

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MARCH 19, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 19, 2014. Chairman Dobson called the meeting to order at 7:30 p.m.

Those present:

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

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

Absent:                         Dan McLaughlin, Board of Supervisors Vice Chairman

ENVIRONMENTAL STEWARDSHIP AWARD

Mr. Jim Bray, Chairman EAC, was present and stated every year the Township's Environmental Advisory Council gives out an award to an individual, group, or business that in their opinion demonstrates environmental sustainability; and tonight the Award goes to the Lower Makefield Township Farmer's Market. Mr. Bray stated in 2007 the Board of Supervisors unanimously approved a request by Jean Bray and local farmer, Sandy Guzikowski, to establish a seasonal, open-air farmers market at the site now known as Veterans Square. He stated the vision was to provide a venue for the Township's farmers and artisan food producers to sell their products directly to local consumers and to create opportunities to educate the community about local agriculture, sustainable food systems, and environmental stewardship. Mr. Bray reviewed the products that have been available over the years as well as the educational programs that have been held. Mr. Bray noted as a producer-only farmers market, it supports the economic viability of the local farmers so they can remain active stewards of their land while providing customers fresh products grown a few miles away. Mr. Bray stated he has heard from residents that this is one of the nicest things the Township has ever done. Mr. Bray thanked the Board for their insight in allowing this to happen.

Ms. Sandy Guzikowski was present and thanked the EAC for recognizing the Farmers Market with this award. She stated in 2007 a lot of markets began operation, and many are no longer in operation; and the fact that the Lower Makefield Farmer's Market is still operating is attributed to the supportive community, the dedicated core of farmers and vendors, and the volunteers over the years who have managed the Market. Ms. Guzikowski introduced Tamara who lives in the community with a background in communications and is interested in sustainable food. Tamara stated she is looking forward to working with Ms. Guzikowski to see how they can grow the Market further. Ms. Guzikowski also thanked Ms. Liney who is their liaison with the Township and has been helpful and responsive whenever they have a request. She stated Opening Day at the Market is Thursday, June 5.

Mr. Bray stated there is a \$500 stipend that goes along with the Award, and Mr. Fedorchak and Ms. Guzikowski will take care of the logistics related to the stipend.

#### PUBLIC COMMENT

Ms. Donna Doan, 1584 Edgewood Road, asked the status of the Patterson Farm Preservation Application. Mr. Stainthorpe stated as noted at the last meeting an informational meeting had been scheduled with the County Commissioners for yesterday; however, that meeting was cancelled. Mr. Stainthorpe stated Mr. Benedetto felt that that meeting was a violation of the Sunshine Laws, and he sent some "threatening" e-mails last week and again on Tuesday. Mr. Stainthorpe stated the County Commissioners felt that the meeting was not a violation of the Sunshine Law but did not want to get involved in a "hassle" about it. Mr. Stainthorpe stated he does not know how to proceed at this time. Ms. Doan asked if they could invite the County Commissioners to come to the Township to speak to them; and Mr. Stainthorpe stated while they could be invited, he does not feel they will come.

Mr. Benedetto stated he had sent an e-mail to the County Commissioners with a copy to Mr. Stainthorpe indicating that he had case law to support that the meeting would be a violation of the Sunshine Act, and there is no exception for an "informational meeting." Mr. Benedetto stated Ms. Doan had asked if she could attend that meeting, and she was advised that it was a closed meeting. Mr. Benedetto stated his feeling, backed by case law, was that it was a deliberation that violated the Sunshine Act. He stated as part of the e-mail he sent he indicated that he would like to see this on an upcoming Supervisors Agenda, and have whichever Commissioner they would like to send to come to a meeting, and explain their position.

Mr. Benedetto stated Mr. Loughery did explain his points to him over the phone, and Mr. Benedetto stated he would like to have a public and thorough discussion about why the County Commissioners feel the Application cannot move forward.

Mr. Dobson directed the Township Manager to invite them to a meeting and see if they accept or decline.

Ms. Doan stated she does not understand why they would not come to a meeting to discuss farmland preservation.

Mr. John Lewis, 1550 Surrybrook Court, stated at the last meeting they discussed the 2/19 meeting with regard to PECO and outage concerns. Mr. Lewis stated there were discussions about what the Township could do, and he had offered up a Resolution that could be sent to PECO. Mr. Lewis provided this evening a draft of a Resolution, and he reviewed the provisions and declarations in his proposed Resolution. He stated he hopes the Board will put this on the Agenda for a vote either tonight or at the next meeting.

Mr. Benedetto noted Section 2, and asked Mr. Lewis how he came up with the number of 370 households; and Mr. Lewis stated he feels this would be a representative sample size given that there are approximately 13,000 households in the Township. Mr. Benedetto asked about the 99.5% uptime; and Mr. Lewis stated this is what private industry must deal with, and he feels PECO should be delivering this as well. Mr. Benedetto stated he has concerns legally with Section 5 “publically oppose future merger requests;” but Mr. Koopman stated he has not had an opportunity to review any of this, and they could review this for the Board. Mr. Benedetto noted 6C about control of funds, and Mr. Benedetto asked Mr. Fedorchak if they have any Exelon stock in the Pension Plan; and Mr. Fedorchak stated they could look into this.

Mr. Benedetto stated he does not know how this proposed Resolution compares to what Warminster did; and Mr. Lewis stated he did reach out to Warminster which sent a letter which he can provide to the Board. Mr. Lewis stated his Resolution goes further and puts some requirements on PECO to the extent that the Township can do that.

Mr. Benedetto stated he feels what Mr. Lewis has proposed is great and is something the Board has discussed. He stated he would like the Township solicitor to review this and put it on an Agenda and adopt it in April.

Mr. Benedetto asked what they would have to do to appoint a Citizens Energy Commission as noted in Section 6. Ms. Tyler stated she has a group she has been working with, and they will be before the Board of Supervisors in approximately one month to discuss how they would like to proceed. She stated Mr. Lewis came to their last meeting, and she would like to have time to bring the groups suggestions to the Board. She stated she would like the Board to look at everything together, and then decide which is the best route to take. Mr. Lewis stated he is concerned that they are getting into a period where people are forgetting the ice storm when there was a very significant outage. Mr. Lewis stated he would like to proceed so that they can make a difference in getting people engaged, and to tell PECO and Exelon exactly the challenges they are facing in the community.

Ms. Tyler noted the sixth paragraph which references the fourteen circuits which are the worst performing in Bucks County, and she asked if any of these are in Lower Makefield. Mr. Lewis stated this was from the PUC's Bureau of Technical Utilities Services Summary Report on Hurricane Sandy; and while they did not outline exactly the circuits, he feels Lower Makefield probably has a couple of them, although he could not find out for certain. Ms. Tyler stated the frustration she has been experiencing working with this group since Hurricane Sandy is that they do not have hard data. She stated she would like to request PECO to provide them with an outage report Township wide so they can see where the frequent outages are. She stated she feels it is important to approach PECO in the spirit of partnership, and she does not want to be threatening. Mr. Lewis stated different parts of Lower Makefield have real challenges. He stated the circuit he lives on is next to the Golf Course and encompasses the northern tier, and about three and a half years ago they had a meeting at the Golf Course with approximately one hundred people with Ted Durand from PECO prior to Hurricane Sandy; and they had requested outage reports for the last five years, and he does have those. Mr. Lewis stated over the last five years, he has had two weeks of total outage time. He stated they need to get a representative sample of outage reports and hold PECO accountable.

Mr. Benedetto stated they have tried to work with PECO previously, and they still have not had good results for their residents.

#### APPROVAL OF MINUTES OF THE MARCH 5, 2014 PUBLIC MEETING

Mr. Stainthorpe moved and Ms. Tyler seconded to approve the Minutes of March 5, 2014 as written. Motion carried with Mr. Dobson abstained.

APPROVAL OF MARCH 3, 2014 AND MARCH 17, 2014 WARRANT LISTS AND  
FEBRUARY, 2014 PAYROLL

Ms. Tyler moved, Mr. Stainthorpe seconded and it was unanimously carried to approve March 3, 2014 and March 17, 2014 Warrant Lists and February, 2014 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF ORDINANCE NO. 395 AMENDING LOWER  
MAKEFIELD TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR AN IMPERVIOUS  
SURFACE CREDIT FOR PERVIOUS PAVEMENT SYSTEM

Mr. Jim Bray and Mr. Alan Dresser from the EAC were present with Mr. Ken Crank, Director of Concrete Promotion for the Pennsylvania Aggregates Concrete Association. Mr. Bray thanked Mr. Crank for coming this evening. He stated he is a Certified LEED professional, and he knows a lot about pervious pavement. Mr. Bray stated they have been working on this Ordinance for over a year, and it has been reviewed by the Planning Commission, the Bucks County Planning Commission, and the Township engineer. He stated after incorporating all of the comments, it was reviewed by Mr. Koopman who added some information and put it in legal language. Mr. Bray stated he feels what they have is a good product since they had all these diverse groups look at it.

Mr. Dresser stated pervious pavement is a special kind of pavement that allows water to drain through it. He stated typically pervious pavement will have 15% to 20% void space which allows the water to drain through. He stated pervious pavement can drain 200" to 300" of water in an hour. He stated to get the benefits you need to have a pervious pavement system which consists of the pervious pavement on the surface, a crushed stone storage layer from 1' to 3' deep that is underneath, and under that there is uncompacted soil with adequate soil infiltration. Mr. Dresser stated the crushed stone storage layer provides temporary storage, and gives the soil time to drain the water away.

Mr. Dresser stated the Ordinance recognizes three types of pervious pavement: pervious concrete, pervious asphalt, and pervious interlocking blocks; and pictures were shown of each type. Mr. Bray stated pervious pavement can be used in parking lots, walking/bike paths, sidewalks, patios, residential driveways, and low volume roads with limited truck use. He stated you should not use it for pavement that is regularly used by large trucks and buses, slopes of more than 5%, poorly drained soils, or a high water table.

Mr. Dresser stated encouraging the use of pervious pavement is consistent with the Township's low-impact development philosophy. He stated the environmental benefits include reduction of stormwater runoff and flooding, replenishes the water tables and aquifers, prevents polluted water from entering the streams, protects the nearby trees and vegetation, and it is quicker to melt the snow and less ice will form on it, so you will therefore need to use less salt. Mr. Dresser showed a picture of the Makefield School parking lot where there is pervious pavement adjacent to impervious pavement, and you can see the pervious pavement infiltrating on it as well as the water flowing off the impervious surface onto the pervious surface.

Mr. Dresser stated one of the major sources of water pollution is runoff from parking lots and streets; and with pervious pavement the contaminated water will go down through the pervious pavement into the gravel stone bed, and then down into the soil. He stated by the time it reaches the stream it would have been cleaned up. He stated the PA DEP estimates that pervious pavement removes 85% of the suspended solids and heavy metals from parking lot and road run off.

Mr. Dresser also showed a picture of pervious pavers with trees planted inside. He stated these trees will be healthier than if they were planted around impervious pavement because the water can flow through the pervious pavement to get to the roots of the plants. He stated you can also put the pervious paving fairly close to the trees.

Mr. Dresser showed a picture comparing a parking lot using pervious pavement and a parking lot using impervious pavement, and you can see that snow melts and goes into the pervious paving and is gone. He stated with impervious when the snow melts, the water remains and at night it would freeze.

Mr. Dresser stated other benefits of pervious pavement include more efficient land development as there is a reduced need for detention basins and other stormwater facilities which lowers cost and uses less land. He stated this may result in more land for common open space as opposed to detention basins. He stated there could be fewer Zoning Variance requests because developers will have an option of going with the pervious pavement and not have to ask for increases in their impervious surface ratio. Mr. Dresser stated it also allows for easier compliance with the Township's Stormwater Ordinances.

Mr. Dresser stated the current Zoning Ordinances consider all pervious pavement as impervious. With the proposed Ordinance only 50% of the pervious surface would be considered as impervious. He stated in this way they are not only encouraging the use of pervious pavement, but you also eliminate impervious pavement from the site. He stated as the Ordinance is currently written, credit for this 50% reduction

can only be taken at Commercial sites, Schools, Churches, offices, etc.; and Residential dwellings cannot currently take it, although they may want to change this in the future. Mr. Dresser stated they also put a limit on the total pervious and impervious surface at the site so that it can be no greater than 1.25 times the Zoning impervious limit. Mr. Dresser stated the reason they put this in was because there was a concern that if they allowed as much as possible, a site that had a 20% impervious limit could be covered 40% with pervious pavement which would result in a “sea of pavement” that some people do not like.

Mr. Dresser stated the Ordinance also contains design criteria, and it must be designed according to the PA Best Management Practices Manual. He stated the Applicant must demonstrate sufficient soil infiltration below the pervious pavement, and the stone storage layer must be capable of accommodating the two-year storm in this area which is 3.36 inches in twenty-four hours.

Mr. Dresser stated the Ordinance also addresses maintenance and inspections, adding that maintenance is very important since if you get dirt, mulch, or leaves covering up the pervious surface openings, it will become impervious surface. He stated you do have to clean the pervious pavement occasionally. He stated the pervious pavement must be cleaned at least once every two years, and the Township should inspect once every three years which is similar to the other Best Management Practices inspection schedules.

A slide was shown of possible ways to clean pervious paving. He stated for a very large area they could use a vacuum street sweeper, for smaller areas you could use a Shop Vac or power washer, and for medium-sized areas you could use a leaf/lawn vacuum sweeper which is what they use at Makefield School.

Mr. Crank showed a film demonstrating the permeability of the product. He stated he is very much in favor of what has been proposed for the Township. He stated this is one of the Pennsylvania Best Management Practices; and although no one is obligated to go this route, it is a technology that has its place and it works very well. He noted areas he is aware of where this has been used successfully by those wishing to put in additions, etc. He stated he is in favor of the fact that there is a maintenance requirement. He stated he has been promoting this for approximately seven years; and he feels that unless there is a mechanism of enforcement to make sure it is going to be cleaned, there would eventually be a problem. He stated there is now a Certification program, and they maintain a list on their Website of individuals that are Certified in the State. He stated he applauds the Township for considering this.

Mr. Stainthorpe asked the difference in cost and also asked about the difference in durability. Mr. Crank stated in terms of material cost pervious paving could be 15% to 50% more. He stated with regard to durability if installed correctly you can expect twenty to thirty years which is the same as you would expect with conventional concrete paving. He stated at their offices in Harrisburg, they have had it in their driveway for six years, and it has held up well.

Mr. Stainthorpe stated he understands that the proposed Ordinance provides for an incentive for developers, and this will not be a requirement; and Mr. Dresser agreed.

Mr. Benedetto asked if Lower Makefield would be the first Township in the State to have such an Ordinance, and Mr. Crank stated he is not aware of any others in effect. Mr. Benedetto asked if they feel that a lot of Commercial developments will use this; and Mr. Crank stated pervious concrete has been around for some time, but it has been slow to take off in our climate. He stated it is used in Florida and the Pacific Northwest. Mr. Crank stated they have seen it used in Commercial shopping centers, parking areas, and driveways.

Mr. Dresser stated he had discussions with people in Florida where there has been a Pervious Pavement Ordinance since 2005; and they get approximately five to six projects a year using this, however, they also allow it to be used by residential as well.

Mr. Benedetto stated he is concerned about maintenance particularly in winter and also with the enforcement. He stated there are recommendations to be followed for snow plowing which are very specific and the prohibitions on use of certain products to melt snow. Mr. Benedetto stated there are Township employees and contractors doing snow plowing, and he stated what is or is not a pervious surface would probably be unknown to most people. Mr. Benedetto stated it seems that there are a lot of maintenance requirements as well. He stated they have indicated that the Township is to inspect once every three years, and he is not sure the Township has the capacity to do this through Bob Habgood and Nancy Frick or if they are going to have someone outside do this work. He stated Keystone Municipal does their inspections; and he recently talked to them about mold inspections, and they indicated they do not do this. Mr. Crank stated he understands these concerns; but in terms of testing, there is an established testing procedure and no “exotic” equipment would be required for testing. He stated the test procedure is very simple. Mr. Crank stated they would make sure that they do not use this in an area where it would be compromised.

Mr. Bray stated they have also talked to the people who maintain the paving at Makefield School; and with regard to plowing, they are just a little more careful, and they have not had any issues. Mr. Bray agreed that it does have to be inspected regularly; but those are required for many of the PA BMP requirements in the Township Ordinance, and the Zoning Department takes care of those. Mr. Bray stated they also talked to the Maintenance Director for Upper Makefield Township where they have two parks where they used pervious pavement. He stated the Township Manager indicated it works very well. He also indicated that they are a little more careful when they plow it and do not use salt, and they have not had any serious issues.

Mr. Stainthorpe stated there is little Commercial property left for development although it could be a benefit in Flowers Field. Mr. Stainthorpe stated he is in favor of this since it is an incentive and not a requirement. He stated that he feels the burden of inspection should be on the property owner and not on the Township every three years. Mr. Dresser stated the Ordinance indicates that the owner has to inspect it twice a year, and clean it at least once every two years,; and the Township will come out and look at it every three years to make sure the property owner is doing their job.

Ms. Tyler asked Mr. Crank where they used this at their Harrisburg office, and Mr. Crank stated it was used in the driveway/parking area. Ms. Tyler asked what they do to maintain it; and Mr. Crank stated they have power washed it once approximately five years ago, and they tested it and it tested at 800" per hour. Ms. Tyler asked about snow removal, and Mr. Crank stated they plowed it with a regular snow plow. Ms. Tyler asked if the surface can be repaired. Mr. Crank stated the only real patch would be to take the section out and replace it.

Ms. Tyler asked Mr. Fedorchak if he feels this is something that the Zoning Department could incorporate into their normal inspections, and Mr. Fedorchak stated he would probably ask the Township engineer or the Building Inspectors to do the inspections and not the Township staff. Mr. Benedetto asked if Keystone does this type of work; and Mr. Fedorchak stated he assumes they do, but the fall back position would be the Township engineer. Mr. Dobson asked Mr. Eisold if this is something that his firm could handle, and Mr. Eisold stated they could.

Mr. Eisold stated he did have a recommended change he feels they should make where it states up to a maximum of 50%, and he feels it should be a straight 50%.

Mr. Kevin Kall, Public Works Director, stated he and Mr. Bray attended seminars last year on pervious surface. He asked the cleaning costs per square foot since the demonstration highlighted the fact that the surface need to be cleaned twice a year.

Mr. Dresser stated at Makefield they had a leaf vacuum, and you can rent them for approximately \$80 a day. He stated this could be used in a parking area that would be approximately 300' by 35' in one hour. Mr. Dresser stated it would also depend on where the pervious paving is located since if it is away from trees, there would not be leaves etc. coming onto it. Mr. Kall stated they also highlighted the fact that during the spring season you have pollen, and the pervious surface collects the pollen that floats in the air.

Mr. Kall stated he feels the once a year inspection by the property owner really has no integrity; and when it comes to cost they may have to bring in a sweeper service which would be more expensive if the property were larger. He stated he does not want to see the Township get stuck with this maintenance. Mr. Kall stated he feels if the property owner knows that the Township is only coming out every three years to inspect something, he does not feel the property owner will incur the cost and time to clean it once or twice a year. Mr. Dresser stated there are also other BMPs in the Township which are only inspected once every three years. He stated he feels the property owners will do the maintenance because they will want to maintain their property. Mr. Dresser stated he does not feel that the Township will be financially responsible for this. Mr. Dresser stated if the property owner did not follow through, they would lose their credit, and then be in violation of the Zoning Ordinance.

Mr. Koopman stated this was discussed at the Planning Commission at length, and they do have significant provisions in the Ordinance to insure that it is the primary obligation of the property owner to maintain it. He stated the Township inspection is more of a failsafe. He stated the Township is already charged every three years with inspecting certain BMPs under the Stormwater Management Ordinance, so this would be a similar failsafe inspection by the Township. He stated they have a separate section on maintenance and responsibility of the property owner, and they are required to enter into a Agreement which is Recorded. He stated this is a Zoning Ordinance provision because impervious surface regulations are controlled by the Township Zoning Ordinance; and if a property owner fails to maintain the property, they are in violation of the Zoning Ordinance, and they can be subject to actions before the District Justice and fined the same as anyone else who violates any other provision of the Zoning Ordinance. Mr. Koopman stated his office and the Planning Commission went over this in detail, and the last section of the Ordinance discusses the compliance requirements and significant sanctions if the Ordinance provisions, including those pertaining to cleaning and maintenance, are not complied with.

Mr. Benedetto asked about the costs for initial inspections, and Mr. Crank stated these would be minimal costs. He stated it would be whatever the labor would be for the person doing the test. Mr. Benedetto stated he is concerned about any burden on the Township. He also stated if it is not maintained, it will not work as it

supposed to and will defeat the purpose. He stated he does not feel that what is proposed - cleaning it once every two years and inspecting it every three years –is probably not sufficient to insure that it will be operating optimally. Mr. Crank stated he does not agree with this as he is aware of pavements that have been down for fifteen to twenty years that have never been cleaned. He stated you can periodically clean them off with a leaf blower. He stated you can do a base line test when the pavement is installed and then do periodic testing to determine when it needs a cleaning. Mr. Benedetto stated his concern is that the individual doing the base line test will be either Keystone or more likely the Township engineer, and there is a cost to this.

Ms. Doan asked about the amount of stone needed; and Mr. Crank stated this depends on the permeability of the soil, the amount of water you need to handle, and how quickly it is going to drain. He stated the thickest he has seen was 24” which was on clay. Ms. Doan asked if the soil is removed and replaced with stone, and Mr. Crank agreed. Ms. Doan asked what happens if the land use changes ten years in the future, what they would do with this gravel and pavement, and what would they do if they needed the topsoil which was removed. Mr. Stainthorpe stated it would be that way no matter what kind of paving was used. Ms. Doan stated you can remove blacktop and restore it back. Ms. Doan asked how the loose soil underneath the gravel is kept from shifting. Mr. Crank stated it is the dirt that would be there already, and it is just uncompacted. Ms. Doan asked the expected life of the product, and Mr. Crank stated it would be twenty to thirty years. Ms. Doan asked what they would do to stop a hazardous waste spill that might occur or deliberate dumping since if anything that is dumped on that would go away very quickly, it might be attractive to people who want to dump something there. Mr. Crank stated he could not address this. Ms. Doan stated if they are passing an Ordinance, they should think about what might happen, and someone might have motor oil in their shed they want to get rid of and put it on pervious property; and they should consider who would be responsible for the clean up if it is discovered that there is pollution there.

Mr. James Meade, 1383 Chase Road, asked why they are not allowing this for residential driveways; and whether he gets credit or not, he would like to be able to put it in his driveway. He also noted that the Township has a lot of clay soil which will be difficult for permeability. Mr. Eisold stated most of the Township soil is moderately drained, although there is clay in certain areas; and it would be site specific. With regard to use of the product for residences, Mr. Bray stated they feel the next step would be to have a Pervious Pavement Ordinance that addresses Residential installations. He stated the current Zoning Director had some serious issues with that as far as inspection and maintenance; but he feels those objections can be overcome, and they will be looking into that in the future.

Mr. Benedetto moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Ordinance #395.

#### AWARD CONTRACT FOR DERBYSHIRE PUMP STATION PROJECT

Mr. Andy Birtok, Tri-State Engineers, was present. Mr. Birtok stated Bids were opened this past Monday. He stated there were six bidders with prices ranging from approximately \$115,000 to \$231,000. He stated they reviewed the references the low bidder provided, and there were no complaints. He stated in Tri-State's capacity as the Township engineer for Lower Southampton, the low bidder has done work for them; and there were no problems with them.

Mr. Stainthorpe moved and Ms. Tyler seconded to approve the Contract as recommended by the Township sewer engineer.

Mr. Benedetto asked about the number of projects done for those Mr. Birtok contacted as references; and Mr. Birtok stated they had done a number of projects in Warwick, and they were satisfied with their work. Mr. Benedetto stated his concern is the top bidder is twice the amount of the low bidder. Mr. Birtok stated the low bid was somewhat in sync with their estimate which was approximately \$125,000 with the 10% contingency. Mr. Benedetto stated he understands that the low bidder has worked on some projects Tri-State has been involved with; and Mr. Birtok stated they have in Lower Southampton, and they did a decent job.

Mr. Birtok stated they will be working with the Police Department on road closings, and they will be in contact with the residents.

Mr. Dobson asked how long he feels the project will take, and Mr. Birtok stated the estimated time of arrival for the pumps is the first week of April. Mr. Birtok stated he does not feel the project should take more than twenty construction days.

Motion carried unanimously.

#### UPDATE ON RAILROAD QUIET ZONE

Mr. Eisold stated he has been in discussion with CSX on a number of issues and hoped to have something tonight with regard to the cost for the warning circuitry, but they have not finalized this. He expects to have this within the next week or so.

Mr. Eisold also noted that with regard to the Quarry Road School Zone, he has been in contact with the contractor; and they will start the foundations within the next week and get the signs in. This should be finished in three to four weeks.

Mr. Tim Collins stated with regard to the Quiet Zones he asked if they are still looking for the Railroads to fund this. Mr. Eisold stated his job was to get the numbers together. Mr. Stainthorpe stated their first choice would be to get the Railroad to fund this, but if not they are going to explore County and State Grants to see if they can get the money to fund it that way. Mr. Collins stated two Railroad people have come to meetings and told the Board that they will not fund it. Mr. Collins stated he worked for the Railroad for thirty-seven years, and there was only one place that he is aware of in the Country where CSX funded Quiet Zones. He stated he feels it would be cheaper to go with the channelization which would be perfect for Oxford Valley Road.

Mr. Collins stated an individual from CSX had previously indicated that they could not expect additional train traffic as a result of the moves they will make on the Railroad; however, Mr. Collins stated crude oil trains will start to increase through the neighborhood exponentially. He stated previously there was one, and now there are four every day. He stated all four major Railroads are currently hiring. Mr. Collins reported on a Railroad that is going to purchase their own tank cars and are also buying 500 additional locomotives for the increased business in crude oil shipments. Mr. Collins stated he is concerned about the increased traffic along the Township routes.

Mr. Benedetto stated he would like to have CSX and SEPTA both come in at the same time once they have the cost estimates for the Quiet Zones.

Mr. Collins stated the crude oil traffic will be increased which will increase the noise level in the area. He stated SEPTA was out today in preparation for the building of the new track.

#### BRIGHT FARMS REPORT

Mr. Paul Lightfoot, CEO of Bright Farms, was present. Mr. Lightfoot stated he first appeared before the Board of Supervisors approximately two years ago, and a lot of good has happened since that time. He stated they especially feel that the Township and the community has been extremely warm and welcoming to them.

Mr. Lightfoot stated their mission is to improve the environmental impact of the food supply chain for the health of the planet and to improve the health of society by increasing the consumption of fresh vegetables and fruit with healthier, fresher foods.

Mr. Lightfoot showed a slide of the greenhouse farm they built on the Patterson Farm in Lower Makefield Township. He stated it was built in 2012 and opened in early 2013. He stated this was a prototype project which was built as a project to prove what they are doing as a venture-backed start up based on New York, and they are focusing on the Mid-Atlantic corridor and the Midwest. He stated as a proto-type project it has been a success. He stated compared to a traditional farm in California, where almost 100% of the supermarket lettuces come from, this greenhouse produces almost ten times more lettuce per acre and does it with 90% less water. They do not use any chemical pesticides and it has zero agricultural run off which has become a real problem in this Country. He stated from a traditional farm in California, it takes about one week to get from harvest to the shelves of the supermarket on the East Coast; but from Bright Farms the produce is on supermarket shelves within hours of harvest.

Mr. Lightfoot stated as an organization Bright Farms is dedicated to continuous improvement, and they took a breather from production to upgrade their growing systems with the objective to more effectively grow baby greens of superior quality. He stated that upgrade project was just recently completed.

Mr. Lightfoot stated partly based on their success in Lower Makefield Township and elsewhere, Bright Farms recently completed a \$5 million equity financing for the company and expanded a project equity financing from \$3 million to \$4 million. He stated these new financings reinforce Bright Farms in the marketplace and enable them to respond to the strong demand for local produce. He stated they recently began a search for a site in New York City where they are looking for 200,000 square feet, and they hope to begin growing there by early 2015. He also showed pictures of projects they are involved with in Kansas City, Indianapolis, Chicago, and Washington D.C. He noted a number of these projects are on city-owned land. Mr. Lightfoot stated they now have \$100 million in purchase commitments from their supermarket clients across seven sites they are developing. He stated they feel that this shows there is a market for local foods.

Mr. Lightfoot stated their success in Lower Makefield Township and other locations has got them noticed, and Fast Company Magazine recently named Bright Farms in its list of the World's 50 most innovative companies. He noted they have had a lot of media coverage over the last few years, and they feel they are one of the leading urban agriculture organizations in the United States.

Mr. Lightfoot stated during their first year of operations they learned that people love their produce and that the project has been a success, but they also learned that their growing systems were not as efficient as they would like. He stated they try to learn aggressively; and as they considered how they want to build their projects across the Country, they scoured the World for the best technology, techniques, and tools. He stated they found that they wanted to do things differently in their future greenhouse farms, and they also wanted to upgrade the project in Lower Makefield Township to match what they are building across the Country. He stated they have transitioned from an NFT growing system to an automated pond wrap system. He stated the structure is the same, but the growth systems have been replaced with a different system for effectively delivering the nutrients to the plants.

Mr. Lightfoot stated they reopened just over one week ago, and he showed a picture taken today of the new plants; and they hope to be back on the supermarket shelves shortly. Mr. Lightfoot stated supplying supermarkets with locally-grown produce year round allows people to know where their food is coming from. He stated they are hard at work in Lower Makefield Township in fulfilling this vision and growing produce for taste and not for travelling long distances. He stated they have developed roots in Lower Makefield Township by creating their prototype greenhouse that delivers produce to McCaffreys and some A & P Stores in Philadelphia and New Jersey; and they are grateful for the Township's support.

Mr. Dobson stated he now understands that they experienced a few "growing pains" last year, and they have gone through some upgrades. Mr. Lightfoot stated they went through some upgrades because they knew they wanted their future projects to use a different growing system, and they felt it would be a mistake to keep the original ones in place in their Lower Makefield facility.

Mr. Stainthorpe congratulated Mr. Lightfoot on their success and their recognition. He stated he feels this is good for the consumers in the community and for the Patterson Farm to be on the forefront of future agriculture and not just a remnant of the past. He wished them continued success.

Ms. Tyler stated she agrees with these comments.

Mr. Benedetto thanked Mr. Lightfoot for coming in to answer questions. Mr. Benedetto asked if their produce is certified organic since they discussed this in 2012. Mr. Lightfoot stated it is local produce grown without chemical pesticides, but it is not organic. He added that they never indicated it was going to be organic, and they are not seeking certification.

Mr. Benedetto stated Mr. Lightfoot discussed a number of other projects for which they have gotten approval, and he asked if any of the other project are on farmland like Patterson Farm. Mr. Lightfoot stated he is not sure if they had previously been farmed, but none of them are productively being used as farms currently. He stated the one in Washington D.C. is on a large open field, but he does not know the history of the property. Mr. Benedetto stated none of them are on existing farmland, and Mr. Lightfoot stated he does not think they are.

Mr. Benedetto asked if the Bright Farms greenhouse on Patterson Farm is still the largest facility they have at over 50,000 square feet; and Mr. Lightfoot stated it is currently, but the one in D.C. will be about twice the size.

Mr. Benedetto asked how long of a break they took when they were not in production at the Patterson Farm, and Mr. Lightfoot stated it might have been 100 days although he is not certain. Mr. Benedetto asked when they started production after approval in May, 2012; and Mr. Lightfoot stated he feels they started in the first quarter of 2013.

Mr. Benedetto stated Mr. Lightfoot indicated that he has \$100 million in purchase commitments, and he asked how long is his Purchase Agreement with McCaffreys; however, Mr. Lightfoot stated he does not feel he is permitted to disclose this with regard to any of his clients. Mr. Benedetto asked about others to whom Bright Farms was supplying produce; however, Mr. Lightfoot stated he does not feel there is a reason to answer this question as this involves Contracts with clients, and his relationship with the Township is to obey laws and pay their rent and taxes. He stated he is willing to answer what he can but is concerned when it comes to his Contracts with his clients. Mr. Benedetto stated it was discussed before at meetings and there was an article in the Bucks County Courier Times in December, 2012 so he assumed it was public knowledge already.

Mr. Benedetto stated in December, 2012 Mr. Lightfoot discussed Super Fresh, and he asked Mr. Lightfoot if he supplies anything to Super Fresh in Philadelphia; and Mr. Lightfoot stated that is A & P, and they do. Mr. Benedetto stated in 2012 Mr. Lightfoot discussed growing hydroponically year-round using sustainable methods, and it was tomatoes, lettuce, and herbs; and he asked what they are currently producing. Mr. Lightfoot stated they are focusing on the baby greens right now and probably will be for a couple of years.

Mr. Benedetto stated in February, 2012 there was an article in the Advance which discussed teaming up with local farmers in order to create jobs, productivity, and to preserve the environment; and he asked if he is currently working with local farmers. Mr. Lightfoot stated they moved a farmer to the area, Graham Tucker, and he now lives in Lower Makefield Township. He stated they did not find anyone

who met their needs in the Township although they tried. Mr. Benedetto stated he knows that when they were first considering this project, Mr. Lightfoot had indicated that there would be local growers involved or the initiative would proceed no further. Mr. Lightfoot stated the head grower is a taxpayer and resident of Lower Makefield. Mr. Benedetto stated he thought Mr. Lightfoot indicated he relocated him, and Mr. Lightfoot stated Mr. Tucker was from Ohio. Mr. Benedetto stated he felt when he had asked him previously about the project's impact on local farmers, Mr. Lightfoot had indicated that if local farmers did not want to work with them, they would not do the project. Mr. Lightfoot stated he feels that this has been good for the local farming community as they have increased it and not taken anything away from it.

Mr. Benedetto asked if Graham Tucker is the head grower, and Mr. Lightfoot stated he is. Mr. Benedetto stated Chris Williams was previously the head grower, and he asked if Mr. Williams is employed with Bright Farms elsewhere or when did he leave Bright Farms as he has been replaced by Graham Tucker. Mr. Benedetto asked how long ago Chris Williams left.

Mr. Dobson stated he does not feel this has anything to do with Mr. Lightfoot coming in to the Township and providing an update which he has done. Mr. Dobson stated Mr. Lightfoot does not have to answer any employment questions, and Mr. Benedetto has no right to ask these questions. Mr. Benedetto stated he feels this is an oversight function of the Board. Mr. Benedetto stated there are people who have asked him legitimate questions, and Mr. Lightfoot seemed willing to come in and answer questions. He stated if Mr. Lightfoot does not want to answer these questions, he understands this. Mr. Lightfoot stated he prefers not to answer questions about employment matters.

Mr. Benedetto stated the reason he asked those questions was because Mr. Lightfoot had indicated when this was being approved that he was going to employ local farmers and local employees so he feels it is a fair question. Mr. Benedetto stated in February, 2012 Mr. Lightfoot had indicated that he was not going to proceed with the project if he did not have local farmers involved. Mr. Benedetto stated Chris Williams came in but apparently did not stay very long, and now they have Graham Tucker. Mr. Benedetto stated he is not inquiring about this himself, rather there are people who are in the industry who are farmers in the area who asked him about this. Mr. Lightfoot asked if he was displacing someone else's produce on the supermarket shelves; and Mr. Benedetto stated while he is not in the farming business, there are other farmers here that could speak to that. Mr. Lightfoot stated he does employ a farmer who lives in Lower Makefield Township; however, Mr. Benedetto stated that individual was a resident of Ohio and came from elsewhere. Mr. Lightfoot stated he does not see how that is bad for the Township. Mr. Benedetto stated Mr. Lightfoot was the one who indicated that he

was going to employ local farmers, and Mr. Lightfoot stated he is. Mr. Benedetto stated someone from Ohio is not a local farmer. Mr. Lightfoot stated he is a local farmer, and Mr. Benedetto stated that is because Mr. Lightfoot brought him here. Mr. Dobson asked that Mr. Benedetto move on.

Mr. Stainthorpe stated the Township has a Ground Lease with Bright Farms and the Township's oversight of their operation ends there. He stated they make their Lease payments monthly, and that is the only thing the Township has say over; and they can run their business the way that they see fit.

Ms. Tyler stated if any future modifications or upgrades are to be made to the property, the Lease does require notification to the Township so that they are apprised of what is going on; and she asked Mr. Lightfoot to adhere to that term of the Lease.

Mr. Benedetto asked Mr. Lightfoot if he notified the Township that they were doing the upgrades, and Mr. Lightfoot stated they did. Mr. Benedetto asked if this was done in writing or over the phone; however, Mr. Lightfoot did not recall. Mr. Benedetto asked Mr. Fedorchak if there is a copy of the notification. Mr. Dobson stated as soon as they found out, they sent out the inspectors immediately. Mr. Fedorchak stated he does not recall a notification coming from Bright Farms.

Mr. Benedetto stated Mr. Lightfoot had talked about environmentally-friendly features; and he discussed as part of the Final Plan cisterns that would capture roof run off and cisterns to be used to help irrigate the plants inside. Mr. Benedetto stated he also indicated that a good deal of what was going to be generated from the greenhouse would be re-used in the irrigation of the crops and would not be going off site. Mr. Benedetto stated it was understood at the time that the cisterns would be used as the primary water source for the greenhouse, and he asked if there are cisterns on site; and Mr. Lightfoot stated there are. Mr. Benedetto asked if this is how the plants are irrigated or did they change the irrigation system as part of this renovation. Mr. Lightfoot stated he feels the cisterns are filling right now since it is raining. Mr. Benedetto asked if this is the primary water source for the greenhouse, and Mr. Lightfoot stated he feels when it can be, it is. Mr. Lightfoot stated they have a very large tank in the middle of the greenhouse.

Mr. Benedetto asked when they specifically started the renovations, and Mr. Lightfoot stated it was sometime in the late fourth quarter. He stated they started taking down the early growth systems earlier than they started doing the work on the new system. Mr. Benedetto stated Mr. Lightfoot just indicated that they ended the renovations in March, and Mr. Lightfoot agreed.

Mr. Benedetto stated with regard to the cisterns, there was also a mention of storage tanks on site; and that they will have above-ground storage tanks placed close to the greenhouse. Mr. Benedetto asked if they have above-ground storage tanks at the site, and Mr. Lightfoot stated that was what he was referring to. Mr. Benedetto stated the Minutes from the meeting of May, 2012 the cisterns and the storage tanks were two separate discussions. Mr. Lightfoot stated they could go through the drawings or go to the greenhouse tomorrow to look at it if he would like. Mr. Benedetto stated there were two different discussions about a cistern and about on-site storage tanks. Mr. Lightfoot stated he does not know that there is a difference between a cistern and a storage water tank.

Mr. Benedetto stated one of the concerns raised in October and November was specific to Section 6 about lighting and that the lighting should comply with Township Ordinance, and no glare should extend onto adjoining properties. Mr. Benedetto stated Mr. Dave Miller was around when they had these discussions, and he had heard from him in October and November about numerous complaints. Mr. Benedetto asked why the lights are on at night in particular since it seems that it is in violation of what Bright Farms agreed to regarding glare. Mr. Lightfoot stated they did get feedback from the Township that there was an issue about lighting, and they asked what parameters they should comply with; and he believes that they complied with them. Mr. Benedetto stated there was an e-mail exchange on October 22 between himself and Mr. Fedorchak about the complaints about glare; and Mr. Fedorchak had indicated he would contact Bright Farms and put in a call to Mr. Sal Grasso. Mr. Benedetto stated on November 3, 2012 there was another e-mail conversation that Mr. Garton, Ms. Frick, Mr. Miller, Mr. Stainthorpe, Mr. Fedorchak, and Mr. Habgood had about continued complaints of glare. Mr. Benedetto stated he had requested a Cease and Desist Order. Mr. Benedetto asked if they discontinued using the lights to alleviate these concerns; and Mr. Lightfoot stated Mr. Benedetto knows more about this issue than he does, and he has not seen the e-mails.

Mr. Benedetto stated as of March 4 there was a resident who sent an e-mail to him indicating that the lights were still on at night, and Mr. Fedorchak had indicated that he would look into this at the last meeting when there were discussing this. Mr. Benedetto stated it seems as if this is an ongoing problem, and it seems to be clear that it is in violation of the Ordinance. Mr. Fedorchak stated he is not prepared to make that conclusion that it is in fact a violation. He stated he agrees that it is an issue that the Township Administration needs to address. He stated he did discuss it briefly with the Director of Planning and Zoning, and over the next week they will look into this.

Ms. Tyler asked if the Glare Ordinance would not also apply to other properties in addition to Patterson Farm, and Mr. Fedorchak agreed. He stated they will have to look at other Commercial businesses within that immediate vicinity including the CVS which is across the street from Mr. Miller. He stated if they are going to consider Bright Farms, they would also have to consider CVS as well. Ms. Tyler asked if this would also include the Giant Shopping Center and McCaffreys, and Mr. Fedorchak agreed it would as well as a number of structures in that area.

Mr. Stainthorpe stated he recalls that the lights were on at night for a few weeks in October, Mr. Fedorchak called Mr. Grasso, and the lights were turned out. Mr. Fedorchak stated he agrees that Bright Farms did contact their production manager and limited the hours the lights were on so they did attempt to be good neighbors.

Ms. Tyler asked if the Township has received complaint from any residents concerning the glare, and Mr. Fedorchak stated he does not recall from anyone directly. Mr. Stainthorpe stated with the exception of Mr. Miller there are no other neighbors. Mr. Stainthorpe stated while he agrees that the lights should be out at night, he does not feel that this should be a big problem. Mr. Fedorchak stated when you look at the entire District including Giant, McCaffrey's, CVS and others, their lights are on until 9 p.m. to 11 p.m. at night so he is not sure how they will address whatever concerns people have about Bright Farms and their rights and distinguish that from all the other businesses in that immediate vicinity; and this will be difficult from an enforcement standpoint.

Mr. Benedetto stated Section 6 states "All lighting shall comply with all Township Ordinances. No glare should extend onto adjoining properties." Mr. Benedetto stated it extends onto Mr. Miller's property. Mr. Benedetto stated on October 22, 2013 he forwarded to Mr. Fedorchak a complaint by Dave Miller. Mr. Benedetto stated the follow up was in November, 2012 when he copied Mr. Fedorchak, Mr. Miller, Mr. Stainthorpe, Mr. Garton, Ms. Frick, and Mr. Habgood about the continued issue; and Mr. Fedorchak stated in an e-mail dated November 4, 2013 that Ms. Frick would send out an enforcement notice to Bright Farms before the close of business that day. Mr. Benedetto stated his concern is that on March 4 he got an e-mail from a resident saying it is still lit up.

Mr. Dobson asked how glare is measured, Mr. Eisold stated the foot candle at the property line is typically how glare is measured and there is a standard for that. He stated just because you see light in the distance, does not mean the light is so many foot candles at your property. He stated there is a way to measure that to determine if you are within or outside of the Ordinance. Mr. Dobson stated this is

what he would propose to find out if there is really a violation; and if it is not, they will move on. Mr. Fedorchak stated they can do this, and he would appreciate Mr. Eisold's assistance on this.

Mr. Benedetto stated in 2012 Mr. Lightfoot stated up to 500,000 pounds of food would be produced by the greenhouse annually, and he asked if this is how much they have produced in the last year. Mr. Lightfoot stated as a private company, they do not release this information.

Mr. Benedetto asked how many full-time employees they currently have on site since last time he discussed this with the Township in February, 2012 it was five to six; however, Mr. Lightfoot declined to answer this question.

Mr. Benedetto noted one of the Conditions in Section 8 concerning replacement trees indicates that thirty-nine trees were to be replaced. He asked if any trees have been replaced per the Ordinance. Mr. Lightfoot stated they are still working on this with the Township, and they are committed to meeting the Township requirements. Mr. Fedorchak stated he has had a number of discussions with Mr. Grasso about the trees, and the Township has a few ideas as to where to place those trees including Veterans Square and some other areas. He stated he wants to make it clear that Bright Farms is very willing to comply with that requirement, and they are working with the Township to find suitable locations.

Mr. Benedetto stated with regard to the detention basin and stormwater management, he understands that it is the Township's responsibility to maintain the basin; and he asked Mr. Fedorchak if this is correct. Mr. Fedorchak stated this is probably correct since it is on Township property, he feels that probably the Township would maintain it. Mr. Benedetto stated Mr. Miller came in and was concerned about the stormwater management; and Mr. Benedetto stated he understood that there was going to be a post-development analysis done at the site, and he asked if anything was done regarding stormwater management. Mr. Eisold stated he feels they were waiting for the As-Built Plans, and they did review them at one time although he is not sure that all the issues have been addressed yet. Mr. Benedetto asked if this is part of the natural basin project that the EAC has, and Mr. Fedorchak stated it is not.

Mr. Benedetto asked Mr. Lightfoot if they drilled a well on site, and Mr. Lightfoot stated they did. Mr. Benedetto asked if this is where they get their primary drinking water for the site; however, Mr. Lightfoot did not know.

Mr. Benedetto asked about Permits adding in 2012 the Bright Farms Greenhouse project generated \$35,000 in Permitting and other Fees for the Township. He asked if any Permits were acquired for the renovation project done in the last 100 days, and Mr. Lightfoot stated there were not to his knowledge. Mr. Benedetto asked if the Township inquired about the necessity for any Permits, and Mr. Fedorchak stated when he became aware of the renovation efforts which was sometime in January, he reached out to Mr. Grasso and the Building Inspectors and arranged for an inspection of their work. He stated he believes that it was the last day of January that Keystone met with representatives from Bright Farms and reviewed the work, and it was Keystone's opinion that a Building Permit was not required for the renovation work.

Mr. Benedetto stated in February, 2012 Mr. Lightfoot discussed this project being a large capital investment and that they were investing more than \$1.5 million. Mr. Benedetto stated they have done a lot of improvements, and he asked if that is still the figure of what they have spent on the project; and Mr. Lightfoot stated they actually spent more than this on the first project, but other than that he has no specific comments to make.

Mr. Tom Conoscenti, 1595 Gingko Lane, stated he lives in Willow Wisp, and there is a problem with glare. He stated the buffering is only with the trees on the south side, and the bright lights do extend to the north and to the east; and he asked that they consider this. Mr. Dobson stated they are going to do the testing; and if they are in violation of the Glare Ordinance, it will have to be addressed.

Ms. Donna Doan asked who are the parties that are involved in LMT Greenhouse LLC, and asked who are the investors. Mr. Lightfoot stated it is a subsidiary of Bright Farms Inc. Ms. Doan asked if there are investors within the Township, and Mr. Lightfoot stated within the Township there are not. Ms. Doan asked if there are Township residents or anyone present at this meeting who is an investor or who would somehow benefit financially from this project. Mr. Lightfoot stated he did not have any idea who Ms. Doan was talking about. Ms. Doan stated she is asking Mr. Lightfoot to disclose if anyone in this Township stands to gain financially from this business on the Township's preserved land. Mr. Lightfoot stated he feels the Township is benefitting. Ms. Doan stated her question is whether there are specific individuals in the Township who are part of that LLC, and Mr. Lightfoot stated there are not. Ms. Doan again asked if there is anyone in the Township that is benefitting financially as an investor as a part of the business as a partner to him, and Mr. Lightfoot stated no.

Ms. Doan asked what happened to the topsoil that was removed or displaced when the project was built. She stated she saw dump trucks there, and this is “precious land.” She asked what became of the “mountains” of topsoil that were pressed to the side when the project was built. Mr. Lightfoot stated he did not know.

Mr. Fedorchak stated when Mr. Benedetto raised that issue some time ago, they went out to the site what was happening, and they found that the topsoil was remaining on the site and was being regraded. Mr. Eisold stated he does not feel the topsoil was removed from the site. He stated it was piled up when they built the building, but then it was spread around the building once the building was built and he believes it was left on site and he does not believe that any was removed.

Ms. Doan asked if the workers that were in place before the renovations are being called back, are they on unemployment, and can they expect that they will be re-hired.

Mr. Lightfoot stated he had indicated that he would not answer any questions about their personnel.

Ms. Doan asked if they have other sites that are up and running and asked whether there are other greenhouses that have been built that are producing a crop.

Mr. Lightfoot stated there are, but not that they own and operate. He stated they designed and built projects on behalf of clients previously; but this is the only one that they own and are operating right now. Ms. Doan asked if in other places they would just design the building; and Mr. Lightfoot stated they used to, but they no longer do that.

Ms. Doan stated there was a discussion about a \$25,000 Letter of Credit that was to take care of removal of the building when the Lease is over because it is a temporary building, and she asked if Mr. Lightfoot could speak to how many yards of concrete were poured inside the facility that might have to be removed after this project is over. Mr. Lightfoot stated he did not know. He added that he hopes to extend the Lease since this has been a terrific experience for them in a great community; and he hopes that rather than talking about removing it, they will be talking about adding more crops in the future. Ms. Doan stated there were truckloads of concrete that were poured on that facility, and she stated she feels that this would have to have been accounted for in some way. She stated Mr. Lightfoot was aware that he was coming to discuss the renovation, and that was part of the renovation, and she questions why he has no idea how many truckloads of concrete went inside the building. Mr. Lightfoot asked if she is discussing the upgrade project, and Ms. Doan stated she is. Ms. Doan asked if it was four yards, one hundred yards, etc.; and Mr. Lightfoot stated while he did not know the number, looking at the image he showed, the plants are floating on water, and the only concrete that was poured was curbs that hold the water that is floating on the liner. Ms. Doan asked Mr. Lightfoot if he is saying that no concrete was poured along the perimeter of the building inside

adjacent to the walls, and Mr. Lightfoot stated those were the curbs to hold the water. Ms. Doan asked the dimensions of those; however, Mr. Lightfoot stated he did not know. Ms. Doan stated there was a sufficient amount of concrete poured in the building that the truck had to drive inside the building to make that delivery. She asked if it was fifty yards, and again Mr. Lightfoot stated he has no idea what the number was. He stated the truck drove in because that is where it placed the curbs. Ms. Doan stated Mr. Lightfoot is not going to answer the question, and Mr. Lightfoot stated he has never known the answer to that question.

Ms. Doan asked Mr. Lightfoot if he is the CEO of Bright Farms, and Mr. Lightfoot stated he is. Ms. Doan asked if he oversaw the renovation project since she does not feel this is a hard question. She stated she is asking what might the taxpayers expect to have to outlay when they remove this project. She stated she understands that Mr. Lightfoot is hopeful that the project will be successful. Mr. Dobson stated the answer is that the taxpayers will not pay anything as it is in the Lease. Ms. Doan stated there is a \$25,000 Letter of Credit. Mr. Dobson stated Bright Farms will have to take it down. Mr. Lightfoot stated the curbs are not very substantial.

Ms. Doan asked if it is accurate to state that 500,000 pounds of produce was grown at the facility; however, Mr. Lightfoot declined to answer this question.

Ms. Doan stated while Bright Farms does not have a loading dock at the property, they do have a truck that makes deliveries. Ms. Doan stated 500,000 pounds is a lot of produce, and she asked the amount their truck could haul in one trip to the store. She stated the reason she is asking this question is because she wants to know if it is numerically feasible to suggest that 500,000 pounds of produce were grown and delivered to the store in a truck the size of a pick up truck with no loading dock at the facility with which to fill semi trailers with food as a farmer would. Mr. Lightfoot stated they do not deliver produce with a pick-up truck, and they have a refrigerated box truck. Ms. Doan stated they have a small box truck with a twelve foot body.

Ms. Doan stated she wants to clearly understand the project because the Township gave up productive farmland. She stated they also displaced a farmer, and she would like to see magnificent results. She stated they had a farmer who was growing produce, many kinds of vegetables, who was a proven farmer; and she is questioning whether this is a viable project. Mr. Lightfoot asked what vegetables were grown in the last five years on the site they are on; and Ms. Doan stated peppers, corn, tomatoes, and field corn were grown there. Mr. Lightfoot stated all they saw was feed corn and soy.

Ms. Doan asked if the extensive renovation was the result of an insurance claim and funded by an insurance claim for frozen, damaged pipes. Mr. Lightfoot stated it was not. Ms. Doan stated she is asking specifically if the greenhouse suffered a

catastrophic loss, and Mr. Lightfoot stated it did not. Ms. Doan asked why the dumpsters outside the greenhouse were filled with broken PVC pipes. She also asked why the water cisterns were dug out of the foundation and put outside. She asked if the greenhouse was unmanned late last year, and did it suffer a catastrophic freezing loss. Mr. Lightfoot stated it did not, and Ms. Doan stated he is on the record.

#### APPROVAL OF RESOLUTION NO. 2278 AGREEMENT TO PARTICIPATE IN THE PLANNING PROCESS OF THE BUCKS COUNTY 2014 HAZARD MITIGATION PLAN UPDATE

Mr. Fedorchak stated this Resolution is necessary in order for the Township to maintain its eligibility for various Grants such as the elevation projects and the Public Assistance Grant through which the Township is eligible after major events such as Hurricane Sandy. He noted that after Hurricane Sandy the Public Works Department applied for, and the Township ultimately received nearly \$200,000 in public assistance. He stated this is also necessary for the Township to maintain its eligibility in the National Flood Insurance Program. He stated Bucks County has reached out to the Township and asked if the Township wishes to partner with them, and allow them to serve as the lead and preparer of the Township's Plan as well as part of a County effort. Mr. Fedorchak stated he and Chief Coluzzi recommend that the Township go in this direction.

Mr. Stainthorpe moved and Ms. Tyler seconded to approve Resolution No. 2278.

Mr. Benedetto stated in today's paper there is a Calendar of Meetings including the Lower Makefield Supervisors, and it states: "Agenda – Regular Business." Mr. Benedetto stated the day before there was a meeting by the Upper Makefield Township Supervisors and the Falls Township Supervisors and it talks specifically about the Hazard Mitigation Plan. Mr. Benedetto stated he knows that the Agenda is on the Township Website, but he requested that in the future the Township provide a more extensive Agenda than just "Regular Business." He stated he does not feel that anything that happened tonight would be considered "regular business." He stated there are a lot of people that are interested in hearing about the Quiet Zones, and he feels there were probably people interested in finding out about the Bright Farms report; and he feels the Township can do a better job of notifying residents since not everyone will go to the Township Website. He stated they are required to provide notice in the paper; and while it is probably sufficient to say "Regular Business," Upper Makefield and Falls Township seem to have the ability to be much more specific. He stated for the next meeting and moving forward they should make it a point to be more specific regarding what they are actually going to be talking about on the Agenda.

Motion to approve Resolution No. 2278 carried unanimously.

APPROVAL OF EXTENSION REQUESTS FOR DOGWOOD DRIVE, ORLEANS-MOON NURSERY, AND ST. IGNATIUS

Mr. Koopman reviewed the requests for Extension.

Mr. Zachary Rubin, 1661 Covington Road, asked which Orleans is involved with the Orleans-Moon Nursery project; and Mr. Eisold stated it is A.P. Orleans

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve the following Extension requests:

Dogwood Drive – June 30, 2014  
Orleans-Moon Nursery – July 10, 2014  
St. Ignatius – July 9, 2014

Mr. Koopman stated the Board met in Executive Session for about fifteen minutes prior to the Public Meeting to discuss certain pending or potential litigation matters.

ZONING HEARING BOARD MATTERS

With regard to the Haeusstro Builders/Pete Tropia Variance requests for the property located as 12 Glenolden Road in order to permit construction of detached garage, Ms. Tyler moved, Mr. Stainthorpe seconded and it was unanimously carried that the Township should participate.

With regard to the Ewa Sadok Variance request for the property located at 1707 Yardley-Morrisville Road to increase the driveway and construct a shed, it was agreed to leave this matter to the Zoning Hearing Board.

ARIA UPDATE

Mr. Koopman stated he was asked to bring the Board up to date with regard to the Aria litigation issues which is an Appeal by Aria from the Decision of the Zoning Hearing Board to deny their Application for the Hospital. Mr. Koopman stated Mr. Benedetto and Mr. Garton met with representatives of RAFR and Aria to discuss matters pertaining to the Appeal. He stated the Hospital is considering using the property for what they call a Health Care Village and to withdraw the Application for the Hospital. Mr. Koopman stated the discussions addressed certain concerns that

the Township and RAFR may have, and he understands that the Hospital is going back to look at that matter and will be back to the Township and RAFR shortly with some additional information on their proposal.

Mr. Benedetto stated Aria was looking at Amending the Ordinance, and they made a proposal regarding the Health Village as a permitted use in the Office/Research District. He feels it was a productive meeting with more discussion to take place.

#### SUPERVISORS' REPORTS

Ms. Tyler stated with regard to Citizens Traffic they need to get calming measures on a future Agenda. Ms. Tyler stated Ms. Torbert is going to be reaching out to Chief Coluzzi about some accident reporting data, and Ms. Tyler stated she would like to attend that meeting as well.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, Citizens Traffic Commission, stated their annual safety day will be on April 8.

Mr. Stainthorpe stated under the new leadership in HARB they are working closely with First Choice Bank to get things done, and he is very pleased with how that Board is starting to work.

Mr. Benedetto stated the Veterans Committee sent out an e-mail to himself and Ms. Tyler, and the announcement is that they are getting their Bid documents ready to go out next week with a decision to be made in early May and construction on the Monument to hopefully begin in early June. Mr. Benedetto stated anyone interested should e-mail Janice Curtin at [Janice.Curtin@hotmail.com](mailto:Janice.Curtin@hotmail.com) or [Veterans Square.org](http://Veterans Square.org) to be sent the Preliminary Plans. Mr. Benedetto stated a lot of hard work has been done by the Veterans Committee and a lot of other individuals as well.

#### DISCUSSION AND APPROVAL OF WHISTLEBLOWER POLICY

Mr. Fedorchak stated although there is a State Whistleblower Act, they feel it would be good for the Township to have a policy specific to Lower Makefield Township. He stated as to who is responsible to report something they are witnessing that is askew, some sort of fraud, stealing, etc. all employees, the Township Manager and staff, and the Board of Supervisors are equally responsible to report an act if they are a witness. Mr. Fedorchak stated there is a Section dealing with no retaliation to a Township employee who in good faith reports an ethics violation; and they shall not suffer harassment, retaliation, or adverse employment consequences.

Mr. Fedorchak stated there are protocols established for reporting violations, and there is an open door policy across the board. He stated if employees are witnessing something they first should consider going to their Supervisor, if not their immediate Supervisor then another Management employee, or the Township Manager, or the Chairman of the Board of Supervisors. He stated there are a number of opportunities in terms of individuals available with whom an employee can discuss their concerns.

Mr. Fedorchak stated when it gets into an investigation of the allegation, the Township Manager is designated as the Compliance Officer; and in some cases perhaps the Chairman of the Board would be involved in an investigation. He stated there would be a ruling which would then get reported to the Board of Supervisors.

Mr. Stainthorpe asked if there was a particular impetus for this, and Mr. Fedorchak stated he has had discussions with the Auditors in the past and a number of other regulations have come up over the past few years; and this is where he got the idea for this.

Mr. Stainthorpe moved and Ms. Tyler seconded to approve the Whistleblower Policy as presented by the Township Manager.

Mr. Benedetto asked if the current policy is based on any other Municipalities, and Mr. Fedorchak stated Mr. Garton put this together and patterned it after State law.

Motion carried unanimously.

#### APPOINTMENTS

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to appoint David Schmid to the Economic Development Committee.

There being no further business, Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

Pete Stainthorpe, Secretary

