

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 4, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on November 4, 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
 Kenneth Coluzzi, Chief of Police
 Monica Tierney, Park & Recreation Director

COMMUNITY ANNOUNCEMENTS

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

Mr. Ferguson stated this is the first week of leaf collection, and the Township Website has the schedule listed. He asked that leaves be kept away from stormwater inlets and bridges as they will clog the waterways and can cause flooding in the neighborhood when there are wet weather events. He stated sticks and other debris should be kept out of the leaf piles since if they are picked up they can clog the machines which makes the pick-up less efficient. Mr. Ferguson stated they have new trailers this year which should help them get through the Township more efficiently.

Mr. Grenier thanked the LMT EAC and Mark Bortman of Exact Solar which held another successful Styrofoam recycling event this past weekend at the Township Building. He stated it was well attended and well run and very much appreciated.

APPROVAL OF MINUTES OF OCTOBER 21, 2020

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to approve the Minutes of October 21, 2020 as written.

REJECTION OF BIDS AND AWARD OF REBID OF THE STACKHOUSE PUMP STATION CONTRACTS

Mr. Fred Ebert was present and stated Bids were received on October 27, 2020. He stated when they had received the first round of Bids they were significantly over, and it was agreed to re-Bid incorporating the following concepts to reduce the costs: remove the muffin monster but to allow for the future installation of that muffin monster/grinder and not reduce the size of the building and keep all of the conduits, the guiderail and the access door, allow for additional pump manufacturers to create a competitive environment, reduce the height of the valve vault and the hoist, and to have a fourth Contract that would allow the contractors to Bid on all three Contracts as one. Mr. Ebert stated they were also to increase the Budget from \$50,000 to \$75,000 in order to keep all of the other aesthetics that had been promised to the adjoining property owner with regard to the aesthetics of the building as well as to allow for the future installation of a grinder. Mr. Ebert stated that the Board acknowledged that the previously-awarded Contracts were approximately \$100,000 lower than the approved Budget.

Mr. Ebert presented a slide showing a summary of the re-Bid. He stated Contract A was the Mechanical, and the lowest Bidder was at \$417,773 which was close to the engineer's estimate of \$418,000. Mr. Ebert stated the Electrical Contract came in at \$137,700 which was slightly less than the engineer's estimate of \$150,700. He stated they only had one Bidder on the Conveyance Contract, and the Bid was very high because the size of that job was small. He added that is why they went for the fourth Bid. He stated the Conveyance Contract came in at \$208,588, and the engineer's estimate was \$130,025. Mr. Ebert stated the total of these Bids is \$764,061 which is \$66,000 over the engineer's estimate for the combined Bid. Mr. Ebert stated the fourth Bid was a combined Bid which came in at \$629,750 which is approximately \$41,475 lower than the engineer's estimate.

Mr. Ebert stated the first time they Bid, it came in at a total Bid price of \$729,790 which was approximately \$137,000 over the initial Budget. He stated with the re-Bid, they reduced the cost by over \$100,000.

Mr. Ebert stated they are recommending that the Board reject the Bid for the Mechanical Contract – Contract SWR 20-4A because the combined Bid is significantly lower.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to reject the Mechanical Contract SWR 20-4A.

Mr. Ebert stated the second Bid is the Electrical Contract which is SWR 20-4B, and they are recommending that the Board reject this Bid in favor of awarding the combined Bid.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to reject the Electrical Contract SWR 20-4B.

Mr. Ebert stated they are recommending rejection of Contract SWR 20-4C for the conveyance system.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to reject the Bid for Contract SWR 20-4C.

Mr. Ebert noted Contract SWR 20-4D which is the combined Contract. He stated the low Bid was in the amount of \$629,750 which was from Almeida & Hudak. He stated they performed the Heacock force main replacement project in the Township approximately a year and half ago. He stated they did it on time with no Change Orders. He stated the recommendation is to award the Bid for Contract SWR 20-4D in the amount of \$629,750 to Almeida & Hudak Contractors, LLC.

Mr. Grenier moved and Ms. Blundi seconded to award the Bid for Contract SWR 20-4D to Almeida & Hudak Contractors, LLC in the amount of \$629,750.

Mr. Grenier stated the public should understand that the Sewer Authority was given a similar presentation and unanimously recommended to move forward with this approach. Mr. Grenier stated the combined approach they are looking at saves a significant amount of money versus four separate awards. Mr. Grenier thanked Representative Perry Warren who was instrumental in assisting the Township with the Grant for this project.

Mr. Grenier asked what the schedule will be if this is approved this evening. Mr. Ebert stated they will be meeting with the homeowner to mark the trees as soon as the award goes out. Mr. Ebert stated the Contractor has

already started shop drawings, and the hope is that construction will be in late December into January/February for completion with restoration in March or April. Mr. Ebert stated this depends on delivery times which they will not know until it is awarded. He stated the goal is to book it as a 2020 Asset, but the work will not be completed until February.

Mr. Grenier stated this is the last 2020 Sewer project, and Mr. Ebert agreed. Mr. Ebert stated he can provide an update on the previously-awarded Contracts.

Mr. Lewis stated they are going to go through the Responsible Contractor process in the normal way with this Bidder, and Mr. Ebert stated he had already passed this previously when they did the Heacock force main project. Mr. Ebert stated all of the employees come out of the Union Hall and they were previously approved the last time that they went through this for the Heacock Force Main.

Motion carried unanimously.

Mr. Ebert stated with regard to the four previous Contracts awarded, they had the pre-construction meeting on all of them. He stated the lining contractor is scheduled to start work on November 16 as is the manhole contractor. He stated the electrical contractor is already mobilized, and the mechanical contractor is waiting for materials to come in; but is planning to start in late November/early December so that it can hopefully be completed during the calendar year.

Mr. Grenier asked how much money have they saved with these projects. Mr. Ebert stated they have saved approximately \$120,000 under the approved Budget. Mr. Ebert stated the value engineering and re-Bidding was very successful.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his engineer's Report in their packet. He stated the Pool complex repairs were made by the Pool contractor on October 20.

Mr. Pockl stated the Township Road Program for 2021 is underway, and they will be taking core samples in mid-November. They anticipate completing the design by the end of the year, and bidding in January, 2021.

Mr. Pockl stated the Township applied for a Department of Health Walking Grant for investigating the existing trail network within the Township and recommending improvements. He stated the Application was submitted in July, and he is still waiting to hear on the announcement of whether that was awarded or not.

Mr. Pockl stated they have submitted their draft review letter for Prickett Preserve, and those comments were submitted to the design engineer for their review.

Mr. Pockl stated with regard to the Regency development on the north side, which are the individual homes, the contractor will begin paving operations on November 9 and anticipates final completion within two weeks, although it is weather dependent.

Mr. Pockl stated they had discussions with the developer of Caddis Health Care who has agreed to make adjustments to the site lighting. He stated they anticipate the shields to be delivered to the site on Monday and will install them at that time. He stated with regard to the additional buffer trees, he believes they started planting them today, and they will finish that up tomorrow. Mr. Pockl stated the developer has agreed to some noise attenuation measures for the generator. He stated the generator and trash enclosures are on the western side of the property, and there is a solid, white vinyl fence which had been installed; and they are going to extend that past the generator and trash enclosures. He stated once that is done, they will complete the testing for noise to make sure that it is in accordance with the Township Code.

Mr. Pockl stated the Lower Makefield Corporate Center has completed the punch list items, and his office will complete a final inspection.

Mr. Pockl stated with regard to the Towering Oaks Development, the home builder has reached out to him to meet them on site to review any site items that need to be addressed in advance of final paving; and he will meet with them this Friday.

Mr. Pockl stated they met with the Homeowners Association at Flowers Field and generated a punch list for items to be completed in advance of final paving around the homes.

Approve Pay Application No. 2 for the 2020 Liquid Fuels Road Program in the Amount of \$48,105.74

Mr. Pockl stated this is the final Pay Application for the 2020 Liquid Fuels Road Program. He stated this was held up because there were some grass areas that were around ADA ramps that were not restored properly. He stated they went out today and over-seeded and put down straw. He stated final payment is recommended at this time.

Mr. Grenier moved Mr. McCartney seconded and it was unanimously carried to approve Pay Application No. 2 for the 2020 Liquid Fuels Road Program in the amount of \$48,105.74.

PROJECT UPDATES

There was no discussion on Project Updates.

MANAGER'S REPORT

Mr. Ferguson stated the Budget is on-line for the public to review. He stated he will update some items, and anything that they want the Board to consider will be outlined in a memo prior to the Budget meeting.

COMMUNITY ANNOUNCEMENTS (Continued)

Ms. Tierney stated on November 7 they will have a hybrid Veterans Ceremony. She stated those who feel comfortable can attend in person, and it can also be viewed live on all social media channels and the Township television channel. She stated it can also be viewed at a later time on all of those channels. Mr. Grenier stated this year the featured Veteran is the first woman Veteran that they are honoring.

Ms. Tierney announced four upcoming Movies in the Park as follows: 12/4 – Elf, 12/5 – Polar Express, 12/18 – Home Alone, 12/19 – National Lampoon's Christmas Vacation. She stated tickets can be purchased on the Mid-Atlantic Event Group Website.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:15 p.m. and informational items, confidential items, and litigation items were discussed.

Approve Development Agreement for Yardley Preserve, L.P. (Erin Development – Dobry Road)

Mr. Truelove stated this is consideration for approval of the Development Agreement and all other related Agreements including Financial and Stormwater Management for Yardley Preserve, L.P also known as Erin Development on Dobry Road. He stated there were items that needed to be clarified with regard to signage in the area of the Railroad crossing, and Mr. Majewski confirmed that the Record Plan has a Note referencing the requirement for signage based on the sketch by the traffic engineer and that has been reviewed by both Mr. Roche and Mr. Hucklebridge for the Railroad crossing at the end of Dobry Road.

Mr. Grenier moved and Ms. Blundi seconded to approve the Development Agreement for Yardley Preserve, L.P. (Erin Development – Dobry Road).

Mr. McCartney stated at Stony Hill across from Shady Brook, there is a sign indicating “Coming Soon – Yardley Preserve – 55 and Over.” Mr. Truelove stated that sign refers to this development. Mr. McCartney stated he feels it is confusing as those passing by may think that development is going to be at that intersection where the Prickett property is and not where it is going to be located on Dobry Road. Mr. Truelove stated he will be having a separate discussion with the developer’s attorney tomorrow, and he will bring that matter up.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

Mr. Truelove stated an Appeal has been filed by Mr. Dobson and some others challenging the validity of Article XIII E, Section 200-50.5 of the Lower Makefield Township Code of Ordinances as amended on August 31, 2020. Mr. Truelove stated this is known as the Overlay District and was the subject of a number of Hearings. Mr. Truelove stated the Township has already been served with two

Court-related matters that relate to the same project; and to be consistent with the position in the other matters which are in opposition, it is their recommendation to authorize the Solicitor's office to oppose this Appeal.

Mr. McCartney moved and Ms. Blundi seconded to participate in opposition.

Mr. Lewis stated he is the Liaison to the Zoning Hearing Board and asked if it is appropriate for him to vote or abstain. Mr. Truelove stated as a Liaison, he basically reports so he could vote on this if he wishes or abstain. Mr. Lewis stated given his prior votes, he feels it might be appropriate to abstain.

Motion carried with Mr. Lewis abstained.

ZONING, INSPECTIONS, AND PLANNING

Floodplain Management Activities Update

Mr. Majewski stated he will review where the Township stands with regard to the Floodplain Management Program and the activities they have been undertaking over the prior years as well as what they plan to do in the future.

Mr. Majewski provided a power point on the Township's 2020 Floodplain Management Program. He stated the National Flood Insurance Program Community Rating System (CRS) is an incentive program and encourages communities to exceed the minimum program requirements for floodplain management. Mr. Majewski stated as a result insurance rates are discounted to reflect the reduced flood risk for the community based on meeting the three goals of the CRS – to reduce flood damage to insurable property, strengthen and support the insurance aspects of the National Flood Insurance Program, and to encourage a comprehensive approach to floodplain management.

Mr. Majewski stated Lower Makefield has a long history of flooding along the Delaware River as well as the other streams and tributaries that flow through the Township. He stated records go back to 1902, and an aerial photo was shown of the 1955 flood. He stated the lighter colored area closer to the Canal is the area that was flooded, and that was before a number of the developments in that area were built.

Mr. Majewski stated on May 1, 2016 the Township was accepted into the Community Rating System Program, and based on that we qualified for a rating of seven which qualifies owners and the homes and businesses mapped within the A and AE Flood Zone for a 15% discount on their flood insurance premium upon renewal or initiation of their policy. He stated the A and AE Zones are the Special Flood Hazard areas formerly known as the Hundred Year Floodplain. Mr. Majewski stated A stands for an approximate flood zone where no elevations have been established. He stated AE are the areas of flooding where elevations have been established based on flood studies.

Mr. Majewski stated the Community Rating System classes for local communities are based on nineteen creditable activities organized under four categories – public information, mapping and regulations, flood damage reduction, and flood preparedness. The activities that Lower Makefield implemented in the past and in the upcoming cycle were shown.

Mr. Majewski stated the Community Rating System Manual was updated for the community and the point scoring system was changed since the 2013 Manual, and we are now using the 2017 Manual. He stated based on that we have the opportunity to gain more points, although we do lose some points in other areas.

Mr. Majewski stated for Flood Protection Information and Resources, we have a number of publications available at the Township Offices and also available at the Library for viewing. The listing of these resources was shown. Mr. Majewski stated the Township Website also has links to those publications which can be downloaded by the residents.

Mr. Majewski stated as part of the Program, Lower Makefield is required to provide assistance to all property owners, lenders, Realtors, and builders. He stated they help people determine whether their parcels located in the Township are affected by floodplains. He stated the Township has flood maps, and most of them were done in 2015 when the new flood maps were adopted and the flood study along the Delaware River was updated. He stated there are a few panels of the flood map that have a date of 2017, but the changes to the flood maps that were done after 2015 are in other communities.

Mr. Majewski showed a graphic where the light blue-shaded area is an area that is a Special Flood Hazard Area, formerly known as the One Hundred Year Floodplain. He stated at any given year there is a 1% chance of flooding in that area. He stated the red-shaded area is the area formerly known as the Five Hundred Year floodplain where there is a 0.2% chance of flooding. He added that area is not regulated by our Floodplain Management Regulations in the Ordinances although they do try to do what they can to make things more compliant if possible in that area.

Mr. Majewski stated we also review flood maps and other information with all the target groups. He stated we have flood insurance studies and our Township engineer has updated some GIS mapping where they have been able to show different layers of the map so that you can see at what flood stage homes would flood. He stated they use this partly to help determine what the flood depths are so that they have an understanding of their risks and if their property is potentially subject to flooding.

Mr. Majewski stated we also maintain Elevation Certificates, and these are forms that are required for all new and substantial improvements to homes that are either built or under renovation. He stated that requires that a multiple-page form be filled out noting what the elevations are, the levels of the house, the utilities, and where they are compared to the floodplain; and this can be used to help with the flood insurance rates. Mr. Majewski stated they can now also provide information on the depth of flooding based on the mapping we have. He stated we also have elevation data which is accurate within 1' to 2', and we also have existing property data that goes back to 1939, which can be used to help people ascertain what their actual risk is for flooding.

Mr. Majewski stated we also answer questions about flood insurance, and we have pamphlets, brochures, and basic knowledge about a lot of the flood insurance programs. He stated we also refer people to insurance agents as that is their job to help them work through the insurance process to be able to hopefully get the lowest rate possible.

Mr. Majewski stated they are also conducting site visits to assist with localized flooding issues. He stated they will now be documenting those efforts as to when they met, what the outcome was, and what recommendations were given. He stated the goal is that if we can help property owners lower their risk, it is to the benefit of the community, the residents, and the flood insurance program itself.

Mr. Majewski stated we also answer questions about building projects in the floodplain. He stated Building Permits are required for almost all new construction throughout the Township, and in the floodplain they need to look at it a little bit closer. He stated they track whether the property will be substantially improved, which means that if the value of the improvement is greater than 50% of the value of the actual home itself, extra precautions need to be taken in order to do that activity.

Mr. Majewski stated we also check if they are installing new electrical panels or other utilities to make sure that they are elevated or anchored properly so that it is either flood resistant or will not wash away in a flood.

Mr. Majewski stated they advise all residents, Realtors, lenders, and builders that they should take advantage of these services prior to offering a property for sale or construction. He stated the most common inquiry is when people are looking at vacant pieces of land some of which are in the floodplain, and we go through all the criteria in order for them to eventually develop or to advise them what the risk is to develop. Mr. Majewski stated they can contact the Township, and the contact information is available on the Township Website. He stated the Township can also involve the professional engineers or Certified Floodplain Managers if assistance is needed by the community.

Mr. Majewski stated the old flood maps which were paper copies are still available if someone has difficulty navigating a computer, and they could come into the Township by appointment or by a Zoom meeting due to COVID. He stated the FEMA Flood Map Service Center has created a searchable map where you enter your address and it will bring up the map and it shows how high the flood reaches, and in this way you can see if you are in the floodplain or not; and the Township is able to assist with that. Mr. Majewski stated they can view the map, download it, and also see any Letters of Map Change or Letters of Map Amendment that have been issued for the flood map.

Mr. Majewski stated a Letter of Map Amendment is where a property owner Appeals to FEMA to indicate that based on better information that they have than was used in the development of the map, the lowest ground outside of the home is higher than the flood elevation shown on the flood map; and therefore the house can be removed from the floodplain. Mr. Majewski stated a number of people have availed themselves of that and have had a surveyor or engineer do an Elevation Certificate

that verifies that they are not in the floodplain, and FEMA has a program on-line which can be filled out to apply for a Letter of Map Amendment which administratively removes the property from the floodplain.

Mr. Majewski stated they also have a link on the Township Website to the Bucks County Parcel and Floodplain Viewer. He stated this is a GIS mapping platform that contains the floodplains, streams, watersheds, the National Wetlands Inventory, parcel data based on the Tax Mapping, Municipal Zoning, five foot contour intervals, and current and historic imagery back to 1990. Mr. Majewski stated Bucks County also has a separate platform that has historic imagery back to 1939.

Mr. Majewski stated one of the most important things for people who live near any kind of body of water is that they know their risk and whether their property is in a floodplain. He stated they should always consider buying flood insurance. He stated if you are in a Special Flood Hazard Area that is required for all mortgages from Federally-regulated insured lenders. Mr. Majewski stated there are a number of people in the Township who owned their homes before their property was mapped into the floodplain; and they do not have flood insurance; but he would highly recommend that they consider purchasing that because there is the risk of flooding. Mr. Majewski stated even for those outside of a high risk area having flood insurance is a wise choice because more than 20% of flood claims come from properties outside the high risk flood area. He stated if you are near a stream you can get flood insurance, and those rates are drastically reduced because the risk is reduced; however, it can give peace of mind that in the event of a flash flood along a stream or other area, that you will be protected. He stated this would also apply to areas along the Delaware River which were the areas in red that are outside the Special Flood Hazard Area, but still noted as a potential flood hazard; and that would be a good area to get flood insurance.

Mr. Majewski stated on the Township Website they have the phone number for the Insurance Agent Referral Call Center, and they will refer you to an agent that can help guide residents and others through the process of getting flood insurance. Mr. Majewski stated there is also more information about flood insurance on floodsmart.gov and there are brochures and pamphlets with that information at the Township Building.

Mr. Majewski stated there is also a link on the Township Website to the Advanced Hydrologic Prediction Service which has information on the Trenton River Gauge along the Delaware River as well as other points along the Delaware River. They have a map which shows the current levels and the projected outcome based on future rainfall. He stated the area where it starts to become a danger for flooding is the 17' mark which is where water starts to get up to where it is going to cross over onto the road in certain places. Mr. Majewski stated in Lower Makefield the first place we get water is near Ferry Road which is our lowest point. He stated Yardley Borough also has an area where the road first starts to flood. Mr. Majewski stated Lower Makefield also has another area in the northern part of the Township that floods first. He stated this map helps to show what the prediction is for future events. He stated a lot of people who live along the Delaware River are well aware of this Website.

Mr. Majewski stated as part of the Township's Program, we have started using our social media platform to advertise information for the general public including signing up for local emergency alerts from ReadyBucks. He stated there is an informational brochure for that. He stated when you sign up for that, you are notified in advance if there is an emergency coming including flooding. Mr. Majewski stated they also include graphics on social media to remind people about flooding and flood insurance.

Mr. Majewski stated as part of their annual activities, the Township is required to do a Progress Report which is based on the Bucks County Hazard Mitigation Plan that the Township has adopted by Resolution. He stated included in the Report are activities which are done every year. He stated we try to proceed with Grant Applications to protect properties, and there are currently two property owners interested in Flood Elevation Grants for 2020. He stated he has met either virtually or in person with both of them; and as part of the meeting Agenda tonight, there are the Designation of Agent Resolutions for those Applications. He stated in order to submit an Application, the governing body needs to designate someone to act on their authority to file the Application which is due by November 18.

Mr. Majewski stated one of the properties that is looking to elevate had Plans done for them several years ago; however, the price came in a little higher than what the homeowner at the time could afford, but the new homeowner has indicated that they are willing to absorb any costs necessary to elevate the home. He stated they will do a

benefit/cost analysis which will allow them to get a higher amount of money to cover the cost for the elevation. Mr. Majewski stated the other project will cover 75% of the cost; and if the homeowner so chooses to pay the other 25%, they can do that.

Mr. Majewski stated in order to put in the Grant Applications, there is some engineering work that they would need to work on with Remington Vernick such as getting an Elevation Certificate for one of the properties that we currently do not have.

Mr. Majewski stated we also need to look at our critical facilities; and they did check all of the critical facilities in the Township, and fortunately most of our public facilities such as the Police Station and Fire and Rescue Squads are outside of the regulated floodplain. He stated there are two sewer pump stations in the flood plain – one on Black Rock Road and the Fox Hill pump station which is off of Schuyler near the creek. He stated they are not at risk for flooding or significant disruption during flooding because of the way that they are designed.

Mr. Majewski stated we have also looked at properties for possible acquisition, and they would need to look into that closer. He stated he knows that currently there is not the funding or interest on the part of property owners to have their properties acquired, but they do look for properties that have the potential to be bought out.

Mr. Majewski stated the Pennsbury School District was planning a major renovation to the Charles Boehm School a year ago, and we were looking at different things that could be done to improve flooding in that area but that is on hold until the School District decides to move forward.

Mr. Majewski stated in order to raise up a Class in the Community Rating System to possibly get a lower flood insurance rating, we were required to have a Building Code Effectiveness Grading Classification from the Insurance Services Office. He stated we undertook that exercise last year and gathered a lot of information, met with the Insurance Services Office, and provided them all the information on our Program; and we received a Classification of 4 both for Residential and Commercial properties. He stated that exceeds the minimum required in order to move up a Class in the Community Rating System. Mr. Majewski stated he is hopeful that when they review our points that we will get under the new system, that we may be able to go up in Class and get a higher

insurance discount. He stated if we cannot get it this year, we will keep working on this to see where we could do additional activities in order to help improve our flood program and get a further discount.

Mr. Majewski stated we have also started to compile all of our information into a centralized location including our flood maps and our flood studies. He stated we have 2' contour data and other elevation data for properties and are putting that into a spreadsheet so that we can quickly talk to property owners to let them know where they stand in relation to the floodplain within a foot or two which is as accurate as we can get it absent an Elevation Certificate.

Mr. Majewski stated we also require copies of Elevation Certificates for structures especially if work is being done, even if they are below the substantial improvement thresholds that mandate that an Elevation Certificate be submitted. He stated we still require that they submit one if they can so that we can maintain the database to assist them and to assist nearby property owners. Mr. Majewski stated we have scanned our Building Permits back to 1939, and that has been useful in extracting information for people doing work in and along the floodplain.

Mr. Majewski stated we typically review our Floodplain Ordinance from time to time. He stated while they found a typographical error, it appears that it was fixed in the latest copy that is on-line; and currently there are no updates that need to be done. He stated in the future if FEMA updates the regulations, the Township will take part in that process and update our Ordinances.

Mr. Lewis thanked Mr. Majewski for all the work he has done on this adding that Mr. Majewski has been working on flood issues in this area for at least fifteen years. Mr. Lewis stated this work is very important for the community to be aware of. Mr. Lewis stated currently our Rate Class is a 7, and he asked if they are hoping to get to a 6 or better with the recent improvements; and Mr. Majewski agreed. Mr. Majewski stated they went through a lot of information, but from what he has heard from others, they are not "giving" with the points, and it requires significant documentation. Mr. Majewski stated although he feels he did a good job of documentation, if they need more documentation, we may have to wait another year or two to meet their standards. Mr. Lewis stated there could be substantial savings in the cost of flood insurance for the residents.

Mr. Lewis stated the Township preserved as open space some land very close to the Canal, and he asked if that helped us get points. Mr. Majewski stated we did receive points for that. He added everything we have preserved as open space gives the Township some extra credit. He stated there is always room for more points by acquiring more properties in floodplain areas.

Mr. Grenier thanked Mr. Majewski for putting this presentation together. He encouraged those interested to go to the Township Website for any of these resources. Mr. Grenier asked Mr. Majewski if he knows the percentage of developed properties in the Township that are within a floodway. Mr. Grenier stated from looking at the map it appears that one of the Middle Schools is in the middle of a floodway which is the regulatory area where during a flood the water is actually moving which is the most dangerous section where they do not want you to build. He stated he recognizes that a number of homes in the Township are older, and he would be interested in knowing how many homes we have that are in a floodway. Mr. Majewski stated that he does not know that offhand; however, he does not feel that we have a lot of them. He stated there are a few on the River side of River Road, but for the most part houses are in the floodplain. He stated most of the Township floodways do not extend much beyond the stream. He stated he knows that there are some structures such as sheds, etc. but for the most part they were fortunate that the houses are not in the FEMA-regulated floodway – just the floodplain.

Mr. Grenier stated one of the trends they are seeing are local Ordinances or State guidelines for critical infrastructure to not be underneath the Five Hundred Year Elevation, and this would include sub-stations and critical infrastructure utilities. He stated he is not sure that there is much of that in the Township; however, it might be something to look at in the future.

Approval of Resolution No. 2426 Designation of Agent – FMA

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to adopt Resolution No. 2426 Designation of an Agent for FMA.

Approval of Resolution No. 2427 Designation of Agent – SRL

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to adopt Resolution No. 2427 Designation of an Agent.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, stated he does not feel three minutes is sufficient to make Public Comment if they are engaged in meaningful discussion with the Board. He stated he feels that should be waived, and the Board should re-consider that. Mr. Pedowicz stated at the last meeting he brought up the fact that he and his neighbors have been complaining about the noise, early start time, and late finish times for the construction at the Caddis Development. He asked if anything is going to be done about that.

Mr. Ferguson stated he did provide to the Board details of discussions with the developer as far as start times; and as has been reflected in the e-mails the contractor talked about moving those start times back. He stated they have been assembling on site during the week for the most part after 7:00 a.m. which is the Code requirement, but not necessarily past 7:30 a.m. Mr. Ferguson stated he has Mr. Kirk regularly going on site to check what they are doing along with Mr. Pockl and Mr. Hucklebridge who were also asked to check on this. Mr. Ferguson stated he believes that Mr. Pedowicz had sent a video over of what they believe was a mini-sweeper that was cleaning up the site at 6:30 p.m. which is the cusp of it getting dark; and the video showed it was making one pass. Mr. Ferguson stated they will continue to review issues as they come in. He added that the Police have also been out, and they have reviewed those reports as well as whether they would rise to the level of the contractor being cited which he will do if it is merited.

Mr. Pedowicz stated they provided videos and evidence that they did start early. He stated it is a flagrant disregard for the Township Ordinances. He stated a precedent is being set, and they will be building on the other side of Dobry Road; and they are not going to respect our Ordinances. He also stated it seems that they have electrical equipment on the outside of the building that was not on their Plans, and he is afraid that there might be some hazardous materials contained in it.

Mr. Ferguson asked Mr. Pockl if he could have an inspector go out and check on that. Mr. Ferguson added with regard to the timing as to when they begin to work on site, the information he provided the Board was concerning trucks and whether it was personal trucks backing up early in the morning; and they asked that they pick another part of the site for those vehicles that would be less of a nuisance. He stated they can

assemble on the site but not engage in work until after a specific time, and they agreed to do that. Mr. Ferguson stated Mr. Pedowicz had sent some e-mails that they were underway doing work at 7:15 a.m. which is after the Code start time of 7:00 a.m. He stated he agrees that is earlier than the 7:30 a.m. that they indicated they would be willing to start, but they are Code-compliant.

Mr. Pedowicz stated the reason his latest e-mails were reflecting that they started at 7:15 a.m. was because he was aware that an agreement had been made with the contactor that they would not start until 7:30 a.m. He stated the intent of the e-mail was that “you cannot really trust what they say.” He added that if you look at his earlier e-mails and the Police Reports, he contacted the Police who responded and indicated that they were doing curbing work at 6:30 a.m. He stated every time it is a flagrant disregard for what the Ordinance says starting at 7:00 a.m. Monday through Friday and on weekends at 8:00 a.m. Saturday and Sunday. Mr. Pedowicz stated as he noted previously when construction started the residents were led to believe that they could start work at 7:00 a.m. on Saturday; but finally one of the Police Officers who responded told him that they were not supposed to start until 8:00 a.m. on Saturday. Mr. Pedowicz stated there are Township Ordinances and something should be done to show that the Township “has some muscle,” and people should respect what the Township has to say.

Mr. Ferguson stated with regard to the 7:15 a.m. start time, he cannot cite them on that because they are Code-compliant. He stated he was on site and did see workers there before 7:30 a.m. that were staging, and they did park their vehicles at another part of the site so that the back-up sound of the trucks, which was a concern previously, would be limited. Mr. Ferguson stated he cannot cite them before a Magistrate when essentially they are starting, in the example that Mr. Pedowicz has given, fifteen minutes later than the Code requires. Mr. Ferguson stated they will continue to monitor this, and if they do something that is in conflict with the Ordinances, the Township will address it. Mr. Ferguson stated as to issues that Mr. Pedowicz brought up previously, he cannot address these at this point other than he does not believe the contractor has done that since then when they were starting work at 6:30 a.m.

Mr. Pedowicz stated he does not want to say the 7:15 a.m. was a complaint, and he was just notifying the Board that there was the “gentleman’s agreement” to start at 7:30 am., and it was not being respected. He stated he

was not looking for a violation there. He stated they should look at the information and proof that he had submitted previously. He stated the issue with regard to 7:30 a.m. has only been going on for about a month.

Mr. Pedowicz stated work was done in the spring by the contractor, and he added he had provided a video when they were pouring concrete at 11:00 p.m. and they have other videos of them violating the Township Ordinances. He stated Police Officers in their reports have cited that as well before the 7:00 a.m. start times. He stated there was one time when they started working at 5:55 a.m. He stated there is a history of this, and they have “gotten away with this.” He stated he is curious as to what the Township can do to prevent other developers from doing the same thing.

Dr. Weiss stated they will continue to monitor the situation, and he is sure that Mr. Pedowicz will notify the Township if there are any violations. Dr. Weiss advised Mr. Pedowicz that he was permitted to speak for almost ten minutes.

Mr. Robert Abrams, 652 Teich Drive stated he was on Facebook and saw a YouTube video of another resident who was upset with the fact that they put in a Right-To-Know and a lot of the materials that they requested were not given to them. Mr. Abrams stated this is not only him, but it is now three to five residents. He questioned what Mr. Ferguson is trying to withhold from the residents of the Township. He stated Mr. Ferguson does not live here. Mr. Abrams stated they pay taxes, and they are entitled to know what is going on. He stated the equipment in the Township belongs to the taxpayers. Mr. Abrams stated the Law provides a Civil Penalty up to \$1,500 if an agency denies access to public records in bad faith, and up to \$500 per day when an agency does not promptly comply with a Court Order to release records under this Act. Mr. Abrams stated he believes the Open Records Officer also has a liability if the Judge says so. Mr. Abrams stated this needs to stop now. He stated he wants everyone to ask for the same thing and have Mr. Ferguson deny it, and then “we will all take you up there.

Mr. Abrams stated he was looking at Federal Aviation information, and came across a new Registration on an airplane in the Township that belongs to the Chair.

Mr. Abrams stated he also checked a record on a two-bedroom, one and a half bath townhouse, and it was estimated that the rental on the property is \$1,814 a month. Mr. Abrams stated the last time “something happened

with it, it appears that the rent was \$1,984 a month.” Mr. Abrams stated DeLuca Enterprises and others came in and told us that a one-bedroom, one-bath apartment is going to rent for \$1,900. Mr. Abrams stated he knows people who own property in Heacock that are two bedrooms, two baths, and a garage, and they are “struggling” to get \$1,400. Mr. Abrams stated his point is since the Chair rented “less than what DeLuca proposed to be rents here how could they take that as truth.” He stated the “rental is listed as 5/15/20,” and believes the vote was around that time or after it. Mr. Abrams stated they knew that “he was overstating the value of the property when they took the vote.” Mr. Abrams stated that is an issue which “goes way past the excessive campaigns that Blundi and McCartney got.”

Mr. Abrams asked Mr. McCartney if, directly or indirectly, for his business, got any referrals from DeLuca or his people. Mr. McCartney stated he did not.

Mr. Ferguson stated when the public puts in an Open Record Request there is a right to public information; however, there is certain information that is privileged. He noted if someone put in an Open Record Request to the Police Department asking who called in to report them for abusing their spouse, the public does not have the right to know that. He stated if someone wants to know who called in to report them for a dilapidated property, that is not public information; and there is the right to protection of certain people on certain information. Mr. Ferguson stated he does not know that the examples Mr. Abrams is speaking of are that dramatic.

Mr. Truelove stated his office has been involved in this because there are significant legal issues involved. He stated he is not sure what Right-To-Know Request Mr. Abrams is referring to; however, of the Records that are requested, the overwhelming percentage of Records are turned over without any qualification. He stated the first thing you look at is what is a Public Record as not everything is a Public Record, and that is what has to be evaluated. He stated that is to protect the Township as well as the people. He stated this is not an easy task to go through given the volume sometimes of what is requested. He stated it is a painstaking and costly process that has to be gone through in order to comply with the Law. Mr. Truelove stated they cannot just turn everything over, and there is a review that they have to do when information is requested.

Dr. Weiss asked if there is a process with a Right-To-Know Request even when it goes to the Records Office in Harrisburg, and Mr. Truelove agreed. Mr. Truelove added that there are a lot of levels of review, and there are timeframes within which they must respond; but those can be extended due to the nature and the volume of the request. He stated it is built into the Right-To-Know Law that there is a recognition that sometimes Requests have to be looked at more closely than others in terms of the volume and the types of information requested.

Mr. Ferguson stated he had calls this week about this topic. He noted that when he was in Newtown they had prisoners who were arrested by Newtown Officers who were making Open Record Requests to get the Job Applications of the Police Officers including their training in an attempt to find out their home addresses. He stated they denied those Open Requests or he gave them and retracted more information that on the surface they would be obligated to do in an attempt to protect those Police Officers. He stated while these are dramatic examples, he is giving these to make a point. He stated a Job Application is an Open Record; however, if he gets one from a prisoner who assaulted a Police Officer who is trying to get the home address where his family lives, that would be an extenuating circumstance. He stated there are a lot of times when there are extenuating circumstances where we make a decision in the interest of the employees who work for the Township.

Mr. Ferguson stated when someone makes an Open Records Request and the Township denies something, there have been instances where it has been Appealed to the Open Records Office, and the Township has coordinated with them and agreed to an interpretation legally whether or not an item should be released; and if that is the case, they do release it. He stated there has never been an attempt from his perspective to hide something from being released, and it is to follow as closely as they can, with the assistance of the legal office, the requirements of the Law.

Mr. Mitchell Goldberg, 249 Carson Way, thanked the Board for acknowledging that there is an issue with Caddis that is being built behind their homes in Regency. He stated they have often started work before 7:00 a.m., and most of the residents overlooked it, but they did take advantage; and they have taken advantage ever since they got the land and put up a property that was probably too big. He stated he is glad to hear about the lighting. He stated he is concerned about issues in the future with delivery trucks, and they would like to stay involved. He stated he would like to have someone come out and talk to them about how the lighting will change and the shields and trees. He stated his back yard is a "light show," and he would like to handle

this the “easy way rather than the hard way.” He stated the “easy way would be to see if they can work out a mutually-beneficial situation. He asked that the Board work with them, and they will try to be accommodating as well. He stated he sees a “light show” every night in his back yard on the “western wall, and it is disconcerting.” He stated he would like to know what the progress is on the solutions that have been put forth.

Mr. Pockl stated they have been meeting regularly with the Regency HOA on this and discussing the progress of some of these items. He stated there are several mitigations that the developer is undertaking one of which is to add shields to all of the wall-mounted light fixtures on the western side and the southern side of the building. He stated when he spoke with the developer today, he indicated that they were being shipped and scheduled to be delivered to the site; and they would install them Monday and Tuesday of next week. Mr. Pockl stated he also met with Township staff, the Regency HOA, and the contractor on site to determine the location for additional plantings on site that would fortify the buffer. He stated areas were chosen where there were ornamental trees which would be dropping their leaves, and they wanted to fortify the buffer with evergreen trees that would eventually work to reinforce the buffer all year round. Mr. Pockl stated those locations were selected with the HOA as well as the Building & Planning Department and the landscape contractor. He stated he believes there are a total of twenty-eight trees that will be located along the southern property line, and he believes those trees were delivered today and being installed throughout the rest of the week.

DISCUSSION ITEMS

Mr. Grenier stated Erin Development was on the Agenda tonight, and that development is in the vicinity of Regency; and before they break ground, he would like them to consider approaches they could take that would alleviate issues. Mr. Grenier stated he does not feel the lighting from Erin or the landscape buffer should impact Regency, but they should consider start times as the noise could carry.

Mr. Grenier asked when Caddis will be done construction, and Mr. Pockl stated he believes that they anticipate it to be before the end of November that they will be finished.

Mr. Pockl stated with regard to Mr. Grenier's other comment, as a matter of practice when they run the pre-construction meetings with the contractor and the Conservation District one of their Agenda items in those meetings is to reinforce what the construction start times are, and they will do that with Erin Development. He stated he feels it makes sense to periodically have a surprise inspection of start times to monitor that and not rely on waiting to hear a complaint.

Mr. Grenier asked if they know if Erin is using the same contractor that Caddis did, and Mr. Majewski stated they are using a different contractor.

Budget Update

Mr. Ferguson stated at the last meeting he indicated that if they plan to consider an Agenda item to consider a Preliminary Budget at the meeting on November 18, if that is passed, there is a legal requirement of twenty days that the Budget needs to be presented to the public before they can make any changes to it. Mr. Ferguson stated it could then be considered for a final approval on December 16. He stated there is always the possibility of adding extra meetings.

Mr. Ferguson stated one of the things they are doing is starting to go through a bridge inspection process. He stated he will be more prepared to discuss this in the future. He stated there are certain bridges that are on a schedule that require regular, mandated inspections for bridges that are over 20'. He stated they are engaged with PennDOT who will conduct those inspections, and they have asked Remington Vernick to look at the bridges that we are responsible for that are not required to have a regular maintenance schedule that are under 20'. He stated Remington Vernick has looked at one in particular that they will discuss at the Preliminary Budget meeting in two weeks. He stated they will show pictures and discuss repairs that are not inconsequential in price which could be approximately \$150,000. Mr. Ferguson stated they should recognize that we will be on a multi-year Paving Plan, a multi-year Trail Improvement Plan, and they may also have to be on a multi-year Plan for these potential bridge repairs. He stated they will speak more specifically about this on November 18. He stated there are band-aid approaches to dealing with this; however, the staff has informed him that those band-aid approaches are short-term in nature and do not offset the full

cost that they will inevitably have to be undertaken in the next few years regardless. He stated bridges tend to be things that they get to when they get bad, and it will be seen why they are going to make this presentation.

Ms. Blundi asked how many bridges there are in the Township that we are responsible for. Mr. Majewski stated we currently have nine bridges that are over 20' in length, and those are the ones that are Federally-mandated to be inspected every couple of years. He stated we have another fifteen bridges and culverts that are between 8' and 20', and most of those are concrete pipes and culverts. He stated the ones that we requested that Remington Vernick inspect are corrugated metal which he suspects may have problems. He stated he believes that the inspection revealed that two out three need to be replaced in the near future, with one a little more critical than the other. He stated there are also about a dozen other larger pipes that carry water that are between 3' and 8' in length that span across a water body.

Mr. Grenier stated not all of these are bridges, and a fair number of them are culverts that carry water. Mr. Pockl stated the one that needs to be replaced is a corrugated metal arch. Mr. Majewski stated it is a 12' span.

Mr. Ferguson stated currently in the Budget we have budgeted \$1,250,000 for the Quiet Zone project that was discussed two weeks ago and for Sandy Run. Mr. Ferguson stated both of those costs were drawn from estimates from professionals they have spoken to. He stated there is currently over \$700,000 for Sandy Run, but they have not estimated the cost for Sandy Run to be that high; however, because it was such a priority for the Board, we wanted to make sure that there was enough money in the Budget in the event that it would come in higher for some reason. He stated if the Board budgeted for the bridge and took the money from the General Fund, if the other projects come in under, there is nothing that stops the Board from using that Bond proceed money for infrastructure for the bridge project if the Bids would come under; and they could save the money out of the General Fund. Mr. Ferguson stated we are in the position now where we have these viable financial options to account for things and realize a savings if things come in on the lower end of the ranges.

Mr. Ferguson stated the Preliminary Budget is proposed to be on the Agenda for November 18. He stated we do not have to advertise that we are having the Hearing even though we will publicize it.

Mr. Ferguson stated we are not legally required to advertise it because it is not a Special Meeting. He stated the plan would be to pass a Preliminary Budget on November 18, and they would then get the advertisement in place as we are required to advertise that it was passed. He stated if they do not pass it on November 18, the Board would have to schedule a separate meeting since they are required to post the Budget for twenty days. He stated the last two meetings of the year are on December 2 and December 16. He stated a Special Meeting would have to be around Thanksgiving or around Christmas before the end of the year.

Dr. Weiss stated the plan is to have the regular meeting on November 18 and discuss the Preliminary Budget; however, if the Board wishes to have a Special Meeting they could discuss that now. Mr. Ferguson stated if they do not have the Preliminary Budget on November 18, they would need to have a separate meeting. Mr. Grenier asked if there are any other major issues scheduled for November 18 or will the vast majority of that meeting be focused on the Budget. Mr. Ferguson stated while that would be up to the Board of Supervisors, on the surface he does not feel there will be a lot of other Agenda items that would take much time as far as the staff is concerned. Dr. Weiss stated they will plan on having the Preliminary Budget discussion as planned on November 18; and hopefully at the second December meeting, they will pass the Budget.

SUPERVISORS REPORTS

Mr. Grenier stated the Electricity Reliability Committee will meet on November 12 at 7:30 p.m. via Zoom.

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

James McCartney, Secretary