

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 3, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 3, 2014. Chairman Dobson called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors: Dobby Dobson, Chairman
 Dan McLaughlin, Vice Chairman
 Kristin Tyler, Treasurer
 Jeff Benedetto, Supervisor

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

Absent: Pete Stainthorpe, Board of Supervisors Secretary

PROCLAMATION IN RECOGNITION OF WOODSIDE PRESBYTERIAN CHURCH
"CHURCH HAS LEFT THE BUILDING" VOLUNTEERS

Mr. Dobson read the Proclamation into the record honoring the Woodside Presbyterian Church volunteers. He noted the various activities they have done including planting bushes at the newly-constructed Secret Garden Inclusive Playground at Memorial Park.

PUBLIC COMMENT

Ms. Lisa Gage stated she is present on behalf of Pennsbury High School and announced the upcoming production of White Christmas which will be held on December 19th and 20th at 7:30 p.m. and Sunday, December 21st at 2:00 p.m. She stated there is a special discount for Veterans and Seniors who have the Pennsbury School District Gold Card. Ms. Gage stated they are doing a charity tie-in with Operation Home Front and are asking people coming to the show to make a small voluntary monetary donation.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve the Special Budget Meeting Minutes of October 28, 2014 as written.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve the Minutes of the November 5, 2014 meeting as written.

Mr. McLaughlin moved and Ms. Tyler seconded to approve the Special Budget Meeting Minutes of November 13, 2014 as written. Motion carried with Mr. Benedetto abstained.

APPROVAL OF OCTOBER 20, 2014, NOVEMBER 3, 2014, AND NOVEMBER 17, 2014 WARRANT LISTS AND OCTOBER, 2014 PAYROLL

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to approve the October 20, 2014, November 3, 2014, and November 17, 2014 Warrant Lists and October, 2014 Payroll as attached to the Minutes.

APPROVAL OF RESOLUTION NO. 2288 FIXING THE TAX RATES AND SPECIAL LEVIES AND ADOPTING THE 2015 BUDGET

Mr. Fedorchak stated the Resolution identifies the tax rates and fees for 2015. He stated for Real Estate purposes for the General Fund they are proposing a tax of 10.85 mills, Debt 1.55 mills, Fire Protection .9 mills, Hydrant .29 mills, Parks & Rec 1.28 mills, and Ambulance and Rescue .25 mills for a total of 15.12 mills which is the tax rate for 2015 if approved by the Board. Mr. Fedorchak stated as noted earlier it has been 15.12 mills since 2009.

Mr. Fedorchak stated they levy a Per Capita Tax of \$10 upon each resident over the age of eighteen. He stated there is also a Street Lighting Assessment; and as noted during the Preliminary Budget, it is his recommendation to increase the Assessment to \$.50 per linear foot. He stated Leaf Collection/Recycling Assessment remains at \$50, and there is a Local Services Tax which will remain at \$52. He stated the only increase is in the area of street lighting assessment.

Mr. Fedorchak stated they introduced the Preliminary Budget at the Board's October meeting, and since then the Board conducted two Workshops one on October 28 and the second on November 13 during which the Board interviewed a number of the Department Heads and discussed their recommendations; and in some cases there were a few adjustments made.

Mr. Fedorchak stated overall there were not many changes made. He stated one change was to the General Fund, and he had presented a 2015 General Fund Budget where Operating Expenses exceeded Operating Revenues by approximately \$380,000. Mr. Fedorchak stated during the Budget Workshops the Board, with the Department Heads' involvement, reduced various Expenses and made a few adjustments to Revenues which resulted in reducing that delta down to \$257,000. Mr. Fedorchak stated this reduction allowed them to increase the 2015 Year End Balance to over \$1.5 million. He stated this represents 14% of the Expenses. He noted the auditors have identified Safe Harbor to be in the 5% to 8% range so they are well in excess of that. Mr. Fedorchak stated over all twenty funds Expenses are forecast to be \$28.7 million with a projected Fund Balance of approximately \$5.4 million which represents 19% of all Expenses. Mr. Fedorchak stated overall this is a very positive financial picture.

Mr. Fedorchak stated there was unexpected good news in the area of the Deed Transfer Tax. In October, they were disappointed at year-to-date receipts as the housing market had slowed; however, in the course of two months the Township received \$122,000 in one month and over \$200,000 the following month so he can now report that this will be the best year in Deed Transfer Tax receipts they have had since probably 2006. Mr. Fedorchak stated there does not seem to be a clear picture as to housing for 2015, although he is not hearing anything really negative.

Mr. Fedorchak stated this Final Budget has been on the Township Website for the last two weeks, and it is now available at the Township Building.

Mr. McLaughlin moved and Ms. Tyler seconded to approve Resolution No. 2288 fixing the tax rates and special levies and Adopting the 2015 Budget.

Mr. Benedetto stated in November they discussed financing part of the Community Center through a loan, and he asked how this is reflected in the Budget. Mr. Fedorchak stated it is reflected in the Capital Reserve Fund. He stated on the Revenue side there are loan proceeds shown as a Revenue line item, and on the Expense side there will be a reflection of the costs of the Community Center. Mr. Benedetto stated he understands that with regard to the Capital Reserve Fund, they will take out a loan of \$1.85 million. Mr. Fedorchak reminded Mr. Benedetto that Mr. Kall had made a recommendation to purchase a variety of equipment that everyone agreed was necessary including a street sweeper at \$250,000, the possibility of a bucket truck in the amount of \$90,000 and between two to four dump trucks of various sizes. Mr. Fedorchak stated the Board advised Mr. Kall at that time that they will consider this, but also asked him to research contracting the street sweeper and the bucket truck out to the private sector; and Mr. Kall is in the process of doing an analysis on this. Mr. Fedorchak stated he has included a number in the Budget to cover the purchases, but before a final commitment is made the

Board will hear the results of Mr. Kall's study; and then the Board can make a final decision. Mr. Dobson stated it will not be more than \$1.8 million for everything, and Mr. Fedorchak agreed.

Mr. Benedetto stated he understands that this will be a loan and not a bond; and Mr. Fedorchak stated that would be his recommendation as he does not see why they would need to go through a bond issuance in this case, and he feels they can do it a lot less expensively with a traditional loan. Mr. Benedetto asked what bank they would go to for the loan, and Mr. Fedorchak stated he would propose that this be bid out. Mr. Benedetto asked if they have to bid it out, and Mr. Koopman stated historically they have bid these out.

Mr. Benedetto stated taking the \$800,000 out that they are discussing for Public Works needs, it seems as if based on the Budget numbers, they are still talking about approximately \$3.5 to \$3.85 for the ball fields, the playground, the tennis courts, and the basketball courts; and he asked if this is correct. Mr. Fedorchak stated they did discuss this at one of the prior meetings, and he could provide a comprehensive analysis of what each one of these improvements cost. He stated he feels the ball fields were approximately \$700,000 for Phase I, and they will put another approximately \$100,000 in Phase II. He stated \$190,000 was for improving the tennis courts and basketball courts. He stated of the \$350,000 that was expensed for the all-inclusive playground, \$100,000 of that was from the Grant.

Mr. Benedetto stated the cost he saw for just the playground was about \$400,000, \$190,000 for the tennis courts and the basketball courts, and \$810,000 for the ball fields which equal \$1.4 million. Mr. Benedetto stated for the Community Center it is \$2 million plus.

Mr. Benedetto stated while it is "nice to have nice things," this is a lot of money and they will have to take out an additional loan. He stated while they are not raising taxes, they are borrowing additional money to do this; and this is a lot more than he was thinking they would spend.

Ms. Tyler asked Mr. Benedetto if he sees any other options; and Mr. Benedetto stated he voted for Option 2 for the Community Center, and he would have liked to see a smaller Community Center.

Mr. McLaughlin stated he recognizes that this is a lot of money; but Lower Makefield is a great place to live and to keep that moniker, they have to invest. He stated they have always acknowledged that they needed a Community Center; and while they could have built a smaller one for \$1 million, he feels that would have been short-sighted. He stated the Township has put itself in a very strong financial position so that they can make the right choices now and not make decisions that they regret later. He stated they will be able to grow into the Community Center and possibly

even move the Park & Rec offices over there and not have to be stymied by a building that is too small. He stated the senior citizens have been meeting in the Township meeting room, and he feels it was appalling that this was what they afforded their “most cherished generation.” He stated they found the money, and the Seniors deserve a world-class facility. He stated the all-inclusive playground was also the right thing to do for special needs children. He stated the Township will be paying \$1.8 million and not \$3.8 million because of the Grant. He stated the taxpayer monies are meant to be enjoyed by the taxpayers whenever possible. Mr. McLaughlin stated all of this was discussed at length.

Mr. Benedetto stated with regard to the professional services for the Community Center, they chose the architect who had familiarity with the project. Mr. Benedetto stated he feels Boucher & James did a great job with the playground. He stated he understands from talking to people who are involved with projects that the professional service fees should have been 10% of the cost of the projects, and he understands that they are almost twice that.

Mr. Fedorchak stated most of the engineering and construction management fees associated with the projects were slightly more than 10%, and he does not feel they were inconsistent with the going rates. He stated where they had to pay additional fees was in the area of the Grant administration. He stated he discussed this previously, and there is a process that they have to follow; and a representative from Boucher & James was handling this for the Township. He stated there were quarterly reports required which were “books” with fifty to seventy pages of information that the Township had to provide to an engineering firm that was contracted out by the State to handle the administration of the State Grants. Mr. Fedorchak stated the paperwork required of the Township was far more than he has ever seen in his decades of doing his job. He stated this is where it can be seen a significant increase in the professional services.

Mr. Benedetto asked about the Open Space Grant and asked where it is budgeted for in 2015. Mr. Fedorchak stated what the Board approved last year was to establish a Patterson Farm Expense Fund which was in last year’s Budget, and has been carried over into the 2015 Budget. He stated they will have to see if they get the approximately \$800,000 he has put in the Budget. He stated he has heard that the County Commissioners are supportive of the Application.

Motion to approve carried unanimously.

APPROVAL OF NON-UNIFORMED RETIREMENT INCENTIVE

Mr. Fedorchak stated he has enlisted the assistance of the actuary to help define the various parameters in a way that would be cost effective for the Township. He stated there are two eligibility requirements – one the rule of ninety with a minimum age of fifty-nine. He stated this means that if you take your years of service and your age, and you get to ninety, you are eligible assuming you hit the minimum age of fifty-nine. He stated the second part is the more traditional sixty-one years of age and fifteen years. He stated the actuaries did the study in accordance with Act 205, and approximately seven to eight of the employees would be eligible under these criteria; and it would be his expectation based on conversations he has had with people that possibly two, three or more employees may be interested.

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to amend the Non-Uniform Pension Plan to include a retirement window for employees that meet the eligibility criteria of the rule of ninety, minimum age fifty-nine or age sixty-one with fifteen years of service and in accordance with the Study dated November 20, 2014.

APPROVAL OF RESOLUTION NO. 2289 ESTABLISHING THE 2015 PARK & RECREATION FEE-IN-LIEU

Mr. Fedorchak stated they established the Park & Rec Fee-In-Lieu and the Traffic Impact Fee-In-Lieu program approximately twenty-five to thirty years ago. In accordance with the law, based on the Consumer Price Index, the Township can adjust the Fees accordingly. Mr. Fedorchak stated the numbers in both of these Resolutions are a result of the calculations by the Township engineer.

Mr. McLaughlin moved and Ms. Tyler seconded to approve Resolution No. 2289 establishing the 2015 Park & Recreation Fee-In-Lieu.

Mr. Benedetto stated he discussed this with Mr. Garton, and he understands that the Park & Rec Fee-In-Lieu funds are designated funds, and they could not put these funds in the General Fund for other purposes. Mr. Fedorchak stated it can be put in the General Fund, but it would have to be used for something related to recreation.

Mr. Benedetto stated they just voted on a Tree Bank Ordinance, and he understands from Mr. Garton that those funds are not as restricted as the Park & Rec Fee-In-Lieu funds are; and technically the Tree Bank funds could be used for things outside of the purchase of trees and shrubs. Mr. Koopman stated his recollection is that the Tree Bank money must be used for that specific purpose, although he would have to

look at the Ordinance again to verify this. Mr. Benedetto stated the Ordinance says the funds must be used for the purpose of trees and shrubbery, but when he discussed this with Mr. Garton, he was told that those fees are not as restrictive as they are with the Park & Rec. Mr. Koopman stated he does not feel that is correct, and the Environmental Advisory Board put in the strictest language they could so that the monies could just be for the purpose of trees and landscaping.

Mr. Benedetto asked if there are any restrictions with regard to the Traffic Impact Fees, and Mr. Koopman stated he recalls that they have to be used for traffic-related improvements.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2290 ESTABLISHING 2015 TRAFFIC IMPACT FEE

Mr. McLaughlin moved and Ms. Tyler seconded to approve Resolution No. 2290 Establishing the 2015 Traffic Impact Fee.

Mr. McLaughlin asked if these fees could be used for the purchase of Police vehicles, and Mr. Fedorchak stated they could not.

Motion carried unanimously.

APPROVE AUTHORIZATION TO BID FOR TOWNSHIP LINE ROAD RECONSTRUCTION/REPAVING

Mr. Eisold stated they discussed this previously, and the goal is to get this out to Bid as soon as possible so it can be constructed early in the construction season. This will be a combination with Middletown since half the street is in Middletown and half is in Lower Makefield. He has put together a timeline, and they propose going out to bid in early January, with Bids being opened mid-February, hopefully starting construction the beginning of April, and finishing some time in May. Mr. Dobson noted this road is definitely in need of repair. Mr. Fedorchak stated this will start at the Railroad crossing, go west, and then north to Stony Hill.

Mr. McLaughlin moved and Mr. Benedetto seconded to authorize the Bid.

Mr. McLaughlin asked if it would be possible to exclude a contractor; and Mr. Eisold stated he has had discussions with Mr. Garton about this, and he feels there is the option to do this.

Mr. Fedorchak stated looking ahead over the next five years conservatively the Township will be investing at least \$4 million in road resurfacing projects. He stated one of his concerns over the years of his career is that from time to time he has seen roads that are paved and within two to three years, there are problems; and at that point it becomes difficult to determine who is at fault. Mr. Fedorchak asked Mr. Eisold if there are protocols to prevent that from happening. Mr. Eisold stated there are a number of things that can be done according to the PennDOT guidebook, and they have been employing some of these particularly over the last few years. He stated they require a design mix report of the materials from the quarry and this must be certified by PennDOT. He stated on some of the roads, they have also done core samples after the work is complete; and this section of the road is taken to the lab for evaluation. He stated within the past year, they have required the contractors to do a density test right behind the paving; and if it is not to the specifications, they have to roll it additional times to make sure it meets the density. He stated they have incorporated a number of things recently given some of the instances found in the past with this most recent contractor and with their supplier as a number of Municipalities have raised concerns about one of the contractor's suppliers in the past.

Motion carried unanimously.

QUIET ZONES UPDATE

Mr. Eisold stated there has been a diagnostic meeting scheduled for Monday, December 8, and this will include the PUC, PennDOT, SEPTA, and CSX; and they will discuss the preliminary design and walk to each site to review the existing site conditions. He stated once they get past this first step, they will meet with the residents in the future.

Mr. McLaughlin asked for an update on the Grant that the Township received. Mr. Eisold stated the Township was notified that they were going to receive a Grant in the amount of \$350,000. He stated they have been in contact with the agency to determine what is going to be required. He stated this is a new program, and they have a lot of different projects so they are trying to determine how they are going to administer this.

Mr. Eisold stated they are on schedule to have construction by late summer/fall of 2015.

Mr. Benedetto asked if there is anything in the 2015 Budget for the Quiet Zones, and Mr. Fedorchak stated he believes he put \$150,000 in the Budget under Special Projects.

Mr. David White thanked the Board for getting the Grant which he understands was a concerted effort. He stated he understands that they do not need to depend on the Railroad to make any of the technological changes in the cabs, and he wants to make sure that they pursue the implementation of the Quiet Zones as aggressively as they can since the funding is now available. Mr. McLaughlin stated this is one of the Board's focus items for 2015.

DISCUSSION OF 2014 ROADWAY PAVING PROJECT LIQUIDATED DAMAGES

Mr. Eisold stated they have been discussing the fact that the contractor was somewhat overextended and was not going to be able to meet their deadline. Mr. Eisold stated the completion date in the Contract was September 30. Mr. Eisold stated they wanted to wait until everything was done, and then determine when the deadlines were met and discuss what, if any, liquidated damages they would look to enact with regard to the Contract. He stated substantial completion was October 16. He stated sixteen days was the differential. Mr. Eisold stated the Township did have them do some additional work paving Lafayette Drive and some additional areas on University Drive. Mr. Eisold stated he and Mr. Garton looked at that and equated that to about one week's worth of work so sixteen days minus seven days resulted in nine days of overage. Based on the Contract, the liquidated damages amount was \$1,535 per day so for nine days this would equal \$13,815. Mr. Eisold stated they have not discussed this yet with the contractor as he wanted to discuss this with the Board before they took it to the contractor.

Mr. Dobson stated he feels they should make the contractor be held to the Contract. Ms. Tyler stated she agrees since the Township has a substantial road repaving program ahead, and the contractors need to understand that they will be held to the Contract. Mr. McLaughlin agreed.

Mr. Benedetto stated he understands that this contractor had projects in Doylestown and other areas that they were late on as well. Mr. Eisold stated he knows that they were late with their project in Middletown. Mr. Eisold stated the contractor indicated that they had a hard time this year getting the trucks to bring in and distribute the asphalt out to the field. Mr. Eisold stated he feels with the economy being slow over the last number of year, the bigger companies got rid of a lot of their in-house trucks and equipment; and they had to rely on outside contractors to do that work. He stated there were a number of big projects being done by PennDOT, and they took a lot of the subs out of the marketplace. Mr. Eisold stated he also feels that the contractor was overbooked with the amount of work they had.

Mr. Fedorchak stated with the new tax increase, there will be a lot more money available to all local Governments throughout the State and to the State as well for road construction projects over the next four to five years. He stated his concern is that there are going to be pressures on the contractors and plants to do things quick so he wants to make sure they know that if they are working in Lower Makefield, the Township will be making sure they are doing things right.

Mr. Benedetto stated he is concerned that the last contractor they had may come in as the low bidder on future projects, and he asked if they can use the fact that they did not meet the Contract as a reason not to award them the bid. Mr. Koopman stated once the bids come in his office will meet with Mr. Eisold to evaluate this, but it is a concern that should be taken into account in awarding future bids. He stated while the Township has to award to the lowest responsible bidder, if the contractor has failed to meet Contract obligations on earlier Contracts, they may be able to take this into account. Mr. McLaughlin asked who gets to define "responsible;" and Mr. Koopman stated ultimately if there is a dispute, this could end up in Court.

DISCUSSION OF BRIDLE ESTATES FLOODING – EVALUATION OF UPSTREAM DEVELOPMENT STORMWATER BASINS

Mr. Eisold stated there was a prior meeting when some residents came in regarding some flooding issues and floodplain concerns in the Bridle Estates Development. As a result of that, there was a meeting in the Township with some residents, Mr. Fedorchak, Mr. Garton, and himself looked at the issues and what could be done. Mr. Eisold stated one of the issues was the actual change in the floodplain, and the new maps are coming out in March; and they actually changed the configuration of the floodplain in this area. Mr. Eisold stated the residents indicated they were not aware of the changes. Mr. Eisold stated they also discussed what could be done to make sure that there was nothing that developments upstream of that development had done that were negatively impacting these Bridle Estates properties.

Mr. Eisold stated the waterway they were discussing is Core Creek, and there is quite a bit of watershed upstream of these properties. He stated the total of the upstream watershed is two and half square miles which is draining to these properties. Mr. Fedorchak had asked the Township engineer to look at the upstream developments, evaluate the basins, and compare them to the design and the As-Built Plans to make sure that everything was built in accordance with the Plans. Mr. Eisold stated they did this over the last few months, and he has a draft report. They found that by and large the basins and the out structures had been constructed and were in a condition that was in accordance with the approved

Plans for those developments. Mr. Eisold stated they are close to completing a number of naturalization projects in some of the basins; and while this should help, it will not make a huge difference although it will provide some additional benefit.

Mr. McLaughlin stated this subject came up because of recent discussions about the Moon Nursery tract. Mr. McLaughlin asked Mr. Eisold if the development of that tract is effecting Bridle Estates, and Mr. Eisold stated it is not. Mr. Eisold stated in fact the impervious surface on the Moon Tract is much greater today than it will be after that Tract is developed; and while it will make it better downstream, it will not really be a significant improvement for Bridle Estates.

Mr. Benedetto stated he asked to see the report, but has not seen it yet. Mr. Eisold stated it is only a draft copy which has not been finalized, but he does have all the data. Mr. Benedetto stated the summary of the findings is not really that helpful to himself or to the residents. Mr. Benedetto stated "Ed and Stu" came to the Planning Commission meeting and were frustrated. Mr. Benedetto stated at that meeting when Mr. Eisold was asked what he felt the findings would show, Mr. Eisold indicated exactly what he just indicated; and while this may be correct and Moon Nursery will not make it worse, "Stu and Ed" asked that they get this in writing, and nobody was willing to do that. Mr. Benedetto stated he feels the problem has gotten worse, and it is an unlivable condition.

Mr. McLaughlin stated it is possible that development may have been improperly located. Mr. McLaughlin stated he feels it is inappropriate for Mr. Benedetto to indicate that the answer was already concluded before the analysis was done. Mr. McLaughlin stated there have also been substantial weather events over the past few years that would lead to flooding. He noted he had never had water in his basement, but he has over the past few years.

Mr. Benedetto stated he feels looking upstream was taking "the eye off the ball from the beginning," and he does not feel it is about trying to evaluate what is going on upstream and if the basins are what they should be, rather it is the concern about adding development. He stated they can say that Moon Nursery will improve the situation; and while this may be the case, none of them are experts. Mr. McLaughlin stated Mr. Eisold is their expert, and he has advised in the report it is not a problem with the upstream developments and that the Moon Nursery Development will not add to the problem, and in fact it may be a slight benefit and will not make it worse. Mr. Benedetto stated the evaluation done was an evaluation of upstream development, and it has nothing to do with Moon Nurseries. Mr. Benedetto stated he understands that Mr. Eisold looked at Moon Nursery as a separate issue, but Mr. Eisold at the meeting was specifically asked to look at the Moon Nursery Development. Mr. Benedetto stated while Mr. Eisold can state that he looked at what Moon Nursery was doing as a separate issue, he was specifically asked to look

at the Moon Nursery Development. Mr. Benedetto stated to him logic dictates that if you add development into an area, they are going to create a worsening condition. Mr. Dobson stated in this instance they have indicated that at Moon Nursery, they are going to reduce the amount of impervious surface. Mr. Benedetto stated you can go to different residents in the Township who state they were told certain things, and the conditions got worse.

Mr. McLaughlin stated with regard to the Moon Nursery site, if there is currently a concrete parking lot, and they are going to change this to grass, it will not make it worse.

Mr. Benedetto stated the current situation in Bridle Estates is unacceptable. He stated Mr. Eisold was asked to do a site inspection and look at the Moon Nursery Development, and instead what they got was an evaluation of upstream development. Mr. McLaughlin stated they asked Mr. Eisold to look at the watershed impact on Bridle Estates. Mr. McLaughlin asked Mr. Benedetto to come with an open mind and accept the conclusions. Mr. Benedetto stated the study that was done was not what they were looking for when he was at the meeting in July. Mr. Benedetto stated the reason they are having this discussion is because Moon Nursery is going in there.

Mr. McLaughlin stated Mr. Benedetto just indicated that the situation there is unlivable, and Moon Nursery has not been developed yet. He stated the developer's engineer brought in a map that showed the watershed of Core Creek upstream and indicated that Moon Nursery would not impact this. The Township engineer then reviewed this for an impartial decision.

Mr. Benedetto stated he has never had an issue with the upstream conditions. He stated the only people who brought up the upstream development was Mr. Eisold and Mr. Fedorchak. Mr. McLaughlin stated the developer brought in a map showing the upstream watershed; and Mr. Benedetto stated this was after the meeting in July with the residents, Mr. Fedorchak, and Mr. Eisold, and was where the decision came to make this report. Mr. McLaughlin stated he was interesting in find out more information once he heard the report from the developer. Mr. McLaughlin stated now they have the answer.

Ms. Tyler stated there is a water situation that exists in Bridle Estates, and the Moon Tract has not been developed so that water problem exists regardless of the proposed development. She stated the water problem is obviously significant enough such that the Federal Government felt the need to re-draw the maps. She stated the factual information demonstrates that the reason there is a water situation in Bridle Estates is because of the nature of the water courses and the watershed, and those watersheds lead down; and this is where much of the water

ends up which is why she assumes the engineer was looking for the cause of the Bridle Estates problem and is what he just reported to the Board. Ms. Tyler stated the Moon development has nothing to do with the existing problem as the water problem exists already. She stated they also had a professional evaluation by the Township engineer who has told them that the proposed development will not exacerbate the problem in Bridle Estates; and in fact, it will either be neutral or it will improve it.

Mr. Benedetto stated the point he is trying to make is that at the July meeting that took place with the residents, the understanding was that the Township engineer was going to come out on site and look at the proposed development and look at the current situation that is existing – not upstream – and make an evaluation whether they could improve the situation there – not upstream – or is there something that could be done when Moon puts in their development. Mr. Benedetto stated he understands that Moon Nursery and Mr. Eisold have stated that it will make it neutral or improve the situation. He stated the issue becomes if you trust this, and why was the evaluation not done with Moon Nursery in the first place.

Mr. Eisold stated they did review the Moon Nursery Plan in detail and reviewed the Stormwater Management Plan three or four times, and it was revised through the process.

Mr. Benedetto asked if there was any evaluation done to improve the situation, not on the Moon Nursery side, but on the Bridle Estates side. He stated they were looking at some of the basins there, but it seemed like nothing really got done. Mr. Eisold stated the Bridle Estates Development was one of the developments they looked at in their process; and they started there and moved their way upstream, and everything was functioning per the design.

Mr. McLaughlin stated one of the facets of granting Preliminary Approval is the Township engineer's review of the Plan, and the Township engineer's report is part of the Preliminary Approval for stormwater management. Mr. McLaughlin stated this is a requirement to get Preliminary Approval.

Mr. Benedetto stated it was his understanding from the July meeting that Mr. Eisold was going to be there with the residents and have a discussion and "Ed and Stu" would show the areas they had concerns about, and he does not feel that ever took place.

Ms. Tyler stated in order for Mr. Eisold to go out and address the residents' concerns about the water in their back yard it necessitates the upstream evaluation which is what he did.

Mr. Benedetto stated there was no “meeting of the minds;” and there was at least a meeting with the residents at Ferri Tract/Freeman’s Farm even though they did not agree with it and still felt that there was going to be a problem. Mr. Benedetto stated that did not even take place here. He stated he understands Mr. Eisold has done a preliminary evaluation, but at the meeting in November, he asked to have a copy of that and for the residents to have a copy; and at least he would have expected Mr. Eisold to show the residents this even if it is a Preliminary Plan so that they can come at be informed and indicate where they have an issue with Mr. Eisold’s findings. Ms. Tyler stated they will be getting this; however, Mr. Benedetto stated it is on the Agenda now and he does not feel the residents received notice of this meeting this evening other than him telling them about it. Mr. McLaughlin stated this is just an update, and they are not taking any action. Mr. Benedetto stated they are having a public discussion about it, and the people who are directly impacted should be notified of it by the Township. Mr. Benedetto stated if Mr. Eisold did not have a final report, this should not have been on the Agenda; and when he has a final report, it should be given to the residents.

Mr. Dobson stated the Township engineer is allowed to give updates when the Board asks him to give an update. Mr. Benedetto asked why the residents who are directly impacted by this were not notified. Mr. McLaughlin asked if everyone who resides along the Railroad tracks was notified that they were going to have a Quiet Zones update. Mr. Benedetto stated this is a false comparison.

Mr. Stu Revness, 1267 Bridle Estates, stated his neighbor, Ed Nini, 1263 Bridle Estates, could not be present this evening. Mr. Revness thanked the Board for spending a vast amount of time on this. He stated Mr. Benedetto has been extremely vocal, and this is appreciated by the residents. Mr. Revness stated he understands that the findings are preliminary, and there does not seem to be any reason for the increase in water flow other than “Mother Nature.” He stated this is challenging to accept when they know that their flood insurance rates are going to go from zero to \$3,000 or more. Mr. Revness stated he would still like to know as a taxpayer what, if anything, can be done. He stated if this means he needs to get a Permit to dig a trench in his back yard and take it to the detention basin that seems to be extremely underutilized in stormwater flow, he would like to be able to do that. Mr. Revness stated while the situation is unfortunate, he is more interested in finding out what they can do to make the situation better moving forward.

Ms. Tyler suggested that once Mr. Eisold’s report is finalized it be provided to the Bridle Estates residents, and they can come in and have a meeting like they have done in the past with other resident issues. She stated possibly they could bring in the EAC and Zoning members to discuss potential remediation measures.

Mr. Eisold stated he has been involved in similar situations in other Municipalities; and while he wished there was an easy solution, there is so much water here that there is no easy solution. He stated they could look at each house separately and determine what could be done at each house such as waterproofing, etc. to protect the basement areas. He stated he feels the water will continue to come based on the storms they have had. He stated they could look at the house and determine what is the most efficient way to address the problem for each individual house.

Mr. McLaughlin asked if these residents would be eligible for the FEMA program that the residents along the River are; and Mr. Fedorchak stated he is not sure, and they would have to look at the flooding experiences they have had over a certain period of time. Mr. McLaughlin stated the map change indicates that they are now in the flood zone, and Mr. Revness stated it is at his back door. Mr. McLaughlin stated those along the River are eligible for monies from FEMA, and most of them are raising their houses. Mr. McLaughlin asked if Mr. Fedorchak could discuss with these residents what the requirements are for the FEMA program.

Mr. Dobson asked how many homes are effected by this, and Mr. Revness stated there are five to six.

Mr. Eisold stated FEMA looks at first floor elevation; and most of these properties, while they are flooded, are the lower level such as the walk-out basement, and their first floor is well above the flood elevation. He stated this is different from the properties along the River where the first floors had two to three feet of water. He stated he is not sure that a basement would qualify with FEMA, although they could look into this. Mr. Dobson stated he feels the Township can give these residents some direction on what they can do. Mr. Dobson stated he would like to set up a meeting with the homeowners who are effected to meet with Ms. Saylor and Mr. Eisold.

Mr. Dobson stated while Moon Nursery is not obligated, since they only have Preliminary Approval, there may be something that the Township could ask them to do at Final to try to help the situation. Mr. McLaughlin stated the Final Plan is when Mr. Eisold might provide a list of recommendations that might help.

Mr. Benedetto asked if there is a way to appeal the adoption of the map on behalf of the residents, and Mr. Eisold stated they had tried to do this early on in the process but there was nothing substantial enough for them to agree to make a change. Mr. Benedetto asked if this is true even with the assumption that the Moon Nursery Development will improve the situation, and Mr. Eisold stated that would not qualify as the impact will be negligible.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS 680 STONY HILL ROAD

Mr. Fedorchak stated this is a sign for a tanning sale and boutique, and HARB has recommended approval.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the Certificate of Appropriateness for 680 Stony Hill Road.

APPROVAL OF EXTENSION REQUEST FOR ARIA HEALTH

Mr. Dobson stated he understands that there is no update since the Township is not a Party to this, and Mr. Koopman stated he is not aware of anything further on this.

Mr. Benedetto stated he felt there was an update from Mr. Garton that there was some submission by Aria's attorney of a change to the Ordinance. Mr. Dobson stated they have not come to the Township for anything.

Mr. Koopman stated they need to act on the extension request because the time is running out. Mr. Benedetto asked if they could extend it just to January 30, and Mr. Koopman agreed they could do this.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the extension request to January 30, 2015.

APPROVAL OF EXTENSION FOR FIELDSTONE AT LOWER MAKEFIELD

Mr. Eisold stated this is the Harris Tract, and the Quaker Group owns this property. He stated Beazer Homes was looking to purchase and develop it, but he understands that they have walked away; and J.P Orleans may be looking at this property.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve the Extension for Fieldstone at Lower Makefield to June 30. 2015.

APPROVAL OF EXTENSION FOR CAPSTONE TERRACE

Mr. Fedorchak stated this is off Stony Hill Road at Township Line Road.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the Extension for Capstone Terrace to June 30, 2015.

Mr. Koopman stated the Board met in Executive Session prior to the meeting to discuss certain potential litigation matters including the Zoning Hearing Board matter.

ZONING HEARING BOARD MATTERS

With regard to the Dennis and Sharyn Levitt Variance request for the property located at 558 Barn Drive in order to construct a one-story attached garage and apron to their home resulting in greater than permitted impervious surface, it was noted that this matter is moot in that the Zoning Hearing Board heard this matter last evening and approved the Variance.

With regard to the Donald F. and Elizabeth Maurer Variance request for the property located at 1311 Moon Drive in order to construct an addition resulting in greater than the permitted impervious surface and encroachment into the rear yard setback, it was noted that the matter is moot in that the Zoning Hearing Board heard this matter last evening and approved the Variance.

With regard to the Kathie and Tom Yates Variance request for the property located at 911 Greenway Avenue in order to construct an addition resulting in greater than the permitted impervious surface, it was agreed to leave this matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. McLaughlin stated the Yardley Christmas Parade is this Saturday at 3:30 p.m.

OTHER BUSINESS

Chief Coluzzi asked that the Board approve the hiring of Patrick Cahill for the position of Police Officer to be brought on in January, 2015.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to hire Patrick Cahill as Police Officer.

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There being no further business, Ms. Tyler moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,

Dobby Dobson, Chairman