

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - JULY 15, 2020

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

Those present:

Board of Supervisors:

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

Others:

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

**ANNOUNCEMENT BY MR. TRUELOVE REGARDING RESIDENCY OF DR. WEISS**

Mr. Truelove stated the day before the last Board of Supervisors meeting, a Petition was filed for an Injunction, which is still pending; and one of the claims filed was that Dr. Weiss did not have sufficient residency in Pennsylvania to be an Elected Official. He stated there was also a separate request made by the person who had signed the Affidavit to the Petition, Constable Peter Lachance, to the District Attorney himself, Matthew Weintraub, asking him to commence a Quo Warranto proceeding which is a Writ that is known for challenging someone's right to hold Office. Mr. Truelove stated the District Attorney's Office was tasked with investigating the circumstances to determine whether Dr. Weiss was properly to be seated as an Elected Official.

Mr. Truelove stated a memo was received from the District Attorney's Office yesterday. He stated the bottom line is that Dr. Weiss is properly domiciled and is a resident of Pennsylvania for purposes of holding an Office, and this has been determined by the District Attorney's Office and further research solidifies that.

Mr. Truelove stated the District Attorney's Office was asked to do a review and investigation, and it was assigned to Deputy District Attorney, Jill Graziano, who in turn assigned it to Assistant District Attorney Eugene Tsvilik. Mr. Truelove stated Mr. Tsvilik was asked to review the available information, which was compiled in a 4" thick binder, as to whether the District Attorney's Office had the legal authority to remove Dr. Weiss from Office based on lack of residency and whether such action would be appropriate. He stated the information also included the Affidavit of Jeffrey Hall-Gale in terms of the Petition that was filed in the Court and a Certificate of Trust and Warranty Deed that was part of the social media discussion and also publicly that led to some of the claims that were submitted in this case. He stated the information also included a copy of a Web page listing necessary steps to obtain a Homestead Exemption from Hillsborough County, Florida. He stated there was also FAA information, the Facebook post by Citizens Aligned for Lower Makefield with screen shots, newspapers articles, and a lot of other information including interviews with Real Estate Officials, Title Clerks, and other individuals.

Mr. Truelove stated the District Attorney's Office stated that a Township Supervisor must reside in the Township in which Elected and shall have resided in the Township continuously for at least one year before the Election. It further notes that no person is eligible for the Office of Supervisor, Auditor, etc. in any Township unless that person is an Elector of the Township. Mr. Truelove stated the term "Elector" has a legal significance. The Election Code provides several rules for determining the residency of an Elector. Mr. Truelove stated the term that is used for that is "domiciled," which means a person's expressive desire that may not supersede the effect of his conduct, and every person must have a domicile somewhere; and a man cannot elect to make his home in one place for the general purposes of life and another place for the purposes of taxation. Mr. Truelove stated that was in many ways the scrutiny that was applied.

Mr. Truelove stated according to the District Attorney's Office based upon the information provided, there is insufficient evidence to conclude that Dr. Weiss is not domiciled in Pennsylvania. Mr. Truelove stated the investigation included an interview with Dr. Weiss, conversations with Real Estate professionals, a review of Driver's License and Motor Vehicle information obtained from PennDOT as well as information obtained from Florida, and documents provided by Mr. Hall-Gale. Mr. Truelove stated the information also included Change of Address Forms filed by Dr. Weiss moving from the Yardley Road home to the Kathy Drive home indicating a desire and intent to live in Pennsylvania. Mr. Truelove stated records revealed that the Driver's License address was

changed to Kathy drive. He stated a search done through the National Law Enforcement Telecommunication system yielded no Florida Driver's Licenses for either Dr. Weiss or his wife. He stated the Motor Vehicle Registration Certificate provided an address originally of 1308 Yardley-Langhorne Road which was eventually changed to the Kathy Drive address.

Mr. Truelove stated Dr. Weiss and his wife have executed a thirteen-month Lease, which for many may be as long as a Lease as you can enter into with certain landlords and other entities that provide places for rent.

Mr. Truelove read the wording from the District Attorney's Office as follows: "The above-referenced investigation revealed credible and consistent evidence to support the conclusion that Dr. Weiss is domiciled in Lower Makefield Township and his actions demonstrate his intent to return if temporarily absent from the Township."

Mr. Truelove stated he understands that there have been comments made that other things should be looked at as well although he feels the information that was relied upon was very complete. Mr. Truelove stated that a Qualified Elector is any person who shall possess all the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who otherwise being qualified by continued residence in an Election District shall obtain such qualifications before the next ensuing Election." Mr. Truelove stated the same qualifications for being an Elected Official also qualify someone for being a Registered Voter. Mr. Truelove stated that is important because there are a lot of people in the Township who have vacation homes whether it is at the Shore, the Poconos, or some other place; and they spend a lot of time out of the Township, but that does not mean that their primary residence is elsewhere. Mr. Truelove stated to adopt the approach that many promoted either through Court Filings or on social media, many of those people who own vacation homes might have their voting rights scrutinized depending on the analysis that some would promote that they would have to review for Dr. Weiss' residency.

Mr. Truelove noted that the Petitioner in the underlying Injunction Action including the Petition that was related to Dr. Weiss' residency was a Candidate for Supervisor in 2019 but owned no property and was not on record as a taxpayer or ratepayer. Mr. Truelove stated he has the right to do that since under the Election Code he is not required to own property, adding this is not the 18<sup>th</sup> Century where that was one of the requirements to be a voter.

Mr. Truelove stated facts should be investigated before making assertions that are personal attacks on integrity and disrupt the Governing process. Mr. Truelove stated these are trying times, and the Governor just today discussed further restrictions that may be imposed on social gatherings; and that indicates that these times are not going to be over very soon.

Mr. Truelove stated a word in the document that was highlighted was “homestead,” which is defined in the Florida Constitution as “real property to the extent that no more than one half of an acre of continuous land in a Municipality owned by a natural person and the improvements on it.” Mr. Truelove stated it has no other legal meaning, and that information was obtained from Google. He stated with regard to qualifying for a Homestead Exemption it is essentially the same thing as qualifying as a voter, and it requires a lot of affirmative steps to take to qualify in Florida for a Homestead Exemption such as a Driver’s License, Voter Registration, and Vehicle Registration; and it is not an insignificant exemption to obtain because the benefit is up to \$50,000 of property tax exemption. Mr. Truelove stated records could have been reviewed in Hillsborough County to determine that since January when the transaction was made, that Dr. Weiss and his wife did not apply for a Homestead Exemption. He stated that information was available on-line.

Mr. Truelove stated as indicated Dr. and Mrs. Weiss maintained Pennsylvania residency, Vehicle and Voter Registration, physician contacts, Pennsylvania residents for tax purposes, bank accounts, Wills, and Estate Plans including the fact that the attorneys they relied on for some of the transactions related to the purchase in Florida where from Pennsylvania, adding they were not from his office.

Mr. Truelove stated there have also been statements about Dr. Weiss’ flights to Florida. Mr. Truelove stated Dr. Weiss has recently retired, and out of the 183 days that were in the count, he spent 57 days out of the area in Florida. Mr. Truelove stated Dr. Weiss flew once to Florida in his own plane and traveled back and forth on Commercial airlines other times, and that record can be obtained through Frontier.com. Mr. Truelove stated Dr. Weiss was also confined to Florida for a brief period of time when he was there earlier because of the Pandemic. Mr. Truelove stated that schedule could be compared to those who go to the Jersey Shore or the Poconos every week/weekend, and he asked if those people would then be in danger of having their voting rights challenged.

Mr. Truelove stated the investigation that was approved by the District Attorney, his Deputy, and created by his Assistant, was very clear, concise, and complete; and is consistent with the Law. Mr. Truelove stated this matter should “be put to bed.” He stated the Injunction issue remains; and that is a separate issue which should not be discussed tonight as it is in litigation.

Dr. Weiss stated there were a lot of people who spent a lot of time and effort in this investigation, and he stated he appreciates those involved in that effort and the result.

#### COVID 19 UPDATE

Mr. Ferguson stated the Governor came out with a new Order today scaling back some of the openings and the number of people permitted at indoor public gatherings. He stated the Township is continuing to work remotely, but they have taken steps to re-configure the space in the Building for when the time comes for them to come back into the building.

Mr. Grenier asked Mr. Ferguson if anyone from the School District has reached out to him about their plans since many of their buildings are in the Township. Mr. Ferguson stated the School District has not reached out to him.

#### COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated drive-up movies will be starting at Memorial Park, the first on July 17<sup>th</sup> and the second on July 18<sup>th</sup>. He stated tickets can be purchased at [maegav.com](http://maegav.com).

Dr. Weiss stated Camp in a Bag is available. Bags are geared toward youths aged six to twelve. He stated for \$25 a weeks’ worth of activities is available. Bags should be ordered by Wednesday to secure the bag for the following week. He stated there are a limited number of bags, and orders are first-come, first-served; and they can be ordered by emailing [Veronicag@lmt.org](mailto:Veronicag@lmt.org).

Dr. Weiss stated Park and Recreation Digital recreation opportunities can be found on the Township Website.

Dr. Weiss stated there will be pop-up experiences for children including Park nature talks, magic shows, science demos, and more. He stated details can be found on social media.

Dr. Weiss stated this is Park and Recreation month, and he encouraged residents to enjoy the Parks considering social distancing.

Dr. Weiss stated during Community Announcements, he would encourage residents and Youth organizations including Scouts, School groups, etc. to call in and provide an announcement about their organization. He stated this can also be done in advance by contacting the Township and requesting that a special announcement be added to the Agenda. There was no calls from the Public at this time with a special announcement.

#### APPROVAL OF MINUTES JUNE 17, 2020, JUNE 25, 2020, AND JULY 1, 2020

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of June 17, 2020, June 25, 2020, and July 1, 2020 as written.

#### TREASURER'S REPORT

##### Approval of Warrant List from July 6, 2020

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the Warrant List from July 6, 2020 in the amount of \$1,005,298.17 as attached to the Minutes.

##### Approval of June Interfund Transfers

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the June, 2020 Interfund Transfers in the amount of \$667,773.32 as attached to the Minutes.

DISCUSSION AND APPROVAL OF POROUS PAVE DONATION TO REPLACE THE RED TIPPLE PATH AT THE GARDEN OF REFLECTION

Ms. Tierney stated during the Budget discussions in 2019, they discussed the money that was going to be set aside in the Fee-In-Lieu Fund for the berms at Memorial Park which were dying; and they knew this was going to be a substantial expense. She stated there were other issues that came up including the tipple path and maintenance that needed to be done in the Garden areas. Ms. Tierney stated there were meetings with Ms. Saracini and Mr. Stark about these issues, and Ms. Saracini was able to come up with a plan for a donation from Porous Pave and help from students from the Bucks County Technical High School.

Ms. Saracini stated the 20<sup>th</sup> Anniversary of the attack on our Nation is coming up next year. She stated they started a project called the Garden Revitalization Project which is to get the Garden of Reflection and areas within Memorial Park to be more in line with where they were originally. She stated COVID has made it very difficult to get work done in Memorial Park this year. Ms. Saracini stated she and Mr. Stark went to the Bucks County Technical High School to discuss a summer project for their students, and the School felt it was a great opportunity for their students. Ms. Saracini stated they are working under a SLIP Grant which is a summer internship program. Ms. Saracini stated through Ivin's Outreach Center they were also able to get a 21<sup>st</sup> Century Grant which is a Community Learning Center Grant, and that helps supply supervisors/mentors for the students. Ms. Saracini stated she and Mr. Stark also got a Foundation Community Partner Grant which is predicated on youth involvement.

Ms. Saracini stated the students started last week with clean-up, and there is a significant difference already. Ms. Saracini stated it is very difficult for them working on the berms, and she commended the students for the work they are doing. She stated they are learning about the Garden of Reflection and September 11, and Mr. Stark has been supervising/mentoring the students.

Slides were shown of what is involved in the scope of the project. She stated the primary project involves the walkways. Slides were shown of the walkways where there are areas where the fabric can be seen and also areas where you cannot see the walkway. She stated the red tipple has migrated out of certain areas.

A slide was shown of the berms. Ms. Saracini stated the left-hand picture shows what the berms looked like in the fall, and they felt that there would not be anything left; however, the other picture shows the substantial amount of new growth this year. She stated all of the compromised areas are being removed by the students. Ms. Saracini stated the Township had allotted a lot of money to take care of this project; and they are very fortunate that the students are doing it, and it is not an expense to the Township as it is all being covered by Grants.

A slide was shown of the front entranceway where the students are also working on removing the weeds and doing clean-up. A slide of the flag circle was shown where the students are also weeding and doing clean-up. A slide was shown of all the compromised material that was removed, and they have a similarly-size amount ready to be taken away this week.

Ms. Saracini stated were compromised trees which have been removed.

A slide was shown of the oak garden, and branches have been trimmed up. She stated some trees in the Park need to be staked because they are leaning as a result of the prevailing winds in the area.

Ms. Saracini stated the students will be power washing the walkways. A slide was shown on the donor wall, and Ms. Saracini stated some of the donors names cannot be seen so they will be lowering the mulch in that area. She stated they will also be re-painting the names.

An overview of the Garden of Reflection was shown. She noted all the walkways which will be their focus. Ms. Saracini stated they will be re-defining the walkways so that they are their original width again. She stated the students will put down a 4" base layer of stone. She stated they are very thankful that a company called Porous Pave will be giving a very generous donation of all of the porous pave material needed to cover 9,500 square feet of walkway. She stated this is a \$100,000 donation.

Ms. Saracini stated representatives from Porous Pave remotely attended the Park & Recreation Board meeting last evening to answer questions. She stated Porous Pave is a small company which gets frequent requests; and while they cannot honor all of those requests, they felt this project was so important that they wanted to be a part of it. She stated they will be instructing the students on how to lay a porous pavement.



Ms. Saracini stated the red tipple has been a maintenance issue since Park & Rec often has to obtain more and put it down and they also have to sweep it back onto the walkway as it migrates. Ms. Saracini stated they will now be able to offer the community a handicapped-accessible walkway with the Porous Pave project. Ms. Saracini stated through Porous Pave they will also be able to provide the students with a skill set which the Tech School is grateful for as they will be learning how to lay this surface.

Dr. Weiss thanked Ms. Saracini adding he feels this is a great endeavor, and he looks forward to seeing the finished product. He stated he hopes that they will be able to have a re-Dedication of this facility.

Mr. Grenier stated he is very happy with the work that is going to be done with regard to fixing the plants and the weeding. He stated his one concern is with the path. He stated he has known for years that the red tipple path was a bad idea to begin with as it was a poor design. He stated whenever you put red tipple on a slope or if it is walked on, it gets washed away and does not come back; and you need a larger stone. Mr. Grenier stated he has worked with Porous Pave material previously, and he does not like it; and he would prefer something else. He stated the material is recycled tires which is a petroleum product that degrades; and since it is a stormwater path, it will degrade into the streams. He stated he is very concerned about using Porous Pave specifically although he does agree that the paths need to be fixed. Mr. Grenier asked that they re-consider that part of the project. He stated he is an environmental scientist who does this for a living, and he would not be in support of the Porous Pave portion of the project.

Ms. Saracini stated tires are a problem in the environment because they do not disintegrate, and she feels this is a good product. She stated there are areas which are sloped, and there are wetlands behind the Garden of Reflection. She stated the Porous Pave surface is very breathable and it can move with the “momentum of the ground.” Ms. Saracini stated it is an eco-friendly product, and it uses a resource that otherwise would be sitting in a landfill. She stated this company has already taken away a lot of tires that would have been in landfills. She stated Porous Pave’s product is highly-regarded, and their binder is superior to a lot of other products. Ms. Saracini stated she feels this surface is exactly what they need here, and they do not have another solution. She stated they cannot put macadam down because the ground is too “moveable.” She stated they also cannot do the red tipple, and they do not have a handicapped-accessible area.

Mr. Grenier stated he has been doing this for twenty years and has Graduate Degrees in this specific issue, and he disagrees with Ms. Saracini on this particular issue. He stated he is in favor of everything else, but he would not support Porous Pave.

Mr. McCartney asked what is on the path currently, and Ms. Saracini stated there is a small amount of red tipple left although most of it has washed away. She stated there is fabric there, and the grass has grown over most of it. She stated the plaza area has been re-done with red tipple. Mr. McCartney asked Mr. Grenier if there is an alternate product that he would recommend. Mr. Grenier stated red tipple is a very small stone, and he would typically look for a larger stone. He stated he would not be in favor of cement as that would create more impervious surface, and there would be stormwater issues. He stated because this is also a stormwater conduit, he feels they should use a larger stone that would lock into place and not move. Mr. Grenier stated the grading was not done well to serve the dual purpose for stormwater and a trail. He stated he feels they should look into improving the grading and a different material to accomplish the same goals.

Dr. Weiss asked if Mr. Pockl could review the material to make sure that it is an acceptable type of material for the paths and report back at a later meeting.

Mr. Ferguson stated this is a donation, and the work is underway. He stated if the Board is not going to approve this donation, the Township would have to purchase whatever material they decide on. Mr. Ferguson stated they started doing the clearing work with the idea that there was going to be a donation for the paving material. Mr. Ferguson stated if the Board does not want to accept this donation, the Township would have to put this out to Bid; and it would be a different process versus the donation.

Dr. Weiss stated the Park & Recreation Board met last evening and heard this presentation, and he asked Mr. McCartney what were their thoughts. Mr. McCartney stated the feedback overall was positive.

Dr. Weiss asked Mr. Pockl if he has experience with this material. Mr. Pockl stated he has limited experience with it; however, he could have the landscape architects at Remington Vernick look into it. He stated he understands that this is a rubber material that is bound together, and it does not move like the red tipple does. He stated he understands that under the rubber material, there would be a stone layer that provides structural support for the rubber and

the stone would also be the conduit for any stormwater. Mr. Pockl stated he would be willing to visit the site and provide suggestions as to ways to provide for more sheet flow so that there are not situations where there is erosion or movement of the material.

Dr. Weiss asked Ms. Tierney if this is a common material used for trails. Ms. Tierney stated while she has not worked with this particular company, she is familiar with rubberized surfaces. She stated Mr. Majewski did walk the trails at the site and he provided some mitigation suggestions so that there would not be erosion, and the students will be working on this.

Ms. Blundi stated she is looking at the Porous Pave Website, and they list clients such as the Eagles and the Phillies and many colleges. Dr. Weiss stated he is very much in favor of the “price.” Ms. Saracini stated the Tech School was very excited about taking on this project, and the project was not just to have the students come out and weed; and it was the walkways that was giving them a life skill. She stated it will also provide handicapped-accessibility. She stated the Grants were gotten with the presumption that they were going to do this. She stated this is an eight-week program; and if they were not going to do the walkways, the School may have chosen a different project to be working on for their summer project. She noted it would be a big disappointment not to have this part of the project.

Dr. Weiss asked Ms. Tierney if Mr. Majewski objected to this material when they did their walk-through, and Ms. Tierney stated he did not during the walk-through. Ms. Tierney added that Mr. Majewski also reviewed all the same information that the Board received. Dr. Weiss asked Mr. Pockl if he has a strong objection to using this product, and Mr. Pockl stated he does not.

Mr. Lewis stated he is concerned that they are just finding out about this now, and the Board did not have an opportunity to approve it when it got started.

Mr. Pockl stated it would be in the Township’s best interest to do a PA One call to identify any utilities in the area. Mr. Lewis stated there is a gas line there. Ms. Saracini stated they have discussed this, and they were going to make that call; however the walkways were there, and they will be using the same diameter that was there originally.

Ms. Judi Reiss, 969 Princess Drive, thanked Ms. Tierney, Ms. Saracini, and Mr. Stark for doing all of this work. She stated she had been out to the Garden, and the pathway was “a bit shabby.” She stated it is also not handicapped-accessible

or accessible to anyone pushing a stroller. She stated she feels what they are doing is wonderful, and she is thrilled that they are using students for this life-learning experience. She stated she knows that if they put rock underneath, it will let the water flow properly which might mitigate any problems with the surface. Ms. Reiss stated she hopes that the Board will approve this so that these students will get this life experience, and the Garden will be in a condition that the community would like it to be.

Mr. McCartney moved and Ms. Blundi seconded to approve the project continuing as planned. Motion carried with Mr. Grenier and Mr. Lewis opposed.

#### LOWER MAKEFIELD TOWNSHIP COMMUNITY TRAIL CONNECTION FINAL PROJECT DESIGN PRESENTATION BY TPD

Mr. Ferguson stated this presentation was made on June 24 to a Joint Meeting of the Park & Recreation Board, the Citizens Traffic Commission, and the EAC; and he believes they had a favorable opinion of the project.

Mr. Marty Rosen, Traffic Planning & Design (TPD), was present. Mr. Rosen stated TPD and the Township had submitted for a Pennsylvania Transportation Alternative Set-Aside Program Grant in 2017. He stated it was received in 2017, and the design was begun in 2018. Mr. Rosen stated the project is located in the area of the baseball/softball complex opposite the Township facility. A slide was shown of the area. Mr. Rosen stated the project will connect the missing link that there is currently in the area along Edgewood Road. He noted the area highlighted in blue on the slide is a missing path along Edgewood Road. He stated currently there is an 8' path that extends from the intersection at Mill Road to an existing pedestrian crossing at the Township Building. He stated there is a gap until the secondary pedestrian crossing past the ballfield driveway where the path picks up again moving onto the intersection at Oxford Valley Road. He stated the project will connect the missing gap.

Mr. Rosen stated they will also construct a new path along Oxford Valley Road all the way down to the Roelofs Road intersection where a new crossing will be provided across Oxford Valley Road. He stated there will also be two smaller paths provided from the new path along Oxford Valley Road which will be 5' in width extending to an existing path around the baseball field on the lower right-hand corner of the slide shown as well as a 5' path that will extend from the intersection of Roelofs Road back to the softball complex parking lot.

Mr. Rosen stated the proposed path will be 8' in width which is the width utilized elsewhere in the Township, and it is also the minimum width allowed for a multi-use path that allows for pedestrians and bicyclists to use the facility. He stated they are also proposing a minimum 5' wide buffer from the face of the existing curb to the trail to allow enough width for existing features such as signs, fire hydrants, pedestrian-warning signage, and a comfortable width from the existing roadway.

Mr. Rosen stated also along Edgewood Road, they will be refreshing the existing paved crossing as well as providing additional warning signage and markings approaching the crosswalks.

Mr. Rosen noted the intersection of Oxford Valley Road and Edgewood Road, where they will have new ADA-compliant curb ramps, the crosswalks will be re-striped and enhanced, there will be new pedestrian push buttons, signage, and the traffic-signal timing will be updated to meet current requirements.

Mr. Rosen stated along Oxford Valley Road, they will have the same principle as along Edgewood Road with the 8' path with a minimum 5' buffer; however, as you move further along Oxford Valley Road, the terrain starts to change and they start to deviate further away from the path in order to take advantage of the natural contours of the land to minimize any grading along the path as well as to increase the buffer. He stated there are also some existing trees planted around the Community Center, and it meanders from the road as they move down toward Roelofs Road.

Mr. Rosen stated at the intersection at Roelofs Road an RRFD (Rectangular Rapid Flashing Device) has been proposed as this is an area which is considered a priority in terms of safety for the crossing. A slide was shown of a location where this is used. He stated there will be an overhead mast arm, and the overhead device and the signs on either side of the roadway will flash when a pedestrian occupies the crosswalk. He stated the device will work automatically and begin to flash when it senses a pedestrian or bicyclist approaching the crosswalk. He stated it also provides a manual override in case of that type of failure.

Mr. Rosen stated an additional concern at the intersection at Roelofs Road was the sight line because it is located in the middle of a horizontal curve on Oxford Valley Road. He stated they propose to maximize the sight distance at this location which will involve some tree removal. He stated they are including in the project requirement that there be consultation

with Township staff during construction to minimize tree removal whenever possible. He stated it may be possible to just remove some of the lower branches of the evergreens in order to achieve the necessary sight distance. He stated there are sixteen potential trees that may need to be removed with this project, but they are hoping to minimize tree removal.

Mr. Rosen stated with regard to stormwater management the project will provide 3,500 feet of new surface. He stated they originally looked at doing conventional stormwater management for the project. He stated the impact of the project is over one acre so an NPDES Permit is required. Mr. Rosen stated they presented a conventional approach to the Township staff; however, the problem was that the locations that were ideal for that were also the same areas that are used by the baseball and softball players for practice. He stated they then looked at doing some of the facilities underground, but that was cost prohibitive in relation to the overall Grant amount for the project. He stated they looked at the use of pervious paving for the path. He stated there is an existing section of pavement along Edgewood Road; and by converting that section from impervious paving to pervious as well as converting a small portion of the softball complex parking lot shown on the slide in blue of twenty-four spaces, the rate, volume, and water quality control requirements for the project could be met with the use of pervious pavement. Mr. Rosen stated in terms of cost, it would be slightly less expensive than traditional methods; and it would not heavily restrict use of the Park as it would if they were to put in a typical rain garden facility that would have to be fenced off and not mowed. He stated the rain gardens would also have been in locations where the ball players might have to go into to retrieve balls.

Mr. Rosen stated with regard to the pervious pavement construction, they are taking measures to minimize any future maintenance by slightly raising the trail throughout the entire length which should minimize any run-off adjacent to the trail such as dirt or fines that might accumulate on the surface. He stated by raising the trail slightly, the amount of debris that may have to be swept off or potentially clog the pavement, should be minimized. He stated with regard to maintenance, the rear parking lot at the Community Center was partially constructed using pervious paving; and the Township should have suitable equipment available to complete routine sweeping of this path as well.

Mr. Rosen stated Grant was awarded in May, 2018 in the amount of \$700,000. He stated the Kick-Off Meeting occurred in June, 2018 with the PennDOT project administrator of the funds. He stated because of

the type of funding, it has to follow the standard PennDOT review process. He stated they obtained a Project Scoping Approval in March, 2019. There was a submission to PennDOT for a safety review with approval in June, 2019.

Mr. Rosen stated while the project is primarily in the Park, there is a small flag lot for PA Water located north of the Community Center; and they needed to acquire a Sidewalk Easement Agreement from them for the trail. He stated because of the method of funding, they had to go through a formal Right-Of-Way Plan Approval process which was completed in January, 2020. He stated this allows the Township to begin acquisition of that Easement.

Mr. Rosen stated Environmental CE (Category Exclusion) approval was completed in March, 2020. He stated the NPDES Permit was submitted in January of this year and approved in March, 2020. He stated Utility Clearance has recently been completed with the four facilities located in the area. He stated there are no anticipated impacts, and that Clearance came in July.

Mr. Rosen stated with regard to remaining tasks, there needs to be finalization of the acquisition of the Easement from PA Water. He stated the final traffic submission is in for review with PennDOT, and they expect approval shortly. He stated Contract Management Approval from PennDOT is also required before the project is advertised and let through the PennDOT ECMS process, and that review process will begin as soon as they submit the PS & E packet. He stated the Township is working with the PennDOT Funds Administrator in terms of setting up the Reimbursement Agreement. He stated they are also working on the selection of construction inspection which would either be utilizing PennDOT-approved staff selected by the Township or by utilizing a PennDOT-administered contract that they have available for this type of funding.

Mr. Rosen stated the schedule at this point is to have the Final Plan, specifications, and estimates submitted to PennDOT for final review in August. He stated they are assuming project advertisement in October, letting of the project in November, 2020, and the Contractor's Notice to Proceed in January, 2021. Mr. Rosen stated for the project duration, they are showing about eight months; however, in terms of the actual work necessary it is probably two to three months of active work. He stated most of the delay is in the design, review, and approval of the curb ramps within the project as well as the contractor's procurement of the traffic signal poles necessary at the new pedestrian crossing which can take up to six months.

Mr. Rosen stated the Township needs to finalize the Right-of-Way Acquisition, become a Registered Business Partner as it relates to the Reimbursement Agreement, and select the desired inspection contractor between Lower Makefield and the consultant whether that is using the PennDOT Contract or doing it in house. He stated after the project is let there needs to be an executed Contract Agreement between the Township and the contractor.

Mr. Rosen stated the current estimated construction cost is approximately \$670,000. He stated PennDOT recommends approximately a 15% inspection fee of the construction cost which would be \$100,000; and in this case he would recommend an additional \$10,000 for design consultation during construction to cover any RFIs, attendance at the Kick-Off meeting, and other things that may arise during construction which would result in a total amount of \$780,000 for the project. He stated the total Grant award is \$700,000, and with that PennDOT takes 1% off the top. He stated the Township will be responsible for all monies above \$693,000.

Mr. Grenier asked if there is a long-term O & M with regard to the porous pavement portion. He also asked about the lifetime of the porous paving before it needs to be either cleaned or replaced. Mr. Rosen stated because it was an NPDES Permitting, a formal post-construction Stormwater Management Plan was prepared with Operations and Maintenance. He stated in general the minimum required is inspection and sweeping of the path two times a year. He stated he feels that based on the raised nature of the path, the sweeping should be less than two times a year. He stated they also advise against salting the path or placing any cinders on the path. He stated they would not want anyone to seal it in the future as that would negate the effect of the porous pavement. He stated with regard to the operational life of the product, he would not expect it to be any different from traditional paving especially since there will not be active, heavy vehicles on it so they do not expect any degrade in life expectancy in terms of comparison with traditional pavement.

Mr. Grenier stated there was \$100,000 for construction inspection, and he asked who will be doing that. Mr. Rosen stated that has not been decided. He stated the Township can solicit their own inspector and submit their qualifications to PennDOT for approval, or PennDOT has an open-end Contract for these types of projects, and he believes Pennoni and his firm are on that Contract. He stated he feels that if the Township uses that PennDOT Program, it would likely be Pennoni that would be the inspector.



Mr. Grenier asked when they would break ground; and Mr. Rosen stated because of the curb ramp design approval process, he would not expect the contractor to break ground until April or May. He stated they may wait until July and get it all done in two months. He stated because it is essentially on grade with the existing trail, the last operation they would likely do is the paving; and that process would probably only take two to three weeks. Mr. Grenier stated he feels \$100,000 for construction inspection seems high.

Mr. Grenier asked that they coordinate with the Leagues, and Mr. Rosen stated they have been in discussion with them. He stated they may want to include some restrictions in the Contract adding there is already general language that there will have to be coordination between the contractor and the Municipality to discuss any scheduling issues. He stated they want to know of any particular weekend or weeks they would need to restrict contractor access, and they would want to include that prior to the Bid.

Dr. Weiss stated they are looking forward to the next step with this project.

Ms. Judi Reiss stated this was something that she was very interested in, and she had worked with the former Township Manager to get this Grant. She stated she is thrilled that it is finally getting done. She stated she understands that it starts on Edgewood and goes around Oxford Valley, and she asked where it ends. Mr. Rosen stated it will end at Roelofs. He stated they were not able to extend it all the way down to Mill Road because of funding requirements and the right-of-way impact at the corner of Mill and Oxford Valley Roads. Ms. Reiss stated she hopes in the future they will be able to get a Grant and extend Oxford Valley Road at least to where the rest of the walking path is so that they can bike and walk safely. Ms. Reiss stated this is being put in as a bike and walk path, and she feels that the bikers should be reminded that they should be using the path or at least stay on the side of the road and not ride down the middle of Edgewood Road.

#### SEWER ANALYSIS PRESENTATION

Mr. Fred Ebert stated he will go through the evaluation and analysis options they have gone through during this process. Mr. Ebert stated the reason this process started was because the existing Morrisville Municipal Wastewater Treatment Plant was having compliance issues with the NPDES Permit, which is their Discharge Permit to discharge into the Delaware River. He stated as a result PADEP, which regulates the Wastewater Treatment Plant, required that the Morrisville Municipal

Authority create a Corrective Action Plan. He stated the purpose of the Plan is to have the Treatment Plant come into compliance and define what upgrades are needed for that. He stated it was also due to the fact that the existing Wastewater Treatment Plant and the majority of its equipment was at the end of its design life. He stated that as a result of that, DEP was concerned that there would be on-going compliance issues if something was not done.

Mr. Ebert stated as DEP was reviewing the Corrective Action Plan, they reached out to Lower Makefield Township and asked, because of the order of magnitude of money that was involved, that we evaluate all of the potential alternatives that would provide for the long-term wastewater needs of the people of Lower Makefield that are currently serviced by the Morrisville Municipal Authority.

Mr. Ebert stated the Sewer Authority and the Board of Supervisors needed to identify alternatives, and they formed a Sewer Sub-Committee to include the Township Manager and the engineer with the result to be a summary report to discuss all alternatives and identify which were viable alternatives at this time. Mr. Ebert stated there was an Executive Summary of the full Report, and both the Executive Summary and the full evaluation Report have been posted on the Township Website.

Mr. Ebert stated the Sewer Sub-Committee met multiple times over six different sessions. He stated the Sub-Committee was comprised of two members of the Board of Supervisors, two members of the Sewer Authority, the Township Manager, and the wastewater consultant. He stated the Board of Supervisors and the Sewer Authority had initially identified four alternatives to be evaluated – the upgrade of the existing Morrisville Municipal Authority Wastewater Treatment Plant, the construction of a new Wastewater Treatment Plant by the Morrisville Municipal Authority, conveyance of the existing flows to the Lower Bucks County Joint Municipal Authority, and conveyance of the flows to the Bucks County Water and Sewer Authority.

Mr. Ebert stated while they were doing the evaluation there were two additional options that were added – the construction of a new wastewater treatment plant by Lower Makefield Township in conjunction with Yardley at Macclesfield Park and the sale of the Sewer system. He stated they discussed that before a decision would be made, if the Township wanted

to sell the Sewer system there would be another stakeholder; and that stakeholder's input should also be considered. Mr. Ebert stated that evaluation would be done prior to any selection being made.

Mr. Ebert stated the Sewer Sub-Committee started out with four main goals and objectives. He stated one was the lowest long-term Sewer rental fees for the customers – both existing and future. He stated the next was the highest quality of reliable service that would be in the best interest of our environment and also insure that the existing infrastructure will be properly operated and maintained. He stated another goal related to financial long-term planning to accurately budget future rates and capital costs so they could establish steady and predictable rates moving forward. He stated the final goal was the ability to have input with representative seats on a Board to make sure there was preventative maintenance done so that the treatment plant would have an extended life and constantly keep up with technology.

Mr. Ebert stated the first option evaluated was the upgrade of the existing Morrisville Municipal Authority Wastewater Treatment Plant. He stated the existing Plant has a capacity of 7.1 mgd, and it currently services approximately two-thirds of Lower Makefield Township, all of Yardley Borough, all of Morrisville Borough, and some additional bulk users. Mr. Ebert stated the proposal was to upgrade to a capacity of 7.7 mgd. He stated there is limited growth in any of the Municipalities including this portion of Lower Makefield. He stated a majority of the users have excess capacity. He stated Lower Makefield's allocation is approximately 3 million gallons, and our actual flows today are slightly over 2 million gallons.

Mr. Ebert stated the existing Morrisville Treatment Plant process and the equipment are obsolete. He noted it previously served industrial users which are no longer there, and the technology they have is obsolete. He stated there is no availability of parts, and much of the equipment purchased was the last off the production line which was an initial savings; however, now the Plant is very expensive to operate and maintain.

Mr. Ebert stated one negative with this option is because of the existing flows that will need to be continuously treated. He stated this will be phased construction over many years, potentially a decade, until the construction is completed. He stated there are also potential conflicts with many existing utilities. He stated this Plant has been previously upgraded, and there is the potential for Change Orders and delays during construction. He stated an advantage is that there are a lot of areas that

are available for construction. He stated another advantage of this option is that it does not require any additional land acquisition, and the conveyance system does not need to be extended. He stated our existing infrastructure system works throughout this upgrade, and we will be able to continuously operate.

Mr. Ebert stated as part of the Corrective Action Plan many millions of dollars were spent installing new effluent filters and a new outfall line into the middle of the River; and the re-use of the existing Treatment Plant would allow for their continuous use and not be thrown away when it is only three to five years old with a life expectancy of twenty to thirty years. Mr. Ebert stated this option does have limited ability for future expansion at the site; however, there are no identifiable additional users for this Plant at this time.

Mr. Ebert stated this option had the lowest Capital cost of construction; however, the Morrisville Municipal Authority is no longer considering this alternative, and they have proceeded with the design of a new Treatment Plant to be built at the U.S. Steel property.

Mr. Ebert stated the second option that they evaluated was conveyance to the Lower Bucks County Joint Municipal Authority. He stated that is an existing Authority primarily servicing Bristol Borough and Tullytown. He stated it is a well-established Authority, and they currently have no debt. He stated they have many pro-active policies that have allowed for the expansion and continued maintenance of their Treatment Plant, and they have kept up with technology. He stated the concept would be to convey the combined flows from Yardley Borough and Lower Makefield down to the existing Treatment Plant by following the Canal towpath all the way to the Treatment Plant, and they would need very few additional Easements. He stated it is almost an eight mile run. He stated it would be 33" pipe going down the trail, and the majority of it would be directionally drilled. He stated they would need to install clean-outs and isolation Lot Lines. He stated the required Easements would be for the pump station and potentially some minor ones along the force main when they have to deviate off the trail for a clean-out.

Mr. Ebert stated the Sub-Committee evaluated three cost scenarios – a best case scenario, an average case scenario and a conservative case scenario for cost. He stated he utilized the conservative case scenario in the planning. He stated based on discussions with the Executive Director of the Lower Bucks County Joint Municipal Authority, it would require a Capital buy-in of approximately \$15 million, of which the share for Lower Makefield would be approximately \$12,705,000. He stated currently the Lower Bucks County Joint

Municipal Authority does not have an interest in allowing for any Board representation by Lower Makefield. He stated one of the primary reasons for that is because the Joint Authority provides both water and sewer service for their existing customers; and they would view us as a buy-in. Mr. Ebert stated Lower Makefield would be required to pay full Retail rate, but there would be no future Capital contributions for Lower Makefield.

Mr. Ebert stated the third option that was evaluated was for the construction of a new Morrisville Municipal Wastewater Treatment Plant at the U.S. Steel property. He stated they did a series of evaluations involving a series of sites, a series of cost estimates, and a series of third-party reviews on options. He stated Morrisville is going to design and construct a 10 million gallon a day wastewater treatment plant. He stated it will be initially Permitted at 7.3 million gallons per day. He stated the Treatment Plant percentages are Morrisville at 42.65% and Lower Makefield at 42.58%. He stated Yardley Borough currently has 12% capacity, but they have requested to reduce to theirs to 5.8%. He stated there is also an allocation included for Falls Township of approximately 9%; however, it should be noted that Falls Township has not made any commitment at all to fund their portion of the capacity or even made an indication that they want to connect to this. He stated that Falls Township has indicated that they are an interested party, but at this time there is no commitment or desire to participate.

Mr. Ebert stated one of the advantages of this option is that it does allow for the ability to service future customers by designing a larger treatment plant; however, there are no commitments for any potential customers to fund the initial construction. He stated as a result, Lower Makefield would be paying for a larger treatment plant than we need; and while there may be a pay back, Lower Makefield's initial customers would have to fund the Debt Service.

Mr. Ebert stated the advantage of the U.S. Steel property compared to the existing Treatment Plant is that it is a clean site with little to no existing utilities which should significantly reduce Change Order potential, and it will allow for a significantly shorter construction period than the upgrade at the existing plant as it can be fully built out prior to it being commissioned. He stated at the existing plant, they would be diverting the flows to one side, expanding the plant, and then diverting the flows over and completing the construction.

Mr. Ebert stated the new Plant option does have the potential for a Regional Authority. He stated at almost every meeting that Lower Makefield has had with the Morrisville Municipal Authority, the importance of a new Authority has been stressed where Lower Makefield would have a seat and have a say in the long-term operation and maintenance and to guarantee its investment. Mr. Ebert stated Lower Makefield has requested this form of governance numerous times going back to Terry Fedorchak and continuing through almost every meeting he himself has attended. Mr. Ebert stated to his knowledge to Morrisville has never responded to any of these request to date. He stated Morrisville has stated that they are open to it, and that they do not have an opposition to it; however, when they are asked for the details, there has been no response.

Mr. Ebert stated the fourth option came out as a result of the construction costs of the other options being relatively the same, and that option was Lower Makefield constructing its own plant. He stated this option was previously looked at with a plant to be built at Macclesfield Park. He stated the design capacity would be 4 million gallons a day, and it would initially be Permitted at 3.55 mgd which is based on the Agreement and the amount of capacity that is being reserved for Yardley Borough and Lower Makefield at the Morrisville Treatment Plant. Mr. Ebert stated once Morrisville is removed the percentages for Yardley Borough and Lower Makefield go up, and the proportionate costs would be split based upon the allocated capacity with Lower Makefield being responsible for 88% of the cost and Yardley Borough being responsible for 12% of the cost.

Mr. Ebert stated this option does require that Lower Makefield donate a portion of land at Macclesfield Park for the construction of the treatment plant. He stated it also requires that a pump station and a force main be located at Ferry Road approximately at the boundary between Lower Makefield and Morrisville Borough that would pump the lower flows up to the proposed Treatment Plant. Mr. Ebert stated this also provides the potential for a new Joint Sewer Authority between Lower Makefield Township and Yardley Borough which would allow for the potential of common staff and common savings for the collection systems, and it would allow for the opportunity for a flow proportional/cost proportional Board representation for both Lower Makefield Township and Yardley Borough.

Mr. Ebert stated the fifth option that was analyzed was to convey all of the existing wastewater in the Morrisville area to the Neshaminy Interceptor, which is owned and operated by Bucks County Water and Sewer Authority, for treatment at the City of Philadelphia. He stated this would include the conveyance of both Yardley and Lower Makefield's flows because the flows from Lower Makefield flow into Yardley Borough, through Yardley Borough, back into Lower Makefield, and down to approximately Ferry Road. He stated the proportion here, because it would be based on actual flows and not the MMA Agreement, would mean that Lower Makefield's portion would be 84% and Yardley Borough's portion would be 16%.

Mr. Ebert stated the conceptual route would be a pump station near Ferry Road which is the same location it would be if they were going to the Lower Bucks County Joint Authority or our own treatment at Macclesfield. He stated it would be pumped through a 30" force main along Ferry Road and Big Oak Road to Township Line Road. He stated it could potentially discharge into the Big Oak Road Interceptor; but when they discussed this with Bucks County Water and Sewer Authority, they indicated that they did not believe that there was existing capacity so the force main would have to be extended parallel to the existing gravity interceptor. It would be less expensive to install a new force main than it would be to upgrade the existing gravity. He stated this would go all the way to the Neshaminy Interceptor which is a length of approximately 44,000 linear feet. He stated it does require the same Easements for the pump station, and there are additional Easements required for portions of the force main although the majority of it has been assumed to be installed in the public right-of-way.

Mr. Ebert stated Bucks County Water and Sewer Authority would charge a Tap-In-Fee of almost \$22 million as they do for any and all connections. He stated Bucks County Water and Sewer Authority is not receptive to any additional Board representation, and they would not provide Lower Makefield a specific seat as they believe that we are already represented by the County.

Mr. Ebert stated the biggest issue with this option is that capacity is not available in the Neshaminy Interceptor, and the PADEP has a Corrective Action Plan. He stated Lower Makefield is a part of their overall Corrective Action Plan that requires a flow reduction and not an expansion of the Interceptor as the objective. He stated this is not only the goal of the DEP, but also of the EPA. Mr. Ebert stated as a result of that Corrective Action Plan, Bucks County Water and Sewer Authority is operating under

a Connective Management Plan where they limit the number of connections until every Township meets its milestones for I & I reduction or implementation of I & I measures. He stated as a result of doing this work, they will then release EDUs. He stated that is one of the reason that Lower Makefield is doing the lining and manhole projects. Mr. Ebert stated the other concern is that because Bucks County Water and Sewer Authority is relatively close to its overall capacity with the City of Philadelphia, the additional flows may require them to amend their existing Agreement with the City of Philadelphia. Mr. Ebert stated the other major concern is that the City of Philadelphia has a combined sewer system where their storm sewers and their sanitary sewers are in the same pipes. He stated when it rains, it overflows into the River. Mr. Ebert stated DEP and the EPA are requiring them to separate their storm sewer from their sanitary sewer; and as a result of that, it has been represented by the City of Philadelphia and Bucks County Water and Sewer Authority that the Sewer rental rates which are right now increasing from 1% to 2% per year will increase from 5% to 7% per year in the coming years.

Mr. Ebert stated the final part of the evaluation was to do a cost analysis and cost summary of viable options. He stated they evaluated which options are viable which means which options be implemented today based on the current facts they know, and that is the standard that DEP established for the Township to do the alternative analysis. He stated as part of the analysis, they have to prove that it is implementable today in order for it to ultimately become a selected alternative. He stated the conveyance to Lower Bucks County Joint Municipal Authority was determined to be viable. He stated the Morrisville Municipal Authority ability to construct the new Wastewater Treatment Plant at the U.S. Steel site has been determined to be a feasible and viable alternative. He stated the ability for Lower Makefield to build its own Treatment Plant at Macclesfield Park has also been determined to be a viable alternative.

Mr. Ebert stated one alternative that was determined not to be viable was the upgrade to the existing Morrisville Municipal Authority Wastewater Treatment Plant because Morrisville Municipal Authority has taken that option off the table. He stated Lower Makefield cannot force them to do the upgrade. He stated the Morrisville Municipal Authority has already proceeded with the design and approvals for the new Wastewater Treatment Plant on the U.S. Steel property. Mr. Ebert the second alternative that was determined not to be viable is conveyance to the Bucks County Water and Sewer Authority/ Neshaminy Interceptor because capacity does not exist at the Interceptor today. He stated DEP and the EPA are reluctant to have them expand that, and Bucks County Water and Sewer Authority does not want to open up



their Contract with the City of Philadelphia because they are in an existing Contract that protects them. He stated when they have to renew that Contract, the Terms and Conditions can be changed.

Mr. Ebert stated they have identified the Capital costs and the User Fees for the three viable alternatives. He stated the Capital costs are the costs of actual construction and purchase of EDUs which is what it costs Lower Makefield to connect. He stated the total cost for the Lower Bucks County Joint Municipal Authority option is approximately \$51 million. He stated this is made up of a conveyance cost of \$38,250,000 and a Capital contribution of approximately \$12,700,000. He stated the conveyance cost estimate is based on the most conservative which is recommended to be done so that you are properly funding the project.

Mr. Ebert stated the construction of the Morrisville Municipal Authority Wastewater Treatment Plant was done assuming a cost less than the the third-party engineer, which used a 25% contingency; and it was done using a cost of approximately \$110 to \$117 million. He stated that has a Capital cost of about \$48,500,000 to Lower Makefield.

Mr. Ebert stated the cost for the Lower Makefield Township Treatment Plant, because we do not have the order of magnitude, would be at \$54,323,800.

Mr. Ebert stated with regard to the new Morrisville Municipal Authority Treatment Plant at U.S. Steel, they are assuming that Falls Township will participate or that someone else will fund the allocation of Falls Township; so the cost could go up by approximately 10% to 15% which would be \$5 million to \$7 million additional for this option if Falls Township or someone else does not commit.

Mr. Ebert stated they analyzed the User Fees which would be the User Fees just for treatment. He stated Lower Makefield would still have to pay to operate and maintain its own collection system to comply with the Corrective Action Plan to reduce I & I and maintain and upgrade our pump stations. Mr. Ebert stated the User Fees for the Lower Bucks Joint Municipal Authority option are \$763 per EDU per year. He stated one of the reasons that is high is because they would be charging Lower Makefield not only a Tap-In Fee, but a full Retail User Rate. He stated the advantage of paying a full Retail User Rate is that their rates over time have only gone up an average of 5% every three years, and there are no

Capital contributions. He stated once Lower Makefield buys in, they would no longer have to participate in various upgrades. He stated a disadvantage is that because Lower Makefield would be paying Retail Rates, they would also be paying for Capital improvement projects that take place in their collection system that do not benefit the users of Lower Makefield Township.

Mr. Ebert stated with regard to the new Wastewater Treatment Plant at the U.S. Steel site, it is approximately \$447; and that does include a small allocation over time for Capital improvements since Lower Makefield would still be a partner under the Agreement with MMA. He stated because there are a large number of users, the actual Operating costs are significantly lower, and Lower Makefield would be paying partner rates.

Mr. Ebert stated the User Fees for a Lower Makefield Treatment Plan would be approximately \$700, and these are higher because there are fewer users. He stated if Lower Makefield were to own and maintain the plant, in the analysis he included a Capital Replacement Program so that we would be fully funding and depreciating equipment. This way if a piece of equipment were to break, we would have the money to pay for it. He stated while this is good long-term planning, it does increase User Rates.

Mr. Ebert stated this analysis has been taken to a point and stopped in case there was consideration for another option or another stakeholder that would be involved. He stated at that point, a selection on an alternative would be made.

Dr. Weiss stated on the last page on the Summary of costs and the EDU rate for the new Wastewater Treatment Plant in Morrisville, it does not consider the annualized Capitalization costs that Lower Makefield pays now. Mr. Ebert stated what it includes is a reduced allocation of \$500,000 a year. He stated lately because of the upgrades, Lower Makefield has been paying well over \$1 million.

Mr. Ebert stated the Sewer Sub-Committee did the analysis, but have not met since the Report was completed. He stated the Sewer Sub-Committee did not evaluate a sale because ultimately a sale is irrelevant as to what options would be analyzed. He stated when the Sewer Sub-Committee stopped meeting, he compiled all the information to develop the Report.

Mr. Grenier stated he has been on the Sewer Sub-Committee, and he was also the Supervisor Liaison to the Sewer Authority since he joined the Board of Supervisors. Mr. Grenier stated the timeframe for the analysis was August/September, 2018 through April, 2019. He stated they discussed the Lower

Bucks County Joint Municipal Authority option in October, 2018, and he and Mr. Ferrante had toured their facilities; and at that point Lower Bucks had indicated that they were not going to charge an initial Connection Fee of \$12 to \$15 million. He stated he understands that after that time they advised Mr. Ebert they would charge that. Mr. Grenier asked Mr. Ebert if he has had any conversations with them as to where they are currently with that opinion. Mr. Ebert stated he spoke to a representative in late fall, and his position had not changed on that, and that he had not had any additional input from his Board members that would change that opinion. Mr. Grenier stated he feels that may be something that could be discussed further since if that Fee was not there, it would change the number significantly so that it could be a strong option.

Mr. Grenier stated with regard to Bucks County Water and Sewer, there was discussion about tying into the Neshaminy Interceptor. He stated there have been “rumors” about Bucks County Water and Sewer potentially building their own treatment plant at a U.S. Steel site. He stated the Sewer Sub-Committee was reviewing this option in April, 2019, and since that time there has been new leadership at the County level; and he asked Mr. Ebert if he has had any follow-up discussions or heard anything specific to the County. Mr. Ebert stated he has not. He stated they are currently committed until the end of their Contract with the City of Philadelphia; and because that is approximately a ten-year period, he could not consider that as part of this evaluation. Mr. Ebert stated he believes that DEP is going to force a selection of an alternative even though they have been very patient with Lower Makefield going through this process. He stated there is nothing imminent with regard to what Mr. Grenier is discussing. Mr. Ebert stated he did ask if there was an option in five years, and there was no option in the five-year horizon; but he did not ask beyond that.

Mr. Grenier stated the last option they considered was in April, 2019; and he believes that was the same time that the Board authorized PFM to move forward with the Sewer sale review so that they were put on hold until PFM did their analysis. Mr. Grenier stated initially he felt that the Board of Supervisors would have information from PFM in November/December 2019 rather than eight months later. Mr. Grenier stated the Sewer Sub-Committee has been on hold since April, 2019; and they have not reviewed other options to date including the sale of the Sewer system.

Mr. Grenier stated there are four options all costing about \$50 million; and he asked if any of these options were part of the Sewer sale, and whether they were just given a generic number to consider or were they given a specific option to look at. Mr. Truelove stated he would be concerned discussing that since they are still under a Court Order.

Mr. Grenier stated the Sewer Sub-Committee did not review this Report, make a recommendation, or ask for this Report. He asked Mr. Ebert when and why he was asked to publish this Report which he feels the Sewer Sub-Committee would consider a Draft Report given that they have not reviewed everything in it. Mr. Ebert stated this Report was requested by the Board of Supervisors. He stated the Sewer Sub-Committee did the evaluation process. He stated the Report was started in September/October of last year when he was requested to prepare it; and it was not presented to anyone until it was fully presented to the Board of Supervisors on June 25, 2020. He stated once the Sewer sale option procedure had gone through, he paused the same as the Sewer Sub-Committee did. He stated if a Sale was not going to be an option, then the Sewer Sub-Committee would have continued to meet and potentially made a recommendation. He stated if the Sewer sale was a possibility, it would not be appropriate to come to a conclusion because potentially there could be third-party stake-holder. He stated there could also be an additional alternative if a sale went through and it would then go back to the Sewer Sub-Committee for the final selection of an alternative. Mr. Ebert stated this was on hold because the objective could change depending on whether the Board of Supervisors entertained a sale or not.

Mr. Lewis stated MMA offered Lower Makefield a Retail Customer option, and he asked why the Sewer Sub-Committee did not review that to get pricing estimates. Mr. Ebert stated there was nothing done that was completed on that costing, and it was a preliminary conversation that was had. He stated Morrisville did offer that as a potential possibility in their May 23 letter; however, the rates would be considerably higher than if Lower Makefield were an actual partner. Mr. Ebert stated they could evaluate that option. Mr. Lewis stated we were not given numbers from them in order to evaluate that option. Mr. Ebert stated he did request them; and they did initially indicate a willingness to participate in the RFP process and were pre-qualified, but they then decided they did not want to participate. Mr. Ebert stated that would have been the opportunity for Morrisville to have gone through the RFP process and for Lower Makefield to become direct customers of them. Mr. Lewis stated the RFP process was based upon selling the Lower Makefield conveyance system. He stated they might not have wanted to buy our pipes,

but would continue to want to take our wastewater. Mr. Lewis stated he does not understand why that option was not vetted and why they did not get a rough estimate on that so that they could do an apples-to-apples comparison. Mr. Ebert stated they did ask MMA for that cost. Mr. Lewis stated he has the May 23 letter, but he was never informed of a response to that letter.

Mr. Ebert stated they had a direct meeting with them as a result of the letter, and there were two main topics – one was a Regional Authority and the other was the option for Lower Makefield to be a Retail customer. Mr. Ebert stated neither Lower Makefield nor Morrisville followed through on this. He stated this was prior to the RFP going out with regard to the sale.

Mr. Lewis asked what would happen if the Township were to sell the conveyance system, and he asked who would process our wastewater. Mr. Ebert stated the purchaser would become a stakeholder in the decision-making process. He stated they would have the same group of alternatives although they may have additional options. He stated Morrisville Municipal Authority at U.S. Steel may be the selected alternative. He stated if the purchaser is a PUC-regulated entity, they would do a business decision as would Bucks County Water and Sewer Authority which would evaluate whether it is less expensive for them to take it to the City of Philadelphia or to be a partner at Morrisville. Mr. Ebert stated all we would be doing is assigning our responsibility under any and all Agreements to that third-party. He stated all of our Contracts would remain valid. He stated any selected alternative would need to be reviewed and approved by the DEP.

Mr. Lewis stated the expenses are conveyance and processing, and most of it is processing. Mr. Ebert stated up until now it was probably 70% for the cost of treatment and 30% for the cost of conveyancing; however, it is probably getting closer to 60%/40% because we are now being forced to do more Capital projects that have not been done for the last ten years.

Mr. Lewis stated in the event of a sale, the new owner of the conveyance system would probably likely continue with the current mix between Bucks County Water & Sewer and MMA because the Agreements would be conferred to them; and Mr. Ebert agreed. Mr. Ebert added that initially they would not have an option. He stated any change that would be made would need to be reviewed and approved by DEP.

Mr. Lewis stated if there was a new owner that was PUC-regulated, every dollar that they spend in processing has to be marked up so that they can make a profit on it. He stated for any expense they incur, they would go to the PUC indicating that it was an expense that they were incurring that needed to be marked up and reflected in the rates.

Mr. Truelove advised Mr. Lewis that he may be crossing the line when talking about the PUC, as two of the Bidders are PUC entities. Mr. Lewis stated one of the Bidders is not as the Bucks County Water and Sewer Authority is not a PUC-regulated entity. Mr. Truelove stated he is talking about the two Bidders that are.

Mr. Lewis stated in the event of any sale, the treatment is not likely going to change. Mr. Truelove advised Mr. Lewis that he cannot talk about the sale, the Court Order was very specific, and that Mr. Lewis is aware of this.

Mr. Lewis stated he understands that TOFA (Township of Falls Authority) also has connection to the Neshaminy Interceptor, and he asked if that was looked at. Mr. Ebert stated we already have some flows to TOFA, and we have larger sized pipes so there was no identified large capacity pipe. He stated they did not investigate going into Falls Township to locate an interceptor. He stated that was not an option that was identified by the Board of Supervisors or that they were tasked to evaluate. He stated it also did not come up as another viable option the way that the Macclesfield option or the potential sale of the system came up throughout the evaluation process.

Dr. Weiss stated Mr. Ebert had mentioned overtures to various Townships and other Authorities about forming a new governing body, and he asked if anyone came back and made a tentative commitment; and Mr. Ebert stated they did not. Dr. Weiss asked Mr. Ebert if he ever considered what the cost would be of forming such a new governing body. Mr. Ebert stated while he did not in this case, he has put one together elsewhere; and there is a significant cost involved in creating a new governance and establishing it with the Agreements that are involved as well as getting the Municipal commitments to finance the ultimate implementation of a Joint/Regional Authority.

Dr. Weiss stated that he understands that there were meetings between the Morrisville Municipal Authority and the Yardley Borough Sewer Authority about the possibility of forming an expanded Authority in the near future,

Dr. Weiss asked Mr. Ebert if anyone has contacted him about that or if Mr. Ebert contacted anyone about this. Mr. Ebert stated Lower Makefield went to Morrisville numerous times, but they did not approach Yardley directly. He stated this was a topic of discussion with Morrisville at almost every meeting that he attended with them. Dr. Weiss asked Mr. Ebert if Yardley ever came to him about forming a new Authority, and Mr. Ebert stated they did not. Dr. Weiss asked Mr. Ebert if he has ever heard from Morrisville Municipal Authority that they wanted to partner with Lower Makefield, and Mr. Ebert stated he had not.

Mr. Peter Lachance stated he is the Constable and does not give out his address. He stated he was in the business of wastewater privatization for a long time. He stated Mr. Ebert was asked to explain why the Report was not given to the full Board of Supervisors or to the Sewer Authority of LMT until June 25, and Mr. Lachance stated he is not satisfied that a Report that was ready much before that time was not given to those entities; and although it may have been given to specific people on the Board, it was not made available to the full Board. Mr. Lachance stated he has never seen a process like this go forward without full transparency which is his primary concern.

Mr. Lachance stated Dr. Weiss had asked Mr. Ebert if anyone came to him about a new Authority, and he feels that is not something that you “sit on your hands and wait for people to come forth, and it is something that should be prosecuted going out and really looking for Parties that are interested.” Mr. Lachance stated Mr. Ebert indicated that he talked to Morrisville Municipal Authority with regard to forming a new Authority and admitted that he only looked into that recently; and while it would be costly, he did not have any numbers for the Board. Mr. Lachance stated his understanding is that surrounding towns were told in the fall of 2019 “we will consider that later.” Mr. Lachance stated Bids were then put out with very few people knowing about that, and the towns were wondering what was going on and they did not have a chance to talk about this.

Mr. Ebert stated he is not sure how the Board wishes him to respond to those comments. Mr. Truelove stated Mr. Lachance is involved in the litigation so they have to be very careful.

Dr. Weiss stated there was a meeting on July 10, 2019 between Yardley Borough, Morrisville Municipal Authority, and a representative of the Lower Makefield Township Board of Supervisors. Dr. Weiss stated he has

the Minutes from that meeting. He stated there was a conversation at that time that they might resolve their issues by the end of 2019; however, that did not occur. Dr. Weiss stated the Yardley Borough Sewer Authority, Yardley Borough Council, and the Morrisville representative, John Warena, were all present at the July 10 meeting, and they discussed what was going on. He stated they did want to meet with Lower Makefield and expressed an interest to go forward with Lower Makefield; however, in the year since, Mr. Ebert has not heard from Yardley Borough, Yardley Municipal Authority, or Morrisville; and Mr. Ebert agreed.

Dr. Weiss asked Mr. Ferguson if he received any more information that the Board of Supervisors did not get. Mr. Ferguson stated there were discussions that Mr. Ebert talked about with various groups, and ultimately they hired PFM. He stated he had spoken at one time to the Yardley Borough Director, MMA, and the former Falls Township Manager so that they were aware that this was underway.

Dr. Weiss asked Mr. McCartney if he spoke to anyone from Falls Township, and Mr. McCartney stated he spoke to Jeff Rocco, who is one of the Township Supervisors. Mr. McCartney stated Mr. Rocco advised him that he was aware that there was some talk at some point but that nothing had materialized in the past eight years that he had been on the Board of Supervisors. Dr. Weiss asked Mr. McCartney if he ever talked to Mr. Rocco in an unofficial capacity about forming a Joint Authority and if Mr. Rocco showed any interest, and Mr. McCartney stated it did not seem that there was any interest by Mr. Rocco.

Dr. Weiss asked Mr. Ebert if Falls Township ever came to him; and Mr. Ebert stated he followed up with Tim Hartman, the Executive Director, numerous times to see if there was a commitment for them to participate at MMA. Mr. Ebert stated during none of those conversations did they indicate a willingness for a Joint Authority or even a discussion of a Regional Authority that involved Falls Township.

Dr. Weiss stated Mr. Lachance has made an assertion that we never knew about this information, and he asked if there are Sewer Authority Minutes going over this information; and Mr. Ebert stated there are. Dr. Weiss asked how far back they could go to see where these alternatives have been discussed. Mr. Ebert stated this overall discussion goes back to the beginning of his appointment; and since he has been appointed, this has been discussed at almost every Sewer Authority meeting, and they discussed different alternatives going leading up to this point.



Dr. Weiss asked Mr. Truelove if he has ever been approached by any other Municipality to find out about Lower Makefield joining an expanded Authority, and Mr. Truelove stated he has not.

Mr. Grenier asked if they are in receipt of the June 30, 2020 letter from Yardley Borough where they asked specifically for Lower Makefield to sit down. Dr. Weiss stated that is talking about the Sewer sale which they are not going to talk about. Mr. Grenier stated it was about creating a new Authority. He stated he had attended a meeting with the Authority and the Borough and there was another meeting he was unable to attend, but he believes that Mr. Ebert was invited to attend, but was unable to attend as well. Mr. Grenier stated he has spoken to people at MMA when he did a tour there and also to people on Morrisville Council. He stated “to a person, their feeling was that they have always felt that they needed to wait until Lower Makefield had some level of decision at hand before Lower Makefield would sit with them and discuss the possibility of creating a new Authority with the surrounding neighbors.”

Dr. Weiss stated Mr. Ferguson received two letters from Morrisville Municipal Authority talking about a possible future relationship, and he asked if any of them ever talked about establishing a new Governing Authority. Mr. Ferguson stated he does not believe it talked about that. Dr. Weiss stated last year there was a letter sent to Lower Makefield asking what we wanted to do in the future and gave options, and he asked Mr. Ferguson if he remembers what those options were. Mr. Ferguson stated it had nothing to do with the Governance, and it was more to do with the options as far as the Plant. He stated even the reference to the May letter had to do with timeliness of a decision.

Dr. Weiss thanked Mr. Lachance for his comments. Mr. Lachance asked if he could have a follow-up question, and Dr. Weiss advised him that his three minutes was up.

Dr. Weiss asked Mr. Ferguson if in the year and two months since the Board has been dealing with this, “have we kept anything from anybody that he knows of;” and Mr. Ferguson stated he has not kept anything from anybody although he cannot guarantee that there may not have been an e-mail that was put together by someone which was overlooked. Mr. Ferguson stated the staff that they have to deal with sewers are Mr. Ebert, himself, and Mr. Hucklebridge, the Public Works Director; and they deal with it on a staff level. He stated half of the time they are trying

to contact MMA and there is not much coordination. He stated they are still trying to reconcile 2017 expenses. Mr. Ferguson stated his conversations with MMA are minimal because “things are troublesome.” He stated there are periodic e-mails that come in asking for payment, and the Township asks for verification for those bills, and more often than not, we do not get that; and it takes months to get the correspondence. He stated for the most part that has been the limit of discussion that they have.

Dr. Weiss stated he is trying to understand the disconnect from Falls Township, Yardley Borough, Yardley Municipal Authority, Morrisville Borough, and Morrisville Municipal Authority on something that we missed when two members of the Board of Supervisors have been on the Sewer Sub-Committee for multiple years. Dr. Weiss stated he was also on the Sewer Sub-Committee for one year. He stated all of the alternatives seem to be about the same, and given the \$50 million figure, even when they ask to be part of a larger Governing Authority, he wonders how that would change the calculus of the \$50 million.

Mr. Ferguson stated he does not feel they are going to hear anything about the Governance from anybody because it is the most controversial piece of this. He stated the question would still be who has majority control of those Boards. Mr. Ferguson stated Mr. Ebert had a conversation with the Executive Director of the Falls Authority asking to have a discussion; and the Executive Director indicated he was not going to pay any staff to be there “but if he was dazzled with the presentation, he would listen.” Mr. Ferguson stated in the end it is who has a majority on the Board. He stated if there was a Morrisville Municipal Authority that had control of the Board or Falls Township that had their own Authority, if Lower Makefield were to say they wanted to create a new Authority where others would concede control of their Board, those are the controversial, heated discussions.

Mr. Ebert stated Mr. Ferguson is correct, and that is why this has not been brought up because it ends up stopping everything even though ultimately it is the most important item. Mr. Ebert stated the most economical option is oftentimes not chosen because it is a matter of long-term control.

Mr. Truelove stated anytime a Regional Authority is conceived, the first and most difficult part to create is the Inter-Municipal Agreement, the relative shares, etc.; and everyone has to agree to it. Mr. Truelove reviewed the history of the Lower Bucks Joint Municipal Authority since the 1950s when initially Middletown and Falls decided not to send representatives; and

therefore the two remaining Municipalities, Tullytown Borough and Bristol Township, control that Board. He stated he has heard that Falls and Middletown now regret that they do not have representation.

Dr. Weiss asked Mr. Truelove if he reviewed a letter responding to the May 29 letter from MMA, and he asked if the Township responded to them. Mr. Truelove stated he does not have a response to that letter. Mr. Ferguson stated they did not respond to that letter. Mr. Truelove stated he does not recall that the letter asked for a discussion about a Regional Authority; however, Mr. Lewis stated it did ask about Retail rates, but the Township did not respond in a letter. Mr. Ebert stated he has read the letter, and the purpose of the letter was to inform Lower Makefield that they were terminating Lower Makefield's operations, and that they were proceeding with a 5 mgd plant; and that Lower Makefield was no longer included. Mr. Ebert stated they did follow up and state that they were receptive to increasing the Plant design to accommodate our flows; however, they never really stated that they would consider Lower Makefield as a Retail customer according to the letter.

Mr. Ebert stated he did have a discussion with them about being a Retail customer; however, the letter states that they will offer us a "new inter-local Agreement identifying treatment options to take the form of a bulk customer on a flow basis, rates based on Debt Service, Operation, and Capital; and depending on the results, MMA may consider the purchase of a portion of the system that flows to MMA." Mr. Ebert stated they never really stated or offered Retail in that letter. Mr. Ebert stated he feels that this letter is "really a threat," and it says they are going to terminate Lower Makefield's service and move to U.S. Steel, and that Lower Makefield should do their own design and analysis because they are proceeding with a smaller sized treatment plant that does not include capacity for Lower Makefield. Mr. Ebert stated he feels they are indicating that if Lower Makefield changes its mind in the near future, they should contact Morrisville; but otherwise, they are assuming that Lower Makefield has selected another alternative.

Mr. Lewis stated Lower Makefield did not respond to that letter or provide a written response to MMA about becoming a bulk customer or a Regional Authority. Mr. Ebert stated he is not aware that Lower Makefield responded. Mr. Ebert stated he does not know that Morrisville really asked for that, and it was that Lower Makefield should "treat this notification with urgency."

He stated he feels they were making a statement of fact and were not asking for a response although it did ask that Lower Makefield contact them if they wish to engage Morrisville.

Mr. Ferguson stated that letter was presented at two meetings to the Sewer Authority at their June meeting and their October meeting; and while he would have to check the Minutes, he recalls that the letter was deemed a threat by the Sewer Authority the same way Mr. Ebert deemed it. Mr. Lewis stated it is his understanding that Yardley Borough got the same letter, and they did not feel threatened, and they initiated discussions. Mr. Ferguson reiterated that the letter went to the Sewer Authority, and there was not an instruction from the Sewer Authority based on the framework of the letter that we should give Morrisville a response back.

Mr. Grenier stated we also received a letter dated June 23, 2020 from MMA which was not at all detailed, which he read as follows: "You will recall that we have offered several times in the past year to meet with the Board of Supervisors for review of any Plans, have people visit to familiarize everyone with the current site operation issues, and review rates; and this offer remains open. We can also arrange to visit the site of the proposed new facility. If interested, please contact us." Mr. Grenier stated it is clear that the Township is moving forward with something; and now people around them feel they should be doing something about that. Mr. Grenier stated he understands Dr. Weiss' point that this is "the eleventh hour."

Mr. Robert Abrams, 652 Teich Drive, stated Mr. Grenier made a comment that the information that was used is about eighteen months old so they are making decisions on old data, which he feels makes no sense. Mr. Abrams stated he understands that a letter came from Yardley the day before "Mr. Hale" filed in the Court to hold up on the vote, that Lower Makefield get in touch with Yardley to meet with them; and the Township did not respond to that.

Mr. Truelove stated that is part of the pending litigation, and they cannot discuss that; and it is an Exhibit to the Injunction Petition.

Mr. Abrams stated his point is that the Township has been contacted and asked to meet, and they have refused to do so. He stated the bottom line is the taxpayers are going to pay and the number is going to be \$50 million until they sit down and talk about it.

Mr. Abrams stated Mr. Ferguson has advised that over the last two years the increases for sewer were due to excessive flows due to excessive rain. He asked how much “our credits are because we are coming pretty close to a drought situation,” and he cannot believe that there are excessive flows when it has not rained heavily in almost a month. Mr. Abrams stated they should be talking to Morrisville, and they should bring Yardley Borough into the meeting as well as Peter Lachance who has experience and “Dan who is a professional.” Mr. Abrams stated a 75% increase over a two-year period is “absurd, and uncalled for especially in a Pandemic when the unemployment rate in Pennsylvania was as high as 45%. Mr. Abrams stated no one he is seeing on the screen “is doing their job.”

Dr. Weiss stated he believes that it is going to cost more than \$50 million no matter which options they pick.

Ms. Jackie Denton, 679 Friar Drive, asked why they would want to give up control to outsiders when Lower Makefield can make the best decisions for itself regarding the Sewer issue. She stated this will only raise our rates. Ms. Denton asked why the letter from Yardley Borough is not being discussed tonight or a new Joint Authority. Ms. Denton stated Peter Lachance is not a Party to the lawsuit that is “going on” about the Sewer system.

Mr. Truelove stated two of the issues that Ms. Denton raised are part of the Sewer sale which they cannot discuss per the Court Order. He also stated that Mr. Lachance has an Affidavit that is attached to the Petition that discusses a text exchange he had with a Supervisor, and it is an integral part of the Petition that was filed so to indicate that he is not part of the lawsuit is incorrect.

Ms. Denton stated he is a Petitioner, but he did not make himself part of the lawsuit. Mr. Truelove stated he has an Affidavit that is affirmatively part of the Petition. He stated he is embedded in the litigation. He stated Mr. Lachance indicated that he had text exchanges with a Board member in the Affidavit.

Ms. Denton asked why we would want to give up the rights to our Sewer system and have someone else controlling us, raising our rates, and increasing our taxes when we should be able to control our own community. She stated they have already given up farms, “Shady Brook is going to go away, before they gave up the Prickett Farm,” and now they are going to give away our Sewer system, and she asked what we will have left.

Mr. Truelove stated they should not discuss this further because of the Sale issue that is pending.

## ENGINEER'S REPORT

### Discussion of Traffic Detour Plan for Dobry Road Reconstruction

Mr. Ebert showed an Exhibit which was provided by the contractor for the Caddis Development. He stated it is an aerial photo of the Development, and he noted the location of Dobry Road and Oxford Valley Road. He stated as part of the project, the contractor has to reconstruct Dobry Road. He stated the current roadway is 16' wide and is mainly constructed on soft soil/fill, and in order to reconstruct Dobry Road, they have to excavate the existing material, treat the sub-base with cement, and then put the new road down. He stated alternatively they could excavate all of the fill material and then backfill that with stone and put the new road down on top of the stone. Mr. Pockl stated they have requested to treat the sub-base, and he has reviewed the geo-technical report and the recommendations from the contractor's design engineer; and he agrees that is a viable alternative.

Mr. Pockl stated during the reconstruction of Dobry Road, they will have to close the entire width of Dobry Road in order to complete the work, and they anticipate the shutdown to be approximately two weeks. Mr. Pockl stated during that time, it is their intention to re-route all traffic from Dobry Road through the Caddis Development project site. Mr. Pockl stated that is shown highlighted in yellow on the slide shown. Mr. Pockl stated the completed driveway has a pork chop which is a concrete median that prohibits access for left turns. He stated for the two weeks, they would be prohibiting left-turns in and out of the property.

Mr. Pockl showed the location of the underground stormwater management system which has already been constructed. He stated this will not take the traffic load of a fire truck; and as a result, they will have flaggers and a gate. He stated the contractor has provided a diagram demonstrating how fire trucks would access the area.

Mr. Pockl stated the contractor wants to get this project completed as quickly as possible, but Mr. Pockl wanted the Board to have the opportunity to discuss it this evening. He stated he also sent the Plan to the Police Department, and Mr. Roche has returned comments and asked if there is a way to eliminate the

pork chop and create a left-turn in and a left-turn out movement. Mr. Pockl stated he also recommended the placement of a street light temporarily at the driveway while Dobry Road is being reconstructed. Mr. Pockl stated he also sent the Plans to the Township traffic engineer for his comments. Mr. Pockl stated hopefully at the next Board of Supervisors meeting the Board can vote on whether they want to authorize the contractor to allow the traffic through the Caddis Development. Mr. Pockl stated the other alternative would be to instruct the contractor to construct Dobry Road one half at a time; however, because the existing road is 16' wide and the new road would be 24' wide, they would have to have flaggers at either end which would result in a longer construction time and vehicles would be traveling immediately next to an active-construction area.

Mr. Pockl stated Dobry Road is a dead-end street and there are five properties further west of the development one of which is a private trash hauler which has a number of trash trucks coming in and out of the site each day. He added that otherwise it is limited in the amount of traffic.

Mr. McCartney asked about how many cars would come in and out each day. Mr. Pockl estimated that at most, he feels it would be forty. Mr. McCartney asked if there are any sight line issues pulling out of Caddis rather than Dobry, and Mr. Pockl stated there are not. He stated that was properly vetted when they reviewed the Land Development, and this will be a driveway that will eventually be the permanent driveway entrance onto Oxford Valley Road so there are no sight line issues.

Ms. Blundi stated they had talked about left turns when they originally looked at the Caddis Development, and that is why the pork-chop design was developed. Ms. Blundi stated she would be concerned about allowing left turns. Mr. Pockl stated the contractor's current proposal only shows a right-turn in and a right-turn out onto Oxford Valley Road, and it was Mr. Roche who suggested having the ability to have a left-turn in and a left-turn out movement by not installing the pork chop right away. Mr. Pockl stated this will need to be vetted by PennDOT since Oxford Valley Road is a PennDOT road in this location.

Mr. Grenier asked of the forty vehicles, how many of them are the McCullough trash trucks. Mr. Pockl stated he did not review Traffic Study when Caddis came in or when Erin Development across the street came in. He stated forty was just his own estimate, and he feels that a significant amount of that number would be from McCullough's. He stated he asked the contractor to reach out to McCullough's. Mr. Pockl stated the contractor presented this plan to the

Township during a meeting with Mr. Majewski and himself several weeks ago, and at that meeting they advised the contractor that McCullough's was at the end of the road and that they should meet with them to discuss their plans; and they indicated that they would do that.

Mr. Grenier asked about the load issue on the stormwater system as it relates to trash trucks which would be similar to a fire truck. Mr. Pockl stated based on the discussion he had with the contractor and the load they had reviewed with the manufacturer of the stormwater management system, they felt that the trash trucks could go through the yellow area shown on the slide; and they would not have to loop around. Mr. Grenier stated he would be concerned about trash trucks coming in and out without the pork chop being in place.

Mr. Grenier asked about the timeframe. Mr. Pockl stated the contractor wants to construct this as quickly as possible, and he had advised the contractor that the Board of Supervisors would be discussing this tonight; and ultimately have a vote at the next Board of Supervisors meeting on August 5.

Mr. Ferguson stated with regard to the trash trucks, the trucks would be empty and not full since when they are full they are not coming back to that site. Mr. Grenier stated he would hope that they would consider a full truck as a worst-case scenario so that they do not crush the stormwater management system.

Mr. Grenier stated with respect to the construction at Caddis if there is an increased volume of larger vehicles in relatively close proximity to those living at Regency, he asked if there has been any consideration given to them as trash trucks are there early in the morning. Mr. Pockl stated he intends to compile a list of comments from this evening's meeting and the other reviewing entities and provide that to the developer. Mr. Pockl stated they could possibly plant the buffer along the south side of the development which would provide more of a visual screen although he is not sure that would have a measurable impact on the noise.

Dr. Weiss stated he feels a temporary sound barrier would be appropriate especially in the area closest to Regency which he feels would be appreciated by the neighbors.

Mr. Lee Pedowicz, 247 Truman Way, Regency, stated the drawing shown with the yellow line going through the Caddis Development does not show Regency. He stated he has heard talk about McCullough's; and while he walks down



Dobry Road, he has never seen such a facility. He stated there is a house on the north side of Dobry Road which he believes is now vacant, and on the south side there is an auto repair shop, auto detailing shop, and a house. He stated he is hearing about a lot of right-turns in and right-turns out of Dobry, but if drivers want to head north on Oxford Valley Road, he question where they will make the U-turn; and he asked if they will be coming into Regency to make a U-turn. Mr. Pockl agreed with Mr. Pedowicz that the aerial photo was taken before Regency was constructed.

Mr. Robert Abrams stated he has forty years in the solid waste industry and the McCullough trucks will be coming back full if they do not make it to the landfill. He stated they should engineer for that in case they do not make it to the landfill or the incinerator.

#### Approval of Pay Application No. 1 for the 2020 Liquid Fuels Road Program Project

Mr. Pockl stated the work on the Road Program has been completed, and the additional work ordered by the Board of Supervisors has also been completed on Silo Road and Milton Drive. He stated currently the contractor is finishing up punch list items on Rose Hollow Road. He stated the majority of the work has been completed on the Road Program to his satisfaction. He stated he is requesting payment in the amount of \$905,048.68, which is a full payment with 5% retainage being held back for the punch list items. Mr. Pockl stated they added about \$80,000 worth of scope for Milton Drive and Silo Road, and there were some other Change Orders that were approved by the Board of Supervisors at the last meeting including reflective pavement markings which have been installed on Heacock Road and traffic signal loop detectors which were damaged during construction. He stated the overall increase to the Contract amount was approximately \$28,000.

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve Pay Application No. 1 to James D. Morrissey in the amount of \$905,048.68.

#### Engineer's Update

Mr. Pockl stated the Board received his Report. He stated with regard to the bike path program at the last meeting he was authorized to proceed with making emergency repairs/improvements on the bike path south of Oxford

Valley Road along Heacock Road down to Dobry Road for an amount not to exceed \$4,000. He stated the contractor was completing those repairs today, and they spent \$4,000 although they could have spent significantly more to make it a new path. He stated this was an emergency repair to make it passable and not be a hazard. He stated there were some significant potholes and significant removal of asphalt paving in the area. He stated tree roots had caused the path to heave upwards.

Mr. Ferguson stated there is a Three-Year Trail Plan that was part of last year's Budget which included what the Board approved this year. He stated when they consider the Budget, they will have to assess the timing and need to do a longer-term, more complete structural repair of this area. He stated this work just done was more of an intermittent fix than a final fix. He stated the staff and Mr. Pockl will work on this.

Mr. Pockl stated with regard to Scammell's Corner, he spoke to the developer this evening, and they are planning on submitting the Plans for the rain garden to the Bucks County Conservation District. Mr. Pockl stated he had sent the Plans to the residents the end of June, but he did not receive any comments back from them. Mr. Pockl stated the developer has indicated that they feel it will be a "rubber-stamp" approval by the Conservation District, and they will then implement what is approved.

## PROJECT UPDATES

Mr. Grenier stated Mr. Ferguson had previously indicated he sent a letter to the Delaware River Joint Toll Bridge Commission regarding the road issues on Maplevale, and he asked if he received a response. Mr. Ferguson stated he did not, and he will follow up with them again shortly with another letter; and he will keep doing that until he gets a response.

## MANAGER'S REPORT

### Financial Update and Year End Review

Mr. Ferguson stated over the last few months he has given updates on a number of financial issues in the Township. He stated the Budget that was passed this year had approximately a 5% Fund Balance in the amount of approximately \$662,000. He stated they have made a number of changes

this year scaling back what they could. He stated there are volatile items including the Real Estate Transfer Tax, Building Permits, Golf, and Property Taxes which are not typically volatile; however, given the current situation, it is important to track.

Mr. Ferguson stated with regard to Real Estate Transfer Taxes, every time a property sells, the Township gets a half of 1%. He stated over \$1.5 million was budgeted for this year which was in line with the last few years. He stated early in the year, they were comparable with other years and were in fact better than 2019; however, based on the shut down and the number of sewer lateral inspections, they knew it was slowing down. He showed a slide of the June number for this year, and stated they are at 83% of the number of sales compared to last year and at 71% in terms of Revenue. He noted that for 2019 July through December was \$780,000; and assuming they do 75% of last year's number, that would translate to \$584,000 and a year-end total of \$1,124,000. He stated this results in a Budget shortfall of \$425,000 for the Transfer Taxes.

Mr. Ferguson showed a slide on the Building Permit activity which is robust, and they are at 58% of the 2020 Budget through six months of the year. He stated they had budgeted \$791,000 which is an average of \$65,000 a month, and they are currently averaging \$76,000 a month. He stated it is anticipated that July to December collections would be \$355,000. He stated he is budgeting a conservative estimate that we would collect 90% of the monthly-budgeted average; however, we are exceeding that. He stated the year-end projection would actually beat the Budget number for Building Permits.

Mr. Ferguson showed a slide related to the Local Services Tax which is the \$52 tax for people working in the Township. He stated this Tax has not been impacted by the current situation, and people are continuing to work; and with regard to collection, they are slightly ahead. He stated he is assuming they will end the year at \$357,000 which is slightly more than last year and is more than the \$328,000 that was budgeted.

A slide was shown related to the Property Taxes which constitute the biggest part of the Budget. Mr. Ferguson stated the Board had extended the face period of collection from the typical June 30 date to July 31 so there is not an apples-to-apples comparison to last year for this period. He stated in 2019, the Township had 11,955 households paying through the face period which represented just under 96%. He stated we are

currently at 11,656 households, which is approximately 93 ½% so he feels it is fair to assume there will be more than that paying by July 31 this year.

A slide was shown of the breakdown of 2019 versus 2020. He stated they budgeted this year for a collection rate of 98.5%; and at the end of last year the collection rate was 99.42%. He stated for 2020, they are currently at 11,656 households; and if they assume 98.5% which is what was budgeted, that would translate to needing 614 more households this year to hit the budgeted household number.

Mr. Ferguson noted the slide showing what it would translate to in terms of Revenue if the Township did not hit 98.5%. He stated if we had 97% of households paying, that would mean we would need 427 more to pay than have paid at this point; and the impact to the General Fund would be \$111,000 less than budgeted. He stated 96% has an effect of a negative \$186,000, and 95% would be a negative \$260,000. Mr. Ferguson stated they do not just have property taxes in the General Fund as they are also in Park & Rec, Ambulance, etc.; but at this point he was only looking at the General Fund. He stated while this could change in the future given the situation, if he assumes a 96% collection this year, we would be down \$186,000.

Mr. Ferguson stated the starting Fund Balance this year was \$1.828 million which was better than what had been assumed we would end last year by approximately \$350,000 or 2½ % better than anticipated. He stated projected Revenues through the end of the year are \$12,648,000 for a total Revenue including the Fund Balance of approximately \$14 million. He stated with Expenditures and Transfers being \$13.8 million, a Fund Balance of \$632,000 is projected. Mr. Ferguson stated the 2020 budget was \$662,000, and he feels they have done remarkably well recognizing what is happening financially with the Pandemic. Mr. Ferguson stated the Revenue number does assume a 96% property tax, and if it ends up higher than that, we could have a Fund Balance \$100,000 to \$200,000 higher.

Mr. Ferguson stated as he noted in his Report, the 5% Fund Balance is not ideal.

Mr. Ferguson stated the General Fund is for personnel, benefits, and transfers for projects and other items that were not funded substantially by Grants.

Mr. Ferguson stated to maintain the 5% Fund Balance in 2021, it would require an approximately 2.4 millage increase with the expectation of landing at the end of 2021 in the \$600,000 to \$700,000 range. He stated there would need to be discussion with the Board as to what assumptions they want to make with regard to Transfer Taxes if the current situation continues. He stated this year \$1.5 million was budgeted for Transfer Taxes, and the current estimate is for \$1.1 million. He stated that number has been trending lower not just in Lower Makefield but everywhere in terms of sales. He stated if that were to continue, the gap of \$850,000 to \$1.2 million is on the higher end of that and may be higher. He stated this is also true for Real Estate Property Tax collections; and if they see that it is 96% this year when it had been 98% of 99%, we will need to adjust that number down next year as well.

Mr. Ferguson stated looking at general trends of cost of personnel, health care, pension contributions, etc. they would be looking at a millage increase of .65 or .7 in 2022 and 2023 to keep the same 5% Fund Balance.

Mr. Ferguson stated the good news is that we have been able to offset most of the costs since there have been enough Real Estate transfer sales and Property Tax collection; and we are still looking at a 5% Fund Balance and not something more “financially immediately threateningly to the Township than that,” but going forward there will be challenges in keeping at least a 5% Fund Balance and what assumptions are made for other items.

Mr. Ferguson stated as noted in his Report to the Board, he will be having to schedule a full review with Moody’s in August, although he does not have a date yet. He stated he did meet with them in April for several hours, and this will continue with the full Committee Review from Moody’s in August. He will keep the Board advised on this.

Dr. Weiss asked with a possible 2.4 mill increase, how far away are they from the cap as far as the General Fund millage; and Mr. Ferguson stated we are .12 mills. Dr. Weiss stated if the Township has to go to 2.4, they would have to go to the Court of Common Pleas. Mr. Ferguson stated while he has never had to do this, the Township would have to Petition, submit financials, and justify the need for this. He stated he does not know how the timing is as it relates to the Budget process, and he would have to rely on the Township solicitor on this. Dr. Weiss stated the 2.4 mill increase would just be to keep the Fund Balance at 5%, and Mr. Ferguson agreed adding that would be a “bare-bones Budget.”

Mr. Grenier asked if the Board was provided this presentation in their packet, and Mr. Ferguson stated he could provide it as well as put it on-line. He stated all of the points are from his Manager's Report, and they were put into this slide presentation.

Mr. Grenier stated Mr. Ferguson had discussed a 96% payment rate, and there are different payments based upon when the bill is paid. He asked Mr. Ferguson if he is assuming 96% payment at the "earliest phase," or does he do a percentage break up throughout the year under each of the three options. Mr. Ferguson stated if they were not in the midst of the Pandemic he would estimate hitting 98% conservatively since last year we hit 99.4%. He stated the slide shows that they are currently at 93.5%. He stated he picked a safe number for now, and in a month they could get 96% by the face value. He stated for the point of this presentation he showed a number of where we are. He stated the 11,955 households was from last year which would have been through June 30, so it is not a perfect comparison since the Board extended the face period to July 31. Mr. Ferguson stated in a few weeks, he will have a point of comparison from Discount to Face.

Mr. Grenier noted the Expenditures/Transfers line - projection versus Budget, and they are short on Revenue at this point by approximately \$450,000, with Expenditures down approximately \$380,000. Mr. Ferguson stated the net difference would be \$30,000 for the year. He stated this year he did not hire any part-time personnel, they scaled back the Building Code Official's hours, and have done a variety of things to help offset the shortfall.

Mr. Lewis asked about the Sewer Fund Balance at this point. Mr. Ferguson stated he did not look into that for the purpose of this presentation, and he just did the General Fund. He stated there are also issues with regard to the Pool and Park & Rec Fund that will have to be looked at in more detail.

Ms. Blundi thanked Mr. Ferguson for putting this together and providing a mid-year update. She stated people have stated that they are not aware of certain things, and the more information that the Township can provide helps make people more aware. Mr. Ferguson stated when they discussed early on what effect the shut-down would have they discussed shortfalls in Golf, staffing issues, and the fact that they cannot work as efficiently with the restrictions and they have had to monitor overtime. He stated he feels the

Department Heads and the staff have done a remarkable job. He stated we are within \$30,000 of the Budget that was passed eight months ago, and he feels that this is a testament that they are doing what they can to manage the situation. Dr. Weiss stated given the tremendous obstacles we have been facing he feels this report says a lot about the professionalism and dedication of the staff, and he stated they appreciate these efforts.

#### SOLICITOR'S REPORT

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

#### Approval to Extend Sewer Bids for a Period of 30 Days as Outlined in the Request for Bid (RFB)

Mr. Truelove stated Judge Mellon's Court Order specifically stated that this is a permissible Agenda item and it was not opposed by the Petitioner. Mr. Truelove stated extending the Bids, which expired today, does not authorize Bids being accepted, and it does not mean they are committed to any Bids. He stated it is just more time for the Bids to be reviewed, and that is the purpose of this Motion tonight. He stated voting for this Motion is not a vote for the sale.

Ms. Blundi moved to extend the Sewer Bids for a period of 30 days as outlined in the Request for Bid.

Mr. Lewis stated he was asking for recognition as well.

Mr. Lewis moved to extend the Sewer Bids for a period of 30 days as outlined in the Request for Bid contingent on the Board and the Township staff completing the following tasks:

- 1) Provide all existing documentation from the Lower Makefield Township Evaluation and Analysis of Options for the Morrisville Municipal Authority Service Area to the Lower Makefield Township Sewer Authority and Sewer Sub-Committee for review and comment;

- 2) Provide all existing documentation from the PFM Financial Advisors LLC Exploration of Sewer System Monetization process to the Lower Makefield Township Sewer Authority and Sewer Sub-Committee for review and comment;
- 3) Provide the Board of Supervisors with answers to Supervisor Lewis' Sewer Sale Questions e-mail dated July 22, 2019 that were agreed in writing by Scott Shearer of PFM on August 7, 2019 and verbally on June 17, 2020;
- 4) Provide the Board of Supervisors with PFM's Excel work product that reviews all Bidders in the Request for Bids process including the specific revisions based on reviewing Pennsylvania American Water Company's June 24, 2020 letter to Scott Shearer;
- 5) Complete a Request for Proposal process to select a new financial consultant to review the PFM valuation analysis and provide recommendations on bond strategy;
- 6) Complete discussions with State and Federal Officials regarding strategies to finance sewer conveyance improvements and treatment facilities as was unanimously approved in a resolution June 10, 2020;
- 7) Complete Request for Bids for a Sewer Conveyance Lease Agreement with Contract terms written by Lower Makefield's Special Sewer Counsel;
- 8) Complete discussions with neighboring Municipalities and Service Authorities to discuss options for a Regional Authority or Authorities that could serve Lower Makefield residents for the next thirty years or any other viable options such as becoming a Retail customer or redirecting flows;



- 9) Provide Lower Makefield Township Sewer Authority and the Sewer Sub-Committee the opportunity to review all subsequent work product and provide recommendations to the Board of Supervisors;
  
- 10) Request best and final offers from Pennsylvania American Water, Aqua, and Bucks County Water and Sewer Authority that would be good until January 15, 2021.

Dr. Weiss stated there are two Motions on the Table, although he has not recognized Mr. Lewis; and he asked Mr. Truelove how they should proceed. Mr. Truelove stated that would depend on who is recognized and whether there is a Second. Dr. Weiss stated he recognized Ms. Blundi and asked that she re-state her Motion.

Ms. Blundi moved to extend the Sewer bids for a period of thirty days as outlined in the Request for Bid and as listed on today's Agenda. Dr. Weiss seconded the Motion.

Mr. McCartney asked if the Conditions read by Mr. Lewis could be done within the next thirty days, and Mr. Lewis stated they could be. Ms. Blundi stated that one of the Conditions noted 2021, and she asked how that could be done in thirty days. Mr. Lewis stated that was a request for final offers that would be good until January 15, 2021. Mr. McCartney again asked if all ten Conditions could be met within the next thirty days, and Mr. Lewis stated they could.

Dr. Weiss asked if Mr. Lewis' Motion effects the current Bids, and Mr. Truelove stated it could. Mr. Truelove added that he is just hearing Mr. Lewis' Motion for the first time and there was a lot of information that he would have to analyze. He stated he feels that those Conditions would seem to greatly modify the process which has occurred to date which started in April, 2019.

Mr. Lewis stated this is providing information to Board members and the Sewer Authority.

Mr. Truelove stated one of the issues is that some of that information could be proprietary, and he would have to look into this. He stated he also did not have a chance to write all of the Conditions down. Mr. Lewis stated he would be willing to share his screen.

Mr. McCartney stated this is basically to go back and re-start the whole process from the beginning. Mr. Lewis stated that is not the case, and he is asking that the documentation and analysis that was done be provided to the Sewer Authority, that we get all of the documentation from PFM, that he get answers to questions that he asked for last year that were agreed to in writing, that we get the Excel work product that addresses the concerns from one of the Bidders that they felt like their analysis was incorrect, that we get a new financial consultant to review the PFM valuation analysis and provide recommendations on Bond strategy, that they complete discussions with State and Federal Officials regarding strategies to finance Sewer conveyance improvements which was unanimously approved, although no action has been taken. He stated he is also asking to complete Request for Bids for a Sewer Conveyance Lease Agreement which would allow for the potential of the Board to look at a Lease Agreement. He stated he is also asking for discussions with neighboring Municipalities and provide the Sewer Authority and Sewer Sub-Committee the opportunity to review all subsequent work product and provide recommendations to the Board of Supervisors.

Mr. Truelove stated the phrase “work product” implicates something that may or may not be obtainable, although he is not sure.

Dr. Weiss stated some of this is also part of the litigation including the options that were dealt with in Executive Session before they brought the Bids public. He stated he feels this cannot be discussed. Mr. Lewis stated they cannot say that they are going to extend the Bids, but not discuss Conditions. Dr. Weiss stated he feels they need to wait for the Judge to rule. Mr. Lewis stated they should then not vote to extend the Bids. Dr. Weiss stated they can vote on that. Mr. Truelove stated Mr. Lewis is incorrect. Dr. Weiss advised Mr. Lewis that he was out of order. He stated there is a Motion on the Table which has been Seconded, and there could be discussion on that Motion.

Mr. Lewis moved to Amend the Motion by replacing it with the Motion he had made. Ms. Blundi stated she did not wish to amend her Motion.

Mr. Grenier stated there are aspects of some of the items that Mr. Lewis brought up that he is interested in. He stated the one that he is most interested in is with respect to requesting a best and final offer from the three Bidders. He stated they have now had a public presentation from PFM as well as several public presentations over the last months regarding the Township’s financial situation and what some of the goals of the process

were. He stated he believes that the Bidders have had a chance to see this, and they may be able to give the Township a better Bid. Ms. Blundi stated that might be a second Motion. Mr. Grenier stated he feels it is important to allow for “best and final,” so that we get the best option possible. He stated he has talked to a lot of people about the approach that was taken with the Bids themselves by setting the base at \$35 million, and almost everyone felt that was not the best approach to get the best price, and it may have sent the signal that we are selling a distressed asset and set too low of a base price. He stated Bucks County Water and Sewer had come back with an alternative Bid of \$1 with relatively low rates, and he feels that signaled that they saw it as a distressed asset. He stated this is not about a bad Sewer system, rather it is a Budget issue that the Township is trying to address. Mr. Grenier stated he feels they should ask for best and final but not set a base cost. He stated the main goals are to help the Budget while still maintaining some level of reasonable rates over an extended period of time. He stated he feels that could be done fairly quickly. He stated he would be in favor of extending the Bid period and adding best and final to that. He stated he also feels they could reject the Bids and re-open under those same stipulations in a similar time period so that we get “clean Bids.” He stated either way would end up with the best product for the Board to review and hopefully the best package and numbers.

Dr. Weiss asked Mr. Truelove if they can go back to the Bidders and ask them to give us another Bid. Mr. Truelove stated while it is not illegal, the problem is they are talking about a status quo situation right now. He stated the issue is extending Bids that were submitted. He stated this does not mean that at the end of the Bid period if there is no decision made, that other steps could not be taken. He stated for tonight, they are just talking about whether they want to extend the Bids now or not. He stated after that period expires, if there is no award of the Bid, they could do something differently. He stated tonight it is just about making sure that the status quo is maintained. Dr. Weiss stated Judge Mellon was very specific on what they are allowed to do. Mr. Truelove stated when it says “extend the Bids,” it is the Bids that were in existence which were the subject of the Injunction which are the Bids that are in front of the Board at this time.

Mr. Grenier asked which Bids are active right now since he is not clear on that. Mr. Truelove stated it is Aqua and Pennsylvania American Water. Mr. Grenier asked when they removed Bucks County Water and Sewer.

Mr. Ferguson stated they were not removed. He stated what they presented was an analysis where they broke down what they thought were the best competing Bids, but no one has been removed.

Mr. Truelove stated they need to be careful about this discussion getting into specifics.

Mr. Grenier stated he was just trying to determine if their Bid was still active or not as he felt it was but now it sounds like it is not. Mr. Truelove stated he feels that technically it is still active, although through the vetting process it seemed like it was not one of the ones that was going to be ultimately recommended; however, if it is technically active, it would be part of the status quo that they are discussing for purposes of going forward.

Mr. McCartney stated it seems that there is a specific directive from the Judge whether or not they can extend the Bids, and Mr. Truelove agreed that it is for those Bids.

Mr. Lewis stated he believes that the Judge simply said that they should not consider a Resolution to sell the Sewer system. Mr. Truelove read from the Order issued by the Judge yesterday which is to permit an Agenda item to consider extending the underlying Sewer sale Bids for thirty days from July 15, 2020. Dr. Weiss stated it seems that the only thing the Board can do is to extend the current Bids as they are. Mr. Lewis stated he does not believe that is the case. Mr. Truelove suggested that they vote on the current Motion made by Ms. Blundi.

Mr. Peter Lachance stated he would encourage the Board to consider Mr. Lewis' Motion/Amendments. He stated he understands that Mr. Truelove is saying that perhaps it falls outside of the Order; and while he has not seen the Order, assuming that it does not fall outside of the Order, he would encourage the Board to look at most if not all of the options Mr. Lewis presented.

Mr. Robert Abrams stated Mr. Lewis has "diligently done his homework which is contrary to what were the original Bid specs and responses." Mr. Abrams stated if the Board had acted as Mr. Lewis just has, we may have had something that would not have gone to litigation.

He stated he feels it is “somewhere in the Board’s interest to ram these things through.” He stated it was done on July 4 weekend which “was the biggest vacation weekend around.”

Mr. Abrams noted a recent article about Makefield Highlands which they rated as one of the top 50 Public ranges. He stated he cannot believe with that kind of press and the knowledge of the Course by professionals that they need to sell the Sewer system in order to hold onto the Golf Course. He stated he also “cannot believe that the Overlay was not behind that Course, and that an over-fifty-five community development would have brought in the Tax Revenue and they could have paid the Bonds from that.”

Mr. Abrams stated he feels the Bids should be thrown out and they should start over. He stated at this point they are dealing with misinformation and old information. He stated Mr. Lewis is asking that they be transparent and show it to everybody, but three of the other Board members are not in favor; and he would like to know why as does the whole community. Mr. Abrams stated Dr. Weiss is spending his “summers in Tampa and his winters in Lower Makefield.”

Motion carried with Ms. Blundi, Mr. McCartney, and Dr. Weiss in favor and Mr. Grenier and Mr. Lewis opposed.

#### Approval of Renewal of Township Manager’s Employment Agreement

Mr. Truelove stated Mr. Ferguson was hired and started work July 18, 2018. Mr. Truelove stated under the Second Class Township Code, Section 1301 the maximum time that a Manager’s Contract exists is for two years, and the two years expires Friday. Mr. Truelove stated the Board has been supplied with a copy of the Employment Agreement. He stated it is essentially the same Agreement that was entered into two years ago when Mr. Lewis was Chair. Mr. Truelove stated in terms of compensation, there is a provision where Mr. Ferguson would receive a 4% raise beginning July 1, 2021 but would not receive an increase in compensation until January 1, 2022 so it would be a 4% raise over an eighteen month period of time.

Mr. Ferguson asked if that would be July, 2020 or July 2021; and Mr. Truelove stated according to the Contract it was January, 2022. Mr. Truelove stated the original raise would be effective July 1 of 2021, and he would not receive

an increase in compensation until January 1, 2022. Mr. Truelove asked Mr. Ferguson to state what his raises were since he started two years ago in 2018. Mr. Ferguson stated it seems that the raise would not be happening until a year from now and that was not his understanding.

Mr. Truelove stated it should be 2020, and it will be an eighteen month period of time before he would be eligible for the next raise. He would receive a raise retroactive to July, 1 of this year, and he would not receive consideration for another raise for eighteen months. Mr. Ferguson stated that would be a 7% raise from the time he started with the Township before another raise would be considered, and that would be the lowest percentage raise of any Township employee full or part-time, Uniform and non-Uniform, Union and non-Union.

Mr. Truelove stated otherwise the terms are nearly identical with what was prepared the last time which was acceptable to that Board two years ago. He stated there is one additional provision about Goals and Objectives about the Supervisors and Mr. Ferguson agreeing to meet periodically to discuss the development of Goals and Objectives as it relates to Mr. Ferguson's duties and responsibilities. Mr. Truelove stated he believes that occurs on an on-going basis, but it is now part of the Agreement.

Ms. Blundi moved and Mr. McCartney seconded to approve the renewal of the Township Manager's Employment Agreement.

Mr. Grenier stated there was some discussion about sixty versus ninety days in terms of notice, and Mr. Truelove stated it is listed as ninety days. Mr. Grenier asked if this is a two-year Agreement, and Mr. Truelove agreed adding it is consistent with the Second Class Township Code and that is the maximum allowable time. Mr. Grenier asked if termination were to occur more than twelve month's out, there is a twelve-month severance; and Mr. Truelove agreed. Mr. Truelove stated that is standard in the area as Boards change and different people may have different attitudes about Managers; and in fairness to anyone in that position, if there is a change in the Board and they want to make a change, it gives the individual in the position an opportunity to have time to find another position which is not that easy. He stated this is not an unusual provision in a Township Manager Contract, and he stated he believes that Mr. Fedorchak's Agreement had that same type of provision as well.

Mr. Grenier stated he was glad that they added the Performance Review which they did not previously have so that there could be evaluation on both sides as to where they are and where there is room for improvement. He stated this year he feels communication has been a “struggling point” with meetings, etc., and he feels they need to improve that greatly. He stated he feels it has been a “very disheartening year with the way the process has gone, getting things at the last minute, things that were not on the Agenda that they have to vote on, and things that were on the Agenda, but were not in their packet; and it has been a very frustrating year.” He stated he is looking forward to seeing some improvement under this Contract since right now he feels they are struggling.

Mr. Lewis stated he was going to vote yes on this, and he was able to get some “modest Contract language” included to get some degree of feedback. He stated he is very reticent to share his concerns publicly about the performance of the Township Manager; however, after the last meeting, he feels that he should share some of his concerns. Mr. Lewis stated the manner in which Mr. Ferguson spoke to and about Mr. Robert Abrams from 652 Teich Drive was not acceptable. He stated Mr. Abrams is a citizen of Lower Makefield and in the organization chart of Lower Makefield Township, the 32,761 residents are at the top. Mr. Lewis stated he is honored to serve all of the residents as their elected Supervisor, and he works for them, and they are the boss; and the Township Manager works for all of the Supervisors. He stated it is “frustrating to have an employee who attacks the boss publicly.” Mr. Lewis stated if this were a “one-off case,” he could easily dismiss it; however, it is a “pattern and practice of poor communication, lack of follow-up, and use of information asymmetry.” He stated there have been a number of times that he has been advised by residents that they had contacted the Township Manager and did not receive a follow-up or answer. Mr. Lewis stated this is a concern, and he is responsible for this as he was the Chair at the time Mr. Ferguson was hired. Mr. Lewis stated they knew at the time that Mr. Ferguson had some communication issues, but they felt that he was the best candidate that they had and that they could work around it. Mr. Lewis stated he will pledge to work forward in trying to find ways to help improve this process and address his concerns and the concerns of the residents. He stated he has a number of other concerns, but he does not feel that it is appropriate to make them all public at this time.

Dr. Weiss stated he is also frustrated, but not with our Township Manager who he feels has been very forthcoming. He stated it is unfortunate that some members of the Board have refused to communicate in a fair manner with our Township Manager, but he will not discuss this further in public. Dr. Weiss stated he is in complete support of the Township Manager, and there are processes in place to have better feedback; however, to have that feedback, you must be able to communicate in an honest manner which he believes some have forgotten how to do in the past year.

Motion carried unanimously.

#### ZONING HEARING BOARD MATTERS

With regard to the Kimberly Bartram and Aldo Bartra Variance request for the property located at 1439 Buford Drive in order to permit 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.

With regard to the Charles Travis Keys Variance request for the property located at 495 Keating Drive in order to construct a screen porch addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### SET THE PUBLIC HEARING DATE FOR THE PROPOSED MIXED-USE OVERLAY DISTRICT ZONING ORDINANCE AMENDMENT

Mr. Ferguson stated he had provided the Board with a memo which was an overview given to a resident that he copied the Board on going over the time frame etc. He stated in order to meet the legal framework required, the earliest the meeting could take place would be August 17. He stated they have to meet as soon as reasonably possible to satisfy the requirements of the MPC.

Dr. Weiss stated August 19 would be a regular meeting of the Board and traditionally they have been doing these as extra meetings. Mr. Lewis stated he would prefer it be at the regular meeting time. Mr. Grenier stated in the past there were times when they had only had one Board meeting in August, although this year is different. He asked if they know now if there will be anything pressing in August. Mr. Truelove stated it is possible



the Sewer issue would be considered in August. Mr. Truelove stated the Pennsbury School District does have a meeting scheduled for August 20 if that is a concern.

Mr. Grenier asked if they anticipate that this will be a virtual meeting versus an in-person meeting, and Dr. Weiss stated he feels it will be a virtual meeting given how the numbers are starting to spike again. He stated he does not feel there will be live meetings any time in the near future. Mr. Truelove stated the Governor issued an Order today that was more restrictive in terms of public gatherings.

Mr. McCartney asked if it would make sense to consider this during a regular meeting, and Dr. Weiss stated he feels it will be a long meeting so he feels it would be better if it were a one-topic meeting although they could do it on August 19 if the Board wants to do it then. Ms. Blundi stated they had committed to having stand-alone meetings for items such as this as a way to show that there would be time for discussion; however, some people have indicated that having it on a different night is confusing to people. She stated she wants as many people as possible to be able to participate. Dr. Weiss stated they could try to keep the Agenda on August 19 as light as possible, but there could be other items that would need to be considered.

Mr. Grenier moved and Ms. Blundi seconded to schedule the Public Hearing to consider the Overlay District for Monday, August 17 at 7:00 p.m. via Zoom.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated although she appreciates the Board meeting on August 17 they need to make sure that all LMT residents can be there either virtually or physically; and until they can do that safely during a Pandemic it is “against her Constitutional rights” because she cannot vote on this issue, and the Board is voting on her behalf. Dr. Weiss stated they will make sure that Ms. Tenney can participate. Ms. Tenney stated it is not her because she participates every meeting, but it is “everybody else.” She stated it is now 11:45 p.m. on a Wednesday, and they are talking about very important issues. She stated most people with children are “tired.” She stated we have been in lockdown and “putting kids to bed.” She stated the Board has to be considerate. She stated older people do not know the technology, and they are not going to be up at 11:45 p.m. Ms. Tenney stated while she appreciates the Board’s efforts and would not want to be in their position, they represent the residents who are paying taxes which are making “this Township liquid during a Pandemic.”

Ms. Tenney stated she has twelve questions which she feels the public should listen to so that they can be informed when the Public Hearing airs. She stated she is going to say them, and when she calls in the Board can give her a response. Ms. Tenney asked how the Board will gain control of what gets built when Zoning is changed with the Mixed-Use Overlay. She stated it seems that at every meeting, they lose more control with the developer and now they have agreed to a drive-through.

Dr. Weiss stated the Motion they are considering at this time is just to schedule the Hearing. Ms. Tenney stated it is her Constitutional right “and the rights of of LMT citizens are violated if they go on in this situation.” Dr. Weiss stated he is not objecting to the questions, rather he is saying that the comments should be limited to the Motion. Ms. Tenney asked when she would ask her twelve questions since she does “not get to e-mail them.” Ms. Tenney stated she e-mailed them many times, and she has not been given answers. She stated there is no dialogue. Dr. Weiss stated he has answered every e-mail that she sent him within hours. Ms. Tenney agreed and stated Mr. Lewis also does that. Dr. Weiss stated that there are at least two members of the Board who are answering her e-mails, and Ms. Tenney thanked them.

Dr. Weiss stated her questions are valid questions; and when they have the Public Hearing, those questions are valid to be asked at that time. Ms. Tenney asked how much time she will have to ask her questions, and she asked if she will have to wait hours to ask them. Dr. Weiss stated Public Comment will happen at the appropriate time during the Hearing. He added that whether it is a live meeting or a Zoom meeting, Public Comment would happen at the same time. He stated the public would be given the same amount of time on Zoom as they would if it were a live meeting. Ms. Tenney asked if that would be five minutes. Dr. Weiss stated it would be between three and five minutes. Ms. Tenney asked if they could start earlier since it is now 11:50 p.m. Dr. Weiss stated that is an appropriate question for this Motion, and they could consider starting earlier at 6:30 p.m. and Amend the Motion if the Board would consider this. Mr. Grenier stated he would be willing to Amend the Motion, and Ms. Blundi stated she would be in favor of that as well.

The Motion was amended that the meeting will start at 6:30 p.m.

Ms. Tenney asked if she could be given ten minutes, and Dr. Weiss stated that could be problematic given all those who wish to speak. Ms. Tenney stated possibly they need multiple days. Mr. Truelove stated the Hearing

will start on August 17; however, that does not mean that it will conclude on August 17. Mr. Grenier advised Ms. Tenney that she can always e-mail her questions to the Board ahead of time so that they can be prepared; and Ms. Tenney stated she always does that, and some of the Board members respond to her. Dr. Weiss advised that Ms. Tenney that if she sends her questions to him, he will respond; and Ms. Tenney stated some of the Board members do listen, and she appreciates their response. She stated this is a very important issue because it sets a precedent and “changes the tapestry of Lower Makefield forever.” Dr. Weiss stated the Board is very aware of that.

Mr. Bryan McNamara, 1412 Heather Circle, stated he does e-mail questions but he does not get answers other than referrals to the Township solicitor. He stated he has been asking about Spot Zoning. Mr. Truelove stated he received a copy of the e-mail just recently. He stated there have been litigation threats about that from Mr. Borda who indicated that he has retained a law firm so we are not going to engage in issuing any opinions publicly about that. Mr. Truelove stated he will say that there has been research done, and they feel very confident in the process.

Mr. McNamara stated the Overlay that was proposed also includes the Office buildings along Township Line Road, so if this Overlay is approved those Office buildings can potentially be turned into apartments. Mr. Truelove stated his office is one of the buildings on Township Line Road, and it is not in the Zone being contemplated. Mr. McNamara stated that is the 777 Building; however, the buildings across from that building are “part of that circle.” Mr. Truelove stated he does not believe that they are implicated by that. Mr. Truelove stated he does not believe it is the intent of the Overlay to convert those buildings; however, he would have to look into the Overlay further. He stated he feels it would be a very difficult task to do such a conversion.

Mr. McNamara stated it was the intent of the developers who wrote the Overlay to only effect their property and not anyone else’s which is why he feels it is a Spot Zoning. He stated they are also “disadvantaging” the other supermarkets in the Township so that is Spot Zoning. Mr. Truelove again noted that litigation has been threatened so they are not going to discuss this further. Mr. McNamara stated the “circle of it” does include part of the Office buildings that are across from 777 so that land could potentially also be turned into “big box, apartments, and drive-through restaurants.”

Dr. Weiss asked Mr. McNamara if he has a comment on the Motion, and Mr. McNamara stated he feels “this is wrong and it should be done in public.”

Mr. James Nycz, 1760 Odessa Lane, stated with regard to accessibility for public comment at the meeting, he asked if it would be possible to have “some virtual pre-submission time” where they could submit written questions or a video response to allow people who might be working at night, have children, or are not available at that time to be able to have their questions considered. He stated they could pull similar questions together and try to address them. Dr. Weiss stated he feels that is an excellent idea, and they could see if they could arrange for e-mail submissions with attachments. Mr. Ferguson stated he will discuss this with Ms. Tierney about setting this up in such a way so that they can make it known where that information should be sent. Dr. Weiss stated he would be in favor of this provided the submissions are within the three to five minute guidelines.

Motion as Amended carried unanimously.

#### PUBLIC COMMENT

Mr. Lee Pedowicz stated with regard to Dobry Road, they need to consider the CSX Rail traffic as he has seen them move heavy machinery down Dobry Road. He thanked the Board for getting the walkway along Oxford Valley Road repaired. He stated the walkway by McCaffrey’s and Giant on Stony Hill Road on the north side should also be looked at since there are some areas there which are just as bad as some of the bad areas that were on Oxford Valley Road.

Mr. Robert Abrams stated a number of years ago there was a serious fire in another Township and there was only one way out. He noted the artist’s rendition of the proposed Wegmans, specifically the north side. He stated you cannot drive out the back because you cannot drive out onto I-95. He stated to the east would be “the small Stony Hill Road,” and there is no exit there. He stated to the west would be facing toward 332, and there is no exit out of that side of the property. He stated there is a small entrance/exit on the east side which would be the first entrance/exit, but it is not a direct drive through so that in the event of an emergency you could not get a lot of traffic out of there. He stated the next entrance goes a little further

west; and again it is not a straight road as it goes around a corner. He stated the furthest one west appears to be a service road. Mr. Abrams stated if there is a truck coming down “the small Stony Hill Road” making a right onto the “large Stony Hill Road” in front of these entrances, and it has a liquid load, propane, a corrosive liquid, or ammonia and it goes over and dumps a hundred gallons of diesel fuel down the road and blocks the other two entrances he questions what “they will do with the 2,000 people in the Wegmans and the Residential area as they have no way out.” Mr. Abrams stated for the Planning Commission to even consider putting “that many people in that much peril is astonishing.” Mr. Abrams stated he assumes Chief Coluzzi would be responsible for the emergency response, and he asked how they would get that many people out of that area if the entrances that are all grouped together are the only way in or out. Mr. Abrams stated they “need to start thinking before they start doing stuff and ruining the community.” He stated that is the problem with the “three who are voting together and the one that is in Florida voting for what is going on here with us.”

Ms. Sue Herman, Residents for Regional Traffic Solutions, Inc. P.O. Box 285, Newtown, stated her comments are about Trenton-Mercer Airport also known as TTN. She read from Congressman Fitzpatrick’s letter dated November, 2019 to the US DOT which noted his concern that TTN had overlooked potential groundwater contamination and his request that the FAA review the mechanism used by TTN to complete their Environmental Assessment to insure that all environmental impacts are evaluated.

Ms. Herman stated “we all know that the FAA is driven by a self-interested Agenda that does not include protecting the safety and welfare of citizens.” She asked why Congressman Fitzpatrick has accepted FAA’s “pathetic responses” to his letters during the past two years, and asked why he has not engaged our Federal Senators Casey and Toomey to put pressure on the FAA to do the right thing.

Ms. Herman stated concerned grass roots organizations will place a high priority on educating citizens about the potential for TTN to “poison our drinking water with PFOs and PFOAs.” Ms. Herman stated Pennsylvania and New Jersey are among seven States that were selected by the CDC to participate in a National Study and she reviewed who will be participating and what will be included in the Study.

Ms. Herman asked the Board to invite stakeholders to a September, 2020 Board of Supervisors' meeting to participate in an Agenda item titled, "Trenton Mercer Airport Public Education Discussion." She stated during the Agenda item, the Lower Makefield Board of Supervisors should educate residents about the toxic effects that PFO and PFOA contamination will have on our water supply and the health of our families, and have Pennsylvania politicians up through the Federal level attend and outline a strategy for preventing such toxic contamination. Ms. Herman stated this should be done before it is too late. She stated there is still time to "stop the reckless expansion of TTN before our water is contaminated" and serious harm is imposed on the constituents and their families.

Ms. Herman stated to learn more Bucks and Mercer County residents should go to [www.TrentonThreatenedSkies.com](http://www.TrentonThreatenedSkies.com). She stated she will submit her Public Comment in an e-mail to the Supervisors and ask that the e-mail and any attachments become part of the Public Record for tonight's meeting.

Dr. Weiss stated Ms. Herman's comments will be made part of the Record but any e-mails that are sent after this meeting will need to be stated at the next meeting for them to be part of the Record. Ms. Herman stated they will be receiving her e-mail in about thirty seconds. Dr. Weiss stated the Record is what happens at the meeting, and what happens after the meeting will not be put in the Minutes. Ms. Herman advised Dr. Weiss to check his e-mail as he has already received it. Mr. Truelove stated because they are in a virtual setting, and there is not the ability to physically present something to the Board, he would suggest that since Ms. Herman has mentioned the submission of something that she will e-mail in the next half hour or so, that it be considered part of the Record. Ms. Herman asked Mr. Truelove if he received her e-mail since it was also addressed to him, and she asked that he check that now. It was noted that the e-mail had been received by a number of those present. Dr. Weiss stated since the e-mail came while they were still in session, it will be included in tonight's Record.

Ms. Herman thanked Dr. Weiss, and added that had she been there physically she would have handed it to the Board. Dr. Weiss stated he feels it would be better if Ms. Herman were to provide this before the meeting so that they could have a conversation. Ms. Herman stated she will not provide her Public Comment prior to the meeting, and she will provide them during Public Comment just as she has done this evening.

Dr. Weiss stated that anyone who wishes to make presentation to the Board it would be much easier and much more efficient to send them prior to the meeting starting so that the Board can have them in front of them when they are presented.

Mr. Peter Lachance stated one of his main concerns is that there is a consultant who was “paid for the Sewer Bids in a conflict of interest situation where they are paid a percentage of the deal.” He stated a year ago he stated in a Public meeting in person that was inappropriate, yet it is still in place. Mr. Lachance stated this is what brought us to where we are today, and they are not considering other options such as Maintenance and Operations Contracts, etc. because we have a consultant who is paid to recommend a Sewer sale. He stated he feels it is “beyond the pale” for the Board to have accepted that Agreement. He stated he feels that going forward in the event that the Board decides “to do the right thing and throw out all of the Bids and re-Bid” that they do not pay a consultant in that fashion. Mr. Lachance stated he was never paid in that fashion, and he would not have suggested to be paid in that fashion as it is wrong.

Mr. Lachance stated he is very concerned about the lack of transparency that went on throughout this process, and the lack of transparency that goes on every meeting by putting Public Comment at the very end when it is Midnight or after Midnight when people are not up. He stated he feels it sets a very bad example.

Dr. Weiss stated they have had public comments throughout this meeting and it has taken a two-hour meeting to a four and a half hour meeting. He stated most of our neighbors have public comment during the meeting and at the end of the meeting and not at the beginning of the meeting. Dr. Weiss stated Mr. Lachance should “talk with some truth.” He advised Mr. Lachance that he has one minute left for his Public Comment.

Mr. Lachance commented on this lack of transparency with regard to not releasing information to the Sewer Authority and not letting them be part of the process. Dr. Weiss stated with regard to the comments about transparency and the Sewer Authority not getting information that is totally false; and if Mr. Lachance continues to make statements that have no basis in fact, he will continue to interrupt him. Dr. Weiss stated Mr. Lachance can state his opinion that he does not approve of the process, but he will not allow him to continue to state untruths. Dr. Weiss advised Mr. Lachance he had thirty seconds left to make his Public Comment. Mr. Lachance stated

he takes “great umbrage” with that, and he stated he has more than thirty seconds. Mr. Lachance stated he was advised that he had three minutes before, and he only had one minute. Dr. Weiss disagreed. Mr. Lachance stated Dr. Weiss was a “liar.” He stated the Board did not get the information they needed, and two Board members did not get the information that they needed to make a decision.

Mr. Bryan McNamara asked if the Board is considering reducing funding to the Police as is seen happening around the Country. Ms. Blundi stated she does not support the concept of defunding the Police. Dr. Weiss stated he does not either.

Mr. Lewis stated when he came on the Board in 2016, he supported the addition of two new Officers as the Police Department was understaffed relative to our population and “geographic circumstances.” He also stated that when significant new development is proposed, he often asks about the impact on our Police Department resources. He stated the Police Department has a challenging job, and he wants to make sure that they have the resources to support public safety even if that means raising taxes. He stated he does not support any short-term political pressure, and he will provide proper oversight to insure that the Lower Makefield Police Department continues to deliver on its mission of maintaining a highly-motivated, well-trained, and progressive force, and to build a partnership by seeking the talents and input of all citizens who share a concern for the welfare of our community.

Mr. McNamara stated he shares the concern that when developments come in there is a need for “new Policing.” Mr. McNamara asked Mr. Lewis to describe what “progressive Policing” means. Mr. Lewis stated it means maintaining a progressive Force, and that comes directly from the Lower Makefield Police Department Mission Statement which can be seen on the Website.

Mr. James Nycz stated his family has been using the shoulder on Dolington Road that connects Meetinghouse Lane to Farmview Drive and the Penn’s Field Development on Dolington Road. He stated it is a 150 to 200 yard stretch of road which does not have any sidewalks connecting it so they do not have walking access to the Garden of Reflection or the other neighborhoods. He stated during the Pandemic the foot traffic has increased on the shoulder of the road as has bike traffic. Mr. Nycz stated there is a lack of infrastructure generally in the area on Dolington which would protect pedestrians and bikers. He asked that they look into adding a sidewalk on that stretch between



Farmview Drive and Meetinghouse Lane as well as adding any “Share the Road” signage so that people are safe when walking or using their bikes in the neighborhood. He asked what he could do to make a formal request for a sidewalk to be put in.

Mr. Ferguson stated the Planning Director texted him that this is designated as a bike lane on the Master Plan. He stated they are pursuing a Grant to update the Master Plan. He stated the current Plan does have this section listed as one of the linkages to be done at some point. Mr. Grenier stated he believes Dolington is a State road in that area so there would be some coordination with PennDOT required. He stated while they are not sidewalks, the shoulders on Dolington on either side for a certain stretch are nearly as wide as a regular lane. Mr. Ferguson stated signage would make sense there, and Mr. Grenier agreed that they should start out working on signage which would help. Mr. Ferguson stated he will report back at the next meeting to see what they can do with some alternatives or specific signs.

Mr. Bill Gerhauser, 915 Olsen Avenue, stated a few days ago he sent in a Right-To-Know asking how much money the Township had extended to the anti-Airport groups. He stated Mr. Ferguson and his staff quickly responded with the information he requested which he appreciates.

Ms. Lisa Tenney stated she has twelve questions regarding the Mixed-Use Overlay, and she would like to ask one. She stated she also has “some personal complaints.” Ms. Tenney stated there is going to be a light at Township Line and Stony Hill Road if Prickett Preserve and the Mixed-Use Overlay go into effect; and one of her questions is if this is going to be a right on red. Ms. Tenney also asked when they did the traffic analysis was the upgrade in safety from a D to a C when the light goes in with the current traffic or did it take into consideration the traffic that will be coming in with Wegmans and the Mixed-Use Overlay. She stated she could e-mail this question if they do not have the answer right away. Dr. Weiss stated she could send the Township all of her twelve questions; and if there is anything they can answer in advance prior to the Public Hearing, they will do that. Ms. Tenney stated she feels the public would want to know. Dr. Weiss stated she can share the information with anyone.

Ms. Tenney stated she was riding her bike on Big Oak Road where there is a bike path, but “then there is no bike path.” She stated at the intersection of Stony Hill Road and Big Oak Road, “she was nearly killed.”

Ms. Tenney stated there is also a lot of speeding and vehicle noise, and she needs a barrier on Stony Hill Road because her back yard backs up to that.

#### SUPERVISORS' REPORTS

Dr. Weiss stated the Planning Commission met yesterday and acknowledged receipt of the proposed Ordinance for the Mixed-Use Overlay which sets the thirty-day clock. He stated they will meet August 10 to consider the proposed Ordinance as well as on July 27 for discussion. He stated the Planning Commission also approved the Final Plans for the Erin Development on Dobry Road with Conditions. He stated they also recommended approval of the Heston Hall Subdivision subject to Conditions required by the engineers. He stated they also approved a Sewer Application. Dr. Weiss stated the Historic Commission met on Saturday at the Slate Hill Cemetery and replaced six Civil War gravestones. He stated hopefully there will be a Dedication Ceremony in the future.

Mr. Grenier stated the Sewer Authority will meet on July 30 so that they can review Bids that are coming in for Capital projects and provide a recommendation to the Board of Supervisors at their first August meeting.

Ms. Blundi stated the Citizens Traffic Committee had worked with the landlord of the Kohl's/ShopRite parking lot to work on improvements; and the hedges have been trimmed and there is increased visibility at the intersections. She stated Bids are going out for re-striping so that there is better visibility at the stop signs, etc. She thanked the Police Department for working with them and for acting as liaison with the landlord.

Mr. McCartney stated Park & Rec met yesterday and discussed the presentation that was heard this evening regarding the trails at the Garden of Reflection.

Mr. Lewis stated the Historical Architectural Review Board met on July 14 and reviewed an Application for the property at 1764 Edgewood Road which is the proposed demolition of the Quill House and the restoration of the Ishmael House. He stated they did not take any action, and they are still reviewing it at this time.

July 15, 2020

Board of Supervisors – page 67 of 67

There being no further business, the meeting was adjourned at 12:40 a.m.

Respectfully Submitted,

James McCartney, Secretary