

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 18, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 18, 2013. Chairman Stainthorpe called the meeting to order at 7:35 p.m.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Dobby Dobson, Vice Chairman
 Dan McLaughlin, Secretary
 Kristin Tyler, Treasurer
 Jeff Benedetto, Member

Others: Terry Fedorchak, Township Manager
 John Koopman, Township Solicitor
 Mark Eisold, Township Engineer
 Thomas Roche, Police Department

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, expressed his concerns with the financial condition of the Pennsbury School District.

Ms. Donna Doan, 1584 Edgewood Road, stated on December 12 the Farmland Preservation Board in Harrisburg was set to vote to accept 101.9 acres of Patterson Farm into the Farmland Preservation Program which would have generated approximately \$917,100 of funding for preservation; however, she just received word this week that at the last moment the Application was withdrawn, and she asked for an explanation. Mr. Stainthorpe stated the reason it was withdrawn was because the County Commissioners had not approved it; however, no one from the County has contacted the Township to provide any information on this. Mr. Stainthorpe stated they have asked Mr. Fedorchak to follow up on this matter.

Mr. Benedetto asked if it is true that the Board meets once a year; and Mr. Stainthorpe stated the State Ag Board meets six times a year, and their next meeting is in February.

Ms. Doan asked if anyone from the Township has discussed a plan with either the Heritage Conservancy or Dr. Bentz. Mr. Stainthorpe stated Dr. Bentz has filed an Appeal to the Zoning Hearing Board Decision, and the Board discussed at the last

Board meeting that the Township will be a participant although they will not be an active participant. Ms. Doan asked about any plans the County may have, and Mr. Stainthorpe stated they do not know.

Mr. Benedetto asked for clarification about the number of acres included in the Application and the dollar amount, and Mr. Fedorchak stated it was approximately 101 acres so it would be approximately \$900,000. Mr. Benedetto stated initially there was discussion about \$720,000 during the 2014 Budget discussions, and there was an inter-fund transfer of \$250,000; and he asked Mr. Fedorchak how this will not impact the Debt Service if the money is not received. Mr. Fedorchak stated they first created a special Patterson Farm Expense Fund, and for 2014 a variety of capital expenses were projected in the amount of approximately \$200,000 for improvements to a number of the buildings on the Farm. In addition approximately \$250,000 was expensed out of the Fund for the purpose of applying it toward the existing \$2.5 million left on the Patterson Farm debt. Mr. Fedorchak stated this \$250,000 line item was placed in the Expense Fund; however, they did not show this as a Revenue on the Debt Service Fund side since he recognized that there would be a lot of discussion as to what they wanted to do with the \$800,000 to \$900,000 that was anticipated, and he did not want to lock them into this line item at that time.

Mr. Benedetto asked if there is anything the Board can do to move this matter forward on the County level. Mr. Stainthorpe stated if they want the Board of Supervisors to come to a meeting to make a presentation, they would be willing to do this. Ms. Doan stated she feels the Township should pursue this rather than waiting for them to come to the Township. Mr. Stainthorpe stated as a citizen Ms. Doan is free to attend their meetings.

Ms. Sue Herman asked if this is something the Board should be pursuing; and Mr. Stainthorpe stated the Board voted to apply to the County Ag Preservation Committee, and they approved the Application. He stated they visited the Farm, and it was ranked number one out of all the Applicants. He stated he does not know anything further. Ms. Herman stated she feels the Board should be actively inquiring about what happened, and Mr. Stainthorpe stated they have asked the Township Manager to follow up on this. Ms. Herman asked if they will report on this; and Mr. Stainthorpe stated he hopes they will report on this in early January so that this can be back on the State Board's Agenda for their February meeting.

Mr. Ed Gavin, 904 Sensor Road, stated he had previously asked a question about limiting Supervisors benefits; and he felt Mr. Garton was going to look into this further. Mr. Stainthorpe stated Mr. Garton is not present this evening but he will follow up on this. Mr. Gavin asked if he will do so by the next meeting; however,

Mr. Stainthorpe stated the next meeting will be the Re-Organization meeting and they will not do any regular business at that meeting, but he feels he will report on this by the meeting following that Re-Organization meeting.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of December 4, 2013 as written.

APPROVAL OF DECEMBER 2, 2013 AND DECEMBER 16, 2013 WARRANT LISTS AND NOVEMBER, 2013 PAYROLL

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve the December 2, 2013 and December 16, 2013 Warrant Lists and November, 2013 Payroll as attached to the Minutes.

DISCUSSION OF IMPACT OF THIRD RAIL ON CSX MANAGEMENT OF FREIGHT TRAFFIC THROUGH THE TOWNSHIP AND MOTION ON QUIET ZONES

Mr. Stainthorpe stated at a prior meeting a representative from SEPTA was present to discuss this project; and this evening Mr. William Goetz, CSX Resident Vice President, is present.

Mr. Goetz reviewed the number of freight railroads in North America one of which is CSX. He stated in addition to this there is a network of passenger railroad operations including SEPTA and Amtrak. He showed a map of the CSX rail networks which is a 21,000 freight railroad company which is a Fortune 500 investor-owned company. He stated CSX is not a Government agency. He stated CSX is one of the oldest railroads in the United States. Mr. Goetz showed a map of the local network including the three major networks that impact Lower Makefield Township. Mr. Goetz stated much of the freight they haul comes from far distances. He also discussed some of the products on the trains traveling through the Township.

Mr. Goetz showed a slide of the freight train activity representing a typical day. He noted the slide does not show the SEPTA trains. Mr. Goetz stated it is rare that a freight train would stop in Lower Makefield Township, and their trains generally move right on through the Township.

Mr. Goetz stated he understands that the residents are concerned about what will happen with regard to the freight trains as a result of this new project. He stated factors that control the flow of freight include regional population and buying power. He stated this area, while there is long-term growth, is growing more slowly than the rest of the Country. He stated another factor is industrial site choices and supply chain decision as well as import/export activity and Port selection. He stated freight can go by truck, barge, and rail; and rail is gaining market share because of environmental and efficiency benefits of rail transportation. He stated the final factor is customer selection, and customers make choices all the time regarding how they will ship freight.

Mr. Goetz showed a slide of the shared track segment and the proposed separation project. He stated at the SEPTA Woodbourne Station, CSX and SEPTA are separated from there south. He stated at Woodbourne the tracks come together and are shared, and this proposed project will continue the separation of tracks in the same fashion as they are currently separated south of Woodbourne. He stated this proposal will keep SEPTA trains on SEPTA tracks and CSX trains on CSX tracks. He stated this does involve the construction of one new track which will be for the SEPTA operation. He stated CSX's trains will be confined to the single track shown on the slide.

Mr. Goetz stated Mr. Fedorchak has suggested that there may be questions about Quiet Zones, and he is prepared to answer those.

Mr. Stainthorpe stated when SEPTA's representative Mr. Kneuppel was previously present, he discussed the need for the new rail so that the SEPTA and CSX trains could move more freely. Mr. Stainthorpe stated it was indicated that if a freight train has to stop, it is a very expensive proposition; and he asked for a further explanation. Mr. Goetz stated customers pay CSX to move freight; and when the train is stopped, they are not making money. He stated stopping and starting a freight train is a slow process; and once you get a train moving, you want to keep it moving. Mr. Goetz stated railroad labor is very expensive, and you want to make optimum use of the labor to get the train as far as possible. Mr. Stainthorpe asked how many trains a week they currently have to stop, and Mr. Goetz stated they rarely stop trains in Lower Makefield Township although an exception could be if there is a house fire with fire hoses across the tracks. He stated there could also be a grade crossing fatality which would cause trains to stop although this does not happen often. He stated they do have places where there are multiple sidings, but they are north and south of Lower Makefield. He stated there is one in Ewing, New Jersey and there is one in Trevoise south of the Township. He stated they do stop trains to advance a higher priority train in front of it. Mr. Goetz added that they have no plans to build a passing siding in Lower Makefield.

Mr. Stainthorpe asked who will gain the greatest benefit when the third line is put in, and Mr. Goetz stated SEPTA will benefit. He showed a slide which shows that the red tracks denote SEPTA use, and the blue tracks denote CSX use. Mr. Goetz stated CSX is agreeing to this as it will allow a separation of the operations; and SEPTA will control its trains on its tracks, and CSX will control its trains on its tracks. He stated there are also new technology requirements they need to make and SEPTA's and CSX's systems are not the same. He stated this will allow the systems to be separate on the tracks.

Mr. Stainthorpe stated there are a number of people from the neighborhoods around the tracks, and they are interested in Quiet Zones. Mr. Stainthorpe stated the Township did look into Quiet Zones some years ago, but they found that it would be too expensive at that time; however, he feels this is a prime opportunity to revisit Quiet Zones. Mr. Stainthorpe asked Mr. Goetz his opinion on Quiet Zones and whether or not CSX would participate in this.

Mr. Goetz stated Quiet Zones are a legal process and are a creation of Federal regulation. He provided this evening copies of a publication from the Federal Railroad Administration. Mr. Goetz stated CSX has 24,292 grade crossings, and there are 40 Quiet Zones. He stated one of the reasons there are so few is because of the cost. He stated there are initial costs and maintenance costs. He stated Quiet Zones also take local Government into the world of grade crossing liabilities. He stated the Quiet Zone law is fairly new, and he does not feel there has been a fatality in a Quiet Zone yet so there is not a lot of case law that has been made yet. He stated the Quiet Zone law was promulgated in 2005 so it is relatively new. Mr. Goetz stated railroads do not make Quiet Zones happen, rather Quiet Zones happen to the railroad. He stated the Municipality or road owner basically dictates the Quiet Zones. He stated there is specific action that the local Municipality must take, and this creates a new involvement for the Municipality. He stated the Municipality can proceed with a Quiet Zone whenever they want, and the railroad has no say and has no veto.

Mr. Stainthorpe asked the permitting process when they want to build the new rail. He stated he understands that the Township has no say in this, and under Federal Railroad law, the railroad is allowed to build in the right-of-way and is not really involved in the permitting process. Mr. Goetz stated a railroad track in railroad right-of-way is generally a railroad decision. He stated in this case, they are actually restoring the rail line so they are just re-creating something that was there before.

Mr. Stainthorpe asked if there is any requirement for an environmental assessment or environmental impact study when a rail like this is put in, and Mr. Goetz stated because this project has an element of Federal funding, there will be an environmental process. Mr. Stainthorpe asked if there is citizen input; and Mr. Goetz stated there is an opportunity for citizen input.

Mr. Stainthorpe stated he is a big promoter of economic development for the community, and he feels a key component of economic development is a good transportation system and access to it. He stated the Township is trying to attract businesses to Lower Makefield; however, it is a characteristic of the Township residents that if they do not like something, they act. Mr. Stainthorpe stated as a Supervisor he recognizes the importance of this railroad project and the limitations of the Board's power but if the citizens are against it they will take action. He stated with regard to the Quiet Zones, he feels it time to revisit the issue; and he asked that CSX and SEPTA consider being a full partner in this in terms of spirit and financially as well.

Mr. Goetz stated he understands that when you deal with people's homes you unleash emotions. He stated he grew up in Lower Makefield, and he understands that people get concerned if they feel their property values or their family values will be jeopardized; however, this project does not really have a direct impact in terms of the number of trains. He stated the purpose for this track is not to be able to run more trains.

Mr. Dobson asked how the break up of Conrail has impacted the rail traffic going through Lower Makefield. Mr. Goetz stated it has increased traffic. He stated what freight moves on which routes is almost purely a customer choice decision based on the buying decisions of people who buy rail freight. Previously Conrail owned all the routes, and they would level out the freight on a number of different routes. Mr. Dobson asked if CSX ever participated in helping fund a Quiet Zone; and Mr. Goetz stated they have, but in those examples the Municipality was also in a funding situation, and in this case they are not coming to the Township asking for any money for this track project. He stated in the projects where they participated in funding Quiet Zones, they were part of larger projects where there was a complicated funding arrangement; and in some of those projects the Municipalities agreed to close roads which he does not feel is possible in Lower Makefield. Mr. Dobson stated there is no benefit from this project to Lower Makefield as the benefit is strictly for SEPTA and CSX; however, Mr. Goetz disagreed stating since Township residents ride SEPTA this will bring additional capacity for growth and a better fluid movement of freight trains through the Township.

Mr. McLaughlin stated he recalls that Mr. Kneuppel stated that SEPTA was not going to add any more capacity. Mr. McLaughlin stated he feels the increase of CSX traffic has impacted the quality of life of the residents in Lower Makefield Township and he feels noise pollution has impacted that quality of life. Mr. McLaughlin stated while they indicated they will do an environmental study, he does not feel anything is being done to protect them from the noise pollution that is created. He stated the Quiet Zones protect the quality of life. Mr. McLaughlin stated he feels SEPTA will mostly benefit from the third line. Mr. Goetz stated this will give SEPTA additional track capacity for future growth, CSX will have a single track, and the operations will be separated. Mr. McLaughlin asked Mr. Goetz if CSX is participating in the funding of building the third track, and Mr. Goetz stated they do have a funding role in the project. Mr. McLaughlin asked if they are required to do so, and Mr. Goetz stated this project came out of a joint plan from SEPTA and CSX as the best solution. Mr. Goetz stated while SEPTA benefits, CSX feels it is a good enough plan so that they are investing money in it too. Mr. McLaughlin stated the Township can benefit from this as well by CSX participating as a partner and helping the Township get the Quiet Zones established. He stated if CSX is apt to help SEPTA with their problem, he feels they can help Lower Makefield with theirs.

Mr. Benedetto stated Mr. Kneuppel had indicated that this is not an expansion project but more of a separation of operations project, and Mr. Goetz agreed. Mr. Benedetto asked if there is a definition for a primary route, and he asked if CSX considers this a primary route; and Mr. Goetz stated it is one of the most important routes on CSX. He stated this is a main, Inter-State route, that is connecting markets up and down the East Coast and into the interior of the Continent. Mr. Benedetto asked Mr. Goetz if he has specific numbers of trains for this route on a weekday, and Mr. Goetz stated it is approximately twenty trains and weekends tend to be a little lighter. He stated freight trains do not operate like passenger trains with a timetable, and many of them operate on demand.

Mr. Benedetto stated he feels it seems as if there is a lot of traffic late in the evening, and he asked for an estimate of how many trains comes through after 9 p.m.; and Mr. Goetz stated as shown on the previous streamline slide, they are spaced all through the day; and freight trains run all day and night. He stated some trains may run for days given the distances they are operating.

Mr. Benedetto asked if CSX is planning to increase the speed of their freight trains, and Mr. Goetz stated they are not.

Mr. Benedetto asked if there is any toxic cargo coming through the Township, and Mr. Goetz stated there is. Mr. Benedetto asked what is considered hazardous material, and Mr. Goetz stated hazardous commodities are defined by the Federal Railroad Administration (FRA) and there are protocols regarding the handling of hazardous materials. He stated hazardous materials move on railroads because railroads are ten times safer than trucks, and the railroad safety record is incredibly good.

Mr. Benedetto asked if CSX is looking to extend the deadline for positive train control past 2015, and Mr. Goetz stated CSX is proceeding as if they have to meet the deadline of 2015. He stated this is an unfunded mandate which they are required to fund. He stated it is a very difficult deadline to meet, but they are treating it as a deadline that they must meet.

Mr. Benedetto stated under the Federal Railway Safety Improvement Act it appears that from what Mr. Kneuppel stated, the Federal mandate does not require adding a third rail and this is just something that SEPTA prefers to install as opposed to complying with the switching laws. Mr. Goetz stated there is nothing in positive train control Legislation that requires passenger and freight separation. He stated in this case this location is particularly unique where you have a main line freight operation and a commuter rail operation in a shared segment. He stated the positive train control technology used by the passenger railroads is fundamentally different than the positive train control technology used by the freight railroads, and it is very difficult to get those systems to “talk” to each other particularly when there is an Inter-State route like this one when locomotives are coming from all over the Country. Mr. Goetz stated they feel that what is proposed is the best solution even though it is an expensive solution as building track is very expensive.

Mr. Benedetto stated the Legislation is entitled, “Federal Railway Safety Improvement;” and he feels implementing a Quiet Zone could be considered as part of this Legislation since it is a safety improvement and improves the upgrade of the signal system. He stated they are spending money to upgrade the technology, and the need is not there to add a third line since it is not mandated. Mr. Benedetto stated he feels the Board and the residents would like to see CSX pay some or all of the expense for the Quiet Zones since they are getting stimulus money, and he feels this would fall under the Act since it is a safety improvement Act. Mr. Benedetto asked if it is possible for CSX to help pay for the Quiet Zones as part of this technology upgrade.

Mr. Goetz asked where the Township is in its Quiet Zone analysis; and Mr. Stainthorpe stated they are not involved in it at this point, and they need to make a decision if this is something the Township wants to pursue. He stated the analysis the Township did was six years ago, and he does not feel it would stand up

in terms of the costs determined at that time. He stated he feels they will have to start at the beginning. Mr. Goetz asked if they have done the Supplemental Safety Measure Calculations; and Mr. Fedorchak stated the Township's engineering firm at that time did a certain amount of analysis, and he would have to research what they had done at that time. Mr. Goetz stated there is a lot that goes into a Quiet Zone including calculations and a process that goes with that. He stated they would have to have a dialogue in terms of what the Township is trying to do and which crossings they are considering since there is a private crossing which will need a diagnostic team review.

Mr. Benedetto asked the overall cost of the proposed project, and Mr. Goetz stated it is \$38 million. Mr. Benedetto asked how much CSX will put into the project, and Mr. Goetz stated the Federal Grant is \$10 million and CSX and SEPTA will contribute the rest. Mr. Benedetto stated he felt SEPTA would pay \$20 million, \$8 million was from the Grant, and CSX was between \$7 million and \$8 million; but Mr. Goetz stated he would have to check into this. Mr. Benedetto asked who applied for the stimulus money, and Mr. Goetz stated both SEPTA and CSX did.

Mr. Benedetto stated Mr. Kneuppel had indicated that the project was more about preserving SEPTA's right to run in the area since CSX had the right to make things difficult for SEPTA given CSX could dispatch, and Mr. Benedetto asked if CSX would take over the dispatching of the lines as this was the fear of SEPTA. Mr. Goetz stated there are more passenger trains on CSX lines than any other freight railroad, and there is a level of cooperation that is required. He stated the line is owned by CSX, and currently the line is dispatched by SEPTA. He stated dispatching is the actual control of trains through the segment, and SEPTA currently makes the dispatching decisions for all the trains in this segment. He stated this is a carry over that goes back to the Reading Railroad Company. He stated it has worked well, and it is a relationship of cooperation. He stated when you move north of W. Trenton, New Jersey, it is controlled by a CSX dispatcher; and when you move south of Woodbourne, they are separated so SEPTA continues to control and dispatch their tracks, and CSX controls its operation.

Mr. Benedetto asked if it is correct that with this expansion, SEPTA will have two lines, and CSX will only have one; and Mr. Goetz agreed. Mr. Benedetto stated Mr. Goetz indicated that they do not anticipate an increase of freight trains, and Mr. Goetz stated he anticipates that it will increase but not as a result of this project.

Mr. Benedetto asked if there is a difference between CSX and SEPTA horn volumes, and Mr. Goetz stated the horn volumes are established by Federal law.

Mr. Benedetto asked if the train engineer controls the noise level, and Mr. Goetz stated they do not as there is no volume control. Mr. Benedetto asked if the train engineer controls the amount of time they “lay” on the horn, and Mr. Goetz stated they control the sequence of the horn which is strictly regulated. He added the volume is preset by the horn manufacturer, and there is no volume control in the locomotive. Mr. Benedetto asked the maximum decibel level, and Mr. Goetz stated he believes it is 110 decibels.

Mr. Benedetto asked if any trees will be removed to install the third line, and Mr. Stainthorpe stated there will not as it is in the right-of-way already.

Mr. Benedetto asked if there will be any drainage or water run off issues, and Mr. Goetz stated they are putting a track back where there was one before so you do not have these complex issues.

Mr. Benedetto stated Mr. Kneuppel had indicated that CSX has certain trains that they run where the fines could be thousands of dollars per hour, and he asked Mr. Goetz if they had any fines because of trains being delayed. Mr. Goetz stated this goes to commercial relations; and if the customer is dissatisfied, they will take away their business, and that could mean millions of dollars.

Mr. Benedetto stated he feels this project is basically about preserving commuter traffic in this corridor and not facilitating CSX running more traffic. Mr. Goetz stated the CSX traffic will continue to run and will be dictated by the factors he discussed earlier this evening. He stated this project will separate the CSX and SEPTA operations, and it will create additional track capacity that will be under SEPTA’s control.

Mr. Benedetto stated he would like to see CSX and SEPTA work better together to resolve this issue without adding an additional third line. He stated there are upgrades they can do so that they do not have to have the third line. Mr. Goetz stated if they could do this, they would do so since what is proposed is a very expensive way to proceed.

Mr. Jeff Kneuppel, Deputy General Manager for SEPTA, stated as he noted when he was last before the Board of Supervisors, they pursued technological solutions that would allow them to run the same way they do today; and there were roadblocks and problems. He stated in order to meet the mandated deadline, they need to proceed in this way. He stated they want to preserve commuter traffic and look to the future for both CSX and SEPTA, and this is the way to proceed.

Ms. Tyler asked Mr. Goetz if there have been any recent industrial site choices or supply changes with their customers where CSX has expectation of change in volume on the tracks running through Lower Makefield, and Mr. Goetz stated there are such expectations. He noted industrial parks in S. Jersey which have been very successful, and this will bring in more freight through Lower Makefield. He stated initially the trains will be longer. He stated they did lose a waste contract so there will be fewer waste trains than there were in the past. Mr. Goetz stated the movement of crude oil to Philadelphia Energy Solutions will add a train. He stated currently they are improving overhead clearances through Philadelphia which they hope will make them more competitive at the Port of Philadelphia and encourage more ships to come into Philadelphia. He stated this project would remove over sixteen overhead clearance impediments; and upon its completion which they anticipate will be by the end of 2014, it will make Philadelphia a more competitive port. Ms. Tyler asked about the anticipated potential impact of the Philadelphia Port traffic by having additional clearance for the trains; and Mr. Goetz stated currently there are a pair of trains one traveling north and one going south, and they are limited to approximately 7,000 feet. He stated with the improved clearances, this could grow to 8,000/8,500 feet; and this would result in longer trains.

Ms. Tyler asked if there are any active port changes in addition to Philadelphia that may have an impact on the CSX traffic going through Lower Makefield Township; and Mr. Goetz stated the Port of Philadelphia is actively soliciting business, and the channel of the Delaware is deepening. He stated the CSX terminal is across the street from the Port of Philadelphia. He stated Pennsylvania and Philadelphia are actively pursuing freight to make Philadelphia's Port a success.

Ms. Tyler asked the percentage of trains carrying hazardous materials which are going through Lower Makefield Township; and Mr. Goetz stated he could not provide an estimate, although he stated the railroads do carry hazardous materials.

Ms. Tyler asked Mr. Goetz if he could advise the Township on the steps needed to establish Quiet Zones or other alternative crossings. Mr. Goetz showed the brochure he discussed earlier which he will leave with the Township. He stated the first step would be for the Township to contact the Federal Railroad Administration. He stated this is a very specific process, and the publication he will provide was created by the Federal Railroad Administration. He urged the Township to have a representative from the FRA come speak to the Township, and they will walk the Township through the process. Mr. Goetz stated he has done this with other Municipalities that have these same questions. Ms. Tyler asked if this discusses Quiet Zones and directional horns; and Mr. Goetz stated it does, and they are both under the same legislation.

Ms. Tyler stated Lower Makefield has three public crossings and one private crossing even though they are a very small Township. She stated the business CSX does through the Township has an impact on thousands of Township residents, and there are over 900 families living within 750' of the rail tracks. She stated this is an incredibly important issue to the quality of life of many Township residents. She stated they are going to ask CSX to participate with their knowledge of Quiet Zones since they have been through this. She stated she would like to know if any of the existing Quiet Zones are in Townships similar to Lower Makefield. She stated she hopes that CSX will help them in the steps needed to be taken and in partnering with the Township financially to get this done as it will have a large impact on many of the Township residents.

Mr. Zachary Rubin, 1661 Covington Road, stated he was present six years ago when the Township engineer contacted the FRA and a lot of groundwork was done. He stated at that time CSX refused to put the electronics in the crossings. He stated the Township at the time could have afforded the barriers, but the issue was the electronics from CSX.

Mr. Harold Kupersmit asked Mr. Goetz how he feels about the National economy, and Mr. Goetz stated he feels there is an uneven recovery with segments that are doing stronger and some that are still struggling. Mr. Kupersmit asked about the jobs available and the average salary. Mr. Goetz stated the railroad industry is one of the few major industries that is hiring people. He stated they have a high segment of their workforce that is covered by Collective Bargaining Agreements, and their wages are set by Union negotiations. He stated because of the enormous responsibility they have, railroad jobs tend to have well-paid positions, but it is very hard work. Mr. Kupersmit stated he understands there are over 600,000 jobs across the Country which are unable to be filled because of the lack of skills of people to fill these jobs.

Mr. David White, Yale Drive, stated Mr. Goetz had indicated there was one petroleum train a day; however, he feels there are six or more every day. Mr. Goetz stated he is probably seeing tank cars on various trains and these tank cars are carrying a number of different commodities not only petroleum. Mr. White asked Mr. Goetz if he has an estimate of when CSX may add track, and Mr. Goetz stated they have no plan to do this at this time. He stated this would not have much of a benefit because the bridge over the Delaware River can only carry two tracks, and he does not feel that bridge will be replaced any time soon. Mr. White stated he appreciates the comments by the Supervisors of their willingness to pursue Quiet Zones, and he hopes the Township will pursue this and make this happen. He stated he believes that with this project, the money is in it somewhere which the Township should have access to so that they can bring the transportation through Lower Makefield into the Twenty-First Century.

Mr. Tim Collins, Jenny Drive, stated Lower Makefield is not a major coal route. He stated he understands that 25% of CSX's revenue came from coal, and they have lost much of this business; however, they are starting to see more petroleum traffic coming in from the west. He stated in that sense, they are making up the difference from the coal traffic through the increase in petroleum business. Mr. Goetz stated it is not a one for one offset. He stated the drop off in coal is much larger than the pick up in petroleum. Mr. Collins stated it is making a big difference in their revenues, and Mr. Goetz stated it is a partial offset. He stated the other big offset is the container business, and CSX is investing very strongly in that. Mr. Collins stated this is coming from the increase in traffic possibly through the Panama Canal that may come around because of the congestion on the West Coast, and they will possibly be bringing more container ships through the Panama Canal up the eastern seaboard which could increase the traffic on the eastern I-95 corridor that will eventually go through Lower Makefield north and west. Mr. Goetz stated he disagrees somewhat adding that the International container traffic they will see in Lower Makefield would be traffic that comes into the Port of Philadelphia. He stated ocean borne freight that is going to New York will go into the Port of New York; and they would not take a container off a vessel in Virginia and move it by rail into New York, rather they would take the boat to New York. Mr. Collins stated there is still the possibility of increased traffic, and Mr. Goetz stated this will depend upon the success of the Port of Philadelphia.

Mr. Collins stated he worked for CSX for a number of years. Mr. Collins asked Mr. Kneuppel the on-time performance by SEPTA for this area, and Mr. Kneuppel stated while weather has slowed them down recently resulting in the low 90s, prior to that in the fall, they were in the mid 90s. Mr. Collins stated therefore on-time performance for SEPTA other than the last few weeks is extremely high. He stated he personally is not against the additional track, and he feels the proposed project will help SEPTA enhance their ability to continue to run at 95% on-time performance which is very good in the world of commuter service. Mr. Collins stated his only concern is the Quiet Zone. He stated he has done some recent research which indicated a Quiet Zone could cost \$250,000 to \$300,000 per zone, and the time to do this is when they are doing this construction.

Mr. Tim Burke, 2313 Weinmann Way, stated he lives within 200 yards of the tracks. He asked with the increased freight traffic particularly the hazardous materials and petroleum cars, has CSX done or intends to do a risk analysis and, if necessary, a risk mitigation plan for these rail cars going through a populated area. He particularly noted his area where it becomes an elevated railway on an earthen berm going toward the Yardley Station, and he is concerned about derailments. Mr. Goetz stated they are required to do these analyses, and the railroad needs to work with the TSA and the FRA in terms of the routing of hazardous commodities and defining the most efficient and safest route for those types of shipments. He stated they run

trains through Center City, Philadelphia, underneath Baltimore, and through the District of Columbia; and all of these factors need to be taken into account. He stated locally they also have a very aggressive program to work with local first responders to make sure they are aware of what commodities are moving through their community so that they can train and be prepared. He stated since Lower Makefield is a very sophisticated Township, he assumes they have already done this in Lower Makefield. Mr. Burke asked if this information is available to the public or the local authorities as to what materials are traveling through the Township and plans for first responders. Mr. Goetz stated they welcome outreach with the first responders, and they will come in and do a course on what commodities they should be training for. Mr. Burke asked how he could get the information on what is on the trains, and Mr. Goetz stated this is not made available to the public because of the concern over terrorism. Mr. Goetz stated if there is an incident, the local first responders take command of the scene.

Mr. Ken Martin, 19 Austin Road, stated there is a grade crossing about 80 yards from the Township Building and approximately ten years ago it was felt possibly they could get a bridge so that there would be separation between the railroad and the street, and the cost was approximately \$10 million. He stated of the three crossings in Lower Makefield he feels this crossing is the most used and most dangerous. Mr. Martin asked if there is a possibility that this grade crossing could have a bridge as he feels there is sufficient room. Mr. Goetz stated this would be an engineering question, and he has not examined those specifics. He stated grade crossing separation projects are very expensive and depending upon the grade and approach it could involve taking property as well which would impact the cost of the project. He stated if the Township is struggling with the cost of a Quiet Zone, a separation project would be significantly more expensive.

Ms. Sarah Spengler-Campanello, 29 Greenridge Road, stated Mr. Goetz indicated that there were approximately twenty trains a day, and she asked what the increase in number of trains would be with the anticipated increase in traffic. Mr. Goetz stated he does not know anything specific at this time. Ms. Campanello asked what kind of tank cars are currently being used for hazardous materials, and she asked if they are DOT 111s; and Mr. Goetz stated there are DOT 111s and other tank cars depending upon the commodities and if the commodity were pressurized, it would be a different kind of equipment. He stated a commodity could also need thermal protection. Ms. Campanello asked the percentage of DOT 111 tank cars, however, Mr. Goetz stated he did not know. He stated they can get this kind of information regarding the National fleet, but he does not know exactly what the percentage is running on this line.

Mr. Muhammad Waheed , 620 Rosalind Run, stated this project will cost approximately \$38 million, and he feels his Federal tax dollars are going to be used for the expansion line. He stated he has no problem with this track and feels both CSX and SEPTA will benefit from this line. He stated he feels now his local tax dollars will also be used to put in the Quiet Zones.

Mr. Stainthorpe stated he feels the Board concurs that this is a unique opportunity to move forward with Quiet Zones.

Mr. McLaughlin moved and Ms. Tyler seconded to authorize the Township Manager and the Township engineer to review the past Application and come up with ways for how to proceed.

Mr. Benedetto stated he feels Senator Casey's office could be a major help in this as he has already interceded with regard to Trenton-Mercer Airport, and he feels they should draft a letter to Senator Casey's office asking him to intercede on behalf of the Township and its residents to have the FRA examine ways to minimize the noise pollution including Quiet Zones. Mr. Stainthorpe stated he feels part of their tactics once they agree to do this would be to involve the Congressmen, Senators, and State Senators. He stated there are different pools of money they could find to make this work, and he would like to start the process.

Mr. Tim Collins stated he feels it is the railroad's operating rules that determine the sounding of the horns, and Mr. Goetz stated this is incorrect. Mr. Goetz stated this was true prior to 2005 when the railroads set the sounding of the horn, and it was governed by State laws in some cases; but in 2005 the Federal Government stepped in and indicated they would dictate this.

Motion carried unanimously.

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to draft a letter to Senator Casey's office asking him to intercede on behalf of the Township and its residents that the FRA examine ways to minimize noise pollution to the extent possible including Quiet Zones.

APPROVAL OF RESOLUTION NO. 2273 REGARDING CONTRIBUTIONS TO THE POLICE PENSION FUND FOR 2014

Mr. Koopman stated this Resolution relates to the possible contribution by Police Officers to the Police Pension Plan for 2014. He stated the Township is required to adopt a Resolution before the end of the year to address this issue; however, at this

point the Township is involved in the collective bargaining process with the Union, and no determination has been made as yet as to whether the Police Officers will be required to make contribution for the Police Pension Fund as it is a matter of negotiations under Pennsylvania Law. Mr. Koopman stated as a result what they are suggesting and what is set for in this Resolution is a Resolution that if the collective bargaining process between the Township and the Police Association results in Police Officers not being required to make a contribution to the Police pension Plan for 2014, then no contribution shall be made; however, if the result of the collective bargaining process is that the Police Officers will make a contribution, then said contribution shall be made in accordance with the Resolution as contained in the collective bargaining process.

Mr. Koopman stated either way it is the Township's responsibility and the Township in Section 2 of the Resolution taking responsibly for making sure that the Police Pension Plan is actuarially sound.

Mr. McLaughlin moved and Mr. Dobson seconded to approve Resolution No. 2273.

Mr. Zachary Rubin stated he feels coupling this Resolution with the a previous Resolution of having new, non-uniformed employees starting a defined contribution Plan is putting the burden of balancing the Budgets on the backs of the hard-working employees of the Township which he does not feel is the correct way to proceed. He stated there have been Board members who have stated they have not increased taxes; however, they have increased the debt and now at the expense of the workers in the Township, they are balancing Budgets which he is opposed to.

Motion carried unanimously.

Mr. Koopman stated prior to the public meeting the Board met in Executive Session for about fifteen minutes to discuss pending litigation and Zoning Hearing Board matters.

ZONING HEARING BOARD MATTERS

With regard to the Ray Shaffer Variance request for the property located at 817 Big Oak Road in order to permit replacement of current sidewalks, stairs, landing, and to extend the sideway to a second existing garage resulting in greater than permitted impervious surface it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Phyllis Patterson Variance request for the property located at 6 Del Rio Drive in order to permit deck enclosure resulting in encroachment into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

APPROVAL OF EXTENSIONS FOR FIRST BAPTIST CHURCH OF NEWTOWN AND DOGWOOD DRIVE

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the following Extensions:

First Baptist Church of Newtown t/a “Grace Point” – 7/15/14
Dogwood Drive - 3/31/14

SUPERVISORS REPORTS

Mr. Benedetto stated two of the members of HARB, the Vice Chair and the Secretary, have resigned so now there are only two active members and he feels it is important to get an active HARB Board back. He stated there are seven spots, and five of them are open. He stated it is a statutory requirement that the Township have an active HARB, and currently they do not even have a quorum. Mr. Benedetto stated they have had some Applications and they will interview some candidates in January for open positions. He stated they also have only three Historic Commission members so there are four vacancies there as well. He stated these are two critical needs of the Township, and he encouraged those interested in HARB or the Historic Commission to submit their Application to Mr. Fedorchak so that they can set up interviews for January.

Ms. Tyler stated the Tree Tenders are a group of volunteers from Lower Makefield Township and they are working in conjunction with a Boy Scout Troop who have been performing volunteer work replacing dead trees at various Township sites. She thanked them as well as the EAC for supporting them in their efforts. Ms. Tyler also stated one of the founding members of the Lower Makefield Seniors, Sophie Lavakis, passed away; and Ms. Tyler recognized the work she performed on behalf of the Seniors.

APPROVAL OF RESOLUTION NO. 2274 GRANTING SPECIAL OCCASION PERMIT TO ST. JOHN THE EVANGELIST ROMAN CATHOLIC CHURCH

Mr. Stainthorpe stated any time an event is held where either alcoholic beverages are sold or part of the admission fee goes to the consumption of alcoholic beverages, they need to get a temporary Liquor License; and before this can be done, they need to have the Board pass this Resolution.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve Resolution No. 2274.

APPOINTMENT

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to re-appoint Kaaren Steil to the Historic Commission.

There being no further business, Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:35 p.m.

Respectfully Submitted,

Dan McLaughlin, Secretary