

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 10, 2011

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 10, 2011. Mr. Pazdera called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Mark Fried, Chairman
 Dean Dickson, Vice Chairman
 Tony Bush, Secretary
 Karen Friedman, Member
 John Pazdera, Member

Others: Nancy Frick, Director Zoning, Inspection & Planning
 John Donaghy, Township Solicitor
 James Majewski, Township Engineer (joined meeting in
 progress)
 Ron Smith, Supervisor Liaison

REORGANIZATION: ELECTION OF OFFICERS

The meeting was turned over to Mr. Donaghy who called for nominations for Chairman of the Planning Commission for 2011. Mr. Dickson moved, Ms. Friedman seconded and it was unanimously carried to elect Mark Fried as Chairman of the Planning Commission for 2011.

Mr. Donaghy called for nominations for Vice Chairman of the Planning Commission for 2011. Mr. Bush moved, Mr. Pazdera seconded and it was unanimously carried to elect Dean Dickson as Vice Chairman of the Planning Commission for 2011.

Mr. Donaghy called for nominations for Secretary of the Planning Commission for 2011. Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to elect Tony Bush as Secretary of the Planning Commission for 2011.

The meeting was turned over to Mr. Fried.

APPROVAL OF MINUTES

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of October 25, 2010 as written.

Ms. Friedman moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of November 8, 2010 as written.

EDGEWOOD VILLAGE SEWER EXTENSION PLANNING MODULES

Ms. Frick stated that while Ms. Farrell of Remington, Vernick had asked to be placed first on the Agenda, she is not present at this time.

Mr. Majewski joined the meeting at this time.

GRACE POINT CHURCH (FORMERLY KNOWN AS FIRST BAPTIST CHURCH OF NEWTOWN) – INFORMAL SKETCH PLAN DISCUSSION

Mr. Thomas Hanna, engineer, was present with Mr. Dave Lewis and Mr. Glenn Ely representing the Church. Mr. Hanna stated they have submitted an informal Sketch Plan for a parking lot modification and expansion to the Church. He stated the original Plans were approved in 2002, and they moved into the facility in 2004. He stated with the original Approval, they received a Variance for impervious surface of 19.9%. He stated as part of the original Approval, they showed on the Plan a future building expansion. He showed on the Plan this evening, the portion in dark which is what is existing; and the future expansion is shown in the lighter shade of brown.

Mr. Hanna stated they would like to hear comments from the Planning Commission, and they will then go back before the Zoning Hearing Board for an additional Variance for impervious surface before they can proceed with the development. He stated the modifications they need to make to the parking will exceed the original Variance which had been received. Mr. Hanna stated because of the success of the Church, they have found that there is insufficient parking; and they have to park off site.

Mr. Lewis stated the original design had 272 parking spaces. He stated per the calculation for seating capacity and square footage, they were required to have 253 or 259 spaces, but they built 272. He stated this number of parking spaces was intended to cover Phase I and Phase II even though they built it all during Phase I. He stated they have grown dramatically since they moved in; and in the last ten years, they have grown 70% which is higher than the expected growth when they moved to this area. He stated they have had to have three services on Sunday morning which is difficult to get done in

a morning. He stated the parking is nearly full on Sunday morning, and they had felt this was going to carry them through Phase II. He stated when they moved in they had two services. He stated with the increase in attendance they have three services on Sunday mornings, and they have to have off-site parking so that people who are going to be at the Church all morning are parking off the site, and they run a shuttle bus.

Mr. Fried asked the number of spaces they will add and the resulting impervious surface. Mr. Hanna stated the current proposal is just to add additional parking, and the future addition to the Church will come at some time in the future.

Mr. Ely stated on a typical Sunday morning their main congregation meets in the commons which is a 400 seat facility. He stated during the main ministry season, which is from September to some time past Easter, they have had to initiate off-site parking. He stated even with that, they have had instances where they have seen visitors come to the Church, see that there are no parking places, and they then leave. Mr. Ely stated in addition there are other times when they have parking problems when they hold special events which are open to the community. He reviewed a number of special events which have been held at the Church both by the Church and other organizations.

Mr. Ely stated as to future needs, they are currently within the Phase I structure which includes the commons which is a convertible space in that it can be a gym, or with seats added act as the sanctuary. He stated the Phase II project was to include a new dedicated sanctuary which is shown in tan on the Plan on the southernmost point of the building structure. He stated this was to be a 600-650 seat dedicated facility, and the Church still has the goal of proceeding with this. They decided, however, that they must first solve the parking problem.

Mr. Hanna noted on the Plan the existing parking, and stated the unshaded area shows the parking that is proposed. He stated they are proposing 262 additional parking spaces for a total of 499 spaces. He stated this would increase impervious surface to almost 30%, and they will have to get relief from the Zoning Hearing Board. He stated they recognize that they will also have to satisfy stormwater management and landscaping requirements. Mr. Hanna stated they would also like to connect to the sanitary sewer lateral which has been extended so that they can connect to the public sewer. He stated currently there is a septic field.

Mr. Pazdera asked if they have considered how they will expand the basin, and Mr. Hanna stated it will be pushed up to the corner where the existing septic field is now located. He stated preliminary testing has been done for infiltration in areas he showed on the Plan. He stated he feels they will have to resort to stormwater management underneath the parking as well as use of porous paving. Mr. Hanna also noted an area where they intend to use a field for recreation.

Mr. Pazdera noted the small section near Stoopville Road, adding that drive is very close to the exit; and it could cause a bottleneck. Mr. Hanna stated they have considered making this a one-way loop, exiting out only. He stated what is being shown is only a conceptual plan.

Ms. Friedman asked if they have other programs taking place during the Services, and Mr. Ely stated they do; and part of Phase II is to provide 600-650 seats; and they would go back to two Services. He stated during Services, they do have classes as well. He stated during the week, they also have evening programs although they do not usually have a parking problem during the week. Ms. Friedman asked if they anticipate any programs in the morning during the week, and Mr. Lewis stated they do not have plans for a school during the day during the week. He stated there are Bible studies that take place during different times of the day. He stated they do have a large program taking place on Wednesday night.

Mr. Bush asked about the timeframe for the construction of Phase II, and Mr. Ely stated they want to solve the parking problem first; and while they have continued to grow, he cannot give an exact date when they would pursue Phase II.

Ms. Friedman asked Mr. Majewski if they have exceeded 29% in any projects; and Mr. Majewski stated a lot of residential developments exceed 29.5%; and if this had been a development where they had put in roads and cul-de-sac, it would have been up near that 29.5%.

Mr. Fried asked the Applicants if they have had discussions with the EAC as to the environmental impact with run off, and Mr. Hanna stated an Environmental Impact Statement had been prepared as part of the original Approval. He noted the location of wetlands on the Plan adding there was a buffer offset that was honored as part of the original Development. Mr. Fried stated there will be additional parking against the wetlands buffer, and Mr. Hanna stated it will not encroach. Mr. Fried stated it will change the flow of the water from the grass area into the wetlands. Mr. Hanna noted the parking on the western side and stated stormwater from that is piped to the basin; and stated they could follow that path for overflow, and they are also looking at underground infiltration.

Mr. Dickson stated the traffic will also need to be addressed by TPD and the Township Police Department. He stated they will also need input from the EAC.

Mr. Fried asked if they have considered what would happen if they were only permitted to have half of the amount of parking they are requesting; and Mr. Ely stated they feel to get to Phase II, they need the additional spaces, and they would like to move forward with the full amount of parking being requested. He stated if they were not permitted to

proceed as they are proposing, they would need to re-think what they could do with Phase II. Mr. Fried suggested that they spend time on the stormwater and traffic issues, and they should consider these issues before they come back before the Planning Commission.

Mr. Hanna stated the parking proposed will only serve their current needs, and they may have to consider further what they can do with any future building expansion. They currently have 272 parking spaces, and they would like to have a total of 499.

Mr. Dickson stated he is concerned with the number of cars that could be exiting the property at the same time, and the Police Department will weigh in on this. Mr. Majewski stated typically with religious institutions, the traffic occurs at off-peak hours. He stated he does agree with Mr. Pazdera that they should look further into the access shown on the Plan.

Ms. Friedman stated aesthetically it looks like they are turning the entire property into a parking lot; and while she understands the need, they are stacking four rows of parking at the corner. She asked that they provide a green area and use that area for overflow purposes and not permanent parking. She stated there are methods that can be used as part of stormwater management which do not look like a parking lot. Mr. Hanna stated this would still be considered as impervious surface, but would address the aesthetic concerns.

APPROVAL OF EDGEWOOD VILLAGE SEWER EXTENSION PLANNING MODULES

Mr. Majewski stated they are presenting to the Planning Commission the Sewer Extension Planning Modules for Edgewood Village to extend the sanitary sewer from where it currently stops at the Presbyterian Church. He stated it will be extended up Edgewood Road to Langhorne-Yardley Road and continue down Langhorne-Yardley Road to the intersection of Stony Hill Road. He stated it will then extend further along Langhorne-Yardley Road to the end of the project which is at Heston Hall at the overpass for I-95. He stated the sewer will also be extended up Stony Hill Road to the end of the property which is opposite the children's day care center. He stated along the way it will also provide tie-ins for future connection by twenty-nine existing homes along that site. He stated most of these homes will be served by gravity, but several will need low-pressure systems due to the elevations. Mr. Majewski stated all the sewer lines will be extended within the public right-of-way, and these are PennDOT roads. He stated Mr. Hoffmeister, the Director of Public Works and Sewer Administrator, has reviewed this and recommended approval as has the Sewer Authority.

Ms. Frick stated these will need to be signed by Mr. Fried.

Mr. Dickson moved, Mr. Fried seconded and it was unanimously carried to approve the Edgewood Village Sewer Extension Planning Modules.

#506-A – FREEMAN'S FARM @ MAKEFIELD (A/K/A FERRI TRACT) UPDATE

Mr. Edward Murphy, attorney, and Mr. Larry Young, engineer, were present. Mr. Murphy stated since 2009 when the original Plan was submitted, there have been two revisions, the most recent of which was in November, 2010. Mr. Murphy stated the latest revision has generated a review letter from the Township engineer dated December 31, 2010. Mr. Murphy stated in terms of the layout of the Plan, not much has changed from the original Sketch Plan presented in 2008. He stated the property is slightly more than eighteen acres. The Subdivision contemplates the access to the site off of Big Oak Road.

Mr. Murphy stated there is an existing home on the site, and they will have fourteen new homes to be located on the outside of the loop road shown on the Plan. He stated the loop ends in a cul-de-sac, and there is an emergency access at the upper corner of the Plan. This is an emergency/pedestrian access, and is not for vehicular traffic.

Mr. Murphy noted the letter from Mr. Majewski dated December 31, 2010. He stated the Waivers listed on Page 3 are the same Waivers they have discussed previously and comments had been made previously by the Planning Commission on these.

With regard to Item #2 under Zoning, Mr. Murphy stated this relates to the fact that a jurisdictional determination is pending before the Army Corps; and they are scheduled to come back out to the site in the spring of this year to try to confirm the extent of any jurisdictional wetlands on site. Mr. Murphy stated any other relief that they may need will depend on that decision. Mr. Young noted areas on the Plan which may be impacted by this. Mr. Murphy stated they will wait to submit any further Revised Plans until they have this determination from the Army Corps.

Mr. Murphy stated Item #3 relates to the width of the wetlands buffer which has been a subject of discussion in the past. He stated the Ordinance has certain minimum requirements, and then a sliding scale to potentially increase the width of the buffer depending on the conditions in the field. He stated it also depends on the height of what is growing adjacent to the wetlands. He stated while they know where the wetland is, the height of the material adjacent to the wetlands changes when you mow it; and depending

on when you mow and the height, it also changes the width of the buffer. He stated at one point in the Plan set, the buffer was 50', then it was 100', and most recently it was recommended that it be 75'. He stated they are not going to mow it any more, and they will establish that buffer based on that, and then will go forward with changes to the Plan from there. He stated there are also opportunities for buffer averaging which they will discuss with Mr. Majewski.

Item #4 was noted and discusses reducing the cartway width which has been discussed with the Planning Commission previously, and the Planning Commission supported a reduction in the cartway width to 24' which is what is shown on the current Plan. Mr. Murphy stated this will require the prohibition of parking on one side of the street, and this should not be a problem because the inside of the loop does not have any homes fronting on it.

Item #5 was noted which is a comment about who will own and maintain the areas of open space. Mr. Young showed on the Plan where these areas are located. Mr. Murphy stated in the past the Planning Commission has supported the concept of an HOA being created to own the open space and not the Township, and they will continue to pursue that approach unless the Board of Supervisors indicates otherwise.

Item #6 was noted which relates to the need for Falls Township to review the area of the sidewalk, pedestrian access/emergency access. He stated the Plans were previously submitted to Falls Township, and they have received comment letters from the Falls Zoning Officer and Fire Marshall; and they will respond to those comments in the next Plan revision.

Mr. Murphy stated they will comply with Items #7 through #15.

With regard to Item #16, Mr. Murphy stated this is a repeat of the comment under the Zoning Section about the need for the jurisdictional determination from the Army Corps of Engineers.

Item #17 was noted, and Mr. Murphy stated this is a restatement of a comment under the Zoning Section dealing with the establishment of the appropriate buffers adjacent to the wetlands.

Mr. Murphy stated they will comply with Items #18 and #19.

Mr. Murphy stated they plan to come back before the Planning Commission late spring/early summer.

Mr. John Fossman, Falls Township, stated there are a number of adjoining Falls residents who were unable to attend this evening. He stated they have many concerns about this Development. He stated he does not feel this is low-impact development since they are building a development in the wetlands. He asked if the homes will have basements and asked where the water will go to if they have sump pumps. He stated the soils are clay, and they compact. He stated he has done remediation drainage work for many of the homeowners in the area. He asked who will be responsible for this. He stated there is an underground stream. He stated in the last ten years a number of trees which were in the area have declined because of the development in Lower Makefield Township. He stated his parent's home was built in 1966, and it never flooded out until ten years later; and he feels this happened because of the development further up. He asked who will take responsibility if the existing homeowners have flooded-out basements. He stated Falls Township was not aware that there was a meeting scheduled on this tonight. He noted an area where the streets are narrow, and he stated they can barely get a garbage truck up the street. He stated he understands the Corps is going out to the property, but stated the Corps has made mistakes in Falls Township and allowed development in wetlands. He stated he had asked for an Environmental Impact Statement not only for Lower Makefield, but for Falls as well. He stated he has asked for information on a number of issues, but they were not provided to him. He asked why the Township cannot keep this as open space as opposed to developing it. He asked if they have done a wildlife study to learn what wildlife is in this area. He stated he feels it is a huge mistake to put homes in this area.

Mr. Alan Dresser, Environmental Advisory Council, stated the EAC submitted comments on December 8, 2010, and he asked that the Planning Commission read them. He stated he would like to know from the Applicant that they will respond to his comments. He stated the EAC commented on the previous design on November 12, 2009, and they never received a response from the Applicant. He stated he also e-mailed Mr. Young who indicated he would respond in one week, but did not do so. Mr. Young stated they are waiting for the Jurisdictional Review since half the EAC comments relate to the wetlands. Mr. Murphy stated there will be a point-by-point response as has been done in the past, but Mr. Dresser disagreed that this had been done.

Ms. Frick stated Lower Makefield did notify Falls Township of this evening's meeting, and she did this as a courtesy.

Ms. Susan Plaisted, 15 Howie Drive, stated she is an adjacent property owner. She stated she concurs with the comments made by others regarding the water issues. She stated they are proposing a fourteen home development on a very busy, narrow Big Oak Road; and she feels this will result in more congestion. She stated they also have concerns about water issues and the wildlife. She stated it is a wetlands. She asked how important it is for Lower Makefield to put all of these houses at risk for water. She asked that the Planning Commission put themselves in their position. She stated she had a discussion

with Mr. Snipes, a Falls Township Supervisor; and he indicated he did not know about this meeting and felt that this land could not be built on. She asked that the Planning Commission members visit the site to see the problem. She stated her rear yard is unusable because of the water. She asked that they find some other positive use for this property.

DISCUSSION AND MOTION ON PROPOSED O/R ZONING ORDINANCE AMENDMENT TO SECTION 200-49 “LOT AREA, DIMENSIONAL AND DESIGN REQUIREMENTS” WHICH WILL ALLOW SOME VARIABILITY IN THE HEIGHT AND SETBACK REQUIREMENTS IN THE O/R DISTRICT

Mr. Bush asked Mr. Donaghy what prompted this, but Mr. Donaghy did not know. He stated he does know what the Ordinance amendment is intended to do, and it is an attempt to permit building up as opposed to building out.

Mr. Majewski stated as the O/R District was being developed it was recognized that there was a concern with the amount of impervious surface. He stated with LID, they try to build up rather than spreading everything out; and rather than having a one-story building taking up 60% of the land, they could move it up to potentially a five-story building and reduce the impervious surface to 45% which would be a beneficial gain for stormwater management. He stated they also realized that the visual impact of a larger storied building could be substantial unless the building were set back further at an appropriate distance where the scale of the building would not have that visual impact. He stated they came up with a maximum height of 50' that would remain if it were up against the setback line; but if you pushed the building back further from the setback, you could gain 1' in height for each 10' in setback. He stated if you were to move the building back 150', you could raise the height by 15'.

Mr. Bush stated currently there is only one four-story building in the Township; and Mr. Majewski stated this is the Floral Vale building which was the result of a Settlement. Mr. Bush asked if there are any Plans that have been submitted where someone had a desire to build five stories, and Ms. Frick stated none have been submitted to the Township.

Mr. Donaghy stated there are also changes as to maximum building coverage. He stated the maximum building height was previously three stories, and they are proposing five stories; but as noted by Mr. Majewski, they would have to move the building further back and increase the setback. He stated this is an encouragement to build up rather than out.

Mr. Bush stated this seems to be a conflict between the environmental benefits of reducing coverage on the surface versus encouraging high rise development.

Ms. Friedman asked who would benefit from five stories, adding she does not feel it will benefit Lower Makefield, and feels it will only benefit the developer. She asked how much they care about the developers versus the Township's vision of Lower Makefield. She stated she does not understand why they are looking at this. Mr. Donaghy stated if they were to get a higher building, they would reduce the amount of land covered; and this would result in more open space. Ms. Friedman stated while she understands this, she would rather reduce the amount of allowable impervious surface but not increase the height. Ms. Friedman stated she is concerned that Frankford Hospital will take advantage of this, and there will be a five-story Hospital on that property. She stated she feels this is a dangerous precedent, and this will not benefit Lower Makefield.

Ms. Friedman stated the higher they make the building, the more it will generate additional traffic. She stated she would prefer that the Township get more proactive and reduce the amount of impervious surface permitted.

Mr. Bush asked if this was something the Board of Supervisors was encouraging, and Mr. Smith stated he did not propose this, and he feels he was the only vote against this. Mr. Bush asked the motivation of the Board of Supervisors, and Mr. Smith stated this was part of a discussion during Executive Session. He stated he personally is not in favor of what is before the Planning Commission, but he is only one vote. He stated he feels the Board of Supervisors feels this could protect the Township in the event that projects would move forward in this area. He stated he feels the Board felt that this would give the Township more flexibility.

Ms. Friedman asked if this would only require an increased front yard setback, and Mr. Majewski stated all setbacks would have to be increased if the height were to be increased.

Mr. Smith stated one of the Supervisors indicated that if the building were set back further, a higher building would look smaller.

Mr. Pazdera stated the way it is written means that they could never get a five-story high building with 50' as there is at least 12' floor to floor. Mr. Majewski stated the existing Ordinance indicates stories could be below ground.

Mr. Dickson asked what is left in O/R other than the Aria property and Shady Brook Farm, and Ms. Frick noted Capstone Terrace. Mr. Majewski noted the Prickett parcel as well as the potential for re-development. Mr. Dickson stated he shares Ms. Friedman's concerns.

Ms. Friedman asked if anyone did a review of what amount of impervious surface could be saved, and Mr. Majewski reviewed some of the calculations he did comparing the existing and proposed Ordinance. He stated on a 25 acre piece of land, they could save 5 acres of land which is a 20% savings. Ms. Friedman asked if the development were to be spread out with more impervious surface, how many more people would be part of that building versus the 20% less pavement. She stated there could be more offices and more people coming in, and this will result in more traffic. Mr. Majewski stated if they were to have more people, they would need more parking on a smaller footprint. Mr. Smith stated they could build a garage. Mr. Majewski stated currently the Ordinance allows a building to be 50' but you are allowed to have the mechanical equipment be 10' higher than that. He stated under the new Ordinance ultimately you are only adding 5' in total height. He stated some buildings are close to 60' with the mechanical equipment on top and he noted particularly the buildings across from 777 Township Line Road. He stated typically they use 15' per story in office buildings. Mr. Smith stated he feels the original Plan for the Hospital was for five stories. It was noted one of these stories may have been underground; and Mr. Pazdera stated an office building would never build a basement, but a Hospital would.

Mr. Smith asked that the Planning Commission express their opinion on this as soon as possible so that the Board of Supervisors has a clear understanding of their feelings.

Mr. Zachary Rubin, 1661 Covington Road, stated he is on the Executive Board of RAFR. He stated what the existing Ordinance indicates is maximum building height is for three stories or 50', and under that it says maximum building is 35' height; and he asked if this means they could have a one-story building that is 35' high and a three-story building that is 50'. Ms. Frick stated she believes the 35' is an error; and the interpretation has been three stories up to a maximum of 50'. Mr. Rubin stated the proposed Amendment says they can go to five stories at 50'. He asked if it is in the Ordinance that in O/R, you need a 12' ceiling, and Mr. Pazdera stated no one would realistically build a five-story building at 50'. Mr. Pazdera stated under the new Ordinance, you could build a five-story building and keep it at the 50' if it were a hotel-type construction where they use a concrete plank, and this would be the floor and the ceiling. He stated this complicates mechanicals, and he does not feel a Hospital would do this. He stated what it would allow is going underground for two stories, if you had a five-story building; and Mr. Majewski stated he does feel they could do this although it may be impractical. Mr. Pazdera stated most buildings would not be 10' floor to floor.

Mr. Rubin stated he agreed with Ms. Friedman and asked why they are raising the height limit in the Township in the O/R section. Mr. Smith stated in the past, Mr. Rubin has indicated that he was in favor of this, and now he is against it. Mr. Rubin stated

Mr. Truelove had claimed that changing the Ordinance would give the Township more ammunition to fight developers, and he cited a Court ruling. Mr. Rubin stated he had spoken on behalf of RAFR at that time that if this would prevent development and give the Township more “teeth,” to prevent more than five stories, RAFR would support this. He stated this Ordinance was amended in 1998, and there have not been any challenges by any developer to the Township height limit; and he does not feel there is a reason in the foreseeable future they will have this since there are only a small number of lots in the O/R to do this. He stated he has now changed his position and would oppose it.

Ms. Irene Koehler, 25 Spring Lane, RAFR, stated she agrees with Ms. Friedman and does not understand why they would do this now as it sounds like the Township is trying to help the Hospital build a taller, bigger building on this small property. She stated she asked Mr. Truelove what the other property was, and he indicated that there were only two properties that this would pertain to, one of which was Shady Brook Farm. She stated the Hospital could then build a five-story or six-story parking garage. She stated RAFR is totally against this.

Ms. Friedman stated this should have been done decades ago if they were so concerned about impervious surface.

Mr. Fried stated he does not understand the purpose of changing the Ordinance without something driving it. He stated he does not want anything taller than the 777 building.

Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to advise the Board of Supervisors that the Planning Commission is not in favor of the proposed Ordinance amendments to the O/R District as noted in Curtin & Heefner’s letter dated 1/5/11 for the following reasons:

- 1) There is no logical and/or compelling reason for the proposed change(s);
- 2) It is the opinion of the Planning Commission that it appears the proposed change(s) are not consistent with the Comprehensive Master Plan Update, (2003) adopted by the Board of Supervisors.

The Planning Commission supports reducing the maximum building coverage and reducing the maximum impervious surface ratio but they do not agree with the increase in the height limit or with additional stories.

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There being no further business, Mr. Fried moved, Mr. Dickson seconded and it was unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,

Tony Bush, Secretary