

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 16, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 16, 2019. Mr. Grenier called the meeting to order and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Grenier stated leaf collection begins November 4, and information is available on the Township Website. He stated leaves should not be placed in the roadway, and they should be placed on the edge of the lawn as when leaves are placed in the roadway it can cause traffic issues and can clog the stormwater drains.

Mr. Grenier stated on October 26 from 9:30 a.m. to 11:15 a.m. the EAC has set up a Styrofoam collection at the Township Building. He stated also on that day the EAC will be showing a film: "The Kingdom – How Fungi Made Our World." He stated from 9 a.m. to 10 a.m. there will be refreshments serviced, and the film will be presented from 10 a.m. to 11 a.m.

Mr. Grenier stated the Annual Fall Flea Market for the Patterson Farm Preservation group will be held on October 19 from 8 a.m. to 1 p.m.

Ms. Blundi announced that the Township recycle yard will be open this Saturday. Mr. Grenier stated more information about this can be found on the Township Website.

Mr. Ferguson stated the Public Works Director has advised that next week on E. Ferry Road, the Township will be repairing a trench drain so access to the road will be limited. He stated a detour will be in place Monday through Friday afternoon. He stated signs will be on E. Ferry alerting the effected residents of the upcoming closure; however, local access will be maintained although they will not be able to cross the trench drain until the work is complete. He stated there is one house immediately adjacent to the work, and Mr. Hucklebridge will be working directly with that homeowner. Mr. Ferguson stated all of this information will be posted on Facebook, Twitter, etc., and they are working with the Police Department as well.

PRESENTATION OF \$6,000 FROM BUCKS COUNTY BUSINESS CONNECTIONS TO LOWER MAKEFIELD TOWNSHIP COMMUNITY FOUNDATION FOR THE GARDEN OF REFLECTION MAINTENANCE

Mr. Bruce Clark, President of Bucks County Business Connections, was present with Mr. Joe Marrazzo, Vice President. He stated they are a small, local group of business professionals that help each other with their businesses and look to help the community in which they work and live. He stated this is the third year they have made this presentation to the Township bringing the total donated to \$16,000 for the maintenance of the Garden of Reflection. He stated they have donated that same amount over the last three years to the Endowment Fund; and if all goes well they will continue this until the 20th Anniversary which is two years away, and hopefully the Endowment Fund will reach its goal to be able to take care of the Garden in perpetuity.

PROCLAMATION IN MEMORY OF KAYDEN MANCUSO AND APPROVAL OF RESOLUTION NO. 2344

Mr. Grenier stated tonight they are honoring the memory of Lower Makefield resident, Kayden Mancuso; and they are passing a Resolution dated October 15, Kayden's birthday. He stated they are doing this out of sadness at the loss of one of our residents and in the hope of shining the light on child safety issues.

Mr. Grenier read Resolution No. 2344 into the Record (copy attached to the Minutes.)

The Board, the Lower Makefield Police Department, and the community were thanked by Kayden's family members.

Mr. Grenier announced that Senator Santarsiero is introducing Kayden's Law in the Pennsylvania Senate, Senate Bill No. 868, and Representative Perry Warren will be introducing a similar Bill at the Pennsylvania House. He stated tomorrow at 11:00 a.m. at the Lower Makefield Township Community Center, there will be a policy meeting to review the Senate version.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution No. 2344 in honor of Kay Day in Lower Makefield Township.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, stated wastewater is a problem in this Country.

Ms. Judy Hoechner 1406 Silo Road, stated on October 6, the FAA gave a FONSI with regard to the environmental assessment for the Trenton-Mercer Airport runway project. She stated November 15 is the deadline for public comment and to challenge that FONSI. Ms. Hoechner stated she is aware that the Supervisors have been very proactive in trying to protect the Lower Makefield residents from the negative impacts of the operations of the Airport and the Airport's future plans. She encouraged the Board to seek outside counsel prior to November 15 to see if the Township can challenge this FONSI. She stated if we cannot challenge it, the Township should come up with a strategy as to how we can deal with their individual projects which they are segmenting; since each of them individually will have no significant impact, but the overall operations will impact Lower Makefield.

Mr. Grenier stated Senator Santarsiero has organized an Inter-Governmental Panel with Lower Makefield, Yardley Borough, his office, Perry Warren's office, Congressman Fitzpatrick's office, the County Commissions, and some other local groups; and letters have been written from this group in the past, and they are planning to write another letter shortly with respect to this FONSI. Mr. Grenier stated the Township has also had a discussion with their attorney, Barbara Lichman; and her response for this specific project is that she does not feel there is a challenge they could go after because it is a safety-based project, and she does not feel any Judge would rule in our favor. He stated that does not preclude us from challenging any other Airport Master Plan/Airport Expansion project. Mr. Grenier stated Ms. Lichman also advised that were they to try to challenge the FONSI in Court, she feels the base cost would be over \$100,000.

Mr. Grenier stated they are looking at options such as reaching out to our State Attorney General to see if he might be able to offer a Challenge on behalf of Lower Makefield as he has been good about that in the past with other issues.

Mr. Robert Abrams, 652 Teich Drive, stated he sees that they are going to consider later in the evening hiring an attorney to assist with the sewer analysis; and he asked if they have chosen an attorney or are just voting to look for an attorney. Mr. Grenier stated they have interviewed and received proposals from two attorneys, and they will discuss this Agenda item later in the evening.

Mr. Abrams stated Yardley Woods is being built which will be an over-55 community, and most of what is being built are over-55 communities. He stated the number of Seniors in the community has grown substantially. He stated they are looking at sewer increases against fixed incomes, and he is not sure the sewer increases are warranted. He feels that the excessive sewer increases are being done to attract buyers. He feels there should be a comprehensive analysis of the sewer increase to be proposed brought in for a presentation and posted on the Website so people can analyze it and see if it is justified. He stated if it is not justified, that is an issue. Mr. Abrams stated with regard to a sale of the sewer system, he feels the Board is being very short-sighted, and they are compromising the Township long term.

Mr. Abrams stated with regard to the cell tower, it spans a generation. He stated he does not know who wrote the Contract. He also discussed the Bright Farms Contract.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, Inc. was present and read a letter into the Record with regard to her concerns with the expansion of the Trenton-Mercer Airport. Ms. Herman asked that the Board of Supervisors hire the aviation attorney to evaluate whether there are grounds for Appealing the FONSI for the runway protection zone project and push for a cumulative and expansive Environmental Impact Statement as outlined in the September 30 letter she just read in the Record. She stated the Appeal needs to be submitted by mid-November. Ms. Herman also asked the Board to hire the aviation attorney to determine the most effective way to respond to the August 6, 2019 letter from the FAA to Congressman Fitzpatrick. Ms. Herman stated at the September 26, 2019 meeting of the Township's Trenton-Mercer Airport Review Panel there was discussion about the letter and agreement among those attending that segmentation is occurring and this was a typical and expected response from the FAA. Ms. Herman also asked that the Board formally put the Trenton-Mercer Airport issue on the Agenda

for the November 6, 2019 Board of Supervisors meeting, and that the Board give the residents a thorough update as to where they stand on the issue including a timeline for action to address this potential public health and environmental “crisis.”

Mr. Grenier asked Ms. Herman if she had heard his response to Ms. Hoechner’s comments earlier this evening. Ms. Herman stated she did hear Mr. Grenier; however, she feels the safety issues that she has now brought up outweigh the “disingenuous representation that this is a safety measure.” Ms. Herman provided her public comments and the September 30 letter to the Board this evening.

Mr. Don Wilcox, 81 N. Delaware Avenue, stated he is on the Board of Bucks Residents for Responsible Airport Management (BRRAM). He stated he is present on behalf of their President, Holly Bussey, who was unable to attend this evening. Mr. Wilcox stated in the Report it states that there are 22.4 acres of forest that are going to be removed from the runway protection zone so it is a concern. Mr. Wilcox asked if the consulting attorney looked at the entire Report/the final EA in addition to the FONSI findings as he noticed in the Report itself that it indicates they are required to consider cumulative impacts several years in the past and five years going forward from the current date. He stated there is a statement immediately preceding that which states those projects will be considered on their own merits and any EA/EIS that would be required for them would be determined in that project. He stated therefore instead of considering the cumulative impact, they are segmenting it into a project-by-project basis in their own Report after acknowledging that it is their responsibility to consider them. He asked if the counsel has thoroughly looked through the entire Report to come to the conclusion that there are no grounds.

Mr. Grenier stated as he noted earlier, they did speak to the counsel about that specific to the runway protection zone; and the clearing of trees is a safety measure, and it is therefore not considered a part of the overall Airport expansion, rather it is a specific safety project. He stated their counsel does not believe we have a case to challenge this specific decision for the runway protection zone. Mr. Grenier stated he himself wrote the letter that Congressman Fitzpatrick sent about segmentation, so they are still considering all other issues other than this specific project of clearing trees. Mr. Grenier stated they will still have to get Permits from other agencies who have regulatory jurisdiction.

Mr. Wilcox stated while the safety impact may not be able to be challenged, the process they are using and their disregard of what is asked for in terms of cumulative impact seems to be something that could be challenged. He stated he feels the process by which they are doing this sets a precedent for every follow-up project that they are going to do, and then those will be harder to overturn.

APPROVAL OF MINUTES OF OCTOBER 2, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of October 2, 2019 as written.

PENSION PERFORMANCE REVIEW

Mr. Ferguson stated when the Auditors were present he had a discussion about his desire to have RBC come in at least once a year to provide an update on the performance of the Pension Fund. He stated there is an investment strategy that the Township agrees to, and then RBC works to evaluate and coordinate with the Manager to make changes they would recommend but stay within the same allocation percentages. He stated the Auditor did note how bad 2018 ended for everyone, and tonight we will get an update as to where we are at this point.

Mr. Mike Courtney was present with Mr. Bruce Besecker who work at Courtney Investment Consulting Group which is part of RBC Wealth Management. He provided information on RBC Wealth Management which is a subsidiary of the Royal Bank of Canada, one of the World's leading financial institutions. He stated Courtney Investment is one of six teams at RBC that work with institutional clients like Lower Makefield, and they are headquartered in Conshohocken. He stated they focus solely on institutional investors.

Mr. Courtney stated as Mr. Ferguson noted the fourth quarter of 2018 was difficult, but year-to-date they are up 13.1 on the Police and 13.2 on the Non-Uniform. He reviewed where they were over the past three years. Mr. Courtney discussed why there were problems during the fourth quarter of 2018. Mr. Courtney stated there was a quick reversal by the end of January, 2019, and by the end of the first quarter all the money was back along with some additional money. He stated as of 9/30/19, there is an excess from where they were on 9/30/18. Mr. Courtney stated they have been paying Pension payroll and "drops" contributions all through that time so money has been taken out.

Mr. Courtney showed a slide of the asset allocation. He stated they are 58 ½% in stocks, 14% in Tactical Asset Allocation, 27% Bonds, and some in cash. He stated currently they do not see any reason to take additional risk.

Mr. Besecker showed a slide of a historical review of the two basic asset classes of stocks and bonds, which most Pension plans primarily depend upon for performance. He stated this varies from decade to decade, but it does tend to move forward.

He noted specifically the time period of 2000 to 2009 where the average performance per year was a negative one percent. He stated this was an extremely difficult decade, and all pension plans suffered. He stated pension plans have a long-term view, and the positive performance of the stock market since that time can be seen. Mr. Besecker noted the 2010 to 2018 column, and there was very generous performance from bonds. He stated they need to understand history, maintain the allocation, and make changes when appropriate. Mr. Besecker stated while Mr. Courtney indicated that they are not recommending any changes tonight, that does not mean that they do not look at these items constantly.

Mr. Ferguson asked how much consideration do they give to actuarial assumptions and the needs of the Township as to whether or not to be aggressive. Mr. Besecker stated we are in the tenth year of an expansion so they are cautious at this time. Mr. Ferguson asked if they ever make the decision that if the market would outperform their expectations to pull back and become more conservative to capture those gains, and Mr. Besecker stated they do that. Mr. Ferguson asked if there is a point in time when they would make an assumption like that six months or a year out. Mr. Courtney stated they have to stay within the investment policy, adding that Pension Plans are long-term investments. He stated if the market were to continue at this pace and be up another 10% to 15% from where it is currently, they would want to have another discussion with the Township. Mr. Besecker stated if the stock market were to fall by 20%, they would also come to the Township to discuss their recommendations in that instance as well to consider purchasing more stocks.

Mr. Lewis asked the breakdown in stocks. Mr. Courtney stated if they were to take the stocks out of the Tactical Asset Allocation, it would take their exposure to approximately 63% to 64%. Mr. Lewis asked the asset classes they are investing in with the stock allocation related to the percentages of S & P 500, global markets, emerging markets, etc. Mr. Courtney stated almost 44% is in the U.S. and close to 15% is outside the U.S. Mr. Lewis stated they are buying individual equities across markets to build the portfolio, and Mr. Courtney stated they have managers that buy that. Mr. Courtney stated they have managers outside of the RBC umbrella. Mr. Lewis asked the fee structure on that, and Mr. Courtney stated that is in the quarterly report. He stated he believes the U.S. manager is 6/10ths of one percent, and international equity is just under 1%. Mr. Lewis discussed asset classes. He stated he personally goes through his portfolio rebalancing quarterly, and he would like to get some more insight into that for the Township. He stated he is somewhat concerned on the total expense ratio, and he feels we should be having lower total associated costs; and he would like to have a better understanding of asset allocations.

Mr. Lewis stated they are at 27% bonds, and he asked if they model their analysis on how many people they expect will retire and determine how much money they will need for those retirees so that there is some portion of the assets in bonds or more fixed-income assets. Mr. Courtney stated the Township makes their payment once a year, and they add that money to the long-term allocation. He stated monthly they take money from the investments, which is part of the re-balancing process to meet the Pension Payroll. He stated they do not have a strategic allocation to actual payments because Bonds fluctuate as well. He stated to have an investment that would not fluctuate with a short-term vehicle such as a money market or a Treasury portfolio, the return would not be what they would need to generate the 7 ½% long term.

Mr. Lewis asked the type of bonds they are buying. Mr. Besecker stated currently with interest rates being as low as they are, the yield curve is very flat from 2% to 2 ½% from 90 days out to 30 years so they are being very cautious there. He stated the fixed income investments they have in the Township's portfolio today are of a shorter term nature so that if the interest rates do go up, they would not be subject to price declines, but at the same time they are able to deliver a yield that is comparable if not a little higher than the general market which is around 2 ½%. He stated they tend to buy a little bit more in the corporate bond arena. He stated that is where they have positioned a lot of their clients. Mr. Lewis asked if these are investment grade bonds. Mr. Besecker stated they do buy some high-yield bonds, but it is typically 5% to 10% of the total portfolio, and it will range anywhere from 0 to 10%. Mr. Lewis asked what is the rest of the portfolio, and Mr. Besecker stated it is investment grade, mortgages, mortgage bonds, mortgage securities, Treasuries, and Agencies. Mr. Lewis stated he does not have a problem with appropriate risk as long as it is monitored correctly. Mr. Besecker stated they have the individual securities in the fixed-income portfolio, but they also have a fixed-income portfolio that is approximately 30% to 35% which is historically on the low end so there is a balancing act.

Mr. Courtney stated with regard to the index funds, some of their clients have moved index funds so they will run some analysis. Mr. Lewis stated you can get a broad market with a good diversification.

Mr. Courtney noted that the performance is net of fees.

Mr. Ferguson stated they have extensive quarterly reports, and he will start having those on the Website as well so it will show the performance of the Pension; and they will keep a year's worth on the Website.

Mr. Lewis asked where they are on the funding of the Pension since that had dropped because of the fourth quarter. Mr. Ferguson stated the actuary will be evaluating that. He stated it was just under 70%, but with the funds being up about 13% year-to-date, he assumes they are beyond that number; however, he will have to coordinate with the actuary when they do that evaluation again. He stated he will advise the Board when he gets that information. Mr. Lewis stated it would be a Board decision whether they want to put more money in.

Mr. Harold Kupersmit expressed concern with the global economy.

AMERICAN TOWER LEASE EXTENSION

Mr. Truelove stated this has been pending for some time, but they now have the Lease Extension to a point where they anticipate receiving a \$100,000 lump sum payment with guaranteed Lease payments for the one Lease with the primary lessee for the balance of the term which could be up to thirty years depending on the termination clauses; and while it was available under the prior Lease terms, they have now strengthened the terms and the notification requirements for any sub-leases on the tower, and the Township is now required to be notified about any leases and be paid a percentage of the lease amount. He stated he believes it is now appropriate for the Board to approve the Extension tonight. He stated if there is a breach of the Contract, the Lease can be terminated which gives the Township the right to not only keep the money but also to re-lease it to someone else if they were interested.

Mr. Grenier stated this is for the cell tower that is off of Woodside which can be seen from I-95. He stated they are re-negotiating the Lease Agreement for that specific cell tower.

Mr. Ferguson stated earlier in the year he was contacted by someone from American Tower. Mr. Ferguson stated there are eight years left on the Lease. Mr. Ferguson stated the individual from American Tower indicated that he had the opportunity to go into some long-term Leases with some “lucrative” clients but they were concerned that eight years was not enough time to maintain them or lure them to the tower site, and they were asking if the Township would be interested in an extension. He stated after lengthy discussions, American Tower agreed that the Township would have 5% year over year rent increases for the duration of the Agreement which could be an additional thirty years. He stated the Township gets revenue sharing on the cell tower, and we also get the rent itself. He stated the rent this year is \$70,464 so 5% year-over-year means rents by 2041

generate the Township over \$200,000 which is actually about as much as the revenue share that the Township would receive. He stated one of the provisions that the Township put on was a signing bonus for the Extension of the Contract of \$100,000 which American Tower has agreed to. Mr. Ferguson stated a very skilled attorney from Mr. Truelove's office negotiated this and there are additional provisions now regarding reporting and getting the same revenue share that we currently get if they sub-lease out. Mr. Ferguson stated for 2018 the amount the Township collected between revenue sharing and rent was \$287,000. He stated this is equivalent to a half mill of taxes, and it is a stable source of income. He stated with the signing bonus, it will be a good boost to the year end money. Mr. Ferguson thanked Mr. Truelove for the work done at his office, and Mr. Truelove thanked his colleague who did most of the work on this issue.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the American Tower Lease Extension as outlined by both the Township solicitor and the Township Manager.

APPROVAL OF WARRANT FOR LIST OCTOBER 7, 2019

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the Warrant List for October 7, 2019 in the amount of \$1,369,435.08 as attached to the Minutes.

APPROVAL OF SEPTEMBER INTERFUND TRANSFERS

Mr. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the September Interfund Transfers in the amount of \$908,393.07 as attached to the Minutes.

Mr. Ferguson stated the Board had previously approved paying for the unexpected storm sewer pipe project on Princess Drive out of the Bond Fund, and that is memorialized in this approval.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Engineer's Report in their packet. He stated there are several developments that are going toward Dedication, and they have issued a Status of Dedication letter outlining all of the outstanding items that are required by the Township prior to accepting Dedication of the public improvements.

Mr. Pockl stated this includes The Regency, north side Phases I through 7, and they walked that site with the developer last week and outlined a majority of the punch list items that need to be addressed in advance of the final roadway paving and the final Dedication. He also noted the Oakmont development, Freeman's Farm, and Scammel's Corner which they are currently working on to address some site issues and finish up the punch list. He stated they expect that all of these developments will be ready for Dedication before the end of the year.

Payment #1 for the 2019 Road Program

Mr. Pockl stated they are recommending Payment #1 for the 2019 Road Program. He stated all of the site work is completed, and the contractor finished the work and submitted a Pay Application that has some retainage left. He stated he expects at the next meeting to recommend paying the final retainage. He stated there will be a Change Order that adjusts the amount of the Contract because the project came in under Budget by approximately \$30,000. He stated at the next Board of Supervisors meeting he expects there to be a Change Order as a credit for that amount as well as to recommend the final payment.

Mr. Grenier asked if they have all the paperwork in from the contractor, and Mr. Pockl stated they expect to have that ready by the next meeting. Mr. Pockl stated this evening they are requesting approval of Payment #1 in the amount of \$720,360.38.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize payment in the amount of \$720,360.38 as outlined by the Township engineer related to the Road Program.

MANAGER'S REPORT

Mr. Ferguson stated there has been some discussion about how we can show the cell tower sale which has been collecting .65% interest. He stated there is a Bond Fund which is a business account that is generating 2 ¼%, and he transferred today \$2 million which is about the amount of the cell tower sale and that should generate \$45,000 in interest a year; and it will be set up so that the interest is assigned back to the General Fund. He stated it had previously been generating approximately \$13,000 in interest at .65%. He stated in the event that the Township has to access some of those dollars; while there are limits on the transactions, they could bring money over without any penalty.

Dr. Weiss stated a resident had previously criticized him for stating that they could make up to \$50,000 a year on the long-term Lease; and while they did not get to \$50,000 a year, they did get close.

Award of 2019-2020 Leaf Collection Contract

Mr. Ferguson stated they will start the Leaf Program prior to the next Board of Supervisors meeting. He stated they advertised to bid out the leaf program, and several contractors participated. He stated they met the legal requirements for the advertisement, and Bids were opened on Tuesday. Three of the same companies they have used in the past participated, and he reviewed the companies and the rates. He stated the cost is approximately 3 ½% over last year. He stated the way they use the companies is they use all of them; however, if it comes to the end of the program, and there is less work, they would use the low bidder to go out which is \$155 an hour. He asked for consideration to approve the award for the Leaf Contract to Ken's Lawn Service, Marrazzo's Manor Lane, and Corcoran Landscaping at the rates of \$155 to \$165 per hour.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to award the 2019-2020 Leaf Collection Contract to Ken's, Marrazzo's, and Corcoran's at the prices of \$155 to \$165 per hour as outlined by the Township Manager.

Approval to Hire Attorney to Assist with Sewer Analysis

Mr. Ferguson stated they need an attorney to participate with regard to the sewer evaluation.

Dr. Weiss moved and Mr. Grenier seconded to engage the Obermayer law firm with Thomas Wyatt as representative.

Ms. Tyler stated she disagrees with this nomination. She stated they interviewed two firms, and she feels the overall experience of both the team and the lead attorney from the other firm was much stronger, and she would recommend the Township hire that firm and not Obermayer.

Mr. Grenier stated he does "not strongly disagree" with Ms. Tyler, and he feels both firms had a lot of experience in this field. He stated comparing the two firms, the gentleman from Obermayer has been on both sides of the table which is an aspect that he likes. Mr. Grenier stated the two attorneys both used to work at the same

firm. Ms. Tyler noted that the individual they are proposing by this Motion was trained by the attorney that she prefers. Mr. Grenier stated he felt the attorney recommended by this Motion would be more of an advocate and listen to our Board more closely. He also stated the attorney who is now at Obermayer when he left the other firm was able to take much of the work if not the largest projects from the previous firm; and he feels that means the clients appreciated the individual attorney and wanted to stay with him which he feels was a “major plus.” He stated he does feel that both attorneys are highly qualified individuals.

Ms. Tyler stated with regard to lawyers, she would always go with the more experienced attorney.

Mr. Kupersmit stated in this area we have Morrisville, Yardley, Lower Makefield, and Bucks County; and he does not believe that there is any cooperation between any of these entities. He stated the plants are costly and complicated, and they need to “reinvent the wheel.” He stated they are also not considering the “super bugs.”

Mr. Grenier stated this is just for an attorney to assist in the process of reviewing the potential sale or lease of the sewer system, and it has nothing to do with the treatment plant as that is a different issue.

Motion carried with Ms. Tyler opposed.

SOLICITOR’S REPORT

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m. and items regarding litigation, Real Estate, and informational items were discussed.

Mr. Truelove stated Ms. Kirk has advised that they were able to obtain a signed Sanitary Sewer Easement Agreement at the Oakmont Development. He stated the developer should have Recorded this before the property was sold. He stated they have obtained the Agreement by the property owner for the Deed of the Sanitary Sewer Easement. He stated there is a Resolution that goes with this, and he is asking that this be approved, and they can have it ready for signature in the next several days.

Mr. Grenier stated the Board has not had an opportunity to review this as they just received it, and he would prefer to review it first. Mr. Truelove stated they could wait until November 6 to do it, and Mr. Truelove stated they could have it on the Agenda at that time. Mr. Grenier stated there will also be a Sewer Authority meeting between now and the next Board of Supervisors meeting.

ZONING HEARING BOARD MATTERS

With regard to the John and Kerrey McClintock Variance request for the property located at 770 Sandy Run Road in order to permit the construction of an in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

APPROVAL OF REQUEST FOR CONTINUANCE OF PRELIMINARY PLAN FOR ERIN DEVELOPMENT, DOBRY ROAD, 76-LOT AGE-QUALIFIED SUBDIVISION

Mr. Edward Murphy, attorney, was present. Mr. Truelove stated this is a request for a Continuance until the second meeting in November.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to Continue the consideration of Preliminary Approval for Erin Development to November 20, 2019

APPROVAL OF PRELIMINARY/FINAL PLAN OF LOWER MAKEFIELD CORPORATE CENTER NORTH CAMPUS, 1030-1050 STONY HILL ROAD

APPROVAL OF PRELIMINARY/FINAL PLAN OF LOWER MAKEFIELD CORPORATE CENTER SOUTH CAMPUS, 770, 790, AND 800 TOWNSHIP LINE ROAD

Mr. Edward Murphy, attorney, representing both the North and South Campuses of the Lower Makefield Corporate Centers, was present with Mr. Lou Merlini, from Rubenstein Partners. Mr. Murphy stated approximately fourteen months ago, Rubenstein purchased the Lower Makefield Corporate Center North and South campuses on Stony Hill Road. He stated both of those campuses were developed approximately twenty years ago, and both are located in the O/R District. He stated the Board is aware that since the downturn in 2008 and 2009, the asset class of tenants that occupied those buildings decreased, and the level of vacancy over time also increased. Mr. Murphy stated at one point half of all the buildings were vacant.

Mr. Murphy stated Rubenstein specializes in rescuing distressed classes of Real Estate such as these Corporate Center projects, and Mr. Merlini will describe their strategy for rehabilitating those Campuses which will probably arrest the decreasing revenue stream the Township had been receiving from the taxes as there had been multiple Tax Assessment Appeals filed by previous owners of the buildings that resulted in favorable decisions to the property owners and a decrease in the taxes that the Township was receiving from those properties. Mr. Murphy stated that

has already started to turn around on the basis of the new concept that Mr. Merlini has been selling to new tenants, and they have had a positive response. He stated they want the buildings fully tenanted with a better class of tenants than have existed over the last ten years. He stated they hope to return that asset class and the ratables to the Township to a much higher level than it has been.

Mr. Murphy stated as part of the strategy, they have submitted Amended Final Plans to the Township for both the North and South Campuses. He stated while Mr. Merlini can provide the specifics it basically involves creating more open space in the Campuses to enable tenants in those buildings to interrelate with each other. He stated it is designed to create more tenant amenity spaces within some of the buildings to foster that type of communal and collaborative workspace. He stated this results in a reduction in the amount of leasable square footage than exists today, and results in approximately three quarters of an acre less of overall impervious surface between the two sites with no loss of available parking.

Aerials were shown on the existing conditions.

Mr. Murphy stated they had positive review letters, and the Township Planning Commission recommended approval of the Amended Plans.

Mr. Merlini stated Rubenstein acquired five buildings on the North Campus and three of the four buildings on the South Campus about one year ago. He stated this is about a half million square feet. He stated the first plan to transform the campus is to revitalize a significant portion of the common spaces including lobbies, restrooms, corridors, etc. which is the bare minimum that they do when they acquire a property of this age. He stated that work will begin within the next few weeks.

Mr. Merlini stated the second piece is adding amenities to the sites. He stated at the South Campus there is currently a small café and a little gym; and they will be completely revamping them and expanding them into an adjacent vacancy, and creating indoor/outdoor connectivity. He stated they will also do something similar at the North Campus in one of the vacancies as well. He stated currently there are no amenities at the North Campus other than a Dunkin' Donuts. He stated at the North Campus they will be adding an area for a café, a conference facility, and a fitness facility.

Mr. Merlini stated the third piece is what they are presenting this evening which is taking some of the hard surface parking lot area and converting it into green space for outdoor meetings/gatherings, and to create a central hub for the Campuses.

Mr. Merlini showed on the Plan the existing conditions as well as Plans for what they are proposing. He noted the central green area that is designed to link the buildings and make it feel like an interconnected campus and not just a group of buildings on a parking lot. He noted the left side of the new plaza which will be a hardscaped seating area. He noted one building where they will be adding the café and fitness area which will spill out onto the seating area. He noted a central green area, and off to the right more seating area with a bocce court and ping pong tables.

Ms. Tyler asked about the traffic circulation; and Mr. Merlini stated they will still be able to go around the circle, and he showed how the traffic will circulate.

Mr. Merlini showed the South Campus where there is a central area between the two buildings, and the plan is to create a new green park space at a location he showed on the Plan. He stated the new café, fitness center, and conference area will be on the lower level of Building 790. He noted an area which will become new green space, and a new deck that will cantilever over the water. He stated they will have yoga classes, etc. by the water when the weather is nice.

Mr. Grenier asked if there is an internal walking path, and Mr. Merlini stated there is a sidewalk that goes around the inner ring of the buildings. Mr. Grenier stated there is an existing sidewalk on the main road, and Mr. Merlini agreed. Mr. Grenier asked if there is one on the other building to connect, and Mr. Merlini stated he does not believe the sidewalk goes that far on the road at the North Campus. Mr. Grenier stated the Township is trying to improve their walkability in the Township.

Ms. Blundi stated there was a suggestion to connect the buildings to the existing walkway along Township Line Road, but it was not accepted by the developer. Ms. Blundi stated she believes that was part of the North Campus. Ms. Blundi stated TPD discussed this in their July 30 letter. Mr. Merlini stated they had looked at ways to make a walking path around the water and then connect to the sidewalk; however, the grade there is very steep. He stated it would be cost prohibitive, and they would have had to build a retaining wall all the way around to create a level walkway. He stated currently the existing sidewalk does not go anywhere; however, if that sidewalk were to go somewhere, they would consider that for their tenants. Ms. Blundi stated possibly there is an opportunity to have the walkways on either side and people could go into the parking lot and around the other way if they had to. She urged the developer to see if there is more that can be done, although she would defer to the developer if it cannot be done.

Mr. Grenier stated it appears that they are proposing additional trees, and Mr. Merlini stated they are proposing on planting a significant number of trees. Mr. Grenier asked if they are doing any improvements at the stormwater pond.

Mr. Jake Medendorp, engineer, stated the existing basins were sized for the site as they exist today; and each project proposes a reduction in impervious surface which ultimately leads to a reduction of run off to the basins so they are not proposing any improvements to the existing basins.

Mr. Grenier asked if the plantings being installed are native, and Mr. Medendorp stated they are all from the Township's approved planting list.

Mr. Pockl stated there is a retaining wall along a portion of the pond where they are adding the decks. He stated it is a wood deck that will have open slats with pervious area underneath.

Mr. Grenier asked about outdoor lighting. Mr. Merlini stated there is some "string lighting" between the buildings and some down by the water.

Mr. Grenier asked the percentage amount they are reducing the impervious surface, and Mr. Merlini stated that at the North Campus, they are reducing it by approximately 22,000 square feet and at the South Campus by approximately 3,000 square feet.

Mr. Truelove stated there are several Waivers being requested which have all been fully vetted, and everyone has recommended approval of those Waivers. He stated they are listed in many of the review letters.

Mr. Grenier asked if the Planning Commission made their recommendation conditioned on anything, and Mr. Murphy stated it was conditioned on compliance with the review letters which are outlined in Mr. Truelove's draft approval letter. Mr. Grenier noted the Planning Commission wanted to make sure that there was striping at the crosswalks, and Mr. Murphy stated that was something that the developer requested as they wanted to do something more decorative as opposed to what was included in Mr. Pockl's letter which was a more generic PennDOT spec for crosswalks; and he believes everyone was satisfied with what the developer was proposing. He stated he understands that technically that is a Waiver.

Mr. Grenier asked if they still have the same amount of usable office space given the interior improvements discussed, and Mr. Murphy stated they will have less usable office space. Mr. Merlini stated the North and the South Campus would

be reduced by approximately 4,000 square feet. Mr. Grenier asked Mr. Ferguson if that impacts the Township from an assessment perspective. Mr. Ferguson stated hopefully they will be able to rent all the spaces which will have a positive effect on assessments. Mr. Merlini stated they actually reallocate that square footage back into the rest of the space so you then have the same number. Mr. Grenier asked how they are doing with lease rates and marketing. Mr. Merlini stated what they are proposing has been extremely well received. He stated they have taken it from the high 70s% and now they are in the low 90s% of occupancy, and they have been able to push lease rates.

Ms. Tyler moved and Mr. Lewis seconded to approve Preliminary/Final Plans of the Lower Makefield Corporate Center North Campus 1030-1050 Stony Hill Road Plans dated 4/2/19, last revised 8/21/19 subject to the following:

- 1) The Applicant shall comply with the Lower Makefield Township SALDO and Zoning Ordinance and all applicable State and Federal Ordinances, Statutes, and/or Laws;
- 2) Where applicable, receipt of all Permits, authorizations and/or approvals from all agencies and jurisdictions including but not limited to PADEP and the Bucks County Conservation District;
- 3) Compliance with the Remington & Vernick Engineers September 29, 2019 review letter and any supplements to same;
- 4) Compliance with the July 30, 2019 Traffic, Planning & Design, Inc. review letter and any supplements to said letter;
- 5) Compliance with the Ebert Engineering June 11, 2019 review letter and any supplements to said letter;
- 6) Compliance with the August 5, 2019 Bucks County Planning Commission memorandum and any supplements to said memorandum;
- 7) Compliance with the April 14, 2019 review letter from James V. C. Yates, fire protection consultant, regarding fire protection and related issues and any supplements to said letter;

- 8) Compliance with Lower Makefield Township Police Department Traffic Safety review letter dated July 10, 2019 from Thomas M. Roche, Traffic Safety Officer, and any supplements to said letter;
- 9) Several Waivers would be granted as outlined in the aforementioned September 17, 2019 Remington & Vernick Engineers review letter as modified;
- 10) Where applicable, Applicant shall comply with all appropriate authorities responsible for the approval of proposed utilities;
- 11) Applicant shall pay required and appropriate Fees associated with this project.

Mr. Murphy agreed to the Conditions.

Motion carried unanimously.

Ms. Tyler moved and Mr. Lewis seconded to approve Preliminary/Final Plans of the Lower Makefield Corporate Center South Campus, 770, 790, and 800 Township Line Road Plans dated 4/2/19, last revised 8/21/19 subject to the following:

- 1) The Applicant shall comply with the Lower Makefield SALDO and Zoning Ordinance and all applicable State and Federal Ordinances, Statutes, and/or Laws;
- 2) Where applicable receipt of all Permits, authorizations and/or approvals from all agencies and jurisdictions including but not limited to PADEP and the Bucks County Conservation District;
- 3) Compliance with the Remington & Vernick Engineers September 17, 2019 review letter and any supplements;
- 4) Compliance with the July 30 Traffic, Planning & Design, Inc. review letter and any supplements;
- 5) Compliance with the Ebert Engineering June 18, 2019 review letter and any supplements;

- 6) Compliance with the August 5, 2019 Bucks County Planning Commission memorandum and any supplements to said memorandum;
- 7) Compliance with the July 20, 2019 review letter from James V. C. Yates, fire protection consultant, regarding fire protection and related issues and any supplements to said letter;
- 8) Compliance with the Lower Makefield Township Police Department Traffic Safety Review memorandum letter dated July 10, 2019 from Thomas M. Roche, Traffic Safety Officer, and any supplements to said letter;
- 9) Several Waivers are outlined in the September 17 Remington & Vernick Engineers review letter which are listed in the Approval letter and are incorporated therein;
- 10) Where applicable, the Applicant shall comply with all appropriate authorities responsible for approval of proposed utilities;
- 11) Applicant shall pay required and appropriate Fees associated with this project.

Mr. Murphy agreed to the Conditions.

Motion carried unanimously.

**APPROVAL OF EXTENSION REQUEST OF DOGWOOD DRIVE SUBDIVISION
PRELIMINARY APPROVAL**

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extension request of Dogwood Drive Subdivision Preliminary Approval to 12/31/19.

APPROVAL OF EXTENSION REQUEST OF CAPSTONE TERRACE

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to approve the Extension request of Capstone Terrace to 12/31/19.

SUPERVISOR REPORTS

Mr. Lewis asked if the Board has provided the Farmland Preservation Corporation any comments on their Lease, and Mr. Truelove stated he will respond to them and indicate that the Board has no problems with their Lease.

APPROVAL TO HIRE FOUR POLICE OFFICERS

Chief Coluzzi asked the Board to consider hiring four Police Officers based on their successful completion of a medical, psychological, and drug screen, and the last candidate also a Police polygraph exam. He stated these are vacant positions currently, and have been vacant for almost a year.

Chief Coluzzi provided information on each of the candidates.

Ms. Tyler moved, Ms. Blundi seconded, and it was unanimously carried to approve the hires of Michael Urban, Timothy Backman, Steven Markle, and Matthew McClay as outlined by Chief Coluzzi.

There being no further business, Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Kristin Tyler, Secretary

