. Pockl stated with regard to Minimum Control Measure 6 – Pollution Prevention, they work with Public Works to provide training for handling pollutants and containment should a spill occur. He stated they also conduct routine inspection and maintenance of Township regional Stormwater Management BMPs to make sure there are no pollutants there as well. Photos were shown of the salt storage shed as well as spill containment equipment that the Township Public Works has within its garage.

Mr. Pockl stated the Pollution Reduction Plan identifies the impaired watersheds, maps the storm sewer within the impaired watersheds, and develops a plan to reduce the pollutants. He stated the requirement is a 10% reduction in sediment, 5% reduction in nitrogen, and 3% reduction in total phosphorous. He stated they will be submitting the Pollution Reduction Plan in September, 2020. He showed a list of the impaired watersheds for both the Pollution Reduction Plan and the Pollutant Control Measures. He stated the BMPs should be implemented to reduce the pollutant load within five years of the Approval by DEP for the Plan. He stated DEP has already advised through informational sessions that the way to get the most benefit is to either implement streambank restoration projects or basin retrofits which would work to meet the requirements of the Pollution Reduction Plan.

Mr. Pockl stated the Township has over thirty basins in impaired areas for potential retrofit. He stated a basin retrofit would be taking a flood control basin and adding a water quality improvement to the basin. He stated they could adjust the outlet structure making sure that it contains more water which allows for more infiltration into the ground as opposed to a flood control where it holds back the water but then meters it out slowly to the stream. He stated this would hold it back on site and infiltrate it into the ground. He stated they also provide plantings including rain gardens, and these would all be part of a basin retrofit that could potentially work to help reduce the pollutant loads.

Ms. Colletti stated with regard to Pollution Control Measures as she mentioned earlier this speaks to Appendix A through C that are part of the overall Permit. She stated Lower Makefield has to deal with Appendix A and Appendix B. She stated part of the requirements include additional mapping, source inventory, and investigation in the overall Report. She stated we are in the early phase of this, and they are including the mapping with our ongoing mapping that is going on, and they will continue creating the source inventory and updating that as they progress.

Mr. Pockl stated with regard to the Township's compliance, they are continuing with the mapping, are corroborating with Yardley Borough's EAC to identify potential sources, and in the future they will be expanding the Animal Ordinance specifications for animal waste.

Dr. Weiss thanked Mr. Pockl and Ms. Colletti for their comprehensive report on the MS4. He asked if the Township is on schedule to meet the deadlines by 2023/2024. Ms. Colletti stated because the Township does not have an approved PRP, our timeline is different than what was published by the DEP. She stated the published schedule was based on the understanding that any existing Permittee would have an approved PRP starting in 2018; however, that is not the case for almost all of the Municipalities so Lower Makefield is not alone in this process. Ms. Colletti stated it is either by 2023 or within five years after having an approved Plan. She stated they are trying their best to meet the milestones that have been created with the original schedule when they can; however, at this time since Lower Makefield does not have an approved PRP, they are not on the clock yet.

ANNOUNCEMENT REGARDING MR. GRENIER

Mr. Truelove stated that he received a text from Mr. Grenier who advised that some of his symptoms had returned, and he is unable to continue on with this meeting. Mr. Truelove stated he would estimate that as of 9:05 p.m. the Record should reflect that Mr. Grenier exited the meeting. Mr. Lewis stated Mr. Grenier did indicate some concerns about approving Heston Hall and the Erin Development Dobry Road Subdivision, and he asked if those were time sensitive. Mr. Ferguson stated Mr. Murphy will be present later in the Agenda to consider those items, and they could discuss that with him at that time.

PROJECT UPDATES

There was no comment on the projects at this time.

MANAGER'S REPORT

Property Tax and Transfer Tax Update

Mr. Ferguson stated in his previous Report he discussed a range of Revenues they have been tracking and the two that were of the most concern were Real Estate Transfer Taxes which can be volatile and Property Tax collection. He stated at the last meeting, they discussed that the face period had been extended through the end of July so it was hard to provide an apples-to-apples comparison for the collection between discount and face while there was that lag. He stated the number he has now provided shows that the number of households that have paid through both of those periods this year is marginally higher than it was last year which is very good news. He stated he had concluded in the Report that in an abundance of caution he would assume a 96% rate of collection through the end of the year, but we are already at that point. He stated he is now going to change the projection to say they will be at 97.5% at the end of the year recognizing that they had Budgeted 98.5%.

Mr. Ferguson stated with regard to the Real Estate Transfer Tax, that was the greatest area of concern because it was trending much lower than last year, and he was projecting about a \$425,000 shortfall for this year. He stated in July they saw collections that represented about 97% of what was collected for July of 2019 which is very good news. He stated they will see if that is a trend which can be adjusted or whether it will be at or around the 75% estimate that he had suggested would be the basis for a year-end projection. He stated the one-month increase would improve the year-end projection by approximately \$32,000.

Mr. Ferguson stated they are tracking everything else, and Permits are still doing very well. He stated all the other taxes, collections, and Fees are doing okay. He stated he had projected that there would be a year-end projection of \$630,000; and he feels that could be in the \$700,000 range so instead of 5% at the end of the year, he feels a 6% is what he would anticipate, and they will continue to track that.

Mr. Ferguson stated he provided the Board 2019 Audited Financial Statements. He stated he is currently coordinating with the Auditors and will defer to the Dr. Weiss as far as getting them on the Agenda. He stated they would be available to come to either September meeting. Mr. Ferguson stated the Financial Audit does encompass the Sewage Fund so there are numbers in there. He stated the Sewage Audit that looks at Assets has not been issued yet, and they are still waiting to get some details back from a Sewer Authority member; and once they get them, the Report will be issued hopefully by this week.

Mr. Lewis asked where do they expect to be at the end of the year, based on where we are on the Sewer Fund. Mr. Ferguson stated the Budgeted number was approximately \$100,000, but he has not done a year-end run on that. He stated collections on sewers have been healthy. He stated in March, he had waived all late fees for the year. He stated he will have projections on that soon. He stated he is currently working on the Budget.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:35 p.m. and items related to litigation, informational items, and Real Estate items were discussed.

APPROVAL OF MINOR SUBDIVISION FOR HESTON HALL IN FLOWERS FIELD AT EDGEWOOD

Mr. Truelove stated Mr. Lewis had earlier referenced this item and the Erin Development, and he had e-mailed Mr. Majewski about the deadlines for these projects. Mr. Ferguson stated Mr. Majewski indicated that Erin must be acted on this evening, and that Heston Hall could possibly wait until the next meeting, but is forthcoming as well. Mr. Ferguson stated he does not know what Mr. Grenier's questions were, but they could discuss this with Mr. Murphy.

Mr. Edward Murphy, attorney, stated the Board has seen this project in the spring before they had made an Application to the Zoning Hearing Board seeking several items of Zoning relief to enable the Heston Hall Complex to be created on a Lot separate from the undeveloped portion of Flowers Field at Edgewood. He stated they then went to the Zoning Hearing Board

and were granted the relief that was requested. He stated they then submitted the Minor Subdivision Plan which was reviewed in the normal course and received a favorable recommendation from the Planning Commission. He stated it is before the Board this evening for approval of the Minor Subdivision.

Mr. Murphy stated they have no issue with the review letter issued by the Township engineer dated July 9. He stated there are a number of typical Waivers, and he feels the Plan is ready to be moved forward.

Mr. Truelove stated it is his understanding that Mr. Pockl does not oppose the Waiver requests in the Application, and Mr. Pockl agreed.

Ms. Blundi moved and Mr. McCartney seconded to approve the Minor Subdivision for Heston Hall in Flowers Field at Edgewood Development.

Mr. Lewis noted Items #1 through #20 in the Remington Vernick letter, and he asked if they have been addressed in the Plans and provided to the engineer. Mr. Murphy stated they are all “will comply” items. Mr. Pockl stated he does not have a revised submission. Mr. Murphy stated they have no issue with those comments, and they will comply with them. Mr. Truelove stated that would be part of the Conditions of approval as set out in the Remington & Vernick 7/9/20 review letter; and Mr. Murphy agreed.

Mr. Lewis stated he understands that this is being done for financial purposes. Mr. Murphy stated it is being done to enable the constructed portion of Heston Hall which is the existing building, to be on its own separate Lot as opposed to the undeveloped portion of the balance of the job which it is currently a part of. He stated the lender has asked that the financing be segregated to Heston Hall that stands on its own and the balance of the undeveloped section. Mr. Murphy stated nothing else is changing, and there is no advantage being sought to increase density or change anything else that exists now or as been approved already.

Mr. Lewis asked if the developer in question is in full compliance with all the requirements on all of their developments in Lower Makefield and have paid all of their fees. Mr. Ferguson stated Mr. Majewski has been working with Ms. Kirk to look at trees and other issues. He stated as they have investigated what the requirements are, and

what the obligations are, it is ambiguous regarding specifically what has been required of this developer. He noted that there is a project where a Tree Replacement Plan was not included in the Development Agreement that was approved for the project, but is on the Recorded Plan. He stated there are also other things that the developer is entitled to including a credit back for soil of \$8,000 to \$8,500. He stated Ms. Kirk and Mr. Majewski are going through all of this for the projects with regard to trees or Fees-In-Lieu of, and then applying the credit that the developer is actually due which they have quantified. Mr. Ferguson stated he has asked Mr. Murphy if they will agree to pay in the end. Mr. Ferguson stated it has been more complicated getting a specific answer around what that amount is because of the fact that some of these items were not incorporated specifically in the Development Agreement. Mr. Ferguson stated Ms. Kirk has pulled the Plans, pulled the Recorded Plans, and has been working on this for the last week. Mr. Ferguson stated that Mr. Murphy is aware that they have been working on this.

Mr. Murphy stated what Mr. Ferguson has summarized is accurate. He stated Mr. Lewis had raised this issue previously, and they followed up immediately thereafter and provided the Township with what their records indicated. He stated the Township has been doing the same thing. Mr. Murphy stated they agreed that in the end when they meet to discuss this, they will satisfy any obligation that they all agree is due. He stated this has been a transparent process with Mr. Ferguson, Ms. Kirk, and Mr. Majewski, and he has been a part of it as well.

Mr. Lewis asked Mr. Ferguson if they have an estimate as to the dollar value. Mr. Majewski stated he believes the total amount is around \$35,000.

Mr. Lewis asked Mr. Murphy if there is a deadline for this; and Mr. Murphy stated the deadline has come and gone, and they are anxious to proceed. He stated they have agreed, and it is part of the draft of the approval letter, that there is a requirement for the payment of all agreed upon and appropriate Fees; and that is designed to cover the situation that has just been discussed. He stated at this point it is up to the Township to “sort it out,” and get back to the Applicant. He stated he believes that the Township is covered. Mr. Truelove agreed. He stated they do have to be careful of Conditioning approval on certain things that are not directly relevant to this particular project.

Mr. Ferguson stated it is not only Mr. Lewis who has been asking about this as he and others have been asking about this as well. He stated he had asked Ms. Kirk and Mr. Majewski to review all of this, and unfortunately it was not as clear as they had hoped; and it was not possible to have it all put together for tonight.

Mr. Lewis asked if the Applicant agrees to all of the terms of the Resolution and they approve the Subdivision Plan, but later the Applicant does not agree to the Terms and Conditions or cannot come to an Agreement with the Township, would they still have the Subdivision in place. Mr. Truelove stated they would have to file certain cross-easements, and there are other Conditions they have to comply with. He stated there might be other related issues in the future if Applications are made that might affect that. Mr. Lewis stated Mr. Grenier was hoping to ask his questions as well. Mr. Lewis asked if there is a way to make this Approval effective on a certain date possibly a week from now, and allow the Township to resolve this with the developer and the developer's counsel. He stated they would get approval tonight, but it would be effective a certain date.

Mr. Murphy stated the approval would be Conditional if the Board were to approve it, and one of the Conditions is the Applicant's submission of the Revised Plans for Mr. Pockl's review and confirmation that the Conditions in the July 9 letter have been satisfied; and that might take a few weeks. Mr. Murphy stated what Mr. Ferguson has stated is accurate, and they had felt that the issue of any Fees that were owed would have been resolved long before now; however, for the reasons that Mr. Ferguson discussed, it is still open. Mr. Murphy stated he feels that they will be able to address that issue while Mr. Pockl is reviewing the Revised Plan that will be submitted. Mr. Murphy stated they are both Conditions of Approval, and they will not be able to Record the Plan until they get approval from Mr. Pockl; and he feels by then the issue of the Fees should be resolved.

Mr. Lewis asked that before Mr. Pockl gives his approval that he check with Mr. Majewski and Mr. Ferguson to make sure everything has been resolved, and Mr. Pockl agreed. Mr. Murphy stated that would be the normal case anyway as part of the Administration's release of the Plans for Recording, and all the Conditions of Approval would need to be satisfied. Mr. Pockl stated he understands that he and the Supervisors have to sign the Plan.

Mr. Majewski stated the developer is due a credit for \$8,500 so the amount that the developer could owe is actually around \$25,000 total between all projects.

Motion carried unanimously.

APPROVAL OF FINAL PLAN FOR ERIN DEVELOPMENT DOBRY ROAD SUBDIVISION AND LAND DEVELOPMENT PLAN

Mr. Truelove stated this property is on the west side of Oxford Valley Road across from the Tanglewood Development, south of the Makefield Executive Quarters, and north of Regency. He stated on the other side of Dobry Road is the Caddis Development which has been approved, and there has been a lot of discussion about apportionment of road improvement costs.

Mr. Truelove stated a fair number of Waivers have been requested, and he knows that Mr. Pockl has weighed in on them. Mr. Truelove stated the approval letter is very extensive at this point.

Mr. Murphy stated Mr. Truelove's summary is accurate, and this project has been in front of the various Boards and Commissions in the Township for five years. He stated it has been through many iterations, and they are at a point where he feels they are ready to move forward. He stated Mr. Truelove prepared a draft of an Approval Letter which he did provide to him. He stated the reconstruction of Dobry Road is probably the most significant design element involving this project as well as Caddis across the street. Mr. Murphy stated that an Agreement has been reached by the developers on either side of the road to allocate the costs for the reconstruction of the road in its entirety and in accordance with the Township approved Plans. Mr. Murphy stated Mr. Ferguson, Mr. Pockl, and Mr. Majewski were instrumental in helping to reach that Agreement which is a written Agreement that is being circulated at this time. He stated he feels that they are ready to move ahead. He stated they are anxious to get the project started.

Mr. Murphy stated he is not sure what questions Mr. Grenier may have had. Mr. Murphy stated Mr. Truelove had noted the Waivers; and Mr. Murphy stated most of them were addressed previously when they dealt with the Preliminary Plan Approval.

Mr. Pockl stated some of the concerns that were within his review letter involve the Zoning Section of the Ordinance, and he feels it would be appropriate to review those to make sure the Board does not have any reservations that could involve sending the Development back to the Zoning Hearing Board. Mr. Pockl stated the new information that was provided in this submission as opposed to the previous submission that the Board reviewed would be appropriate to discuss as well.

Mr. Murphy noted the draft of the Approval letter provided by Mr. Truelove, and he noted the Section that talks about additional Zoning Ordinance comments. He stated the first one talks about paying a Fee-In-Lieu of Recreation, and they have calculated and agreed upon what that Fee is.

Mr. Murphy stated Item #2 is a standard Condition that the Applicant would have to provide to Mr. Truelove's office the Homeowner Association documentation associated with the maintenance of the open space and those items not being Dedicated; and as a Condition of Approval, Mr. Truelove's office would have to review and approve those documents.

Mr. Murphy stated Item #3 deals with the Act 537 Approval, and that would be a Condition of Approval.

Mr. Murphy stated the last item they have discussed for years is the wetland buffer averaging at the end of the road where it abuts the Railroad, and he felt that this has been satisfied. Mr. Pockl stated the only thing that has changed since the last submission was that the limits of the wetlands have changed. He stated in April a Jurisdictional Determination was completed for the limits of the wetlands, and the wetlands in that area had expanded. He stated that took the development into an area where it would not meet the wetland buffer as required in the Zoning Code unless a wetland buffer averaging calculation was implemented which the developer's engineer provided to his office. Mr. Pockl stated he agrees with those calculations, but the Zoning Code specifically states that a justification for using the buffer averaging should be based on unique site conditions. He stated he does believe it is in the Township's best interest for the Board to hear that justification.

Mr. Mark Havers, the developer's engineer, was present. Mr. Havers stated there were two Jurisdictional Determinations done including one when the project originally started in 2014/15. He stated that expired, and it was recently updated earlier this year. Mr. Havers stated between the time that the original

was done and the update was done, several things have happened. He stated one was that the Township stopped mowing and maintaining the ditch which caused the wetlands to expand slightly. He stated Dobry Road is also in the process of being expanded and the Caddis Development is piping water over into that area as well so those things in combination have expanded the wetlands beyond where they originally were.

Mr. Havers stated to compensate for the buffer, they buffer averaged on their side and they actually did a calculation for the other side and expanded that buffer as well to protect the woodlands with additional buffering so that they will exceed the required buffer averaging numbers.

Mr. Pockl stated he would agree with that assessment; and provided that the Board accepts that justification, he feels that no Variance would be required.

Mr. Pockl stated the EAC had also raised an issue. Mr. Pockl stated a lot of the Waivers that have been included involve infiltration testing, and he understands we are requiring the developer to complete infiltration testing prior to the start of construction on additional areas on site where they show proposed rain gardens. Mr. Pockl stated in addition to showing the rain gardens, they have also designed an underdrain system that is a DEP Best Management Practice for areas where they do not get infiltration. Mr. Pockl stated even if the infiltration testing fails in the area of the rain garden and shows that there is a zero infiltration rate, water will drain down through the rain garden and into the underdrain system which would then be piped over to the stormwater management basin and the flow would be controlled and exit the site through that controlled Best Management Practice. Mr. Pockl stated that is an approved DEP method for meeting the water quality requirements when you do not have infiltration on site. He stated he feels it is still necessary to at least provide additional infiltration testing to insure that if there are areas where they can infiltrate site, that they maximize that capability.

Mr. Truelove stated the SALDO Ordinance requires eleven infiltration test pits, and they have six. He asked Mr. Pockl if he is stating that they should have eleven. Mr. Pockl stated they should work with the Township engineer for the number and location of test pits that are deemed appropriate by the Township engineer. Mr. Murphy stated he believes that they agreed to do to that previously when they discussed this with the Planning Commission, and Mr. Pockl agreed.

Mr. Pockl stated another item was that one of the basins which is a wet pond will have an aerator to insure that mosquitos do not breed in that area, and the wet pond was over 20,000 square feet. He stated a wet pond of that size has to have a buffer, and the development did not meet that buffer requirement. Mr. Pockl stated since then the design engineer has indicated that they are going to reduce the size of the wet pond to less than 20,000 square feet to meet the requirement. Mr. Pockl stated he has looked at calculations that show that they can still meet the stormwater management water quality requirements and the flood control requirements if they make that minor revision to the basin. Mr. Murphy stated that was reviewed at the Planning Commission as well.

Mr. Pockl stated Mr. Murphy had indicated that there is an Agreement in place for a cost sharing for the construction of Dobry Road, and he feels it should be indicated that is part of the Plan for this development that they will participate in re-constructing all of Dobry Road from Oxford Valley Road down to the end of the roadway. Mr. Murphy stated Mr. Truelove could incorporate the terms of that Agreement since that is part of the Record and is part of an Agreement between this developer and Caddis across the street.

Mr. Pockl stated they have not received a Revised submission from their June 5 letter, but that was mostly for clarity purposes so that it does not confuse which Plan Set would govern. Mr. Pockl stated he anticipates that the Applicant's design engineer will re-submit shortly after tonight's meeting addressing all of the other comments that they have in the review letter. Mr. Murphy stated it will be submitted in a few days.

Ms. Blundi moved and Mr. McCartney seconded to approve the Final Land Development Plan consistent with the Conditions set forth in the draft Approval letter subject to modifications as stated by Mr. Pockl tonight with respect to stormwater management issues as well as confirming the Agreement with the neighboring developer, Caddis, regarding cost-sharing for the road reconstruction.

Mr. Murphy stated he would agree to those Conditions and will provide Mr. Truelove with a signed, executed copy of the cost-sharing Agreement.

Mr. Lewis asked Mr. Murphy if there is a façade rendering of the proposed development, and Mr. Murphy stated he does not believe that there is anything new that they have not shared previously. Mr. Lewis stated he believes the last time he saw this was in 2019, and he asked for façade variation between the buildings for aesthetics. Mr. Lewis stated he has not seen the renderings since then. Mr. Murphy stated those are being prepared. He stated the developer is in the process of marketing it to ultimately the person who will be building the units. He stated when those are available, they could Condition the issuance of a Building Permit on submission of those. Mr. Murphy stated they acknowledge Mr. Lewis' interest in that, and they would agree to that. Mr. Lewis asked if that could be placed in the approval letter, and Mr. Murphy stated they could require that prior to the issuance of Building Permits, the Applicant submit the elevations for the units. Mr. Lewis asked if the facades will be varied in some way, and Mr. Murphy stated the elevations would be made available for review.

Mr. Lewis stated Mr. Grenier is not available to bring up his concerns about the total number of test pits and stormwater basins. Mr. Lewis asked Mr. Murphy how long he feels it would take for the Agreement to be drafted and finalized with the Township solicitor. Mr. Murphy stated he feels Mr. Truelove will complete it in a few days and send it out by the beginning of next week. Mr. Truelove stated generally he prepares something ahead of time which is reviewed by the Township professionals and the developer's attorney. Mr. Lewis asked if that could be done, and then the Board would give their Final Approval at the September 2 meeting which would give Mr. Grenier an opportunity to weigh in if he had concerns. Mr. Truelove stated he understands that would be past the deadline on the Extension. Mr. Pockl stated he is expecting a re-submission of the Plan set and stormwater management calculations to address the comments he had in the Plan review, and he still has to sign off on that Final set prior to the approval. He stated if Mr. Grenier has any questions, he could reach out to him. Mr. Murphy stated he was going to suggest that as well. Mr. Lewis stated he would be in favor of that. Mr. Lewis asked Mr. Pockl to reach out to Mr. Grenier once he receives the Plans, and Mr. Pockl agreed to do so.

Dr. Weiss stated they have a very professional Township engineer and Mr. Majewski, their Planner, who are both qualified, professional engineers who can assist the developer. He stated if the Board needs to comment further they will.

Motion carried unanimously.

Mr. Truelove stated he will get the letter finalized and provide it to Mr. Pockl, Mr. Majewski, and Mr. Murphy.

APPROVAL OF ESCROW RELEASE #1 FOR PENNSBURY MIDDLE SCHOOL IMPROVEMENTS

Mr. Majewski stated this is for the Pennsbury Middle School Campus project. He stated they received approval for renovations that were done at the Pennwood Middle School that involved re-alignment of the School bus drop-off and pick-up location, expanded parking where they had the tennis court, and having a visitor area with controlled access. He stated that Plan also included renovations to the exterior of the Charles Boehm School that included their bus parking area and other circulation improvements that have not been done.

Mr. Majewski stated the design was by Remington & Vernick so they cannot release the Escrow on that. He stated Boucher & James had inspected all the work that was done over the last few years, and they have sent a request for the Escrow Release from the School District, and he reviewed it to make sure that the information on it was accurate; and based on his inspection of the property, the amount listed in his letter is the extent of what can be released. He stated he recommends the release of \$2,478,570.00 to the developer, and the amount of financial security remaining including contingency to be held is \$2,066,920.95.

Ms. Blundi moved and Mr. McCartney seconded to approve Escrow Release #1 for the Pennsbury Middle School improvements.

Ms. Blundi asked Mr. Majewski to provide more details as to what the Release is for and his comfort with the review process. Mr. Majewski stated the Release was for a lot of the erosion and sediment control items that had been installed as part of the Pennwood Middle School Campus project. He stated there is still security remaining for the Charles Boehm expansion that is presently on hold by the School District. Mr. Majewski stated it also releases money for demolition work that had been required as part of the re-alignment and re-configuration of the Middle School with their improvements and for demolition work, earth work, storm drainage work, paving work, concrete work, and landscaping that has been installed

in and around the Pennwood Middle School Complex. He stated a little more than half the work is done on the project, and there is work remaining to be completed.

Dr. Weiss stated he recalls that approximately a year ago there was an issue with a sewer drain/pipe that the School District was asking the Township to pay for, and he asked Mr. Majewski if he recalls those details. Mr. Majewski stated this has nothing to do with that, but he believes the issue was addressed by Mr. Hucklebridge, the Public Works Director. While he is not sure what the ultimate outcome was, he believes that the School District did do that work at their expense. Mr. Lewis stated that is his recollection as well.

Motion carried unanimously.

PUBLIC COMMENT

There was no Public Comment at this time.

DISCUSSION ITEMS

Discussion of Composing a Letter to the Postmaster General on Keeping the Yardley Post Office Open Saturdays

Ms. Blundi stated when this matter came to her attention, she was generally concerned since it is convenient to have this option. She stated she would urge the Board to write a letter to the Postmaster General. Ms. Blundi stated she has prepared a draft, and she asked what the next step would be.

Mr. McCartney asked if this is just asking them not to close it on Saturdays or something more general. Ms. Blundi stated what they announced was that they were going to close it on Saturdays; however, she did frame the draft more loosely just in case there is any further consideration about limiting hours. She stated she would circulate this draft to the Board.

Mr. Lewis stated he would generally be in support of the letter. He added that he believes that Lower Makefield is the largest Municipality in the United States without its own Post Office, and Mr. Truelove agreed. He stated while the Yardley Borough Post Office is an adjunct to the Morrisville Post Office for 19067, it is not a very large Post Office and has limited hours; however it does serve a significant population. He stated he feels those would be compelling

points to add to the letter. Ms. Blundi stated she even the option of having a small Post Office has its benefits. Dr. Weiss stated he feels this is a good idea, and the draft should be circulated among the Board and then possibly Yardley Borough Council as well since it impacts them more directly.

Ms. Blundi stated she will circulate a draft to the Board, and she asked if this needs to be brought back at the next Board meeting adding that there is some amount of urgency, and this was supposed to be on the Agenda a few weeks ago when they had the power problem so it was moved until this evening. Mr. Ferguson stated if the Board agrees in concept with this, he feels they could by consensus come up with a final version and then just send it out. Dr. Weiss stated the consensus is to have the letter written and hopefully have it out in a week, and he does not feel a Motion is needed. Ms. Blundi agreed to draft the letter and circulate it.

Discussion of Sewer Customer Benefit Fund

Ms. Blundi stated she believes this is just the first of what will be many discussions. She stated when she voted to move forward with “selling the pipes,” she wanted to discuss with the Board what would be the best way to construct a Sewer Customer Benefit Fund with the purpose of the money being placed in the Fund to help control rates over the next period of time. She stated there is a lot they need to work through together.

Mr. Ferguson stated they need to consider legally how that would be framed. He stated PFM generically had the discussion about financial runs with dollar amounts and about what that could translate to with annual increases not to exceed a certain amount of money. He stated they discussed that with the winning Bidder’s presentation there would be a period of about four years that there would not be an increase; and presumably while they could dip into that Fund during those years, if they did not, it would have a chance to grow. He stated the discussion for the Board, if they want to do this, would be that they would need to consider to what extent they want to help manage rate increases. He stated the more aggressive they are in limiting those increases, the timeframe that the money would last would be shorter. He stated what PFM had discussed at the presentation as a basis for discussion was that if the money was not used for the first four years when rates were flat, and they had it created where it would be no more than a 3% annual increase in rates that would take it out to year fifteen or sixteen until the money would be gone.

He stated if they were to do it where the increase was no more than 5% a year, there would be more money left longer. Mr. Ferguson stated if the Board were to indicate that they were not going to have an increase over 5%, and the money lasted a much longer period of time, and future rate increases were less than that in theory they would not have to dip into those funds for a longer time. He stated the question for the Board is where they would want to have the rate increase as a benchmark, year over year if they were to establish this Fund.

Mr. Ferguson stated the legal questions as to how that is managed, protected, and administered is secondary after the Board makes the decision as to whether to do this and then decide as to what scale.

Dr. Weiss stated long-term rate stabilization was one of the requirements for this exercise, and he feels starting the process of developing a Fund to keep rates stable over the long term is something that the Board should consider. He stated he feel the legal team and their financial analyst can help to work something out within the next year if this is what the Board wants to do. Mr. McCartney stated he would be in favor of that.

Mr. Lewis stated he has “tremendous misgivings” about this. He stated his first issue is that we are essentially paying back the acquirer with the money that they gave us so that do not “gouge us on rates.” Mr. Lewis stated the Board made a decision and passed a Resolution. He stated they do not have a final Agreement with the acquirer, and they do not have PUC approval from the acquirer. Mr. Lewis stated he feels this is very premature to suggest that this money is already here, and that they can start spending it. Mr. Lewis stated he would significantly caution the Board from attempting to use PFM again. He stated this is similar to the issue they had with Limerick.

Mr. Lewis stated they need to consider if they have this money how should they maximize the value for the Township in the long run. He stated this would be the net money after paying off the Sewer Debt. Mr. Lewis stated the net funds could be invested as an endowment that provides a recurring income stream to the Township that could mitigate other expenses of the Township. He asked why they would specify that for ratepayers since “we have already decided that we really do not care about the ratepayers long run.”

Ms. Blundi stated while she wants to hear Mr. Lewis' ideas, it is not true that they do not care about ratepayers. Dr. Weiss stated everyone should be mindful that the discussion is about the establishment of a Customer Benefit Fund and the Board had indicated from "day one" that rate stabilization was a qualification for how they would proceed. He advised Mr. Lewis that when he stated the Board did not care about customer rates, that is an error, and it is a matter of Record. Dr. Weiss asked that Mr. Lewis keep his views on the pros or cons of this topic.

Mr. Lewis asked how much longer he can speak and should he expect more interruptions. Dr. Weiss stated that he can take all the time he wants if he is speaking on this topic; however, if he wants to editorialize about something else he will stop him. Dr. Weiss stated if he treats the other Supervisors with disrespect, he will stop him. He stated if he is going to disparage the public with lies or things that are not germane items, he will stop him.

Mr. Lewis asked Mr. Truelove if he made any ad hominem attacks at anyone or mentioned anyone by name. Mr. Truelove stated he does not know that it is up to the Solicitor to provide that opinion. Dr. Weiss advised Mr. Lewis that he made a very clear point that the Board did not care about the rates and ratepayers, and that is a lie. He added that is something that the Board has been talking about since they started this process over a year ago. Dr. Weiss asked that Mr. Lewis not comment on "how we feel as a Board," or he will "silence him." Dr. Weiss advised Mr. Lewis that he can talk as much as he wants about the discussion item. Dr. Weiss asked Mr. Lewis if he wants to talk about this discussion item or go "off on another tangent."

Mr. Lewis stated he was talking about the topic but was interrupted and "attacked." Dr. Weiss stated he agrees with Ms. Blundi that she had a reason to interrupt him. Mr. Lewis asked if he is being told what he can and cannot say. Dr. Weiss stated he is asking if he would like to comment on the discussion item. Mr. Lewis stated he has been "really polite." Dr. Weiss stated he has not as he has insulted the Board. He stated the Board needs to decide what they want to do; and if Mr. Lewis feels that a Consumer Benefit Fund or some other way to stabilize rates is not in the best interest, that is fine.

Mr. Lewis stated it has been suggested that he is a liar. Dr. Weiss stated he stated that Mr. Lewis made a "false statement." He stated Mr. Lewis made an opinion, and he takes umbrage to it. Dr. Weiss stated the Board made specific on-the-Record statements that stabilization of rates

and considering the ratepayers not having to pay exorbitant rates in the future should be “part of the mix;” and what Mr. Lewis was interrupted on by Ms. Blundi was totally appropriate on her part. Dr. Weiss asked Mr. Lewis if he would like to continue to comment on the discussion item.

Mr. Lewis stated he gets the sense that Dr. Weiss is not interested in an open dialogue about this policy. Dr. Weiss stated he is interested in “polite discussion.” He stated if Mr. Lewis cannot have polite discussion, and he will ask Mr. McCartney if he would like to make a comment.

Mr. McCartney stated he agrees with Ms. Blundi and Dr. Weiss that the Rate Stabilization Fund is something that they had all considered as a Board when they made the decision to sell the Sewer system. He stated he feels it is important to look into this based on Mr. Ferguson’s comments as to whether it should be minimizing it as a 3% increase or a 5% increase and having professionals looking into what would be the best option.

Dr. Weiss stated they could have PFM or another financial analyst do this and that would be a discussion for another time. He stated they could also consider if there is another way to proceed.

Ms. Blundi stated when she asked that the Customer Benefit Fund be put on the Agenda under Discussion Items, she did not feel that they would necessarily agree on everything tonight, and she was not sure what the framework would be from the discussion tonight. She stated she feels the goal of the Fund would be to help stabilize rates going forward, and she did not mean to suggest that they would have to decide tonight on a certain percentage; and it was just to start the discussion and continue to discuss it as we move forward. Ms. Blundi stated she agrees that the system has not been sold at this point, and it has not been approved by the PUC at this point; and she is not suggesting that the Board take action tonight, but she feels they need to plan and discuss this as much as possible so that they ultimately come up with the best solution.

Mr. Zachary Rubin, 1661 Covington Road, stated he agrees with Mr. Lewis that the Sewer Customer Benefit Fund will be funded by proceeds from the sale of our Sewer system. He stated the money that will be in this Fund will be given back to Aqua America. He stated if they are receiving \$53 million from Aqua, and \$17 million is put in this Fund, basically the Township is getting \$35 million from the proceeds; and it seems that there were other Bids around that amount. Mr. Rubin stated if the Board is

really concerned about rate stabilization, the Board should keep ownership of the Sewer system where they have “complete control of any rate increases in the future.” Mr. Rubin stated during this meeting, the Board considered two rejections of Bids for the Sewer projects. Mr. Rubin stated he would like the Board to entertain a Motion to reconsider the award of the Bids, and someone who voted on the prevailing side can make a Motion to reconsider, reject all the Bids, and start the Bid over again for the Sewer system.

Dr. Weiss stated while Mr. Rubin has made a good point, he is mistaken that it is under our control. Dr. Weiss added that over the last thirty to forty years, the Township has “failed miserably in maintaining our sewers, and kept rates artificially low,” and in the last three years our rates increased 74% and in the next three years would have increased another 60% under the Township’s control. He stated one of the reasons why they decided to sell the system is because our rates will be stable over the next ten years. He stated the \$50 million capitalization for the Morrisville Municipal Authority will be spread over hundreds of thousands of customers, and they saw the indicative rates over the next ten years. He stated over the next four years they will be flat, and in the years from five to ten rates will go up much lower than they would have if we had not sold the system.

Dr. Weiss stated he will put Mr. Rubin’s suggestion to the Board, and he asked if any member of the Board wished to make a Motion.

Mr. Rubin stated he is not arguing for or against the sale, it was just to re-Bid.

Dr. Weiss stated he understands that Mr. Rubin feels that the rates at \$35 million were not significantly lower than the rates at \$55 million. He stated if they went with the \$35 million Bid, there were slightly lower rates but they would not be offset by the \$17 million that they would have to consider putting into a Fund. Mr. Rubin stated he is not saying that they should accept the \$35 million Bid. He stated he is saying to re-Bid it with different specs to see if they would get different prices.

Dr. Weiss stated he feels this is a mistaken supposition. He added that PFM is one of the foremost financial analysts in public/private partnerships in the Country; and their very fair evaluation put us between \$30 million and \$38 million. Dr. Weiss stated they were very surprised that we received such high Bids as we did. Dr. Weiss stated with the market changing due to COVID, we could end up with much less in the next

few years if we were to start the process all over again. He stated that was the opinion of a majority of the Board. He stated he understands that Mr. Lewis disagrees with this.

Mr. Rubin stated during this meeting, they awarded Bids for hundreds of thousands for Capital expenditures for the Sewer system; and if we are selling it within a year, he would like to know why we are making Capital expenditures as that is saving Aqua America money. Dr. Weiss stated we currently own the system, and there is a 537 Plan that mandates these repairs. He stated they have a modest time schedule. He stated if the sale should not proceed, there is a Seven-Year Plan at a cost of \$7 million; and DEP could require that we speed up that Plan which might cost the Township even more.

Mr. Ferguson stated there is an obligation that the system be maintained the way it was outlined in the 537 Plan whether the Township owns it or if someone else owns it. He stated if Closing takes about one year, the Township still needs to insure that the work in the intervening time period is done. He stated early next year, they will probably include some more lining projects to be consistent with the I & I that we need to get out of the system.

Mr. Robert Abrams, 652 Teich Drive, stated when he questioned the vote on the Sewer at a previous meeting, he had asked everyone to indicate if they or any family members had any direct or indirect involvement; and “you all got up in arms.” He stated when they received a low Bid today that was 30% lower than someone else, they were asking questions. He stated it is okay for the Board to ask questions, but not okay for the Public to question the Board; and he stated he has an issue with that.

Mr. Abrams stated with regard to the Customer Benefit Fund, he agrees with Mr. Rubin. He stated the Board did not do their due diligence, did not put everything up front, did not investigate everything they told everybody they were going to investigate, and they “did none of it.” He stated they are proving that, and “just told everybody they did none of it.”

Mr. Abrams stated Mr. Ferguson blamed all of the Sewer increases on excessive rain, and now he is saying it is the 537. He stated he does not feel this builds trust with the community.

Mr. Abrams stated they sold the cell tower and got \$2.02 million. He stated Dr. Weiss had advised that they were going to make \$50,000 a year; and to do that they would have to leave the principal alone and get no less than 2 ½% which they never did. Mr. Abrams stated they are probably at .8 or .6 at this point. He stated at a previous meeting Mr. Ferguson stated that he is “burning off the principal at the amount divided by 35 for the Contract.” Mr. Abrams stated every year the principal is now less and the interest is less. He stated now they are going to create another Customer Fund.

Dr. Weiss asked that Mr. Ferguson have the opportunity to answer Mr. Abrams’ accusations. Mr. Ferguson stated \$2 million was received and all they are doing every year is recognizing the money in the Fund Balance, and they are not moving the money to be spent. He stated it is being recognized in the Fund Balance, and the dollars are still sitting there in the account. Mr. Abrams stated that is not what Mr. Ferguson stated previously, and Mr. Ferguson stated it is exactly what he stated two meetings ago.

Mr. Abrams stated with the “Consumer Benefit Fund” the only way we can get any guarantees is if the system is going to be sold off, it has to be written into the “total Sale Contract that there has to be a Consumer Benefit Fund.” He stated it cannot be after the fact or they can spend “off the \$47,000 per year any day they feel like it for the last two years, and now it will be three years.”

Mr. Ferguson stated if the question is does the Customer Benefit Fund have to be drawn into an Asset Purchase Agreement, the answer is “no.” Mr. Abrams agreed. Mr. Ferguson stated if the Township gets \$53 million for the sale, the Board can make whatever decision they want to make with regard to that money; and while that could include a Customer Benefit Fund, it does not need to be drawn into the sale. He stated if the Township was interested in creating a Customer Benefit Fund that was obligated to lower rates, the Township has the opportunity to put that in with legal restrictions that it could not be used for anything else and would be subject to a final approval. Mr. Abrams stated he would agree with all of that; however, with the sale of the cell tower, it is not that way. He stated the public is not getting what it was promised, and they are writing into every Budget \$47,000 a year; and they can spend it whenever they want because it is already written into the Budget. Mr. Abrams stated the fact that they chose to leave it there so that they get the interest, “that is okay.” Mr. Abrams stated they “can make any kind of fund they want, but they still cannot

pay the Golf Course off because some of those Bonds are not callable.” Mr. Abrams stated “whenever you give Government money, it just seems to disappear and nobody can answer where it went;” and now they are talking about a lot of money. He stated it should have been part of the total Agreement with the community to protect the community. He stated they did not do their due diligence and told the community “take it whether you like it or not.” He stated he does not like it. Mr. Abrams stated if they had been truthful and honest with the community “he would probably not have a choice; but because they were not truthful and honest with the community, that is where his problem is.” He stated if it happened before, it will happen again.

Dr. Weiss stated that is not the case, and this has been a year and a half discussion with multiple Public Meetings at multiple venues getting a very good prices and they will protect the ratepayers and the taxpayers for probably a generation.

Mr. Ferguson stated Mr. Abrams is correct that the Board did not bind the cell tower money legally to never be spent; however, since he has been the Township Manager, they have put a process in place showing Interfund Transfers; and even if they show in the Budget that money is being recognized in the Fund Balance at 1/35th of the amount or \$58,000 a year, any movement of that money to spend, which the Board has the right to do, is shown as approved in an Interfund Transfer that the Board would do before that would happen. He stated it would not happen outside of the public scope that the money was being spent. He stated it would be visible and the Board would have to approve it before he would move it.

Dr. Weiss stated for the paying off of non-callable debt, they would set up a Sinking Fund which is basically a trust to make sure that the Debt is paid. Dr. Weiss stated once the Sewer sale is consummated and Closed, that will be taken care of as well.

Ms. Blundi stated she does not feel it serves any purpose to go over the same ground every time the Board meets. Dr. Weiss stated while he agrees, unfortunately there is a group of people in the Township who wish to “hear a narrative that has no basis in reality.” Dr. Weiss stated there is also a difference of opinion as to what the duty of an Elected Official is and the nature of Democracy. Dr. Weiss stated the Board

makes decisions, and they are accountable for the decisions that they make, and he feels that they make the best decisions that they can with the information that they have, and they live with those decisions.

Mr. Lewis stated the Township has a number of alternatives to consider when reviewing the proceeds of the sale. He stated the Township could create an Endowment Fund that would “spin off money every year,” that could be used for the General Fund or other Funds; and it is not obligated to create a Customer Benefit Fund to pay back the company that purchased the Sewer system. He stated it could be argued that if people were paying less in property taxes, that is money that they would have that they could use for their Sewer bills. Mr. Lewis stated because they do not know exactly how high rates will go, he feels there are people who legitimately during this COVID time have need for relief. He stated if he were going to focus benefit, he might front-load the benefit to those people. Mr. Lewis stated part of the reason why he asked the Township Manager for the Fund Balance was because there are options that they could take immediate action to help those in need. He stated this could be considered at a future date.

Mr. Ferguson stated he is happy to give a Fund Balance number, adding the Fund Balance number is the Sewer Fund which is funded differently as it is an Enterprise Fund. He stated there is a Cash Balance for the year which is where we are with this year’s collections and this year’s bills, and then there is the Net position of the Sewer Fund; and as he has stated many times that Net position is currently -\$1.4 million. Mr. Ferguson stated when comments come up such as there was “not as much rain and where did the money go,” it is to offset that negative net position that has been years in the making.

Discussion of Formation of Ad Hoc Committee to Evaluate Restoration and Function of LMT’s Historic Structures

Ms. Blundi stated there are a number of buildings that are owned by the Township that are in various stages of use or lack of use. She stated those which people talk about and see most often are those on the Patterson Farm. Ms. Blundi stated during her tenure and prior to that, the Board has struggled as to what to do with these structures. She stated she would like the Board to consider forming an Ad Hoc Committee, and they would seek volunteers from the Township to help the Board look at the all of these buildings including those on the Patterson Farm, at the Golf Course, and at

other locations throughout the Township and try to come up with a thoughtful plan as to how to best utilize them or make sure that they are maintained appropriately. Ms. Blundi stated they have been talking about the Township's limited resources being made only more difficult by the current economic matters going on throughout the whole Country. She stated this Committee would not be charged with fixing them all up and having them occupied, but rather every creative solution, some of which may be painful, would have to be considered by this group of volunteers.

Dr. Weiss stated he agrees that they have to do something about our structures particularly at Patterson Farm and the building at the Golf Course.

Mr. Lewis stated they have had on the Project Updates for some time a Report the Board was supposed to get which was a full inventory of Township properties and an estimate of costs associated with them, and he asked for an update on that. Mr. Ferguson stated it is currently held up with regard to the cost. He stated they have been working with Remington & Vernick to come up with a price for them to help the Township with that endeavor, and it exceeded our ability to pay for it this year. He noted the Report would outline all of the buildings, the pictures of the buildings, and the most current status. He stated they have not met about that recently given what has been going on, but they could discuss with Mr. Pockl as to how this might be staged or what buildings they may want to prioritize.

Mr. Lewis stated he feels they all agree that they want a good assessment on where we are on the properties so we have a sense of what the challenge is. He asked if the Historic Commission could review the Report once it is done and help put together an evaluation on the restoration process. He stated a member of the community has reached out to him; and the Master Gardeners of Bucks County have lost the building they were in previously, and there was discussion whether there was a potential interest in having them as a tenant at the Patterson Farm, and he feels that is something they should consider if that is still operable.

Mr. Lewis asked if they would consider having the Historic Commission review the Report and come up with an initial assessment. Mr. Ferguson asked if Mr. Lewis is asking if they would come up with a cost estimate. Mr. Lewis stated he understood that he was still working on that. Mr. Lewis stated he felt that they could give the Historic Commission the final Report on the Township properties and let them make an assessment as to which

ones have historic function and then help with an initial strategy as to how we might tackle this challenge. He stated part of that might be other tenants. He stated the Slack House at Makefield Highlands has been looked at by the Golf Committee and others as a potential Bed and Breakfast concept, but there were concerns about the costs and challenges of that. He stated there were other ideas discussed as well, and he was wondering if the Historic Commission could help with this.

Ms. Blundi stated she feels that it is going to take a larger effort than just the Historic Commission which is why she asked for an Ad Hoc group, and maybe members of the Historic Commission would be part of that. She stated she feels they will need a mix of volunteers some who have a passion for history, some who have experience in restoration, and some who have economic skills. Ms. Blundi stated she does not see an easy solution, but she also does not want to lose more time; and that would be a benefit of this Ad Hoc group. She stated if the Board votes to establish one, they could start getting resumes and those who are appointed could start working on this in the fall to come up with creative solutions.

Dr. Weiss stated they could have members from the Economic Commission, the Historic Commission, and HARB, as well as drawing from the community at large to determine priorities, uses, and how resources are allocated.

Mr. Ferguson stated they have had discussions about different Committees who have wanted to get involved in something. He stated there a number of issues related to the properties including renovation and funding strategies that could involve the Finance Committee and the Economic Development Committee for re-use of the properties, etc.; and they could get a good mix from a lot of the Committees that deal with those topics as they will all need to be considered. Mr. Ferguson stated if there is a use that would be relevant that the Township would be in favor of, that could also frame the terms for the scope of the renovation that they might need to do on some of those properties other than the Satterthwaite House which is probably in the greatest disrepair.

Dr. Weiss asked if Mr. Ferguson would be willing to meet with the Supervisors to get their thoughts on this, and in the next month they could consider this further. Mr. Ferguson agreed, and he stated he knows that there are certain concerns that they would want to convey to the Committee about accessing the properties, etc.; however, he feels they could start to work on the framework as to

what they would be looking at and whatever goals the Board would want for this Committee. He stated he feels a Mission Statement for a Committee like this would be useful, and he would be happy to facilitate this. Dr. Weiss asked Mr. Ferguson to speak to the Supervisors individually, and then at a subsequent meeting, Mr. Ferguson can provide a report on what he has found out. This was acceptable to the Board.

SUPERVISORS REPORTS

Dr. Weiss stated the Historic Commission is planning a ceremony September 16 to re-dedicate six Civil War graves at the Slate Hill Cemetery.

Ms. Blundi stated an individual came to the Citizens Traffic Commission to discuss issues he had with the ShopRite stop signs, the faded lines, and the visual sight lines that had been impaired because of overgrowth of shrubbery. Ms. Blundi stated Citizens Traffic got involved who also got the Police Department involved to work with the landlord of the Kohl's/ShopRite center, and she noted the improvements that have been made to make it much safer. She thanked the resident who came forward, the CTC, the Police Department, and the landlord.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to re-appoint the following: Paul Roden to the Environmental Advisory Council, Linda Salvati to the Environmental Advisory Council, and Fred Young to Electronic Media.

There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully Submitted,

James McCartney, Secretary