

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MAY 7, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 7, 2014. Chairman Dobson called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:       Dobby Dobson, Chairman  
                                      Daniel McLaughlin, Vice Chairman  
                                      Pete Stainthorpe, Chairman  
                                      Kristin Tyler, Treasurer  
                                      Jeffrey Benedetto, Supervisor

Others:                         Jeffrey Garton, Township Solicitor  
                                      Mark Eisold, Township Engineer  
                                      Kenneth Coluzzi, Chief of Police

Absent:                         Terry Fedorchak, Township Manager

PUBLIC COMMENT

Mr. David White, Gayle Drive, asked for an update on the Quiet Zones. Mr. Eisold stated since the last meeting he met with a train systems engineer who is involved in projects like this, and he did a field investigation of the three crossings in the Township to determine what exact improvements may be constructed in those three crossings. Mr. Eisold stated for two of the crossings there was really no conflict at all. He stated there is one crossing where there is a driveway that is a little close to where the center island would have to be constructed. He stated it was not a Commercial driveway; and since it is a Residential driveway, it could probably be moved a little bit and they could work around this. Mr. Eisold stated he was encouraged that all three sites are configured such that the systems could be put in place to provide for the safety facilities. Mr. Eisold stated there is a list of steps they have to go through to get this to the Railroad directly. He stated the consultant he spoke to indicated that he felt there was not a question of "if" but that if they went through all the steps, the Township would be able to get permission to construct these crossings. He stated there are a lot of steps to be done along the way.

Mr. White asked if they feel SEPTA will help with funding this; and Mr. Eisold stated he did not get into this, but SEPTA was very cooperative and met with them on the site looking at the three crossings. Mr. Eisold stated they were looking more at the physical requirements and what could be done there. He stated he cannot speak

with regard to funding. Mr. Eisold stated he feels the costs that had previously been provided might have been conservative on the upper side so he feels if everything goes as he feels, it might be less expensive than what had been indicated.

Mr. Benedetto stated at the last meeting it was noted that SEPTA was going to put together their Permit which will be submitted to the PUC in one month. Mr. Eisold stated he has not seen any documentation, and he believes that the Township has to be notified of this so that as an interested Party they have time to make comments or critique the submission.

Mr. Benedetto stated Mr. Eisold previously estimated it would be \$120,000 per crossing, and Mr. Eisold agreed.

Mr. McLaughlin asked if the Township has the right to expedite this project or does it have to be coordinated with the third rail project. Mr. Eisold stated he feels it can go ahead on its own; and according to the consultant, it could be independent of the third rail.

Mr. Benedetto stated the Township does not have anything in writing about them covering the cost. Mr. Eisold stated he feels when the PUC matter comes up and the Township can make comments, that would be the time to let everyone know what their concerns and interests are in terms of paying for this.

Mr. Ed Gavin, 904 Sensor Road, stated there is another crossing in the Township on Dobry Road which is an unprotected crossing. He asked if the trains are required to blow their horns at that crossing. Mr. Eisold stated all the documentation he had referred to was with regard to the three crossings. He stated he is aware that there is a crossing there, and he feels there would be a requirement to blow the horn even more than at the protected crossings. Mr. Gavin stated if they do not do something there, it involves a lot of population at that end of the Townships. He also noted the crossing at Township Line Road. Mr. Eisold stated the three crossings he noted were the focus, but he could look into these other two as well.

Ms. Sarah Spangler-Campanello, Green Ridge Road, stated according to the FTA, as part of the third rail re-establishment at each of those crossings they already have to move the lights and the gates so she feels the Quiet Zones should be done as part of that; and she is not sure why SEPTA is not paying for this along with some help from CSX since they already have to pay for moving the gates. Mr. McLaughlin stated it was his understanding that they were starting to come around to this thought. Mr. Eisold stated they were not indicating that they were not going to pay for it, and he feels they need to have a dialogue and zero in on what they will pay for.

He added some of the things they are doing will help this situation, but there are other things to be installed that are not part of their project to make the Quiet Zones happen. He stated this is why he feels they need to have a conversation with them as far as what they are willing to do. Ms. Spengler-Campanello stated she believes that there was a recent establishment of a Quiet Zone in New Jersey on Route 601, but she is not sure who paid for that Quiet Zone. She stated it is a CSX line and is the same one that runs through Lower Makefield Township.

Mr. Benedetto stated at the last meeting Mr. Eisold indicated that the two main components were the configuration of the road and the supplemental safety measures, and he asked which one is the one they would do regardless of whether there is an establishment of a Quiet Zone. Mr. Eisold stated for the configuration of the road, they would have to put a center island in so that people could not go around the gate; and that would not be part of the SEPTA project. He stated that is the supplemental safety measure. He stated for two of the three crossings it would probably require some kind of curbing and an actual island in the middle. He stated he believes that the third crossing is Heacock; and since it is narrow and there is not a lot of room to widen the road, they would probably go with a very small island with plastic barrier markers. Mr. Benedetto asked if this was discussed as part of the site meeting on April 7, and Mr. Eisold agreed.

Mr. Tim Collins, Jenny Drive, stated his concern is that if anyone has been out to watch SEPTA and their contractor, TNT, doing the work along Oxford Valley and Stony Hill Roads, they are already starting to put in wiring for the new signal system for the new third rail. He stated what Mr. Eisold is discussing is channelization, but there is a second option which is the technological electrical approach but it is a little more expensive. He stated \$120,000 a crossing is not channelization it is the gate protection that works with some electrical components that drive the whole system. He stated channelization is probably the cheapest way to go, and Oxford Valley Road is the most optimum one because it is so wide while Stony Hill and Edgewood are a little more narrow; but they can both work.

Mr. Collins stated his concern is that the First Assistant General Manager from SEPTA stated at a meeting several months ago that they would not fund it. Mr. Collins stated they then had the Vice President of CSX come in, and he also stated that they were not going to fund it. Mr. Collins stated he is concerned that they are saying “possibly” they are going to do this, and then at the last minute after all the wiring harnesses are done, they are going to say it is too late. Mr. Eisold stated while he will confirm with them, when they had the meeting in the field with SEPTA, they led him to believe that a lot of the electronics that they are doing as part of their project will work toward the Quiet Zone. He stated he will confirm this, but he feels that the upgrade of their electrical systems will work to function with the Quiet Zone. Mr. Eisold stated this was not CSX that indicated this – it was SEPTA.

Mr. Eisold stated they also indicated that if the Township wanted to establish a Quiet Zone that CSX would have to make their own adjustments with regard to the electrical to address this.

Mr. Collins stated they need to keep in mind that channelization is nothing but a structure in the roadway. He stated a Quiet Zone without channelization is more signals and more technology involved, and they need to determine which way they are leaning that they are going to support. He stated he is concerned that they both indicated “no” previously.

Mr. McLaughlin stated he feels they should invite CSX and SEPTA representatives back to a meeting to be clear as to the expectations and get an understanding of what they are and are not willing to fund. He stated now that the Township has more information about the project, they can ask CSX and SEPTA more educated questions. Mr. Dobson agreed to contact Mr. Fedorchak to have him invite them to a future meeting.

Mr. Collins stated there are only seven miles of track they need to add; and having worked for the Railroad for thirty-seven years, he knows that they can lay at least one and a half miles a day once they get started. He stated they have already started to grade some of the roadway, and this project will be done by mid-summer if they really want to get this done.

Mr. McLaughlin stated he felt they had to get permission from the Township to cross the roads. He stated they will have to block the road, and he asked if this will force them to come in to get a Permit. Mr. Garton stated they are PUC regulated; and while they are not required to get Township Permits, they are required to restore it based on PUC approvals. Mr. Garton asked if they have submitted their Application to the PUC; and, Mr. Eisold stated he has not seen anything and was told that the Township should be notified as an interested Party in the project. He stated while he has not seen anything, he cannot guarantee that the Application has not been submitted to the PUC. Mr. McLaughlin stated these are Township roads, and Mr. Eisold agreed. Mr. McLaughlin stated if they were going to close the road, he feels they would have to notify the Township and get some kind of permission to close the roads. Mr. Garton stated he is not sure as this is not something that happens every day, but he will check with the PUC to see if anything has been submitted. He stated if the PUC grants Approval, there would then be coordination between the Railroad and the Police Department.

Mr. Collins stated it will take one day for each crossing. Mr. Collins stated they also need to look at whether they are going to put rubber crossing mats in when they upgrade each crossing. He stated at Oxford Valley Road, the wooden ties are in very poor condition. Mr. Eisold stated they should be able to see the Plans when they

submit to the PUC. Mr. Collins stated the Township should know what they are doing going forward since they are Township roadways. Mr. McLaughlin stated he feels that the Township will have advance notice, and Mr. Garton is going to check on this.

Mr. Dobson asked Chief Coluzzi if in the past when they have done crossing repairs/ upgrades have they coordinated with the Township; and Chief Coluzzi stated they always coordinate with the Police, and he believes that they are required to notify the Township in advance of any road closings, and they have done so in the past. Mr. Dobson asked Chief Coluzzi if he has the authority to stop them if they have not been properly notified. Chief Coluzzi stated he agrees with Mr. Garton that this is a PUC right to do this, but it does warrant looking into further. He stated he believes as long as they have notified them and provide for public safety, that is all they are required to do.

Mr. Zachary Rubin, 1661 Covington Road, noted that prior to the meeting the overhead camera went out; and the Township technician, Dave Kelliher, had to set up an auxiliary camera. He thanked Mr. Kelliher for his work tonight.

Mr. Mark Moffa, 1531 Derbyshire Road, stated last year the Public Works Director started what he feels was a brief, but highly-successful program of delivering the mulch that the Township generates from leaf pick up to residents; and he believes that the mulch was free, but there was a charge for delivery. Mr. Moffa stated they were able to generate quite a bit of revenue from that program and provide a service to the residents at the same time. He asked if they have considered reinstating this service since currently the Township is paying to get rid of its excess mulch versus the situation last year when they were able to make money and the residents enjoyed the service of getting the delivery. Mr. Moffa stated he understands that two business owners complained, one of whom does not sell mulch. Mr. Moffa asked the status of this program. Mr. Moffa stated he discussed this with Mr. Kall today who wants to start the program but indicated he cannot do so without direction from the Board of Supervisors.

Mr. Dobson stated he does not like the Township to compete with private enterprise. He stated they did this before because of Super Storm Sandy when they had so much compost to get rid of. Mr. Stainthorpe stated there is still free mulch available but you have to come get it. Mr. Moffa stated there is a third party company called Victory Gardens that Mr. Kall has to pay to get rid of the excess leaves that he cannot make into mulch because they are not getting rid of enough mulch so it is a line item on Expenses. Mr. McLaughlin stated he feels it is a small amount.

Mr. Stainthorpe stated it is not a key function of local Government to provide mulch; and he does not feel they should be competing with private businesses, and he would not vote to do it.

Mr. Benedetto stated the Township already competes with private enterprise by owning a Pool and a Golf Course. Mr. Benedetto stated he is in favor of continuing this program which brought in revenue. He stated the Chairman of the Board of Supervisors indicated the beginning of the year that he was looking for people to come up with ideas to bring in revenue, and this is the perfect way to do that. He stated he feels the Board is being inconsistent.

Mr. Moffa stated he does not view this as competition since it is not the same product that the other companies sell since this is leaf mulch which is a different type of product. Mr. Moffa stated the residents already pay for half the job because they pay the Township to pick up the leaves and this would bring it full circle.

Mr. Moffa stated he does not understand Mr. McLaughlin's comment about the fact that it is a small line item since Mr. McLaughlin is often picking little line items at Budget time. Mr. McLaughlin stated what he was trying to convey was that he did not feel that it was a material amount of money that the Township made since they were only charging a \$10 delivery fee, and it is a loss considering the wages they have to pay and the assets they were using. Mr. McLaughlin stated if they were doing these deliveries, they were not doing other work. Mr. Moffa suggested that Mr. McLaughlin talk to Mr. Kall about how the program works. Mr. McLaughlin stated he does not feel it is proper for Government to get in business and compete. He asked if they should also mow lawns for a fee since they have mowers and plow driveways since they have plows. He stated they did the mulch delivery once because they had to, but he does not want to be in business providing services that compete with other business owners, as he questions where they would stop. Mr. Moffa stated the condition that Mr. McLaughlin cited as a special circumstance after Super Storm Sandy still exists because the Township still has too many leaves.

Mr. Jerry Gruen, 10 Twin Circle Court, stated the delivery charge was not just \$10, it was \$10 a yard or \$50 a truckload. He stated if they speak to Mr. Kall, they will find out that he spends \$12,000 a year to get rid of the excess leaves. Mr. Gruen stated last year in the limited time that Mr. Kall supplied leaf mulch to residents, he made \$60,000. He stated they are not competing with any of the big mulch suppliers because it is a very different a product and none of the mulch suppliers sell leaf mulch which is the best you can use and you cannot buy it in the area. Mr. Gruen stated other Townships provide this service, and our Township has access to the product, and we have no way to get rid of it without paying for it.

Mr. McLaughlin stated they have discussed this with Mr. Kall and it was an immaterial amount of revenue – not \$60,000 because there were costs. Mr. Gruen stated the way the program works is when Mr. Kall has three people at Public Works with nothing pressing to do, he would send the trucks out. If he did not have any workers, he hired college students with drivers licenses who are allowed to drive those trucks; and this gives local college students the opportunity to make some money. Mr. Gruen stated the Board has indicated that they do not have enough money to continue the leaf collection, but the yard could pay for itself if they let them deliver leaf mulch. Mr. Gruen stated it is not \$10 a delivery, and the minimum is \$50. Mr. McLaughlin stated he was a customer of this service, and he paid \$10 for delivery. Mr. Gruen stated he paid \$50. He offered to meet with Mr. McLaughlin and Mr. Kall to discuss the program.

#### APPROVAL OF MINUTES

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of April 2, 2014 as written.

#### APPROVAL OF APRIL 4, 2014 WARRANT LIST AND MARCH, 2014 PAYROLL

Ms. Tyler moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the April 4, 2014 Warrant List and March, 2014 Payroll as attached to the Minutes.

#### UPDATE ON VETERANS MONUMENT CONSTRUCTION

Ms. Janice Curtin, 1574 Bud Lane, stated she is Treasurer of the Veterans Square Foundation. She stated she is pleased to report that they are prepared to award a Contract to Premier Builders for the construction of the Veterans Monument. She stated the builder is a long-time resident of Lower Makefield who is very excited to join them and get the monument built. Ms. Curtin stated the Evaluation Committee met with the Township engineers and the builder on Tuesday, and they were able to cut his Bid through negotiations and his good will. She stated they are in a position financially to award a Contract assuming the funds are transferred from the Community Fund to their Foundation so that they can move forward. Ms. Curtin stated they are hoping to have a pre-construction meeting on May 22 with the builder, the Township engineer, and the architect and get started so they can break ground in early June.

Ms. Curtin stated there are two elements that are part of the Monument for which they are doing a major fundraiser effort; and they are the plaques that will be adhered to the walls and the eagle. She stated they are not part of this construction and are separate, and they want to raise \$20,000 in twenty days to make sure all the Veterans names in Lower Makefield Township have a place on the wall, and that the eagle can be placed on the top of the wall. Ms. Curtin stated as part of this incentive, anyone who donates \$1,000 will be invited to a reception that will be held at Rose Bank Winery where they will unveil the eagle hopefully in late July.

Ms. Curtin stated the Committee is very pleased to be in the position to have the Monument built this summer and ready for Veterans Day this fall.

Mr. Stainthorpe congratulated them on getting to this point, adding he looks forward to the construction and the completion of this project. Ms. Tyler asked how the residents can help, and she asked if they are still selling pavers; and Ms. Curtin stated they are. Ms. Curtin stated on the Website there is additional information regarding the cocktail reception, and she has left pamphlets in the Township this evening on the final push - \$20,000 in twenty days. Ms. Curtin provided the Board copies of what the bronze eagle and plaques will look like. She stated they will be beautifully crafted by a local artist.

#### DISCUSSION OF PECO ISSUES WITH STATE REPRESENTATIVE SANTARSIERO

State Representative Steve Santarsiero was present with Ms. Rose Wuenschel, his Chief of Staff. Mr. Santarsiero stated tonight he will provide a summary of what has been done to date on the power outage issue with PECO as well as some ideas of what they need to do going forward. Mr. Santarsiero thanked Chief Coluzzi and Lower Makefield's Road Department who not just during the last storm, but during Sandy as well as Irene, did terrific work clearing roads and providing for the safety of the people of the Township.

Mr. Santarsiero stated in the fall of 2011 right after Irene, he met with PECO representatives to discuss how to deal with some of the problems they have historically had with outages. Mr. Santarsiero stated it is important to recognize two broad categories – one would be the more ordinary outages that happen with less significant storms which are rain events with wind, etc. and the other would be the more extraordinary events such as Irene, Sandy, and the recent ice storm which historically were more extraordinary, but may now become more ordinary. He stated the purpose of the meeting in 2011 was to discuss both of those issues and how they could prepare to deal with these.

Mr. Santarsiero stated while he was representing all of the towns in his Legislative District, with respect to Lower Makefield, they identified those areas that they knew had been hit hard by Irene. Mr. Santarsiero stated PECO embarked on a program of trying to be more aggressive with the vegetation trimming program. He stated they met again toward the end of 2011 as a follow up, and that work was moving forward.

Mr. Santarsiero stated in the summer of 2012, they were getting regular complaints particularly about the area in the northern part of the Township and the southern part of Upper Makefield because those communities are pretty much on the same circuits. He stated outages were occurring at that point on almost a daily basis, although they were not of long duration. He stated they had a meeting at the Golf Course in September, 2012 to talk to residents about this; and they advised PECO that this was unacceptable, and they needed to address this with respect to further vegetation issues, and also with respect to infrastructure. Mr. Santarsiero stated over the next month or so before Sandy hit, PECO was very aggressive in the vegetation trimming program in the northern part of the Township so much so that when Sandy hit while not all the neighborhoods in that part of the Township were spared outages, a number of them which historically had experienced outages did not as a consequence of that work.

Mr. Santarsiero stated after Sandy hit, PECO put together a plan for infrastructure improvements. He stated several members of the Board were present at the Township Building in December, 2012 to discuss what those proposals were. He stated some of the things the plan included were installing reclosers which he refers to as "circuit breakers," new fuses, new secondary distribution lines; and in one neighborhood they actually put a new line underground. He stated the plan totaled approximately \$1 million in upgrades for that circuit area, and they also continued with the aggressive tree trimming. Mr. Santarsiero stated he believes that those improvements were done in spring of 2013.

Mr. Santarsiero stated there was then another meeting with PECO to follow up for the rest of Lower Makefield and Yardley; and at that time the meeting was held at William Penn, and the message from PECO was that they did not think there was much more that could be done with respect to infrastructure, but they were going to continue with the vegetation program. Mr. Santarsiero stated many at that meeting were skeptical of this, and felt that since improvements had been done in the northern part of the Township, this work could be done in the rest of the Township as well and also in Yardley Borough. Mr. Santarsiero stated communications continued, but PECO was continually reluctant to do more.

Mr. Santarsiero stated they then had the ice storm, and every day during that event PECO held 4 p.m. conference calls with local elected officials, and he and most of his colleagues in the State Legislature from the Southeast were on those calls.

Mr. Santarsiero stated everyone was experiencing basically the same problem. He stated the ice storm was an extraordinary event; and in many ways it had an even greater impact than did Sandy. Mr. Santarsiero stated it was clear that more work needed to be done, and PECO was starting to get the message that more work needed to be done with respect to infrastructure upgrades.

Mr. Santarsiero stated in late February, two to three weeks after the ice storm, they had their Annual Budget Hearings in Harrisburg. He stated during the Budget Hearings basically every Department of the State Government comes before the Appropriations Committee and also before the Appropriations Committee in the Senate as part of the process. Mr. Santarsiero stated the PUC comes in front of them as well. He stated when both the PUC and FEMA came in front of them, he raised the issue that it seemed to him that there are two global issues to deal with regionally – one of which is the long-term improvements to the electrical grid and hardening that grid to make it more impervious to these types of storms. He stated the other is what can they do on a town-by-town specific basis to be able to minimize the impact of these events. Mr. Santarsiero stated he had noted that he recognizes that the one potential fix of burying power lines is very expensive; but because of that, this should not be the end of the conversation because there are a number of other things that could and should be done in order to address these issues.

Mr. Santarsiero stated he urged the PUC in particular that as part of their After Action Report which is what they do after every one of these major events to try to look at what happened and make recommendations for the future, that they really need to look into the infrastructure piece of this. Mr. Santarsiero stated the Chairman of the PUC pledged that they would do this, and they are slated to issue this After Action Report on May 14. Mr. Santarsiero stated if the PUC is not proposing anything regionally to make the system work better, he, the Supervisors, and all those in the service area need to advocate for a change.

Mr. Santarsiero stated with regard to the specific issues in Lower Makefield, one of the things he repeatedly told PECO during the daily conference calls during the ice storm was that if he can tell PECO before one of the storms which neighborhoods in his District are going to be the hardest hit, the PECO engineers should be able to tell this and they should be able to propose changes in the infrastructure that will make those events less likely. Mr. Santarsiero stated they sort of acknowledged that was the case, and Craig Adams, the CEO of PECO, pledged that after they got through the storm he would meet with him.

Mr. Santarsiero stated he has been advising all of the Municipalities that he represents that the first thing they want to try to do is minimize the frequency of outages from the more ordinary storms and to harden the system so that it can better withstand the more extraordinary storms, and they want to limit the scope and duration of any outages that do occur in the future as a consequence of one of those storms.

Mr. Santarsiero stated with those goals in mind he and Ms. Wuenschel met with Mr. Adams last week, and he feels it was a very productive meeting; and Mr. Adams is very interested in addressing the issues they have in Lower Makefield, Yardley, and the other parts of the District. Mr. Santarsiero stated he expressed to Mr. Adams the frustration of the meeting they had almost a year ago when the PECO engineers told them there was not much more they needed to do with respect to infrastructure; and as a consequence of that they have agreed to provide PECO with a list of those neighborhoods that continue to be the hardest hit. Mr. Santarsiero stated that list will include specific addresses and as much identification as they can possibly provide to PECO. Mr. Santarsiero stated you would think that PECO would have this information, and they were told that they have a new system coming on line in July which should enable them to get that information. He stated he feels they should still provide PECO what the Township has now; and when PECO's system comes on line in July, if they find that the data shows that there are other areas the Township might not have identified, this would be fine.

Mr. Santarsiero stated for each of the Municipalities, he will provide a list which has already been compiled; and the Township staff should look at it to make sure there are no other areas they are aware of that are regular problem areas. He stated once they have agreed on the list, it will be sent to PECO. Mr. Santarsiero stated once PECO gets this information, they will review their system in all these areas and come back with proposals to do many of the same things they did in the northern part of the Township. Mr. Santarsiero stated once they have a proposed action they will meet with PECO again, and he would propose that his office and any representatives of the Township, the Borough, and the other Townships who want to participate be at that meeting. Mr. Santarsiero recommended that at a minimum Mr. Eisold should be in attendance. Mr. Santarsiero stated they will discuss the proposal to make sure it makes sense and is covering everything they think it needs to cover.

Mr. Santarsiero stated if any revisions have to be made, they can then do that; and then there will be a meeting probably at one of the Schools again for Lower Makefield and Yardley where this will be presented to the public, and then PECO would begin the work.

Mr. Santarsiero stated this is the localized track which is important; but at the same time, after they get the After-Action Report from the PUC next week, they will continue on the second track which is the more global approach on how they address the longer-term problems with the system in the southeastern part of the State.

Mr. Santarsiero stated they were discussing why they seem to have these continuing problems in Bucks and Chester County which seem to be two of the Counties in the Philadelphia area that seem to be hit harder than anyone else. Mr. Santarsiero stated Mr. Adams explained that back when these areas were more rural, the high voltage lines that they installed were 34 kilovolt systems; and the reasons they used those were because they have a greater capacity of transferring energy over a greater distance which made sense in rural areas. Mr. Santarsiero stated the problem is those lines are more susceptible to failure if they are hit by a tree limb Mr. Santarsiero stated while that may have been appropriate for these areas forty to fifty years ago, in 2014 the character of Lower Makefield is not what it was at that time. Mr. Santarsiero stated different voltage lines would probably be better. He stated this is the type of thing they are looking at more regionally that they need to press for with the PUC.

Mr. Santarsiero stated it is important that everyone go in the same direction; and while he and his colleagues will play an important role in that at the State level, they also need the local officials to be involved as well. He stated if it looks like there is "push-back," everyone will have to work together to overcome that. He stated he feels after the last three storms, there is greater resolve among a lot of people to do something, and he feels ultimately the PUC will be helpful in that regard.

Mr. Santarsiero stated after Sandy and the ice storm, he spent a considerable amount of time traveling around the Township and going to the neighborhoods that were without power; and in talking to a lot of the crews from out of State who were there to help get people back on line, they indicated that ours was the most antiquated system they had ever encountered.

Mr. Santarsiero stated they raised other issues with Mr. Adams last week in terms of response during these storms. Mr. Santarsiero stated one of them is road access; and there are several areas in Lower Makefield where if a road become inaccessible because of downed power lines, there are whole neighborhoods which cannot get out. Mr. Santarsiero stated they want to see a focus on those areas and to have action plans in place to make it easier for the Chief of Police and the local road crews to be able to deal with those expeditiously so that people are not stuck in their neighborhoods for long periods of time. Mr. Santarsiero stated another issue they

raised was the issue of downed wires since it is often unclear to a lot of people in the neighborhoods when there are wires down what kind of wires they are. He stated the last issue raised was the fact that many of the intersection signalizations in Lower Makefield and the other Townships require a specific type of generator to operate when the power goes out, and we were short of those in this area during the ice storm. Mr. Santarsiero stated along the By-Pass there were several intersections that did not have generators because there were not enough. Mr. Santarsiero stated they discussed this with Mr. Adams so that they will provide more of those.

Mr. Dobson asked if the PUC has any type of authority to mandate things to PECO or any other public utility. Mr. Santarsiero stated they have a number of ways at their disposal to put pressure on PECO. He stated he feels that if the PUC identifies that there are deficiencies in the system that have to be addressed, there may be a plan over a number of years to do that. Mr. Santarsiero stated if there is sufficient advocacy on the part of everyone to see that happen, he feels PECO will understand that they have to do this. He stated the first step is making sure that the PUC is aggressive enough to demand this, and this is why he brought the issue up at the Hearings in February. Mr. Santarsiero stated that while people were very upset following the storms and wanted to see PECO bury all the lines, he feels that this may be a long-term goal that happens over a number of years; but this does not mean that other things should not be done in the short term. He stated if the 34 kilovolt lines were replaced with lower capacity-lines which are shorter and less susceptible to falling trees limbs, burying the lines may not be so much of an issue. Mr. Santarsiero stated he has learned that "hardening" the system can be done in a number of different ways, and it is not necessarily burying the power lines under ground.

Mr. Stainthorpe stated burying the lines will cost PECO hundreds of millions of dollars, and it is not something they are going to do immediately; but these other repairs can and should be done. He thanked Mr. Santarsiero for coming tonight, and he feels everyone is on the same page. He stated he would like PECO to come up with some real solutions for these neighborhoods that are regularly effected. He stated to the extent that they can work together, this is the best possible way to go about this; and he looks forward to continuing the dialogue and working together to find solutions.

Mr. Dobson stated he also spent a lot of time going around the Township when the power was out, and he noted specifically Delaware Rim where there is one way in and one way out; and if the road is blocked with power lines, he would be concerned if they had to get an ambulance into that development so he feels that this is a top priority to address. Mr. Dobson stated they will do whatever they need to do and will work with Mr. Santarsiero's office, Senator McIlhinney, or anyone they have to work with.

Mr. McLaughlin thanked Mr. Santarsiero for coming in to discuss this. He asked if there is talk among the State Representatives and State Senators from the Southeastern Pennsylvania area to bring PECO to Harrisburg and ask them the tough questions. Mr. McLaughlin stated the last ice storm was very dangerous because of the chilling cold. He stated he had to leave his home, and he was concerned about residents who may be older or would not have the means to find someplace to go. Mr. Santarsiero stated they can have Hearings which can be beneficial at the right time. He stated he feels they need to identify what can and should be done, so that if they have a Hearing they could ask for something so that the process will move forward. Mr. Santarsiero stated the analysis that is being done locally is part of determining what needs to be done to help make the system more reliable. He stated they need to have a discussion about how the plan will be implemented and over what time period.

Mr. Santarsiero stated the point of getting all the delegations together in all of the PECO service area is to make sure the first part happens. He stated if they find that the After Action Report from the PUC does not address this and only discusses the response during the last storm, this will be a problem; and they will really have to work on that piece to get the PUC on board.

Ms. Tyler asked if they addressed these issues in their After Action Reports for the prior storms, and Mr. Santarsiero stated he does not believe they addressed the kind of broader infrastructure things he is now discussing. Ms. Tyler asked how they can get the PUC to step up and regulate PECO in the manner in which they are charged. Mr. Santarsiero stated this is why he brought this up during the Hearing in February because that piece of it was not being discussed, and he had indicated to the Chairman that they have to deal with this. Mr. Santarsiero stated he feels that these storms are going to become more frequent; and if they are not looking at what can be done and how to do it, it will not be enough. He stated while communication during these events is important, the long-term and more significant issue is what they can do to make the system more reliable; and to do this, they need to look at the infrastructure. Mr. Santarsiero stated he feels the current situation is the result of decades of lax oversight in not requiring upgrades. Mr. Santarsiero stated this will not be an easy fix, and will not happen overnight; but it has to happen, and they need to fight for it.

Ms. Tyler asked if the PUC has the authority to mandate updates to infrastructure. Mr. Santarsiero stated he feels the other aspects of the electric utility industry that they have control over are leverage points that they can use to require those things to happen. He stated they will look into exactly what powers they have.

Ms. Tyler asked if the PUC requires PECO to have a long-term infrastructure plan; and Mr. Santarsiero stated while he believes they do, that Plan may not necessarily deal with the upgrades to the design of the system that may at one time have been adequate but is not any more; and this is what they have to look at. Ms. Tyler asked if they can get an independent assessment of the infrastructure within the Township that they can then use as a tool to move PECO in the right direction. Mr. Santarsiero stated while he is sure that there are consultants that would do that, he is not sure what the cost would be. He stated while they may come a point where they need to do this, he would recommend to first work with the process he has described and see what they are proposing to do. Mr. Santarsiero stated simultaneously they could look to see what consultants are out there so that they have a list available in case they want to retain someone. He stated at this point he feels they have a good chance to get a plan together that will have a real impact.

Ms. Tyler stated they have all been looking into this for a number of years, and what she finds to be consistently lacking is hard data on reasons for outages and specific information on neighborhood outages. She questions why PECO cannot provide this information. Ms. Tyler stated once they get the information from Mr. Santarsiero which he has indicated he can provide, she will suggest to Mr. Fedorchak that they get it on the Website so that the residents can review it to make sure it is all inclusive. Ms. Tyler stated she does not feel that the PUC is being aggressive enough on these matters, and she does not feel that PECO will spend money unless they are made to. She stated she feels the PUC is the mechanism to do this, and she asked who at the PUC the Board of Supervisors should be in contact with to assert that specific pressure on behalf of the Township. Mr. Santarsiero stated with respect to the types of upgrades they are contemplating, he does not feel that the PUC would be engaged in that; although they may need to if it is found not to be adequate. Mr. Santarsiero stated he feels the greater need to deal with the PUC will be after they see the After Action Report if it is found to be inadequate in terms of dealing with the regional problems. Mr. Santarsiero stated it may be that the PUC needs to have an independent analysis done of the entire system in the Southeast to determine what the best course of action should be. Ms. Tyler asked if Mr. Santarsiero would contact her once the After Action Report is received so that she could come to his office and consider the adequacy of the Report and start pressure on the PUC that they are not going away.

Mr. McLaughlin asked that the Board of Supervisors be sent a copy of the After Action Report. Mr. McLaughlin asked what the Report usually indicates, and Mr. Santarsiero stated what it has been in the past is an assessment of what the response was to the particular event; and this is why he asked that they include in this Report a "road map" in terms of what needs to be done in the future. He stated they will find out next week whether they have done that or not.

Ms. Tyler asked if the PUC is required to and able to investigate the infrastructure. She stated if the Township wanted to hire something to come out and evaluate the system, she imagines that PECO would not allow them access to everything. She asked if the PUC is empowered to perform that study they have been searching for for two years. She stated they have had residents send letters to PECO and that has gone nowhere. Ms. Tyler asked if the PUC does not put out a reliability study on PECO. Mr. Santarsiero stated he believes that the PUC does have this authority, and this is something that they could look into depending on what they are proposing. Mr. Santarsiero suggested that they wait to see what PECO is proposing with respect to the neighborhoods that have been identified and what the After Action Report says and where they may need to do more.

Mr. Santarsiero asked that the Board, the other Townships, and his colleagues in Bucks, Montgomery, Delaware, and Chester Counties all respond to the After Action Report. He stated this could be a letter that they all sign onto or it could be a series of letters. He stated they need to make it clear to the extent that the Report does not adequately addresses these issues, that they really need to do something.

Mr. Stainthorpe asked if there is a specific Committee in the House and Senate with oversight power over the PUC or is it just at the time of appropriations that they come in; and Mr. Santarsiero stated they do come for appropriations, but the Environmental Resources and Energy Committee would be another Committee as well as the Consumer Affairs Committee that could have jurisdiction. Mr. Stainthorpe stated he gets the sense that the PUC is somewhat lax in enforcement, and he feels they need someone to “lean” on PECO. Mr. Dobson asked if any of the local representatives sit on any of these Committees, and Mr. Santarsiero stated he sits on the Environmental Resources and Energy Committee. He stated he and Scott Petri are also on the Appropriations Committee. He stated the Bucks County Delegation covers most of the Standing Committees in the House and it is similar in the Senate.

Mr. McLaughlin asked if the Governor is aware of this, and he asked if it is possible for Mr. Santarsiero to bring their plight to the Governor. Mr. McLaughlin stated he feels the Governor pushing as well on the PUC would be an excellent resource; and Mr. Santarsiero stated he agrees that it should be at every level, and the Governor’s voice would be very significant, and he agreed to reach out to the Administration.

Mr. Santarsiero stated he wants to follow both of the tracks he discussed adding that they can happen concurrently. Mr. Santarsiero stated he will provide the listing of Township outages to Mr. Eisold and Mr. Fedorchak. Mr. McLaughlin asked that the Board be copied on this. Ms. Tyler stated the Township is organizing a PECO Committee although they have not yet appointed the members. She stated that

Committee will help do a lot of the local “legwork” needed to be done, and they have meetings scheduled with other State officials. Ms. Tyler asked Mr. Santarsiero the timeline he expects on the PECO proposal; and Mr. Santarsiero stated they would like to get the information on outages to PECO as quickly as possible since the faster they get the information to PECO, the faster PECO can start working on a proposal. Mr. Santarsiero stated he hopes that they would have something in early June. Mr. Santarsiero stated tomorrow they will send the information they have to Mr. Eisold and Mr. Fedorchak. Mr. Santarsiero stated if there is a particular neighborhood anyone feels should be included, they should let them know; and Ms. Tyler stated they will put this list out to the public to make sure everyone gets a chance to see it.

Mr. Dobson stated he is particularly concerned about any neighborhoods that have only one road in and one road out, and they should be on this list; and Mr. Santarsiero stated they will work with the Chief on this.

Mr. Benedetto thanked Mr. Santarsiero for making himself available and for the good information he has provided. Mr. Benedetto stated he had asked that an invitation go out to Senator McIlhinney, and he does not see him present this evening. Individuals were present in the audience indicating they were present from Senator McIlhinney’s office. Ms. Rhonda Tettermer from Senator McIlhinney’s office stated they have a meeting set up with those in the local area on May 29 since they deal with a number of electric companies. She stated they want to get information from those effected before they meet with the electric companies. Mr. Benedetto asked if Senator McIlhinney will attend a future Board of Supervisors’ meeting, and she stated they will try to set that up. Mr. McLaughlin stated while they are interested in storm preparedness, they are also very interested in the electric company’s infrastructure and why the power keeps going out. Mr. McLaughlin stated they would like to have Mr. McIlhinney attend a Board of Supervisors’ meeting so they can find out what help he can provide the Township.

Mr. Benedetto stated there were power surges which took place which resulted in significant damage to residents’ property and questions about how much PECO is willing to pay. Ms. Wuenschel stated they did have some people who in turning their electricity back on, had that problem occur; but they did not raise that issue at the meeting. She stated she would be happy to follow up on this.

Mr. Tim Collins asked what culpability does the homeowner have for trees on their property that are putting the wires at risk. Mr. Garton stated any trees on a private property owner’s lot are their own responsibility; however, if the trees are in the right-of-way it could be the Township or PECO’s responsibility to make sure that the trees are properly trimmed to eliminate if they can the potential for the wires to come down because the trees are not in good repair. Mr. Collins asked how a

homeowner would know that they are responsible since people probably believe that it is PECO's problem. Mr. Garton stated the Township could possibly notify the residents in a Newsletter that they are coming up on the storm season, and the residents should be doing certain things to prepare and make sure that trees on their property are not going to contribute to someone else's loss of electric.

Mr. Collins stated he knows that there are homes which have wires running adjacent to their property. He stated there is a tree sitting on a phone line on Stony Hill Road across from the Edgewood Café that has been there for months; and while currently the wires are strong enough to hold it up, he feels that at some point it will fall and it may fall on a car or something else.

Mr. McLaughlin asked if a resident is allowed to trim a branch that goes over the wires in the right-of-way. Mr. Garton stated although there is not a prohibition, from a safety perspective he does not feel a homeowner should do this. Mr. Collins stated he questions how many homeowners have caused power outages because they have neglected their trees which are interfering with the power lines.

Mr. Santarsiero stated this is a good point, and he recalls that when this issue was discussed in Upper Makefield, the Township might have communicated to their residents about the need to do this; and he feels they could work in tandem to make sure that word gets out. Ms. Tyler stated she feels they could ask PECO to do a PSA and put a pamphlet in with their bill which discusses the obligation with respect to tree pruning on private property. Mr. Santarsiero stated PECO is very sensitive about the lines and not putting people in harm's way.

Ms. Sarah Spengler-Campanello, Green Ridge Road, stated she is one of the residents who had significant damage. She asked whether or not they are relying on data that PECO is providing in terms of service reliability. She stated since she had damage she kept very careful track of times she has had outages. She stated she recently called PECO for a Service Reliability Report, and the one she received listed one outage which was the ice storm; and while the time it started was correct, the duration was incorrect. She stated on March 6 she also had an outage for thirty-five minutes and when she called in, the PECO representative advised her that it actually effected Newtown and Yardley with 3,311 customers effected due to equipment failure which was a bad circuit; and they indicated that it was deterioration of equipment which needed upgrading. She stated on March 30 she had another outage that lasted twenty-five minutes. Since it was a Sunday, she did not get anyone and only left a report. She stated neither of those two outages were listed on her Service Reliability Report; and she called the engineer who prepared the Report, and she stated on March 6 they have a "blip" listed so they did not bother to put it on the Report. The PECO representative stated they did not have anything listed for March 30, and they are researching their records to determine why she had outages that do not show up on the PECO Report. Ms. Spengler-Campanello stated if they are relying on PECO to provide accurate information, she does not feel they will get it.

Ms. Tyler agreed that the lack of reliable data has been running throughout this dialogue for over two years, and she asked how they can remedy this. She stated she wished all the residents were as diligent as Ms. Spengler-Campanello is. She asked Ms. Spengler-Campanello to let her know what PECO says with respect to the missing information when the engineer gets back to her. Ms. Tyler asked if she would be interested in serving on the Township's Committee, but Ms. Spengler-Campanello stated she would not.

Mr. Harold Kupersmit, 612 B Wren Song Road, asked Mr. Santarsiero if he accepts the premise that there is not enough money to go around; and what he is doing may be admirable, but is "just the tip of the iceberg." He stated the premise is that there is not enough money in the United States of America to fund all the needs since the Recession which is now seven years old, and he does not see much improvement. Mr. Santarsiero stated as noted earlier, a lot of these fixes will have a cost associated with them. He stated first they have to identify what the fixes will be and get a sense of the cost to know what is feasible over what period of time. Mr. Kupersmit asked if he would report to Mr. Santarsiero and Senator McIlhinney who are his two representatives that the Commonwealth Bureau of Individual Taxes is very inefficient, would their response be to have him arrested. Chief Coluzzi stated this is off the point, and he asked Mr. Kupersmit to take his seat.

Mr. John Lewis, 1550 Surrey Brook Court, stated with regard to monitoring outages for anyone who has the Smart Meter in their home, he was told by the PECO engineers that you can track all of the blips and outages; and they have this data on the Smart Meter homes. Mr. Lewis stated a number of people also have certain generators that have a log that tells all the times that it turns on, and this could be a good audit for outages.

Mr. Lewis stated he is pleased that the Board has taken a firmer stance on the PECO issue which he feels is a positive change.

Ms. Tyler asked Ms. Spengler-Campanello if she has a Smart Meter on her home; and she stated that she does not, as hers is a digital meter. She stated they did put a monitor on her house for approximately three weeks, but they took it off right before the ice storm and the other three outages that she had. She stated when she spoke to the PECO engineer about this, he stated that part of the problem with that monitor was that it would only pick up the blips that occurred during that three-week period and it would not record or read previous history.

Mr. Lewis stated those with the early versions of the Smart Meters had some real issues with respect to fires, and many of them were replaced. Mr. Lewis stated he feels that the more aggressive they are being out front on this issue, the more likely that the Township will be to get better service from PECO. Mr. Dobson stated he

feels working together with Mr. Santarsiero and the other Representatives, they will be able to do this. Mr. Santarsiero recognized Mr. Lewis for the work he did getting this moved forward in the northern part of the Township, and he thanked him for this. Mr. Santarsiero stated he is not sure whether the new system PECO has coming on line in July will provide some of the reliability information more accurately than has been the case, but they will look into this as well.

Ms. Tyler reiterated her partnership with Mr. Santarsiero; and added when the report is received next week, she would like to meet with Mr. Santarsiero at his office so that together they can put together a plan to advocate for all the residents.

Mr. Ed Gavin, Sensor Road, stated the area of Oxford Valley Road toward the Church is Township property, and there are some trees there that hang over the wires. He stated the area is south of the bridge. He stated a number of times the trees had fallen into the wires, and there is still a tree there that is at a thirty degree angle. Chief Coluzzi stated they will send someone out to look into this.

#### APPROVE REJECTION OF FULL POND LINE REPLACEMENT PROJECT BIDS

Mr. Eisold stated earlier this year, they put out two separate Bids for the pond liner replacement at the Golf Course. He stated the first Bid was a full pond liner replacement, and the other was a partial pond liner replacement. He stated the intent when they put this out to Bid was to do this work during the early months of the year when it would not effect the Golf Course; however, due to the weather conditions, that never came to fruition. He stated at this point, the Golf Course is leaning toward the partial replacement and not the full replacement. He stated what is being requested of the Board is to reject all full pond liner replacement Bids.

Mr. Eisold stated with respect to the partial pond liner, in concert with Mr. Garton, they worked to put together a letter to the contractor to extend the award time so that the Golf Course would have a little more time to determine exactly what they wanted to do and how they could do this project hopefully at the end of the year after the main golf season is over. He stated therefore the second one is still in play, but the first one, they are asking the Board to reject all Bids for the full liner replacement.

Mr. McLaughlin asked the issue with the existing liner, and Mr. Eisold stated the liner is leaking; and it appears that most of the damage is along the upper ten feet of the liner.

Mr. Stainthorpe moved, Mr. McLaughlin seconded to reject all Bids for the full replacement of the pond liner.

Mr. Benedetto asked Mr. Garton why they have to vote on this, and Mr. Garton stated Bids submitted must be rejected formally in order for them to be concluded.

Motion carried unanimously.

#### APPROVAL OF PRELIMINARY/FINAL PLAN FOR GRACE POINT CHURCH (FIRST BAPTIST CHURCH OF NEWTOWN) PHASE I

Mr. Garton stated the Church is proposing as part of the overall project to construct two additional parking areas with some porous pavement, extend a section of the existing parking lot with standard paving, rehabilitate an existing parking area to provide handicap spaces, and re-grade and upgrade detention facilities and stormwater facilities. He stated Phase I is just the improvements to the westerly parking area. Mr. Garton stated on 4/28/14 the Lower Makefield Township Planning Commission recommended Approval of the Preliminary/Final Plan for Phase I only subject to various Conditions.

Mr. Keith Brown, attorney, was present with Mr. Glen Ely and Mr. Tom Hanna, engineer. Mr. Brown stated they are requesting permission for the Phase I portion of the Plan which would include installation of the western parking lot which is approximately seventy spaces. He stated the total project would increase the number of spaces by 222. He stated the current number of spaces is 272. He stated one of the reasons they need the additional parking is because the Church is a highly-relational Church, and there are lot of people who come and stay for more than just an hour service; and so they need time for people to come and stay and then others could come in. He stated they have had times when the lot was full; and sometimes people would come in, drive through, not be able to find a place to park, and leave.

Mr. Hanna showed the property on the Plan noting the existing structure and the existing parking. He showed what Phase I will include which is on the western side of the lot. He noted Phase II is the balance, and he showed where there would be additional parking and construction of a detention basin to replace the existing detention basin.

Mr. Garton noted for the record that Mr. Yates, the Township's Fire Consultant has found no issue with respect to the Application and recommended Approval. He also noted that the Traffic Engineer, TPD, in their letter dated 4/14/14 also found no issues.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to Approve the Preliminary/ Final Plan for Phase I for Grace Point Church, Plans dated 10/1/11, last revised 2/18/14 subject to the following:

- 1) Compliance with the Boucher & James report dated 4/15/14 with the understanding that the Board would grant the following Waivers from the provisions of the Subdivision and Land Development Ordinance:
  - a) Section 178-18 so as to be permitted to proceed to Preliminary and Final for Phase I
  - b) Section 178-20E20 to not require core samples of existing streets along the boundary of the property
  - c) Section 178-57C so as to not provide four planted islands in the west parking area
  - d) Section 178-57Q so as to not provide pedestrian crosswalks and refuge islands in the parking area
  - e) Section 178-93D3 so as not to provide for the regular maintenance, mowing, and periodic desilting of a naturalized basin
  - f) Section 178-93F3C so as to have a 9" diameter pipe in lieu of an 18" diameter pipe
  - g) Section 178-93B2 with respect to the number of test pits
- 2) Continued compliance with the Decision of the Lower Makefield Township Zoning Hearing Board rendered on 3/15/11 and any Conditions related thereto
- 3) Compliance with Bucks County Planning Commission letter dated 11/16/11
- 4) Funding and execution of Development and Financial Security Agreements in a form satisfactory to the solicitor
- 5) Receipt of all Permits and Approvals from any agency having jurisdiction including Conservation District and the Department of Transportation

- 6) Applicant shall comply with the Township's Stormwater Management and Best Management Practices
- 7) Receipt of Stormwater Management Agreement in a form acceptable for Recording
- 8) Applicant to pay all review and professional fees
- 9) Any signs will be only after securing all approvals and Permits from the Township
- 10) No use shall be permitted which is noxious or offensive to the immediate area by reason of odor, dust, gas, vibration, or the like
- 11) All lighting shall comply with Township Ordinances
- 12) The Applicant shall execute a Declaration of Restrictions and Covenants related to the notes on the Plan which will be filed with the Final Plans.

Mr. Brown agreed to the Conditions.

Mr. Benedetto asked to be shown the location of the entrance to the Church, and Mr. Hanna showed the existing main entrance on the Plan. He also showed a future expansion to the Church. Mr. Benedetto asked how many Phases they are ultimately having, and Mr. Hanna stated there are two now. Mr. Benedetto asked the number of existing parking spaces, and Mr. Brown stated there are 272. Mr. Benedetto stated this will increase it by 70 and ultimately when they are done both phases it will increase by 222 spaces for a total of 494 spaces. Mr. Benedetto asked when they plan to be done Phase I, the western parking lot; and Mr. Brown stated they hope to have this done this summer. Mr. Benedetto asked about Phase II, and Mr. Brown stated they have no definite timeframe for this.

Mr. Zachary Rubin stated a number of years ago they presented their preliminary sketch for the parking lots, and Phase II was basically an overflow parking lot for Easter, etc. He stated at that time there was discussion about not using impervious surface materials. Mr. Brown stated when the Zoning Hearing Board granted Approval for an increase in the impervious surface ratio, they indicated the Approval was Conditioned upon using pervious or porous paving. Mr. Garton stated they have porous paving proposed on the Plan; and Mr. Hanna stated there is porous paving proposed for both Phases, and he showed on the Plan where porous paving will be used.

Mr. Jerry Gruen, 10 Twin Circle Court, stated he felt the Variance was given on the basis that they would hook up to the sewer system. Mr. Brown stated the reason that the Variance involved a discussion of the sewer system was because the detention basin needs to be re-configured; and in re-configuring it, the existing sanitary sewer is going to be de-commissioned and a connection would be made to the sewer across the street. Mr. Brown stated they are not doing this immediately, but they will do so eventually. Mr. Garton stated they have had some difficulties with DEP getting Modular Approval because of certain issues associated with flows. Mr. Garton stated the reason for the sewer connection is not relevant in Phase I because they are not removing the detention basin where they would have to deal with the sanitary sewer facilities. Mr. Garton stated this does not apply to Phase I.

Motion carried unanimously.

#### APPROVAL OF PRELIMINARY/FINAL PLAN FOR MANOR CARE/ARDEN COURTS

Mr. Garton stated the owner, HCR Properties, and the operator, Manor Care, are proposing to expand the facilities located on Oxford Valley and Stony Hill Roads to construct seven separate additions which total approximately 12,000 square feet. He stated the additions are to the existing skilled nursing facility and the Arden Courts building. Mr. Garton stated there will be a net increase of 67 parking spaces, additional sidewalks to tie the existing sidewalks together, and the construction of additional stormwater management facilities including four rain gardens and underground infiltration basins to offset the increase to the impervious surface. Mr. Garton stated the Township's Planning Commission recommended Approval at their 4/28/14 meeting subject to certain Conditions.

Mr. Neil Stein, attorney, was present with Mr. Mike Davis, engineer. Mr. Stein stated this Application relates to approximately seventeen acres of property that sits between Stony Hill Road and Oxford Valley Road. He stated the building closest to Oxford Valley Road is the skilled nursing facility, and there are three modest additions proposed for that building. He stated the building that sits closest to Stony Hill Road is the Arden Courts, or memory impairment, building; and there are four small additions being added to each wing of that building. He stated in addition, they are proposing sixty-seven parking spaces; and through infiltration testing and other analyses, they have determined that they can make fifty-two of those spaces pervious parking spaces. Mr. Stein stated in addition to those pervious parking spaces, they are going to be adding rain gardens to the property as well.

Mr. Stein stated Zoning relief was granted in 2012 for the skilled nursing facility and in 2013 for the Arden Courts building. He stated they went to the Planning Commission, and they received a recommendation of Preliminary and Final Approval; and aside from the Waivers, they do not feel that they have any outstanding engineering comments. He stated they have obtained Planning Module exemption and have an Approved NPDES Permit.

Mr. Davis showed the locations of the proposed expansions on the Plan.

Mr. Stainthorpe moved and Ms. Tyler seconded to Approve the Preliminary/Final Plan for Manor Care/Arden Courts, Plans dated 12/12/13, as to Sheets 6 and 18 of 19, they were last revised 2/20/14 subject to the following:

- 1) Compliance with the Boucher & James report dated 3/17/14 with the grant of the following Waivers:
  - a) Section 178-20E23 so as not to be required to have a Traffic Impact Study
  - b) Section 178-20E29 so as to not to be required to have cores samples
  - c) Section 178-20G not to have an Environmental Impact Assessment Report
  - d) Section 178-47B a partial Waiver reducing some of the sidewalk connections
  - e) Section 178-57G to allow parking within 20' of a building
- 2) Continued compliance with the Decision of the Lower Makefield Township Zoning Hearing Board on 6/19/12 and 6/4/13 and any Conditions imposed
- 3) The Historic Commission has reviewed the updated Plans and has no proposed revisions
- 4) The Township Fire Consultant found no impact with respect to fire service

- 5) Compliance with the Bucks County Planning Commission report dated 2/12/14 except for the comments related to a Wetlands Study
- 6) Compliance with respect to the Environment Advisory Council report of 2/15/14 noting that 52 spaces will be porous paving
- 7) Compliance with the Tri-State Engineers Survey letter dated 1/31/14 with respect to sanitary sewers
- 8) Funding and execution of Development and Financial Security Agreements
- 9) Applicant shall secure any and all Permits from any agencies having jurisdiction including the Bucks County Conservation District
- 10) Applicant shall execute a Stormwater Management Agreement
- 11) Applicant shall pay all professional fees
- 12) No noxious, hazardous, or offensive impact to surrounding area will be created by reason of dust, odor, etc.
- 13) All signs shall comply with Township Ordinances and proceed to Permits
- 14) All lighting shall comply with Township Ordinances
- 15) Applicant shall execute a Declaration of Restrictions and Covenants
- 16) Applicant shall pay a Traffic Impact Fee in according to the Schedule of Fees
- 17) The Plans shall be ADA compliant
- 18) Applicant to pay the applicable fees associated with a Final Plan Approval.

Mr. Stein agreed to the Conditions of Approval.

Mr. McLaughlin asked if they are requesting Preliminary and Final, and Mr. Garton stated they are requesting this and this was acceptable to the Planning Commission as well. Mr. Benedetto asked if they are certain that was the Planning Commission's recommendation, and Mr. Garton stated this was communicated to him by Ms. Frick; and Ms. Tyler stated she was in attendance as well. Mr. Benedetto stated his concern is that it was advertised on the Agenda as Preliminary Approval; and he feels if there are objections, they should grant just Preliminary Approval since this is how it was advertised on the Agenda, and is what they should proceed with even if it was a mistake as he is not comfortable granting Final Approval.

Mr. Stein stated all this would mean is that they would have to come back to a meeting and say the same thing over again which would be a waste of resources. Mr. Benedetto asked why it was put on the Agenda this way; however, no one was sure. Mr. Dobson asked Mr. Garton if this does happen where they come in for Preliminary and then request Final; and Mr. Garton stated this can be done, and it would be up to the Board.

Mr. Tim Kurz, 390 Shade Tree Court, stated his home is directly across the street from the Manor Care facility. He stated there is a problem that has existed for years which is a safety issue for emergency vehicles because they do not have enough parking facilities for their complex. He stated you could not get a fire truck or an ambulance from Manor Care back into Arden Courts or drive a car through. He stated they are continuously cars parked across the street in his neighborhood; and it is on record of the cars that have been left there, and they have called the Police because there are children in the neighborhood and they are worried about who is parking there. He stated routinely when there events at the complex, there are cars blocking up his neighborhood parking on both sides of the street. He stated he does not feel it is a very well-run facility, and the parking is a big issue. He stated if they add 12,000 square feet, they do not have enough parking now for what they run there.

Mr. Benedetto asked if he is indicating that he would like to see this approved so that they would have additional parking; and Mr. Kurz stated he does not feel they should be granted an expansion of the facility since they cannot manage the facility they currently have.

Mr. McLaughlin asked how many additional parking spots they are proposing, and Mr. Stein stated they are proposing sixty-seven. Mr. Davis showed on the Plan where these spots will be located.

Ms. Tyler asked how many more beds will they have as a result of the proposed construction, and Mr. Davis stated there are thirty-two beds total between both facilities with twenty beds at the skilled nursing facility and twelve at Arden Courts Memory Care Facility. He stated fifty-seven parking spaces have been allocated toward the skilled nursing facility and ten additional spaces for Arden Courts. Mr. McLaughlin asked the total parking, and Mr. Davis stated as proposed for the whole facility it will be one hundred eighty-eight spaces with two hundred and thirty four beds. Mr. Davis stated they have provided parking as required to meet the Ordinance, and Mr. Eisold agreed.

Mr. McLaughlin asked how they respond to Mr. Kurz' comments about the overflow parking, and Mr. Stein stated they recognize the possibility that there may be overflow situations which is why they have proposed the additional parking. He stated this is not a new Plan, and it has been in the Township for four years; and he questions why Mr. Kurz has not attended the two Zoning Hearing Board meetings or the four Planning Commission meetings.

Mr. Kurz stated he feels the safety people in the Township were aware of this since all they have to do is drive through there. He stated he knows about it because his mother lived there for four to five years.

Mr. Dobson stated they do comply with the Ordinances. Ms. Tyler noted they did receive a letter from James Yates, the Fire Protection consultant, who has recommended his Approval.

Motion carried to Approve with Mr. Benedetto opposed.

#### APPROVE CERTIFICATE OF APPROPRIATENESS FOR 706 STONY HILL ROAD

Mr. Stainthorpe stated the Certificate of Appropriateness is for changes to the exterior of First Choice Bank at the Giant Shopping Center. He stated while he did not see the Final Plan when it was presented to HARB, the materials they are proposing are available for review this evening. He stated Ms. Stark worked closely with their architect to come up with the design, Plan, and materials that would be historically appropriate and attractive.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to Approve the Certificate of Appropriateness for 706 Stony Hill Road.

## ZONING HEARING BOARD MATTER

With regard to the Steve C. Baker Variance request for the property located at 605 Saxony Lane in order to erect a fence within the easement buffer and construct a shed within the Special Setback of Oxford Valley Road, Mr. Garton reported that the Zoning Hearing Board already heard this matter.

## SUPERVISORS REPORTS

Ms. Tyler reiterated that the Veterans Foundation is in the final stretch; and stated if anyone is interested and willing to donate to this organization, they should contact the Township or the Veterans Foundation directly.

Mr. Benedetto stated the Citizens Budget Pool Sub-Committee had a few meetings. Mr. Benedetto stated during the last Board of Supervisors meeting held on April 2, the Board voted on the marketing program. Mr. Benedetto stated his sense in talking to other residents after the vote is that the \$27,000 for the marketing plan was taken from the Fee-In-Lieu fund, and he feels it was taken from the wrong place; and he would like to see it taken from the Pool Budget since they have in excess of \$300,000 for 2014.

Mr. Benedetto moved to take the \$27,000 from the Pool Budget as opposed to what was originally agreed to which was from the Fee-In-Lieu Budget.

Motion died for lack of a Second.

Mr. Benedetto stated the Veterans Committee discussed trying to raise \$20,000 in twenty days, and he would suggest if there are any contacts in the Township such as First Federal or Bright Farms, they should go to them to see if they would like to make a contribution as good neighbors. Ms. Tyler stated she has given Ms. Kraeck all the contact information she could come up with. Mr. Benedetto stated he feels the Board either individually or as a group should request this since they know the individuals more than Ms. Kraeck does.

## AWARD FUEL BIDS FOR THE PERIOD MAY 1, 2014 TO APRIL 30, 2015

Chief Coluzzi stated the low Bids are for diesel fuel delivery at \$.16 per gallon and regular gas delivery at \$1.02 per gallon.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to award the bid for regular gas to Petroleum Trader and Superior Plus Energy for diesel.

#### APPROVE HIRING OF POLICE OFFICER KEVIN FRANCIS LEIMBACH

Chief Coluzzi asked the Board's Approval to appoint Kevin Francis Leimbach for the position of Police Officer. Chief Coluzzi stated he has successfully passed all investigations and examinations. He reviewed his background. Chief Coluzzi stated his start date if approved would be by May 25, 2014.

Mr. McLaughlin asked how many openings they have currently, and Chief Coluzzi stated there is one opening which is the result of a retirement from November of last year.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to hire Kevin Francis Leimbach as a Police Officer.

#### OTHER BUSINESS

Mr. Benedetto asked Mr. Garton if he has any update on the Satterthwaite Appeal. Mr. Garton stated pursuant to the Board's direction, he has not been involved in anything to do with the Satterthwaite Appeal. He stated he has heard that there was a meeting between Mr. VanLuvanee and his client and Mr. Murphy and his client, but Mr. Garton stated he was not in attendance and has not received any reports about this.

Mr. Benedetto stated last night he had a discussion with Barbara Kirk at the Zoning Hearing Board, and he asked Mr. Garton if he received notice of a letter Ms. Kirk sent to Mr. Murphy about a Rule 27 Hearing; and Mr. Garton stated he does not recall seeing such a letter.

Mr. Benedetto stated his understanding is that there is the opportunity if the neighbors agree to what Dr. Bentz is proposing which is basically changing the Ordinance, if they change the Ordinance to allow her permitted use along with some other things that the Zoning Hearing Board would not be involved in the disposition of the case because the way it would work out would be Dr. Bentz would withdraw her Appeal, and it would go directly to the Board of Supervisors for Approval and a change in the Ordinance. He asked for Mr. Garton's response to this.

Mr. Garton stated the only way it could be resolved in a manner that would be something different than what the Zoning Hearing Board already turned down would be if there was a Court-ordered Stipulation and Agreement, and that would require all participants in that Court proceeding to agree; and he believes that the Zoning Hearing Board is a Party to those proceedings so they would have to agree. Mr. Garton stated he also intervened on behalf of the Board of Supervisors, and the Board would have to agree. He stated there is no way it would be automatic, and it would have to go through a Court Stipulation with everyone's concurrence. Mr. Garton stated Dr. Bentz could withdraw the Appeal and come back and ask the Board of Supervisors for a text change to the Ordinance, but that would require Public Hearings, etc.

Mr. Benedetto stated if Dr. Bentz withdraws the Appeal and comes before the Board of Supervisors for a text change on the Ordinance allowing for her permitted use, the Zoning Hearing Board Decision would stand because she withdrew her Appeal. Mr. Benedetto asked if the sale of the property is not subject to the Approval of the Zoning Hearing Board, so even if the Board of Supervisors changed the Ordinance, the property would have to be re-Bid.

Mr. Garton stated the Zoning Hearing Board had to grant relief in order for that Agreement of Sale to go to consummation because the uses that Dr. Bentz proposed were not consistent with the Ordinance. Mr. Garton stated if Dr. Bentz withdraws her Appeal, and the Board of Supervisors adopts an Amendment to the Zoning Ordinance that says that the use is a use by right, if the Board of Supervisors extended the Agreement of Sale and modified the terms which they could do because they are Parties to the Agreement, theoretically, once the Ordinance was changed, she would not have to go back to the Zoning Hearing Board.

Mr. Benedetto stated Dr. Bentz stated she would never have gotten the Approval of the Zoning Hearing Board which is contingent on the Sale. Mr. Garton stated the only reason she needed Approval from the Zoning Hearing Board was because her use was not permitted at that location pursuant to the Zoning Ordinance. Mr. Garton stated if the Board of Supervisors changes the Ordinance to permit the use Dr. Bentz is looking for, she would not need to go to the Zoning Hearing Board because it is a use by right.

Mr. Benedetto asked if the Ordinance change would be just for the Satterthwaite property or would it be specific to R-1. Mr. Garton stated it would have to be specific to R-1. Mr. Benedetto stated that anything that is Zoned in R-1 could then have that use if the Ordinance were changed, and Mr. Garton stated this would be correct unless the Board created Conditions that they had to have a certain amount of acreage or have other Conditions in order to have that kind of use so that theoretically it would minimize the number of available parcels that would accommodate that use.

Mr. Benedetto stated technically there is an opportunity for Dr. Bentz to withdraw the Appeal, come back to the Board of Supervisors who could change the Ordinance, and the Zoning Hearing Board would technically be cut out of the decision; and Dr. Bentz would still get the sale, and it would not have to go back and be re-bid. Mr. Garton agreed.

Mr. Zachary Rubin asked if this is not Contract Zoning which is illegal in the Commonwealth; and Mr. Garton stated if they changed just Tax Parcel #20-4-13 to accommodate a use and it only applied to one parcel, that would be Contract Zoning. He stated in the past people often came in for Applications for modifications to the Zoning to accommodate a project, and if the Board agrees, it is not Contract Zoning. He stated it could be Spot Zoning, and Mr. Garton stated this is illegal.

There being no further business Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 9:50 p.m.

Respectfully Submitted,

Pete Stainthorpe, Chairman