

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MARCH 16, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 16, 2016. Chairman Benedetto called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors:        Jeff Benedetto, Chairman  
   John B. Lewis, Vice Chairman  
   Kristin Tyler, Secretary  
   Judi Reiss, Treasurer  
   David Fritchey, Supervisor

Others:                            Terry Fedorchak, Township Manager  
   David Truelove, Township Solicitor  
   Mark Eisold, Township Engineer  
   Kenneth Coluzzi, Chief of Police

Absent:                            David Fritchey, Supervisor

**PUBLIC COMMENT**

Mr. Harold Kupersmit, 612 B. Wren Song Road, asked the Board's position on the wastewater treatment plant in Morrisville. Ms. Tyler stated they have had a number of meetings with the DEP and the Lower Makefield Township sewer engineer has attended a number of Morrisville Sewer Board meetings. Ms. Tyler stated Lower Makefield Township has made it clear to the DEP that they are not prepared to move forward with any of the proposals presented by Morrisville, and they have many questions they need to have answered before that. She stated the DEP was agreeable to allowing the Township to have the time needed to do their due diligence and finding out all the options they have for the Township residents, and to see if there are other options that have not been presented by Morrisville. Ms. Tyler stated they are likely to hire specialists in the sewer field to look into this further.

Mr. Kupersmit stated he was under the impression in November that they only had one option which was too expensive, and he asked if the Board is hesitating. Ms. Tyler stated this is not correct; and in November, they received a report from the Morrisville engineer who in response to a Consent Order from the DEP came up with two options which they presented to the DEP as a cure to the defects that were noted in the Order; and one of them was rehabilitating their existing Plant, and the

other one was to build a new plant. Ms. Tyler stated the Township reviewed both of those options and decided that there may be other options than those presented by Morrisville. She stated they felt that the new build option was very unlikely because of the site they selected in Falls Township. She stated the Township has already established with DEP what work has to take place at the Plant to bring the Plant into compliance which will take approximately \$10 million to \$12 million, and they have already collectively spent \$3 million on the first phase. She stated that there is also a second phase that will go forward, and after that is yet to be determined.

Mr. Kupersmit stated it would appear that the Township has to have a facility of that nature, and he asked if it would make sense to contact the other facilities in Lower Bucks County. Ms. Tyler stated all of Lower Makefield's waste does not go to Morrisville, and some of it does go to other channels; and this is part of their exploration as to what other options they have for the transport of the sewage. Mr. Kupersmit asked if it would not make sense to do a new facility rather than spending \$4 million which may only last a year, and then have to spend another \$4 million to \$10 million but eventually have to build a new facility anyhow. Ms. Tyler stated they do have to get into compliance, and what they are doing now is bringing them into compliance.

Mr. Lewis stated they have been reviewing the options the Township has, but they are not at the point where they have all the options. He stated what is being done now at Morrisville relates to filters, and these were pre-planned maintenance that were budgeted for last year by the Morrisville Municipal Authority. He stated they are now considering the long-range strategy, and DEP is giving the Township some flexibility and have been very helpful and cooperative. Mr. Kupersmit asked how long this review will take; and Mr. Lewis stated the sewer engineer has gone through the Morrisville proposal in detail, and they will then look into bringing in outside firms at no additional expense as they are firms which could potentially be bidding on refurbishment or a new plant.

Mr. Kupersmit asked if the Board will have a policy on making political speeches during Public Comment between now and Election Day. Mr. Benedetto stated they will not, although he does not know why anyone would come to a Supervisors meeting to discuss the Presidential Election. He stated they do not limit Public Comment. Mr. Kupersmit stated he would like to offer his opinions to the public during Public Comment since he knows how to "re-work the system."

Mr. Zachary Rubin, 1661 Covington Road, stated last night the Makefield Glen Community Association Executive Board met, and he is the Vice President of that Association. He stated as a Board they support the Dog Park at Heacock Road, but not in the way that it is currently configured on the Sketch Plan. He stated they feel the Sketch Plan that was presented on March 2 does not have adequate play area for

the children in their community. He stated this does not relate to organized soccer, but rather a place for children to play catch, football, etc. Mr. Rubin stated their Executive Board appointed him the liaison with the ability to make decisions, and to contact Boucher & James and discuss with them some “tweaking” of the Sketch Plan and possibly changing the footprint somewhat so that everyone can be accommodated. Mr. Rubin stated with the Board of Supervisors’ permission, he would like to contact Ms. Saylor to discuss their concerns with her, and see if they can make some adjustments so that Makefield Glen would be completely on board with the Dog Park.

Mr. Benedetto moved and Ms. Tyler seconded to permit Mr. Rubin on behalf of Makefield Glen Homeowners Association to discuss with Boucher & James the reconfiguration of the LMT Dog Park at Heacock Road through the Township Manager, Terry Fedorchak.

Ms. Tyler asked Mr. Rubin if they had any further discussions with their Executive Board that he is permitted to share with the Board this evening. Mr. Rubin stated he understands that they would like a Resolution in support of the Dog Park to include with the Grant Application, but they would have to poll 848 homes and get a two-thirds approval to pass that Resolution in their name; but he added the Executive Board has no objections to the Dog Park. He stated they would like to see some kind of buffer zone between the Spruce Mill homes which abut that area as well as extending the play area. Mr. Rubin stated there is also a tree bank in the Township and possibly trees could be planted there as a buffer zone. He stated Mr. Bray from the EAC was there to look at the wetlands, and he indicated that they only need a fifty foot buffer zone where a creek is lined with trees, and Brock Creek is lined with trees there so there might be a way of putting the Dog Park a little closer to the tree line. Mr. Rubin stated his community may also have some things they could add to the Park to make it amenable to everyone.

Mr. Lewis stated there were some members of the community that were concerned about the placement of the Dog Park and that a play area for children would be taken away. Mr. Rubin stated there were three people who spoke against the Dog Park at the Township meeting who came to their meeting last night, and he feels they were pleased with the Association’s position that they could accommodate the children.

Ms. Reiss stated she feels having the buffer and the trees would be attractive and provide shade.

Mr. Benedetto stated he believes that Mr. Kelliher indicated at the Park & Rec meeting which took place after the Supervisors meeting that there could be a buffer of approximately 125', and the Park & Rec Board was in support of that.

Ms. Tyler asked Mr. Rubin if Makefield Glen owns any adjacent land that could be useful for this project. Mr. Rubin stated they own acreage which is contiguous to the Township property, and the driveway to get to the soccer field is Makefield Glen property. He stated Makefield Glen had granted an Easement to the Township years ago so that they could use the Makefield Glen property to get to the soccer field. Mr. Rubin stated they are willing to cede the property to the Township in return for moving it so that the children can still play in that area. He stated possibly the parking lot could be moved to what is now Makefield Glen property. He stated they have discussed this with their Solicitor who indicated that if they ceded the property to the Township, they would need a two-thirds vote of their 848 homes which could be cumbersome. He stated their Solicitor also indicated that they could give the Township an Easement and have them indemnify Makefield Glen. He stated their Solicitor also stated that the best way to do it would be for the Township to condemn the property through eminent domain for recreational purposes, and Makefield Glen would not fight it. He stated in this way they would have a lot more property to have the Dog Park, and they would then have the space for them to "tweak" it a little to give the children a place to play. Ms. Tyler stated that would make the "tweak" possible.

Motion carried unanimously.

Mr. Tim Ponento, a Sophomore at Pennsbury High School, stated he is running a 5K Walk in Yardley Borough at Buttonwood Park on April 23 beginning at 9:00 a.m. to raise money for Action for Healthy Kids, an organization that funds educational health and fitness programs. He stated their website is [eventbrite.com/e/healthy-kids-5k-fun-walk-tickets-1806170752](http://eventbrite.com/e/healthy-kids-5k-fun-walk-tickets-1806170752) and their Facebook Page is Healthy 5K Fun Walk. He stated tickets are \$12 and they are looking for sponsorships. Ms. Tyler asked if they have done any promotion through Pennsbury School District, and Mr. Ponento stated he just put an article in on The Voice and flyers at the Schools. Ms. Tyler stated she feels the PTO Coalition would be willing to spread it through the PTOs. Ms. Tyler stated he should also reach out to the Elementary School he went to, and she agreed to reach out to Afton and Edgewood.

Mr. Tim Collins, 479 Jenny Drive, stated he felt the meeting with Elcon went extremely well. He stated he believes that the Board of Supervisors agrees they do not want Elcon at their proposed location, and he asked what is the next step. Ms. Tyler stated she has considered this further, and she feels that it is not necessarily Elcon that is the problem. She stated that area is Zoned Industrial, and

there is a mission to re-develop those properties. She stated if Elcon does not end up there, it will be another industry. She stated she does not know if Elcon is the “lesser of the evils” that may show up there. She stated she feels they should have asked more questions of the individual who was present from the Redevelopment Authority who was at the previous meeting. Ms. Tyler stated the Township is still looking into this, and she noted that Elcon actually delayed their Application to the DEP; and they will know more when they get that filing with the DEP as to what exactly is going to go there. She stated there is already poor air quality in this area, and this does not seem the best place to put that use given the poor air quality, the population density, and the proximity to water courses that millions of people are drinking from. She stated she feels they need to keep the pressure on Elcon, but questions if they should also be pressuring the ones who have the will to develop that property.

Mr. Collins stated he agrees with Ms. Tyler that since there is that much land available with a tax free base, it is enticing for people to come. Ms. Tyler stated she feels that companies are being enticed to come to that property, and she asked if they should not look at the people who are doing the enticing; and Mr. Collins agreed. Mr. Collins stated he was able to find two articles on Elcon from 2007 and 2011 which discussed issues with Elcon, and they had to move to a deserted area because there were already hazardous material issues for people living in the area where they had been located. Ms. Tyler stated she read these as well, and they moved Elcon and a number of other companies.

Ms. Reiss stated she researched this as well, and Elcon itself is not the problem; and by Elcon moving to Negev, they will be able to force the pharmaceutical companies to move there. She stated the reason they want to do this is the reason that she is opposed; and it is not because of Elcon which she feels is safe, but it is because of the trucks coming and going which Elcon has no control over. Ms. Reiss stated I-95, Route 1, and 413 have a lot of distracted drivers; and there could be accidents. She stated she feels it would make more sense for Elcon to be located at Princeton or New Brunswick where the pharmaceuticals are coming from. Ms. Reiss stated the transportation concerns are what effect us, and this is her major opposition. Ms. Reiss stated she feels the Township has standing with regard to the transportation since they do not want this traffic on I-95.

Mr. Lewis stated they want the EAC to look at this. He stated they also asked their counsel in September if the Township has standing to sue if they chose that option. Mr. Lewis stated having people ask questions and giving Elcon a fair chance to make their case does have benefits. He stated Elcon is going through a very rigorous process with the DEP, and he feels that process will be helpful for everyone in making sure they are doing a good assessment of the risks associated with Elcon; and he does not want to impede that process since they will uncover everything in this process and will then be in a position to make the best choice at that time.

Mr. Lewis stated as to the risk element, the transportation is a huge one and 30% of the material is within the area so there is some mitigation. He stated there is also an air pollution component since .1% is a lot; and the question is what is being released besides the salts, etc. Mr. Lewis stated issues of plant safety are also a concern. He stated he feels comfortable having the DEP go through this rigorously.

Mr. Collins stated several years ago he was present when a CSX representative told the Board of Supervisors that they were not going to see any more petroleum products going through their neighborhoods, and he knew that was not correct. Mr. Collins stated he has had discussions with a number of people in Falls Township asking why they are not concerned about this, and he wants to make sure Lower Makefield continues to look into this.

Mr. George Baxter, 208 Arborlea, stated he objects to Ms. Tyler's comment that something equally bad or worse than Elcon could come in. He stated he has visited some of the businesses in that site, and they are not "nasty things;" and he has been to a tile company, a machine company, and a metal company. Ms. Tyler stated she was just explaining her analysis of the entirety of the situation which she feels has to include what is the impetus here, and she feels it is because someone invited Elcon. She stated she feels they need to consider all the variables in deciding how to deal with this, and Mr. Baxter agreed. Mr. Baxter stated he still feels they need to get a Resolution in opposition from the Board since there is no upside with Elcon. Ms. Tyler stated all five Board members have expressed their significant concerns with the location of that facility in Falls Township, and they need to see the filing with the DEP so they know what they are talking about. Mr. Baxter stated they can still come out as a Board of Supervisors and state that they are opposed to it.

Mr. Benedetto stated Elcon has indicated that they are taking into consideration some of the comments that were made from the community and have indicated they are holding off on the filing. Mr. Benedetto stated he feels once Elcon files the Phase II B Application and the Township engineer and the EAC review that, they will be in a much stronger position based on really looking into the issues. He stated it is possible that Elcon may decide there is too much community opposition. Mr. Benedetto stated when the Board makes their decision, they want to be able to speak in the strongest possible way and show that the Township and their residents really looked into this.

Mr. Lewis stated he feels all the comments that have been raised will tell DEP that they should be extra rigorous in their review. He stated if the Township reviews it at the appropriate time this would be their best effort to protect the community having done the analysis. He stated some members of the EAC are former

“environmental folks” with the State of New Jersey who have looked at it, and will analyze if further. Mr. Lewis stated in this way when the Township speaks, they will be speaking from a very informed position.

Mr. Baxter asked if the Board will consider in April the Resolution that was previously presented, and Mr. Benedetto stated he feels it will be at least until the second meeting in April. Mr. Baxter stated there will be another informational meeting on March 23 at the Library in Levittown, and Mr. Santarsiero will speak at that meeting.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated this month celebrates the 335<sup>th</sup> Anniversary of the Pennsylvania Charter to William Penn, and March 13 through March 19 is National Agriculture Week. She stated she feels it is ironic that Elcon has this proposal to put a toxic waste incinerator on the land where William Penn walked when he came to this area. She stated when William Penn came here there was land already being farmed which is the Patterson Farm. She expressed her concern with the loss of farmland in America. Ms. Doan stated Patterson Farm Preservation volunteers submitted an Application for a Keystone Grant that, if funded, will bring funds into the Township to preserve the Satterthwaite House. She stated they were proud to receive letters of support from State Representative Steve Santarsiero and Congressman Michael Fitzpatrick. She stated the goal of Patterson Farm Preservation is to restore and protect the Patterson Farm. Ms. Doan stated on June 19, the members of Patterson Farm Preservation would like to honor Tom and Alice Patterson on what would have been Tom Patterson’s birthday with the planting of a memorial tree. Ms. Doan announced that the Bucks County Community College, Perkasi Campus, is having a farm summit on March 30 from 3 p.m. to 7 p.m.

Mr. Jim Brandau, 1104 Randolph Drive, stated his property backs up to the Revere tennis courts. He reviewed the history of the sink holes which developed in Yardley Hunt, and the burying of construction debris by Toll Bros. Mr. Brandau stated some of this was under the tennis court at Revere. He stated the Park & Recreation Board discussed what to do about the tennis courts in the area, and Toll Bros. agreed to contribute \$40,000 to the restoration of the tennis courts. He stated the Park & Rec Board was aware that the courts were underused, and that the area was unstable; and at their April 14 meeting last year, Mr. Fedorchak indicated that the Township engineer indicated that the area could be unstable. He stated the Park & Rec Board recommended that they have tennis courts at some other location; however, following that everything changed, and the Board of Supervisors decided that they will remediate three courts and spend some of the Toll Bros. money and more of the Township’s money to reconstruct those tennis courts.

Mr. Brandau stated he is concerned that there could be a large debris field underneath that site which could cause problems in the future and will effect property values in Yardley Hunt, and there could be mitigation required in the future which the Township may be liable for. Mr. Brandau stated ten days ago he made a request for information about this under the Pennsylvania Right-To-Know Act and was told yesterday the information would not be available until at least April 13; and he added the law requires a five day response although there is an extension period.

He stated he would like to know tonight whether there was toxic waste under there or methane gas.

Ms. Tyler stated she does not feel the Board rejected any Park & Recreation recommendation. She stated the Supervisors have visited the site, and she has spoken to the Township engineer on many occasions about what was there and what were their concerns. Ms. Tyler stated they have not discussed as a Board what the sign off will be with Toll Bros. in exchange for this money as she does not feel there would be any general release.

Mr. Fedorchak stated Mr. Garton will be handling this. He stated a lot of things happened since Mr. Brandau was at the Park & Rec Board meeting when he made the statement that Mr. Brandau quoted. He stated since that time a large number of residents who live in that immediate vicinity have come to the Park & Recreation Board and Board of Supervisors' meetings and made it very clear that they feel the tennis courts are important to them and an important amenity in their neighborhood and one they have enjoyed for the last twenty-five to thirty years, and they felt it was quite unfair to take everything up and put it someplace else.

Mr. Brandau stated he is concerned about the debris field underneath, and the fact that a very small test was done. He stated a lot of debris was pulled out of there and he does not know about the rest of the site. Mr. Fedorchak stated their engineer has been involved in this issuing going back three years when it was first learned that there was debris buried in Yardley Hunt.

Mr. Eisold stated they were there initially when the sinkholes were noticed by the residents at a number of sites within the development. He stated he had field personnel on site when they were taking the material out to make sure there was nothing that was toxic or dangerous. He stated the majority of the material was building material used by Toll Bros. during the construction of the homes. He stated they did see patterns, and Toll Bros. would dig one hole for a certain area. He stated he made his staff work with the contractor to go out in every direction to make sure they got to virgin ground before they advised that they had gone far enough.



Mr. Eisold stated while he cannot guarantee there are no further areas, based on the situation they found and prior history, he feels they have checked into the limits of the debris. Mr. Eisold stated at the tennis courts one of the courts was greatly effected; and while the rest of the courts are not in good shape, the patterns of cracks are not the same as the one tennis court which the Township has repaired three times over the last ten years. He stated the rate of the sinkage tells them that was where the main problem was. Mr. Eisold stated where they found the building materials is where they went in every direction to find out the limits of that area. He stated they evaluated other areas where there was some settlement which could indicate something could have been in those areas as well, but they found no material in those other areas spread out around the site.

Mr. Brandau asked if the site was tested for methane gas; and Mr. Eisold stated methane gas can be created when there is long-term biological reactions, and while they did test for that, the material brought out seemed to be nothing to lead them to believe that there were any methane issues in the material that was removed from the site. Mr. Brandau stated he feels they would want to have Toll Bros. indemnify the Township for any future problems there, and Mr. Fedorchak agreed. Mr. Eisold stated he feels Toll Bros. realized that their contribution is for where they have identified the trash; and there could be other areas in the development where there is trash, and Toll Bros. will have to address those as well.

Mr. Brandau asked if they could do some additional testing when they do the excavation, and Mr. Eisold stated he feels they could do that. Mr. Benedetto stated they are taking away the one court which was most compromised and replacing that with grass. Mr. Fedorchak stated a certain number of test pits were done already in the area, and they could do more. He stated Toll Bros. has not been the last bit hesitant in stepping up and taking care of all of the sites that have been identified.

Ms. Lisa Baxter, 208 Arborlea, stated she appreciates the interest and concern the Board has shown regarding Elcon, but she is concerned about Ms. Tyler's comments. Ms. Tyler stated she feels her point is that maybe they should be lobbying Falls for something else to go at that site. Ms. Baxter stated she feels that should happen after they stop Elcon. Ms. Baxter stated she also feels the Board has more than enough information to pass a Resolution in opposition. She stated trucks are not the only concern as the emissions are a big concern as well.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated he sent an e-mail about the possibility of having a site visit by the Township engineer to the Elcon site in Israel which he feels Elcon would possibly pay for. Mr. Benedetto stated once the Phase B Application is filed, they will have more information. Mr. Cohn stated with regard to trucks on the road with hazardous materials, there are currently hazardous materials already on the roads and on the rails as well.

**APPROVAL OF MINUTES**

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of March 2, 2016 as written.

**APPROVAL OF MARCH 7, 2016 WARRANT LIST AND FEBRUARY, 2016 PAYROLL**

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the March 7, 2016 Warrant List and February, 2016 Payroll as attached to the Minutes.

**PRESENTATION BY DRJTBC REGARDING PROPOSED PURCHASE OF PARK & RIDE PARCEL**

Mr. Joseph, Resta, Executive Director of the Delaware River Joint Toll Bridge Commission, was present and stated they are requesting approval to purchase the approximately ten acre site bounded by Taylorsville Road, Woodside Road, the Delaware Canal, and I-95 on the north side of I-95 directly adjacent to the Scudder Falls Bridge. Mr. Resta stated they have an aging and near-end of useful life administration building in Morrisville that they would like to replace, and they have different designs for that property after the replacement of the administrative building. He stated one of the locations they have looked at and the one which is their top choice is the property adjacent to Scudder Falls. He stated they are undertaking a very large project for the replacement of that bridge and 4.4 miles of roadway, and they are looking to locate at this location as it becomes a very strategic facility going forward into the future of the Commission. Mr. Resta stated if the plan is feasible and acceptable to the Board of Supervisors, they would like to purchase the property. He stated while the Bridge Commission does have the authority to conduct powers of condemnation for public purposes, they are not looking to do that; and their intent is not to be coercive.

He stated at the site they intend to construct a two-story building slightly in excess of 23,000 square feet with parking for that building and also to reconstruct the current Park & Ride. He stated currently there are 170 vehicle spaces, and they intend to reconstruct 103 parking spaces for the Park & Ride. He stated they have done vehicle counts at the Park & Ride over the past few months, and they found that it is averaging forty to forty-five vehicles per day. He stated the Park & Ride itself has also reached the end of its useful life, and they have an agreement with PennDOT and the Township to do light maintenance at the facility; and the Township is responsible for the real estate and the replacement of that facility when it reaches the end of its useful life. He stated last summer they did pot hole repair at the facility.

Mr. Resta stated they have not yet designed the facility as generally they do not undertake design on a parcel that they do not own; and they would look to construct under their own certification powers, and they are not subject to local Zoning on a parcel that they would purchase nor would they seek the Permit process.

Mr. Benedetto asked about the dotted line on the Plan, and Mr. Resta stated the dotted line is a proposed sidewalk which would connect the Park & Ride to the pedestrian/bike facility that starts adjacent to the Delaware Canal and traverses across the Bridge to connect to the towpath in New Jersey. Ms. Reiss asked if it would possible to take the sidewalk all the way up to the corner so it could be used by those who live in the area. Mr. Resta stated that may be feasible as what is shown is just a concept of what they are intending to do. He stated if they were able to acquire the Township parcel, they would more than likely also attempt to make a purchase of the property at 1167 Woodside Road; and if they were able to be in control of the entire parcel, they would probably orient the path on the south side of Woodside Road rather than on the north side. He stated it is possible that they could attempt to extend the sidewalk to the northwest of the Park & Ride to Taylorsville.

Mr. Lewis stated he understands that as part of the new Bridge project, they will be widening Woodside Road at the Taylorsville exit so that there will be a new right-turn lane. Mr. Resta stated the diagram does include the reconfiguration of the area. Mr. Lewis asked if there were any discussions if there would be room for a bike path as a result of widening the road. Mr. Lewis stated there is a bike path not far from that location so that if they could connect that with the Park & Ride and the Canal, it would encourage a lot more bikers and walkers to use the pedestrian ramp. Mr. Resta stated the Commission recognizes that the Park & Ride is primarily a “park and recreate” facility; and they recognize that the Commission will be the connector of the two Parks across the River from each other. He stated it may be problematic to have a bike/pedestrian facility crossing the driveway of the Park & Ride; but if it could be designed and engineered, they would be supportive of that. He stated if they are talking about the Bridge Commission going on the other side of Woodside Road and doing a long-term connection, they would look to the Township to fill in that link; but if there was a link between Taylorsville and the Canal and the Commission is doing construction on that parcel anyway and re-constructing the Park & Ride, they would be amenable to that.

Mr. Lewis stated they are proposing a two-story building of 23,000 square feet with 120 parking spaces around it. He asked the acreage involved, and Mr. Resta stated the building and the parking would be a three-acre site. He stated the entire site is approximately ten acres. Mr. Lewis stated he understands there will be a loss of trees in the area; and Mr. Resta agreed. Mr. Resta stated the Bridge Commission

likes to be able to look at and hear the roadway so there may be trees between the rear of the building and the roadway that would be displaced as well. Mr. Lewis asked if it possible that they could be losing four acres of trees, and Mr. Resta stated that is possible; but he added they will re-landscape the area, and for the area that surrounds the Park & Ride, they would look to take down as few trees as possible. Mr. Lewis stated there is a wetlands area, and the trees help soak up the water. He stated he understands that they are not subject to the Township's Tree Ordinance under Federal law, and Mr. Resta agreed. Mr. Lewis stated the Township could condition the purchase based on that; however, Mr. Resta stated they are available to have a dialogue and do what they can, but to condition the purchase or restrict the Deed would be difficult. Mr. Lewis stated he is more interested in making sure that they are not losing the water protection of the trees, and that they make sure that they plant other trees to mitigate some of that tree loss in the community. Mr. Resta stated they are also constructing a wetlands mitigation area on the east side of the Canal between the Canal and the River.

Mr. Lewis asked Mr. Resta if they are considering other sites as well; and Mr. Resta stated they have looked at other sites, but this is their first choice.

Ms. Tyler stated with regard to the re-configuration of Taylorsville and Woodside Road, they do need a safe pedestrian crossing there; and Mr. Resta stated it is subject to PennDOT standards. Ms. Tyler asked what their Traffic Study showed as to the use of the Park & Ride. Mr. Resta stated they went out and did counts for months, and the counts yield was an average of forty to forty-five vehicles per day. Mr. Lewis asked if there were peak amounts that went above one hundred and three; and Mr. Resta stated while they were not there every day, every time they were out there they did a count.

Ms. Tyler asked if the potential purchase is contingent on the purchase of 1167, and Mr. Resta stated it is not. He stated there are also some other parcels noted on the drawing as well, and he noted 1142 Woodside, 1140 Woodside, 185 River Road, and 1510 River Road; and in addition to that, there is a property inside the wetlands mitigation area. He stated they currently have under agreement or ownership, 1140 Woodside Road, 185 River Road, and the property in the wetlands mitigation area all of which were received through the purchase process and not through the condemnation process. Mr. Resta stated if the Commission is successful in purchasing the ten acre parcel, they would look to purchase 1167 Woodside Road as well although it is not integral to the project. He stated during the project they may have some project use for these properties, and after the project they are looking to create a buffer.

Ms. Tyler asked their intent for staging of construction materials throughout the building of the Bridge as it relates to this property, and Mr. Resta stated there is no plan at this time to stage materials there. He stated one of the major issues of the construction of the Bridge is that it is on an Inter-State, and it is their plan to keep the Inter-State open during the construction of the entire project. He stated the delivery of materials for the site, depending on the type of construction happening on any given day more than likely will come in through 95 during off-peak hours. He stated the parcel under discussion is not intended to be a staging area. He stated their intent, if they are successful in purchasing the property, is to progress the design and construction of the facility; and it is not connected to the Scudder Falls Bridge replacement project, but is something they would like to do fairly quickly. Ms. Tyler asked their timetable, and Mr. Resta stated if they can acquire the property this year, they would undertake design and possibly be in construction next year.

Ms. Tyler asked about the next steps and what notification requirements does the Township have with respect to the surrounding landowners if the Township is going to entertain this. Mr. Truelove stated they would have to do an appraisal of the property, but he does not feel the Bridge Commission would be subject to some of the requirements since it is a public entity. Mr. Fedorchak stated they would ultimately get two appraisals. Ms. Tyler asked if this impacts any of the other Boards and Commissions in the Township or does it just involve the Board of Supervisors. Mr. Fedorchak stated the Board could ask the EAC to look into this. Ms. Tyler asked about Planning and Zoning, and Mr. Truelove stated they would not have any regulatory oversight, although they may want to review it. He stated the Bridge Commission would not have to come before the Zoning Hearing Board for Approval for Variances as they are exempt from those requirements. He stated they would have to satisfy DEP and some other requirements at the State level.

Mr. Resta stated to the extent that the PADEP is working in essentially an approval process in conjunction with the EPA and the Clean Water Act, they are subject to that, but there are many PADEP regulations that they are not subject to. Mr. Resta stated they never construct insensitively to the site, and they never construct in ignorance of any existing Codes specifically when it comes to the construction of their own facilities.

Mr. Benedetto stated it is currently Zoned Residential Resource Protected. He also stated sewer and water lines would need to be connected. Mr. Resta stated they have been in contact with Yardley Borough Sewer Authority, and they have been told that they have been placed on the wait list as of February 29, 2016 for the two-story building and the bridge monitoring building.

Ms. Tyler stated she would like to get comments from the EAC and the Park & Rec Board since if they are going to move forward she feels there is opportunity to have residents make use of the property to get over to New Jersey.

Ms. Reiss stated once the Bridge Commission owns the property, they could do whatever they want; and if they found two stories was not sufficient, they could make it three stories, and they do not have to go through Planning or Zoning. She stated they have shown 120 parking places, and this is more traffic being brought into Lower Makefield which is a concern. Ms. Reiss stated she likes the idea of having the bike path continue at least until it gets to the main road. Ms. Reiss stated every time she has had to deal with a multi-State compact they are a law unto themselves, and it has not been good for anyone other than them. Ms. Reiss stated her concern is that if the Bridge Commission makes the purchase, they can then pretty much do what they want.

Mr. Resta stated he acknowledges her concerns, but added they have a 140 mile jurisdiction along the River; and the Board of Supervisors could talk to Solebury Township and other adjacent Municipalities about their experience with the Bridge Commission.

Mr. Benedetto stated the Township is currently responsible for the maintenance of the Park & Ride, and Mr. Fedorchak agreed. Mr. Benedetto asked what would happen if the Township does not sell it, and Mr. Fedorchak stated the Township is going to have to spend a considerable amount of money repairing it. Mr. Resta stated they have estimated that expense to be approximately \$500,000, and Mr. Fedorchak stated he feels that is a fair number.

Ms. Tyler stated the Township needs to do their own counts on the use of the Park & Ride. Ms. Tyler stated they also need to consider the true appraisal value if this is intended to be a commercial use as opposed to what it is now.

Mr. Alan Dresser, EAC, stated it was indicated that the EAC will have the opportunity to review this; and he asked what they would be reviewing. Mr. Benedetto stated the Bridge Commission has no requirement to do any kind of submission; however, the EAC would be given a copy of the Site Plan that the Board has been provided. Mr. Dresser stated he feels they would be signing a “blank check.” He asked if they could put Conditions on the sale; however, Ms. Tyler stated they cannot. She noted that the Bridge Commission could just take the land, but they have indicated that they will not do that. Mr. Resta stated they will not condemn the property. Ms. Tyler stated the Bridge Commission has indicated that if the Township is not interested, they will not pursue that litigation path. Mr. Dresser stated they would not have to follow stormwater management or the environmental Ordinances. Ms. Tyler stated they indicated that they would have to follow EPA requirements.

Mr. Truelove stated because they have the Federal Charter and they are a bi-State Commission, they are subject to the EPA requirements. He stated the DEP may be administrating some of the requirements. Mr. Resta stated PADEP has delegated some of their authority from the EPA. Mr. Dresser asked which portions, and Mr. Resta stated it is usually in relation to the Clean Air Act and the Clean Water Act. He stated they will have an adequately-designed facility, but they will not submit it to the Township for approval.

Mr. Dresser stated there are a lot of trees that will be coming down there, and they have also taken down trees all along I-95 which impacts the community. He stated if they are going to become part of the community, they may want to “step up” and at least offer something to the tree bank which the Township has. Mr. Benedetto stated Mr. Resta did indicate that he was interested in opening up a dialogue. Mr. Dresser stated if the Township goes through with the sale, he feels at least part of the money should go toward the purchase of open space since they will be losing some open space there although he added he does not feel it is high-quality open space.

Mr. Dresser asked if the Bridge Commission will pay local taxes on the facility, and Mr. Resta stated they are tax exempt.

Mr. Resta stated they are looking to get into a transaction with the Township quickly over the next few months since they have a pressing need.

Mr. Fedorchak stated he will ask the appraiser to get this finished as soon as possible, and he will then forward this to the Board of Supervisors to discuss this matter further. Ms. Tyler asked that they also do a traffic count in the meantime so that they have an idea as to the use of the lot.

Mr. Benedetto asked about an update on the Scudder Falls Bridge Project, and Mr. Resta stated they are in the process of locating a venue to present an update to those in the area sometime in April. He stated they have done some additional data collection regarding noise attenuation.

#### **DISCUSSION OF 2016 ROAD RESURFACING PROGRAM AND AUTHORIZATION TO GO OUT TO BID**

Mr. Eisold stated he has provided an updated list of the roads for this year. He stated he also provided a map with the State roads shown in the dashed blue, the recently-paved State roads in green, roads that have been paved in the last four years shown in yellow, and the areas that they are discussing for the 2016 Road Paving Project shown in red.

Mr. Eisold stated in considering which roads to include, they relied heavily on the Twenty-Five Year Road Plan that was prepared last year; and all of the roads in the yellow hatched areas are roads that were included in the Twenty-Five Year Plan. Mr. Eisold stated in addition to that the green roads have been recommended by staff including Mr. Fedorchak and Public Works which have been recognized as needing repair and reconstruction. He stated in the darker brown at the bottom is a portion of the bike path on Woodside Road from Lindenhurst to Dolington which is not in good condition, and they have included a cost to overlay that section of bike path. Mr. Eisold stated in addition they have included a few roads that have been recommended by residents as needing repair, and they have included a few of these as Bid Alternates. He stated these would be costs over and above the \$1 million. He stated in calculating the costs, they took the costs from last year, and put an increase factor on them; so depending on how the Bids come in as well as what level of base repair needs to be done, it could come in lower, and they could do the additional roads.

Ms. Reiss asked if they will just repair the bike path or is this adding a new one; and Mr. Eisold stated it is repairing the existing bike path along Woodside Road from Lindenhurst to Dolington, and it does not include extending the bike path at this time although this could be part of the program. Ms. Reiss stated she would like them to consider extending the bike path a little more down Woodside so that people can get closer to the Golf Course and Memorial Park. Mr. Eisold stated they could look into that to see where it could be extended.

Mr. Benedetto asked the timeline for when this will go out to Bid. Mr. Eisold stated they are looking for authorization to go out to Bid this evening adding that the specs are pretty much in order. He stated they would like to go out to Bid within three weeks, and they would look to have the construction done in the summer through September.

Ms. Tyler stated she would like to see some more Bid Alternates so that there is flexibility. Mr. Eisold stated they could add a Bid Alternate to extend the bike path. He stated he feels there will be competitive Bids since this is a big project. Ms. Tyler stated she would also like to see some amount for the bike paths included every year, and other Board members agreed. Ms. Tyler stated the Park & Rec Board did a good job of showing the gaps in the bike path.

Ms. Tyler advised the residents to contact the Township if they have a pothole in their street since the Township is supposed to have a twenty-four hour turnaround on repair of potholes.



Mr. Lewis noted Black Rock Road where there was some paving done, and he noted a patch on the lower end of Black Rock. Mr. Eisold stated Black Rock was one of the next Collector Roads they were going to be looking at in the next year or two.

Mr. Lewis stated he strongly endorses adding Bid Alternates for extending the bike path on Woodside Road and some additional roads so that there are options.

Mr. Lewis stated he and Mr. Eisold had discussed that the best time to go out to Bid was in the winter, and stated while they are doing 2016, they should also prepare for 2017 for the winter timeframe. Mr. Eisold stated they are still within range as the paving plants have not opened up yet. Mr. Eisold stated he still feels they will get good Bids with a project of this size, but the sooner you go out to Bid in the winter, the better it is cost wise. Mr. Lewis stated if they are ready sooner for 2017, they could put that out to Bid next winter.

Mr. Lewis stated last year they also increased some of the rules around quality assurance and process; and Mr. Eisold stated two years ago there were some timing issues with the contractor, and he was docked for some liquidated damages, and last year he was very cooperative. He stated they do have inspectors there to make sure that the work is being done properly and that they put enough material down. He stated they also record the tonnage each day to make sure it is in line with what they are paying.

Mr. Harold Kupersmit stated they want to spent \$1 million on road resurfacing and \$400,000 on open space which is not essential even though the **Township residents** want it. He stated there is also a potential liability of \$117 million for a sewer plant. He stated this is one of the richest Townships, but the Township still does not have the money to pay for all of this; and this is why the American middle class is in trouble. He stated they need to come together to find creative ways to pay for all of this.

Ms. Tyler moved and Mr. Benedetto seconded to authorize the Township going out to Bid for the 2016 Road Resurfacing Project as discussed this evening with the add ons and as outlined in Mr. Eisold's hand out.

Mr. Eisold stated with regard to Woodside Road, the Joint Toll Bridge Commission will be widening and adding stormwater drainage up Woodside Road. He stated he does not feel the Township would want to get in their way at this point, so they may want to delay on that end to see what they build and coordinate with them.

Mr. Benedetto asked Mr. Fedorchak to post the information on the Road Resurfacing Program on the Township Website.

Motion carried unanimously.

## UPDATE ON QUIET ZONES

Mr. Eisold stated one of the major issues they are working on now is getting the Highway Occupancy Permits, and they feel that within a few weeks they will have these PennDOT Permits. He stated they have received some letters from residents, and they hope to have the remaining letters in the next week or so and forward them to PennDOT. He stated they have worked with SEPTA over the last few months, and they indicated that the Township should have an Agreement by early next week with regard to the Multi-Modal Grant. Mr. Eisold stated they have been working on the construction specification documents; and once they have PennDOT approval and the Agreement in hand, they will be in a position to go out to Bid for the work. He stated they hope to go out to Bid in April for the summer construction season.

Mr. Tim Collins, 479 Jenny Drive, stated two months ago they talked about going out to bid in February. Mr. Eisold stated they submitted the last Revised Plans in early February to PennDOT. Mr. Collins stated he felt they were supposed to put in Applications for Bids in February; however, Mr. Eisold stated very early they may have had that schedule, but with the Multi-Modal Grant they are not able to put Bids out until they get the Grant finalized. Mr. Fedorchak stated they need to execute the Contract with SEPTA before they advance the construction aspect. Mr. Collins asked when they will get the Grant, and Mr. Eisold stated he has an e-mail from SEPTA indicating they would expect the Township to be provided a draft “early next week;” and the e-mail was dated March 9. Ms. Tyler stated they need the Agreement with SEPTA to allow for the pass-through of the money. Ms. Tyler stated they will reach out to SEPTA and ask about the Agreement, and Mr. Eisold agreed to contact them tomorrow.

Mr. Eisold stated this will be a draft Agreement which he is sure the Township solicitor will have to review. Mr. Fedorchak stated if they can secure the draft Contract from SEPTA in the next few days, Mr. Truelove can review it; and it can then be on the Board’s Agenda for April 6.

Mr. Collins stated many of the people who were on the Board who supported this project from the very beginning are no longer on the Board, and he wants to make sure that they have not lost the drive to get this done. He stated they are almost two years into this process, and he is concerned that they do not have the drive that they had. Ms. Tyler disagreed, and stated they have tried to explain the hold up which had nothing to do with the will of the Board, rather it is the paperwork they are led through by being an acceptor of a Grant and establishing Contractual Agreements.

Mr. Fedorchak stated the first significant delay came from PennDOT which took several months. He stated they contacted him in August or September and apologized for taking so long and then explained that the only way to approach this was to establish SEPTA as the “middle man” since PennDOT has had a long-term relationship with SEPTA. He stated SEPTA indicated that they would be happy to do this. Mr. Fedorchak stated within a few weeks after that SEPTA did reach out to the Township; and there was a meeting where they discussed procedures, and SEPTA explained what they would be doing, and that they would be putting together the Contract between the Township and SEPTA. Mr. Fedorchak stated he understands that the Township will then move forward with the construction and then be reimbursed.

Mr. Collins asked if they are still of the mindset that they should not put anything out to Bid until they have all the Agreements in place, and Mr. Fedorchak agreed. Mr. Fedorchak stated he is very confident that the Township will ultimately receive the money.

Mr. David White, Gayle Drive, stated on the Township Website it indicated that through three weekends in April and one in May, grade crossings will be closed for SEPTA to repair the tracks; and he feels this is a missed opportunity to do the channelization at the same time. He stated two weeks ago, they talked about the Dog Park and the timeframes for that were coming up very quickly and there was a rush to get that done; and he would like to see a rush to get the Quiet Zones done. He urged the Board to keep working on this.

Mr. Truelove stated that the Board met in Executive Session at 6:45 p.m. and items of real estate and personnel were discussed.

#### **APPROVAL OF EXTENSIONS FOR DOGWOOD DRIVE AND JENNINGS TRACT**

Mr. Eisold stated with regard to Dogwood Drive, they were asked to put together a review but he was advised that there is no money left in Escrow for a review. He stated he contacted their engineer to work on that; but as of today, he does not feel the Township has received anything. Mr. Truelove stated he will contact Mr. Murphy about this tomorrow.

Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to accept the grant of Extension for Dogwood Drive and Jennings Tract to June 30, 2016.

#### APPROVAL OF CERTIFICATE OF APPROPRIATENESS FLOWERS FIELD 751 STONY HILL ROAD

Ms. Tyler stated HARB met with the Project Manager for the Residential development who requested a change which would shrink the size of seventeen of the approximately sixty units to a 2,200 square foot model. She stated HARB was in agreement with this. She stated colors and materials will remain the same.

Ms. Tyler stated HARB also discussed a Sign Application and there was discussion about working on commonality of numbering and to create a theme with signage as well to create a flavor at the Village.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to grant the Certificate of Appropriateness as requested.

#### ZONING HEARING BOARD MATTERS

With regard to the Kathryn Royal Variance request for the property located at 2015 N. Crescent Blvd in order to permit chickens and a chicken coop on a lot which is less than the five-acre minimum required, it was agreed that the Solicitor should participate.

With regard to the Cynthia A. Klein Variance request for property located at 1705 S Crescent Blvd in order to permit construction of an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Benedetto stated the Zoning Hearing Board met last evening and granted the Variances requested by the Pennsbury School District for the Pennwood Middle School renovations and campus improvements. He stated this matter will be on the Planning Commission Agenda on March 28, 2016.

Mr. Lewis stated last year the Electronic Advisory Media Board did an RFP to revise the LMT Website, and they received initial work from the vendor. He stated the group has come back to some initial rework in terms of a new IA for the site to make it easier to find items on the site. Mr. Lewis stated the goal is to make the site responsive so that you can use it on a cell phone or a tablet. He stated in the long-term, EMAC is looking for ways to make things more interactive so that bills can be paid on line and do more with the Township Website.

Ms. Reiss stated the Farmland Preservation Corporation met and discussed fencing. She stated there have been some issues with adjacent residents who were under the impression that because they had mowed the property, it was their property. Mr. Benedetto stated the Board did receive an e-mail about this, and he did go out and met with one of the residents; and he feels it was a communication issue since fences had been put up without this resident being notified which created some confusion. He stated the Farmland Preservation Corporation is trying to work out these situations.

Ms. Tyler asked if the Township notified the other homeowners that fences were going up and this individual did not receive that letter; and Mr. Benedetto stated that is what happened. Mr. Benedetto stated that individual did speak to two Farmland Preservation members who indicated that they had missed his address.

Ms. Reiss asked that people come out to the next Planning Commission meeting to review the School District plans.

Ms. Reiss stated the Seniors met, and they are concerned whether Bids had gone out for the Community Center. Mr. Fedorchak stated the Board had met with the architect and when the project went out to Bid, it came back at \$2.75 million which was quite a bit higher than everyone had hoped. Mr. Fedorchak stated the Board then instructed the architects to reduce the scope and targeted a number around \$2 million for the construction piece; and that is what they have been working towards over the last three to four months. Mr. Fedorchak stated they are close to finishing up and close to putting it out to Bid. He agreed to contact them to see if he can get a date certain for the letting of the Bid and when Bids could be opened.

Ms. Reiss stated the Seniors have someone who is willing to help them build nicer storage for their tables; and she advised them that she did not feel the Board would have a problem with this, and she could make plans available to the other Board members. Ms. Reiss stated she understands that they have a Sketch Plan and someone who is willing to build it for them. Ms. Tyler stated possibly there are some community members who would be willing to help with this as well.

Ms. Tyler stated the EAC is working on a number of projects and may be hosting a seminar on natural things to use in the garden. Ms. Tyler stated they also discussed the tree bank, and she would like them to get 25% of the trees in the ground this year.

Ms. Tyler stated the Historic Commission welcomed two new members. She stated the Historic Commission is scanning in a lot of Township documents, and they are going to need an interface on the Township Website at some point. She stated she will ask members of the Historic Commission to attend an EMAC meeting to discuss this with them.

Mr. Benedetto stated there will be an educational event for parents and caregivers being presented by the School District and LYFT on April 21 at 7:30 p.m. at Pennsbury High School West entitled "Parenting in Cyberspace."

#### APPROVAL OF ROAD MATERIALS BIDS 2016-2017

Mr. Fedorchak stated there were six different companies that bid, and Public Works recommended going with Eureka Stone Quarry which was the lowest bidder on the majority of items.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to award the Road Materials Bid to Eureka Stone Quarry.

#### UPDATE ON 2016 POOL MEMBERSHIP

Mr. Fedorchak stated the discount period has passed and currently they are looking very good, and membership is definitely up. He stated at this point they have received \$405,000 in membership fees compared to \$355,000 in 2015. He stated it appears that they are in line to have the best year of the last four years. He stated Lower Makefield resident memberships are also going up. Mr. Benedetto thanked Ms. Liney and the staff.

Ms. Reiss stated she has been noticing younger families now moving into her neighborhood, and she feels they should put something together to give people moving in which would provide information about the Township. Ms. Tyler stated there is some information already available. Ms. Reiss stated she feels this should be discussed with the local Real Estate agencies. Ms. Tyler stated they could also ask Ms. Cecchine to provide a list of those moving into the Township and send them out information including passes to the Pool.

**POLICE DEPARTMENT - APPROVE HIRING OF COLIN MCTAMANY**

Chief Coluzzi asked the Board to approve hiring Colin McTamany, and he reviewed his background and experience. Chief Coluzzi stated they have approved a preliminary background on Mr. McTamany; and he asked that the Board approve his hire contingent on his successful completion of the medical, psychological, drug screening, polygraph, and training.

Ms. Tyler asked if this is a replacement, and Chief Coluzzi stated it is; and it is one of two replacements they need to make.

Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to approve hiring Colin McTamany contingent on the conditions set forth by Chief Coluzzi.

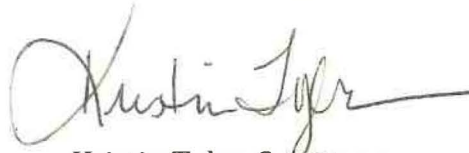
**APPOINTMENTS**

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Judith Grant to HARB and the Historic Commission.

Mr. Benedetto stated they will set up some additional interviews for Board vacancies for the next meeting.

There being no further business, Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 10:10 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kristin Tyler", with a long horizontal flourish extending to the right.

Kristin Tyler, Secretary

