

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – NOVEMBER 18, 2015

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 18, 2015. Ms. Tyler called the meeting to order at 7:30 p.m.

Those present: Kristin Tyler, Chair  
Jeff Benedetto, Secretary  
Dobby Dobson, Treasurer  
Ron Smith, Supervisor

Others: Terry Fedorchak, Township Manager  
John Koopman, Township Solicitor (left meeting in progress)  
Nathan Fox, Township Solicitor (joined meeting in progress)  
Mark Eisold, Township Engineer  
Kenneth Coluzzi, Chief of Police

Absent: Dan McLaughlin, Board of Supervisors Vice Chair

PUBLIC COMMENT

Ms. Maggie Robinson, 549 Kings Road, was present and stated she is President of Artists of Yardley. She stated this weekend they are having their Fifth Annual Fine Crafts Show and a bake sale. On Friday, December 4 they will have their holiday party and opening reception where there is an opportunity to acquire original works of art. Ms. Robinson stated it is a proven fact that access to the arts is a valuable asset to the community. Ms. Robinson stated on October 3, 2014 she gave a presentation at the Township demonstrating the fact that having AOY at the Janney House on Patterson Farm does not cost the Township anything, and in fact saves the Township money since they maintain the house and pay for heat and utilities. Ms. Robinson stated they have done renovations and made the Janney House a special place.

Ms. Robinson stated they are a non-profit organization, and their members and volunteers are dedicated to the Arts and appreciate what they have. She stated their major source of income is their education program, and they provide a variety of classes and workshops for adults and youths throughout the year. She stated their summer camp program has been a great success for the past five years with an average of 250 to 300 children attending between June and August. Ms. Robinson stated they have received many requests to expand their education programs, and

the desire for a ceramics studio comes up often. She stated three years ago AOY was granted the use of the pack house in a letter from the Township. She stated much volunteer time went into cleaning it out, and there were two huge tables that Mr. Stewart was able to haul out and reuse. She stated AOY has been gifted two ceramic kilns that are currently stored in the pack house waiting to go into service. She stated they are very grateful to have had the pack house offered to them, and they have been working toward making its use a reality ever since. She stated the pack house is the first choice for renovation because it needs the least amount of work to get it into usable condition. She stated AOY has been collecting estimates for saving this building, and they have a target number of dollars that will be needed before they can start. She stated they are seeking Grants, more sponsors, and working on more fundraising, events, programs, and on-line donations; and AOY has already received some funding which will be applied to the renovations. She stated their organization with over two hundred fifty members has already proven what enthusiasm and creative-thinking people can do. She stated raising funds is crucial. She stated they need a commitment from the Township for the future of AOY on the property since without that raising funds will be very difficult. She stated they look forward to working with the Township on a long-term lease which will enable them to continue providing art-related services to all ages in the community.

Mr. Benedetto stated he understands that the pack house is not part of the current Lease, and Ms. Robinson agreed. Mr. Benedetto stated the letter Ms. Robinson referenced was a letter to her from Mr. Fedorchak in 2012. Mr. Benedetto stated he feels the Township, Mr. Stewart, and the Artists of Yardley all need to sit down to determine the best use of the pack house since at the last few meetings there were discussions about Mr. Stewart using the pack house. Mr. Benedetto stated he is in favor a long-term Lease with the Artists of Yardley because he feels they provide value, and they should set the parameters including whether or not the pack house is included.

Ms. Tyler asked Mr. Fedorchak to set up such a meeting so that they can move forward. Ms. Robinson stated they do need more space since there is a lot more that they want to do.

Mr. Benedetto stated he understands currently the Lease is month by month. Ms. Robinson stated they had an automatic three-year extension so the Lease is good until next year. Mr. Benedetto asked the length of Lease they are looking for, and Ms. Robinson stated it would be as long as they can get. She stated they want to raise funds, and people would not want to donate to refurbish a building that would not be theirs for a long-term use.

Ms. Liz Baxter, Arborlea Avenue, asked the Board to take a stand against the proposed Elcon hazardous waste processing facility. Ms. Tyler stated the Township engineers were already engaged in Phase I and raised some objections. Ms. Baxter stated Phase I was just approved; and Ms. Tyler stated while they know this, the Township engineering firm will continue to stay engaged.

Mr. Smith asked Ms. Baxter to describe the situation. Ms. Baxter stated Elcon Recycling is a hazardous waste processing company which is currently in Israel. She stated they had multiple violations and had to move the facility out of a densely populated area to an area in “the middle of nowhere.” She stated they are proposing to build a facility next to the incinerator in Falls Township. She stated the air quality in Bucks County is already poor, and they would be very close to the River as well. She stated they are proposing to bring in seventeen to twenty-five loads of hazardous waste every day. She stated initially they asked for a Permit to discharge into the River, but that has been pulled; and they are now stating that it will be a closed-loop facility, but she personally does not feel that it will not release anything into the air, the groundwater, or the River. She stated it is unproven technology that they will be using. She reviewed the chemicals that they are currently processing. She stated many of these present cancer and other risks. Ms. Baxter stated there are approximately 10,000 children living within four miles of this proposed facility.

Mr. Eisold stated they have reviewed a lot of the information and put together a letter on behalf of the Township to DEP which was soliciting comments from various bodies. He stated they received a response from DEP that they are collecting comments, and the Permit was being pushed back because of the number of comments they received.

Ms. Tyler stated she feels Lower Makefield needs to join in opposition with others to this facility, and she does not feel engineering is the only avenue. She asked Mr. Koopman if in addition to the engineers being involved, could the Township provide a legal opinion. Mr. Koopman stated he is not familiar with the exact procedure as to where this is in the DEP process although he heard Phase I addressed some issues having to do with the floodplain and wetlands. He stated it will be a long process with the DEP. Mr. Koopman stated it would be appropriate at some point for the Township to consider if they want to take legal action now or in the future. Ms. Tyler asked if Lower Makefield has standing; and Mr. Koopman stated he would not know that without looking into it. Ms. Tyler stated she feels the Board should have the Township solicitor look into this and consider a legal strategy for opposing this facility. There were no Board members in opposition to this.

Mr. Benedetto stated based on the letter from State Representative Santarsiero it indicates that the proposed facility is closer to Morrisville and Lower Makefield residents than it is to Falls Township residents which he feels would work in the Township's favor with respect to standing.

Ms. Tyler asked that this matter be put back on the Agenda for the second meeting in December to give the engineer and the solicitor time to look into this further. She stated the Township shares the residents' concerns.

Mr. Smith stated he is disturbed that all they did is send a letter, and he appreciates that they will be taking a more proactive stance. Mr. Smith stated hazardous waste comes through Lower Makefield every day. Ms. Tyler stated the letter that the engineer sent indicated that Lower Makefield requires that they tell them exactly what is coming through the Township, how much of it, and when. Mr. Smith stated while he read the letter, he is curious about what goes through the Township right now that they do not even know about. Mr. Eisold stated there are a number of things that come through on the trains. Mr. Smith asked if Lower Makefield would be a hub that this would be transmitted through; and Mr. Eisold stated it is too early to tell, and this was one of their major questions.

Ms. Tyler asked Mr. Fedorchak to reach out to Representative Santarsiero as well to see what the State is doing moving forward.

Ms. Baxter stated their group will be meeting on December 1 at 7:00 p.m. at McCaffrey's on the second floor. She stated this will be an informational meeting, and they will have a community organizer from the Clean Air Council and representatives from the League of Women Voters and other organizations. Ms. Baxter stated there is a lot of information they do not have, and at the meeting they will break down the tasks they need to do and pull from resources in the community. Ms. Baxter stated she feels someone is being "paid off," since she questions why anyone would want this here. She stated they are only proposing fifty permanent jobs, and there are many negatives including the fact that it is densely populated and close to a watershed. She stated she does not know who brought them in and why they picked this area.

Mr. Tim Brian, 104 W. Ferry Road, read a portion of the editorial from the Bucks County Courier Times dated November 3, 2015 with regard the Delaware River and how this relates to standing and the impact.

Mr. Smith stated it is important to get on top of this issue as soon as possible since these projects sometimes have a habit of "sneaking up on you;" and it is important to do something proactively in the beginning. He noted the Scudders Falls Bridge project which he feels had a predetermined outcome.

Ms. Tyler stated this a far more serious issue than the one that brought her to become involved in the Township which was when a cell tower was proposed in their neighborhood. She stated a group of neighbors got together and opposed it. She stated the reason they were successful was because of the depth of the group. She stated this is going to be a long process, and they should get as many people involved as they can; and the Township will partner with them in this endeavor.

Ms. Daphne Mroz, 204 Arborlea Avenue, asked how effective a petition would be; and Ms. Tyler stated it is a good start and a way to show that it is more than three to four people involved. She suggested they wait until the December 1 meeting to see how many people they have on board. She stated they could then take this petition to other governing bodies asking for their support.

Ms. Christine Toy-Dragoni, 3 Elm Avenue, stated the Pennsylvania Department of Water has also come out against Elcon coming here; so that organization is aware of the potential damage to the drinking water and understands how far these facilities are supposed to be from sources of drinking of water. She stated in this case it does not meet what they consider to be the standards.

Mr. Smith stated they need to explain that this is not just an Arborlea problem, and it needs to be explained that this effects everyone in Lower Makefield. He stated he feels once the case is made that this is important to everyone in Lower Makefield, he feels everyone will be on board to assist them.

Mr. Benedetto asked if the Township attended the hearings for Phase I, and he asked if they intend to attend the Phase II meetings. Mr. Eisold stated they were not aware of this initially; but when it came to their attention, they spoke to Mr. Fedorchak about it and they were able to submit the review by the date required. He stated they will be involved with the other meetings that come up.

Ms. Lisa Tordo, Arborlea Avenue, stated this is bigger than Arborlea and Lower Makefield. She stated this project will effect a thirty mile radius because the way they want to process it, it will effect the drinking water for 8 million people over three States including Pennsylvania, New Jersey, and Delaware. She stated they need to engage those States as well. She stated the water vapors will effect the air quality. She stated the particles can go from one quarter of a mile into the Delaware up to thirty miles.

Mr. Smith asked why they want to have the plant here; and, Ms. Tordo stated she did not know. Ms. Tordo stated she did read that they plan on getting their materials from Massachusetts down through North Carolina. She reviewed the chemicals they are planning to process.

Mr. Benedetto stated he has an e-mail from Alan Dresser, Chairman of the EAC, indicating that they are aware of Elcon and will be reviewing the Phase II Permit Application when it is submitted to the Pennsylvania DEP which he feels is going to be submitted in the spring of 2016.

Mr. Ed Gavin, 904 Sensor Road, asked if there is any follow up on the questions he had brought up previously about the parking at the Bible Fellowship Church. Mr. Eisold stated he looked at the Plan submitted as well as the Township engineer's review letter where there was a comment regarding the requirement that parking must be separated from the building by a minimum distance of 20'. Mr. Eisold stated there are about six or seven spaces that are closer than that distance. He stated the engineer's comment was that the Plans must be revised for compliance or a Waiver would be required. He stated the Planning Commission would weigh in on this and the Board would have to decide if they accept the Church's reasoning why this would be acceptable.

Mr. Gavin asked Mr. Eisold if he feels it is acceptable, and Mr. Eisold stated he looked at the distances and it is more of an access issue for getting to the sides of the building with regard to fire equipment. Mr. Gavin asked about getting out of the building if there is a car ten feet from the door. Mr. Eisold stated he does not feel it is an access out issue, but is more an accessibility issue for fire fighting to the building. Mr. Eisold stated he does not have the Plan with him, and he is not sure that the doors are really in front of those spaces. Mr. Gavin stated the main doors are on that side. Mr. Benedetto stated most people on Sunday go in and out of the building on the side where the modulars are. Mr. Eisold stated the addition is what is causing the problem, and that is in the back. Mr. Benedetto stated the drawings are available at the Church. Mr. Gavin stated his question was what doors would people egress if there were a fire; and if you would egress out a door where there is parking ten feet away with possibly 350 people exiting, he feels this would be a safety hazard. Mr. Benedetto stated there are various fire exists.

Mr. Gavin asked for an update on the Scammell House, and Mr. Fedorchak stated he has received no further information about it. Mr. Fedorchak agreed to reach out to them and perhaps have something on the next Agenda.

#### APPROVAL OF MINUTES

Mr. Benedetto moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of November 4, 2015 as written.

APPROVAL OF NOVEMBER 2 AND NOVEMBER 16, 2015 WARRANT LISTS AND OCTOBER, 2015 PAYROLL

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to approve the November 2 and November 16, 2015 Warrant Lists and October, 2015 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF SEWER AGREEMENTS WITH YARDLEY BOROUGH

Mr. Fedorchak introduced Alex Dyke from Gilmore who is the engineer for the Yardley Borough Sewer Authority and has been working on these Agreements for a number of years. Mr. Fedorchak stated he has made himself available tonight to the Board of Supervisors if they have any questions of him.

Mr. Koopman stated on November 4, Mr. Garton summarized the three Agreements including the Sewer Transportation Agreement, an Inter-Municipal Agreement, and a Release Agreement.

Mr. Koopman stated the Transportation Agreement updates the Agreement between Lower Makefield and Yardley Borough; adding there are Agreements in place now that go back to 1977 which were amended in the early 1990s. He stated they are outdated at this time primarily because there are additional flows now and additional capacity needed within the sewer lines. He stated as Lower Makefield has grown there is the need for additional capacity in the sewer lines and the joint facilities that accept flows in Yardley from Lower Makefield. He stated some of the lines need to be upgraded and need to have an increased capacity because of increased flows from both Municipalities. He stated this Agreement also updates the relationship between the Parties and clarifies who is responsible for which joint use facilities, provides provisions if one of the Municipalities is not in compliance, has provisions for moratoriums, has provisions for indemnifying each other for penalties, etc.

He stated the Agreement has been in the process of negotiation for many years, and it is hoped that this Agreement will work for some time in the future.

Mr. Koopman stated in addition to the Sewer Transportation Agreement there is an Inter-Municipal Agreement and it takes some of the Yardley facilities and approximately fourteen Yardley customers and transfers them to Lower Makefield. He stated the reason for this is for metering purposes. He stated once this is done, the flows between Lower Makefield and Yardley will all be metered so they can allocate costs based on actual metering.

Mr. Koopman stated there is also a Release Agreement. He stated for a number of years there have been issues between Yardley and Lower Makefield regarding “who owed who what.” He stated the Parties looked into these issues in some detail and determined that it was not worth litigating the issues, and the Release calls for Yardley to release Lower Makefield and Lower Makefield releases Yardley from various claims that have been asserted over the years.

Mr. Koopman stated the Transportation Agreement does provide for significant improvements for joint use facilities within Yardley Borough. He stated he understands that there are two by-pass facilities that need to be constructed as well as a replacement facility. He stated the cost of those is approaching \$3 million and the Agreement provides for a sharing of the costs based on the capacity that both the Parties have. He stated Lower Makefield has the larger share of the capacity.

Mr. Dyke stated Mr. Koopman has covered this all very well, and he added he would be able to answer any questions the Board has if there are technical issues. He stated Mr. Koopman has noted the three capital improvements that are necessary to provide the capacity needed now and in the future. He stated there are cost estimates for the improvements and a template for the cost sharing.

Mr. Benedetto asked if the metering will change the percentage that Lower Makefield pays to Yardley Borough. Mr. Dyke stated the percentages that are described in the Agreement are based on the exchange having taken place as described in the other Agreement. Mr. Benedetto asked the current percentage, and Mr. Dyke stated the share is 85% Lower Makefield/15% Yardley. Mr. Benedetto asked if the percentage will change with the additional 13 to 14 customers, and Mr. Dyke stated the percentage takes those additional customers into account.

Mr. Benedetto asked Mr. Dyke to discuss the Connection Management Policy; and Mr. Dyke stated as they identified the issue with capacity which was done mutually by both Parties, they discovered the limitation currently on capacity. He stated in light of that they put into place a Connection Management Policy which essentially stopped connections until the capacity issues could be addressed. He stated that is in place now, and the amendments to that Policy follow the model of the DEP which provides for a corrective action plan to address this. He stated once the correction action plan is carried out you then allow a managed approach to making connections as they make the improvements they are proposing. He stated there are developments now that are on a “waiting list,” and they will be the first to be allowed to connect under the managed approach. He stated as they hit milestones in the process of completing improvements, additional connections will be allowed.

Mr. Benedetto stated the project timeline talks about 2016/2017 and a cost which will be in the amount of approximately \$3 million with Lower Makefield's share to be approximately \$2.5 million. Mr. Benedetto noted Lower Makefield's share of the professional services which is approximately \$275,000, and he asked if this for Lower Makefield's sewer engineer. Mr. Dyke stated the understanding is that since the improvements in the Agreement are part of the Yardley system located in Yardley Borough, Yardley will be taking the lead and will be designing, managing, and Permitting the project. Mr. Benedetto stated this amount will not include Lower Makefield's Township engineer being involved, and Mr. Dyke stated the figures in the Agreement are strictly based on the implementation and execution of the project and does not contemplate consulting which may be desired on Lower Makefield's part. Mr. Dyke stated it does not call for any specific responsibility on the part of Lower Makefield to provide engineering services.

Mr. Benedetto stated they discussed sewer capital projects during the Budget Workshop. Mr. Fedorchak stated based on what Mr. Dyke has presented this evening, they will have to "tweak" the numbers and they may be able to put a smaller number in for 2016 of approximately \$250,000 as opposed to the \$500,000 he had proposed. Mr. Fedorchak stated what he had presented to the Board were costs spread over 2017 and 2018. He stated he feels he will be recommending to the Board a reduction in the figure in 2016, an increase in the number in 2017, and possibly have a small number for 2018 as well.

Mr. Benedetto stated they have received an e-mail from Morrisville about 2014 capital costs, and they are getting a bill now for work that was completed eighteen months ago.

Mr. Dyke noted what has been presented for Yardley is conceptual at this point since the design has not been done, and the numbers will be updated and communicated to the Township as they go along. He stated the time line is conceptual as well.

Mr. Dobson stated since Lower Makefield is paying the majority of the costs, they should be able to see what the design is. Ms. Tyler stated she is concerned about this as well. Mr. Koopman stated there is a provision for this in the Agreement. He stated traditionally what has happened is the Municipality where the joint use facility is located takes the lead in doing the improvements. He stated there are estimates of cost in the Agreement, and there is a provision where not only does Lower Makefield have oversight, but there is also a provision that if there are any costs that are proposed in excess of the estimates, they must be approved by both Parties. Mr. Dyke stated this applies to this project as well as to future projects.

Mr. Smith stated both Parties seem to have been able to put the dispute behind them and are moving ahead. He thanked the Township solicitor and Yardley Borough as well.

Ms. Tyler stated knowing what they have ahead with respect to Morrisville, she asked if there is anything they should be providing in this Agreement that may help them going forward with the Morrisville issue. Mr. Koopman stated Yardley Borough is in the same situation that Lower Makefield is with respect to Morrisville. He stated he does not feel there is anything they should be putting in this Agreement that will mitigate the difficulty that is coming with Morrisville. He stated they are actually working together with Yardley to see how they are going to solve that problem. Mr. Dyke stated this Agreement extends and improves the relationship that already exists between Yardley and Lower Makefield.

Mr. Zachary Rubin, 1661 Covington Road, asked who will be monitoring this - the Township or the Sewer Authority; and Mr. Koopman stated the Township operates the system and is the entity that makes the decisions, and the Sewer Authority is a recommending body.

Mr. Benedetto moved, Mr. Smith seconded and it was unanimously carried to approve the Transportation Agreement, the Inter-Municipal Agreement, and the Release Agreement with Yardley Borough.

Mr. Koopman left the meeting at this time. Mr. Fox joined the meeting at this time.

#### DISCUSSION OF 25/30 YEAR TOWNSHIP ROAD IMPROVEMENTS PLAN

Mr. Eisold stated they had prepared this Plan initially as a twenty-five year Plan, and he also included a thirty-year Plan which was based on the fact that many of the higher volume roads were being repaved within the first six to seven years of the Plan; and by spreading it out to thirty years it would spread it out to more of the development roads. Mr. Eisold stated he sent this information to Mr. Fedorchak and has hard copies available this evening. Mr. Eisold stated he understands that this has been part of the Budget discussion.

Mr. Benedetto asked about increases to the Township for liquid fuels, and he asked if this was based on the gasoline tax. Mr. Eisold stated this relates to the gasoline tax, and it does filter down over time to the Municipalities through liquid fuels.

Mr. Benedetto stated in 2015 the Township spent approximately \$1 million, and for 2015 there was an estimate of \$800,000 in the Road Improvements Plan. Mr. Eisold stated he is not sure where the \$1 million came from since the road project that was done including all the roads except for Township Line was pretty much in line with their projections. He stated Township Line Road may have been slightly over what they had originally estimated. Mr. Eisold stated while \$800,000 is shown, he feels it was probably closer to \$900,000. He stated the payment was approximately \$610,000 for the 2015 paving project, and he believes the Township's share of the Township Line Road project was approximately \$250,000.

Mr. Benedetto stated they have always talked about a number of \$750,000 a year to be on target. Mr. Benedetto stated Mr. Eisold had indicated that an earlier list was not as comprehensive so that now they are looking at a number of \$1,263,267 as an average cost for a twenty-five year program. Mr. Eisold stated the first time they did the list they used information from the previous Township engineer, but this time they took a more comprehensive approach to make sure that every road was included, and that no road was duplicated.

Mr. Smith asked if they have factored inflation into the numbers, and Mr. Eisold stated they do have an inflationary number in the report itself, but the base number they are looking at is present value.

Mr. Benedetto asked that this be put on the Township Website for the residents to look at. He asked the difference between an arterial road and a collector road; and Mr. Eisold stated the arterial roads are the highest volume roads, and the collector roads are the second highest volume roads. Mr. Benedetto asked about reasons why certain roads fall at certain spots on the list, and Mr. Eisold stated it was a condition survey more than the age of the road. He stated some roads under certain conditions can last fifty years and others after fifteen to twenty are in poor condition. He stated their list was based on condition of the roads from actually driving, evaluating, and rating them compared to other roads. Mr. Benedetto commended Mr. Eisold for a job well done.

Ms. Tyler stated this is a working document which will continue to be updated. She stated each year they will continue to survey the roads, and it will continue to be updated. She stated if a resident has a road condition concern, they should contact the Township Manager. She stated there are some jobs that they can do in-house, but the large, development paving is not something that the Township staff can do. She stated they do have a great turn-around on pot holes. Ms. Tyler stated a lot of the Township was built close in time, and now the roads are maturing at the same time.

Mr. Mike Brody, 509 Brookbend Court, stated if you drive on Oxford Valley by the softball fields, it seems that the seams are cracking; and it seems that they have not been paved properly. Mr. Eisold described the process and what needs to be done to have a closer seam. He stated many times they can correct the voids with an asphalt sealer so water cannot get into the voids. He stated they do work with the contractor to try to minimize those and keep the seams out of the center of the travel lanes and either in the shoulder or the center of the road where there is less traffic on them. Mr. Eisold stated they can do joint sealing to extend the life of the roads, and the Township has done a fair amount of that in the past. Mr. Brody asked where they would report cracks, and Ms. Tyler stated they should e-mail the Township Manager who will get Public Works out there. Ms. Tyler stated if they are PennDOT roads, they can pass the information along to PennDOT.

Ms. Tyler asked Mr. Eisold if PennDOT has a plan similar to the Township's Twenty-Five/Thirty Year Plan; and Mr. Eisold stated while he is not sure that they have as comprehensive plan as what he has presented, this year PennDOT has done a number of roads in Lower Makefield. He stated PennDOT does have an evaluation process although he is not sure what it is. He stated he feels their process may be whoever calls them and puts on pressure are getting their roads done.

Mr. Benedetto asked Mr. Fedorchak to expand on the use of the Liquid Fuels entitlement. Mr. Benedetto stated his understanding is that 20% of this can be used for equipment and other things. Mr. Fedorchak stated the "big ticket" items they have expensed from Liquid Fuels for 2016 are Highway Department salaries of approximately \$162,000 outside labor that are Township expenses for contractors that are employed for snow removal and \$75,000 for salt. He stated that number has varied over the years, and for 2015 they expect to have approximately \$133,000; and in 2014 they spent \$166,000 on salt. Mr. Fedorchak stated for 2016 they are taking approximately \$566,000 out of Liquid Fuels for road resurfacing and this will be matched up with another \$140,000 from Capital Reserve to get to the \$700,000 figure.

Mr. Joe Menard, 917 Putnam Drive, Chair of the Citizens Budget Committee stated on the Website they should highlight the roads in the Township that are not the Township's responsibility. Mr. Eisold stated he does have a map that shows all the State roads. He stated there is a map that was attached to his report which he can provide.

Ms. Tyler stated the Board has been engaged in Budget Workshops, and she acknowledged Joe Menard, Adrian Costello, Bill Clark, and Mark Goodman from the Citizens Budget Commission who put a lot of hours in. She stated their advice is quite valuable, and they appreciate their time and efforts this year.

Mr. Menard stated they have been working with the engineering companies for some time to get to where Mr. Eisold is now with the plan for the roads. He stated every year there is an evaluation done of the roads which results in prioritizing of the roads. He stated this Plan is a guide and not an absolute.

#### 2015 ROADWAY PAVING PROJECT UPDATE

Mr. Eisold stated there were some issues last year with this contractor, but this year he was able to supply the resources to make sure that he completed the project on time. He stated they are putting together a punch list which has some minor issues on it, and they are in the process of addressing those issues. He stated the contractor put their full payment request in which Mr. Eisold evaluated, and he recommended that it be paid in the amount of \$580,000; and they are retaining approximately 5% per the Contract to withhold until the close out documents are completed and the maintenance bond posted, etc. He stated they were timely this year, and the issues they had last year were alleviated this year.

Ms. Tyler asked about the handicap ramps, and Mr. Eisold stated they have applied a sealant on them this year which was recommended by a number of people to make the surface more durable especially during the first few years which is typically when they see issues. Mr. Eisold stated they will continue to monitor this, and they have the Maintenance Bond from the contractor for a year if something should happen. Mr. Eisold stated the contractor also replaced some of the other handicap ramps without charge.

#### 2016 GOLF BUDGET

Mr. Mike Attara was present, and stated he had a chance to meet with the members of the Citizens Budget Commission to review the draft Budget that was originally provided; and that has been updated and the Board of Supervisors was presented with that this evening. Mr. Attara stated two weeks ago they discussed with the Board the addition of the tent and the courtyard area to provide additional revenue to the Golf Course. Mr. Attara stated they have been able to manage the expenses generally at or under Budget.

Mr. Benedetto stated he feels the projected revenue for 2016 seems optimistic. Mr. Attara stated the Budget they are presenting this evening is \$1,368,000. Mr. Benedetto asked where they are projecting 2015 to finish with regard to greens fees, and Mr. Attara stated it is \$1,285,000. He stated their budgeting process is that they take a six-year average, and \$1.368 million is a six-year average. He stated 2015 had a slow start due to the weather. Mr. Benedetto asked if there is a plan for

an increase in any of the fees, and Mr. Attara stated they have had discussions with the Golf Committee and have provided them with some updated competitive analysis which they will review at their next meeting. He stated those numbers are not driven into the numbers provided to the Board this evening, so there is a possibility that these numbers could be increased if there is an increase in rates.

Mr. Attara stated in discussions with the Golf Committee, rate increases would be for non-residents only at this stage. Mr. Dobson asked the percentage of non-residents that play the Course, and Mr. Attara stated it is approximately 65% to 70%.

Mr. Benedetto asked about the equipment lease under Course and Grounds, and Mr. Attara stated this is the five-year lease for the package they bought at least three years ago. Mr. Benedetto asked about the tent rental, and Mr. Attara stated there is no tent rental cost to the Course as that was part of the Agreement. He stated the Agreement was that Bucks-Mont would put up the tent and also paid for some of the pavement that went underneath the tent.

Mr. Fedorchak asked Mr. Attara's assessment as to where they are on the pond at #9. Mr. Fedorchak stated over the years they had been concerned about water loss. Mr. Attara stated they are still including it in the Capital Plan; but with the improvements that were made to the well last year, they are seeing that the volume of water is being maintained. He stated during the hot periods they never had to turn on the City water. He stated they did have loss in pond #7 because they transferred water from #7 to #9. He stated the only downside was aesthetically at pond #7, but it did save them a lot of money. Mr. Attara stated they would have to go through a bid process; and he feels they should see how they do this summer; and if they continue to maintain, he would recommend that they hold the course. If they see a need after this summer, maybe by fall they would be prepared to rebid that.

Mr. Fedorchak stated Mr. Attara had recommended a few years ago that they frack well #1, and he asked by what percentage did they increase capacity by doing that; and Mr. Attara stated Mr. Eisold has been measuring this for them. He stated the capacity has been raised enough to maintain the pressure and water going through. He stated they are going to ask that they work with the Delaware River Basin to possibly take some of the allocation that was from well #3 and move it to well #1. Mr. Fedorchak asked if they feel they will be able to get their capacity increased, and Mr. Attara stated he does as they have shown that there has been no real impact on the aquifer. Mr. Fedorchak stated they have a Permit through the Delaware River Basin Commission so there is a ceiling as to how much water they can extract from the aquifer in that region on a monthly basis, and hopefully they

can get this increased. Mr. Fedorchak stated they have demonstrated particularly over the last three to four years that there is no impact on the wells in the surrounding neighborhood.

Mr. Benedetto noted the expenditure page, and asked for an explanation as to the decrease in what was projected for the debt principal payments, and Mr. Fedorchak stated this is a result of the refinancings.

Mr. Benedetto asked Mr. Attara if he would characterize this year as an average year in terms of rounds, and Mr. Attara stated there were eighty days that they were closed this year including July 4th which is a lucrative weekend. Mr. Attara stated overall they had a lot of nice weather in season so they were able to pick up some of the loss from early in the year.

Mr. Smith asked if they are going to have a Banquet Manager; and Mr. Attara stated potentially they will, and they are in the process now of starting to look into that.

Ms. Tyler stated Makefield Highlands is not only a great venue to golf, but there is also a lot more there; and the tent facility is beautiful. She stated if any Township residents are looking to have an affair, they should look at Makefield Highlands.

Mr. Menard stated he and Mr. Costello met with Mr. Attara and Mr. Doria and there are a number of changes to the Budget the Board is looking at that have changed based on their discussion. He stated they still have the \$25,000 in the Budget for the generator. He stated going forward they will be working with Mr. Fedorchak on a change to the Budget format. He noted that recently there have been additional monies spent on the food services, and they are going to be tracking the net profit.

Mr. Zachary Rubin stated 1999 was when they borrowed \$16 million to build the Course; however, Mr. Fedorchak stated he feels it was in the early 2000s. Mr. Rubin asked how much of the principal is outstanding as of today, not counting the borrowing for the Dalgewicz settlement. Mr. Fedorchak stated he can provide this to Mr. Rubin, but he estimates that it is \$12 million to \$13 million.

## DISCUSSION AND APPROVAL OF 2016 PRELIMINARY BUDGET

### 2016 Sewer Rate Increase

Mr. Fedorchak stated they had two lengthy Public Hearings on the Budget; and at the conclusion of Monday night's meeting, the Board discussed the possibility of making amendments to the 2016 Preliminary Budget that was introduced approximately one month ago.

Mr. Fedorchak stated the first item was the sewer rental rates. He stated they have heard tonight about the Yardley Borough Sewer Authority issues and the Morrisville sewer issues which involve some significant and expensive capital improvements.

Mr. Fedorchak stated the Board felt perhaps this would be a good time to be proactive and look at increasing the sewer rental rates; and one number that was discussed was a 10% increase.

Mr. Dobson stated they have been able to self-fund a lot of the sewer repairs over the last few years, but now the Township needs to start building the reserve up again because of the expenses coming in the future. Mr. Fedorchak stated when they introduced the Preliminary Budget a short time ago, he had indicated the Sewer Operating Budget was in excellent shape. He stated they discussed the Yardley Borough situation which is under control and well defined; however, a week before the Budget was introduced he attended at meeting in Morrisville, and for the first time they heard about the problems with the Morrisville plant. He stated those problems were so severe that there were only two possible solutions one of which would be a significant upgrade to their existing facility which would cost approximately \$85 million or Morrisville's preferred solution which was to construct an entirely new sewage treatment plant with a projected cost of approximately \$125 million.

Ms. Tyler stated she read the report from the Morrisville engineer yesterday which is available in the Township office, and she suggested that the other Board members read this. Ms. Tyler stated a lot of the reasons this needs to be done have much to do with deferred maintenance over decades, and they cannot let this happen again. She stated she is concerned about giving Morrisville millions of dollars because of the situation that was created that they are now facing. Ms. Tyler stated they need to discuss this issue in December as to how they are going to move forward.

Mr. Fedorchak stated last week the Lower Makefield Sewer engineer and the Yardley Borough Sewer engineer attended a special meeting in Morrisville held for the engineers. Mr. Fedorchak stated at that meeting the Morrisville engineers presented the background of the issue and provided calculations and reasoning why these major improvements are necessary. Mr. Fedorchak stated the Township's sewer engineer will provide a report on his observations and recommendations and will be at the next Supervisors' meeting. Mr. Fedorchak stated he does not feel they are going to hear any good news, and there may be some additional items that have not yet been included in the Five Year Capital Plan that he presented to the Board because he was not aware of them; and these could up to \$3 million with the Township's share being approximately 40%.

Mr. Fedorchak stated four to five years ago the Township made a decision to set aside \$500,000 and took it out of Operating and put it into Capital; and because they were proactive, they have been able to pay as they go with some major capital improvements. Mr. Fedorchak stated now they are looking at the Five Year Plan' and what they will be required to be paying for in 2016 could be as much as \$1.2 million, for 2017 \$1.7 million, and 2018 \$1.5 million. He stated the \$500,000 they have been setting aside will therefore not be sufficient. Mr. Fedorchak stated this is why they need to have a discussion about starting to get more money into the Capital Budget, and he feels a 10% increase will be approximately \$500,000.

Mr. Smith asked what this will mean to the average homeowner. Mr. Fedorchak stated assuming they have to participate in the cost sharing of a brand new sewage treatment plant at the cost of at least \$125 million, he feels the rates will double over the course of a number of years.

Mr. Dobson stated Lower Makefield is responsible for 43% of that cost. He stated because he feels the Township is paying a large share of this, he would like to consider the formation of a Joint Authority with Morrisville so that the Township has "a seat at the table." Mr. Fedorchak stated he feels they need to bring Mr. Koopman into this, and he would strongly recommend that a Joint Authority be created so that the Township has a vote equal to their 43% as he feels this is the only way for Lower Makefield to get ahead of this. He stated what has happened for the last three years is that in November, Morrisville tells them how much they owe for a project Morrisville started a year ago. Mr. Fedorchak stated he is concerned that they are going to be advised by Morrisville that a major project has been started that Lower Makefield did not know about. Mr. Fedorchak stated he feels Yardley Borough should be brought in as well as he feels they feel the same way Lower Makefield does.

Mr. Smith stated while he recognizes what Mr. Dobson is saying, it is Morrisville's Plant, and they can tell Lower Makefield no; and then the Township is left with the option of staying with Morrisville or they would have to build their own plant. Mr. Fedorchak stated they could also re-direct flows to Bucks County Water & Sewer. He stated he does not feel anyone in Lower Makefield wants to build their own plant.

Mr. Benedetto stated the Sewer Fund, independent of the Capital Fund, is running a deficit; and at the end of 2016 it is budgeted to have a deficit of approximately \$600,000 so beyond any of the costs they are discussing including Morrisville, they still need an increase. Mr. Benedetto stated the last increase was a 15% increase in 2011.

Mr. Joe Menard stated they currently have a healthy surplus in the Sewer Operating Fund. He stated the \$500,000 that goes into the Capital Improvement Fund is treated as an Operating Expense. He stated they are going to make another change to the Budget on the transmission cost which they will reduce \$100,000; and with that \$100,000 reduction they will have a \$500,000 loss. He stated they will be able to sustain the fund balance in the Operations which means that if there is an emergency, they can dip into that. He stated with regard to the 10% increase in the rates, because of the billing cycle that will generate 7.5% of income in 2016 so they will still have to go into the surplus funds in the amount of approximately \$130,000. Mr. Menard stated this is fine because they have a healthy surplus, and this how they structured the rate increase. He stated the 10% increase will keep them operationally safe and will insure that they can continue putting in the \$500,000 and provide the surplus in case of an emergency.

Mr. Benedetto stated the Morrisville capital improvements cannot be sustained without incurring additional debt as they could not raise the rates to even come close to that amount; and Mr. Menard agreed adding they are still looking into all the numbers. Mr. Benedetto stated the 10% increase is to keep the Sewer fund in a “safe harbor.”

Mr. Ed Gavin, 904 Sensor, asked the total amount the Sewer Fund takes in, and Mr. Fedorchak stated it is approximately \$5.5 million. Mr. Gavin stated this provides some perspective versus the \$85 million or \$125 million they are discussing for the Morrisville plant.

Mr. Dobson moved, Mr. Smith seconded and it was unanimously carried to amend the Preliminary Budget to include a 10% sewer rate increase.

#### 2016 Road Resurfacing Program

Mr. Fedorchak stated currently they have budgeted \$700,000 for this purpose, and there was discussion whether this should be increased.

Mr. Dobson stated looking at the Plan provided by Mr. Eisold he feels they should budget it at \$829,000 if they decide to go thirty years.

Mr. Fedorchak stated this year they budgeted a total of approximately \$800,000, and they will end up spending at least \$1 million. He stated they came off a few very good years so they had extra money available from the end of year balance which came from the General Fund. He stated they have projected that year end 2016 will have an ending fund Balance of approximately \$1.6 million, although this number will change over the next few weeks as they get more revenue and expenses in.

Mr. Fedorchak stated they do not have additional monies in the current Capital Funds to spend for road resurfacing; so if it is the Board's intention to increase the \$700,000, the only place that could come from would be the General Fund balance which for year end 2016 would be about \$1.6 million which is well above Safe Harbor. He stated for 2015 they are projecting close to \$2.2 million.

Mr. Benedetto stated he feels they did a good job with the roads this year; but if they want to catch up, he does not feel they can have \$700,000, and he would like to see it be at the same level they were at in 2015. He feels they should take the \$300,000 from the General Fund Balance since they would still be within Safe Harbor.

Mr. Fedorchak stated Safe Harbor is between 5% to 8%, and they would be at approximately 12% if they take the \$300,000 additional from the General Fund Balance. He stated he will double check the numbers. Ms. Tyler stated looking at the past history, they have ground to make up; and she feels they need to have a slow, methodical climb. Mr. Benedetto stated there will be an increase in the Liquid Fuels. He stated he feels road resurfacing is one of the most important services they provide, and he would like to see the amount budgeted for this go up.

Mr. Smith asked if the surplus has not increased over the last few years, and Mr. Fedorchak agreed. Mr. Fedorchak stated in 2013 the year end balance was \$1,878,000, in 2014 it was \$2,067,000, and this year he is projecting \$2,176,000 for the end of 2015. He stated currently he is projecting year end 2016 to go down to \$1,620,000 before taking out any additional money for the roads; and if they take another \$300,000 off for the roads it would go down to \$1,320,000. Mr. Smith stated he does not want them to go backwards with services provided to the residents. He suggested they keep it at the same figure they did in 2015 which would be \$1 million which is less than the amount proposed in the Twenty-Five Year Plan; but he feels it is a fair figure, and the residents will see that they are putting the money where it belongs. Mr. Fedorchak stated the budgeted amount last year was approximately \$850,000. Mr. Smith stated they actually spent \$1 million. Ms. Tyler stated she feels they should be more conservative and like they did this year put more money into it as additional money is available.

Mr. Fedorchak stated they could establish \$1 million as the target; and if they find by the end of 2015 they are ahead more than what he felt they would be, by the time they have to make a decision on exactly what they are going to spend, it will be April and May so there will be plenty of time. He stated the Audit will also be done by then, and they will know exactly what they are comfortable with.

Mr. Benedetto stated he understands that the numbers projected in the Twenty-Five/Thirty Year Plan are generally conservative, and usually it is over the number. Mr. Eisold stated for this year not including Township Line Road he feels their numbers were accurate. He stated there are a number of factors including cost of oil

and asphalt. Mr. Benedetto stated under the Twenty-Five Plan it is recommended that they spend \$1.25 million in 2016 so if they are sticking to this Plan they are not really where they need to be even if they go to \$1 million.

Mr. Smith moved, Mr. Benedetto seconded and it was unanimously carried to amend the Budget to \$1 million for road resurfacing for 2016.

### 2016 Hydrant Tax

Mr. Fedorchak the Hydrant Tax has been running a deficit, and they are proposing to increase that tax by .04 mills which will generate approximately \$20,000 a year. He stated the impact on the taxpayer on average would be approximately a \$2 increase in their property tax. He stated by doing this, within a few years, it will bring that fund into the positive.

Mr. Benedetto stated the fund is projected to be -\$50,000 by the end of this year and -\$60,000 next year. Mr. Fedorchak stated by bringing in this additional money, they will be in a good place in three to four years. Mr. Fedorchak stated this expense is the Township's charges from Pennsylvania American Water Company for the hydrants which is in the amount of approximately \$140,000 a year. Mr. Benedetto stated Ms. Cecchine brought up the fact that the Hydrant Fund has been a negative since 2012.

Ms. Cecchine stated the Hydrant Tax is a Special Purpose Tax, and it is not considered a Real Estate Tax like the General Fund. She stated last year Street Lights was also at a deficit, and the Board increased it by 98%.

Mr. Fedorchak stated most of the hydrant fees go to PAWC with a small portion going to Morrisville.

Mr. Smith moved, Mr. Benedetto seconded and it was unanimously carried to increase the Hydrant Tax by .04 mills.

### 2016 Street Light and Leaf Collection Assessments

Mr. Fedorchak stated at the last Budget session, Ms. Cecchine commented that the way she bills all of the taxes are on the same bill and all of those items are under the discount. She had stated the Street Light Assessment and the Leaf/Recycling Fee of \$50 do not need to be included along with the other property tax items for the discount. Mr. Fedorchak stated she recommended that if the Board wishes to remove those two items, Ms. Cecchine could accomplish that so that those items

would not have a discount; and it would be a flat rate. He stated all the other property taxes would still have a discount. He stated the impact would be significant for the Leaf/Recycling Fee which is currently \$50; and once it is discounted, they lose approximately \$50,000 so they would gain that.

Mr. Benedetto asked when the new lights were installed and were any savings realized. Mr. Fedorchak stated those were the traffic signal lights, and they did not go to LED lighting for the street lights. He stated there were savings of approximately \$25,000 to \$30,000 a year for the traffic lights that were installed a few years ago. Mr. Fedorchak stated with regard to the street lights there are approximately 800 property owners that are assessed on a linear foot basis.

Mr. Zachary Rubin stated historically the Township had very few street lights; but as the Township was built out more and more developments, for safety sake, started putting in more street lights. He stated as those streets get dedicated to the Township, there are more street lights that are the responsibility of the Township. He stated currently when a light goes out, the Township has to go to Northampton Township and rent a bucket truck; and he feels they should consider getting a bucket truck because the number of street lights in the Township will increase. He stated people believe that lighting is a deterrent to crime. Mr. Rubin stated the former head of Public Works had stated publically that to purchase a bucket truck there would be an approximately ten year return of investment; and he feels they should look into that number again as he does not feel they should be paying Northampton to come in and change our lights.

Mr. Smith moved, Mr. Benedetto seconded and it was unanimously carried to remove the Street Light Assessment and the Leaf/Recycling Fee from the discount available.

#### 2016 Community Pool Non-Resident Fee

Ms. Tyler stated she discussed this with Ms. Liney who indicated that the Park & Rec Board had a brief discussion on this issue, and they did not recommend that the Fee be increased at this time.

Mr. Smith stated Ms. Tyler re-branded the Pool and increased the numbers, but did so by making it more of a regional pool than a Township pool. Ms. Tyler stated what they did was offer Associate Memberships for sponsored non residents. Mr. Smith stated the philosophy is still that this is a Township Pool, and he does not feel that the Township residents should have to cover an inordinate amount of the increased costs of maintaining the Pool; and he feels it is a privilege for people outside of the Township to belong to the Pool. He stated the user fees are higher for non-residents

for the sports organizations. Mr. Smith stated he feels there should be a reasonable increase to the non-residents to keep up with the ever-growing cost of maintaining the Pool. Ms. Tyler stated they already charge non-residents more, and they do not enjoy the benefit of the early discount.

Mr. Fedorchak stated the residents pay \$395 if they sign up during the discount period, and after that they pay \$440. He stated Associate fee is \$495.

Ms. Tyler stated they just came off two very successful years at the Pool, and the Park & Rec Board informally felt they should not increase the fees this year

Mr. Benedetto stated he would be in favor of a slight increase for the non-residents. He stated he feels they have the best Pool in the area, and 24% of their members are non-resident families. He stated he would like to go to \$525 for a non-resident family membership and \$275 for an individual. He stated he does not feel this is unreasonable, and he does not feel they will lose many people since it is still a “bargain.” He stated the alternative which Mr. Fedorchak had discussed was they wait until 2017 and show some capital improvements which they can indicate was why they increased the rates; and this would be done across the board.

Mr. Benedetto stated he strongly feels that since they are at a point where almost 25% of the Pool membership are non-residents, they should increase it slightly; and it would be more in line with some of the other pools that are not as nice as the Township Pool. He also stated there are some capital improvements that they need done.

Ms. Tyler stated she and Mr. Menard worked closely on the Pool improvements, and she asked Mr. Menard his opinion on this. Mr. Menard stated they spent a lot of time and energy to turn the Pool around. He stated the Pool is a business, and they need to treat the Members like they are customers. He stated the Pool has amenities that they have improved upon including service, and everyone agrees that the Pool has improved over the last two years. He stated there are Capital items they would like to do. He stated for the first time this year, they are transferring \$200,000 to a Pool Capital Improvement Fund, and this is the first time since the Bonds were paid off that they had a Capital Improvement Fund dedicated for the Pool. He stated they need to make some amenity improvements to make it a nicer facility and a better experience for the customers, and they also need the Reserve to start building up for emergencies recognizing that the infrastructure of the Pool is twenty-five to thirty years old. Mr. Menard stated he does feel there should be a rate increase, and those coming to the Pool will have a nicer experience and will know that this is where their money went.

Mr. Smith moved, Mr. Benedetto seconded and it was unanimously carried to increase the non-resident Family rate from \$495 to \$525 and the non-resident Individual rate from \$250 to \$275.

Mr. Fedorchak stated he will be revising a number of the figures both Revenues and Expenses based on the most recent reports he gets from Finance, and he will put those numbers into the Amended Budget which will be available next week. He will also include the Motions made this evening to amend the Preliminary Budget.

Mr. Benedetto moved, Mr. Smith seconded and it was unanimously carried to authorize the advertisement of the Amended Preliminary Budget which should be available to the Public at the Township Building and on the Website.

Mr. Smith stated he received a text from a resident asking if they considered using the fire trucks to change the light bulbs, and it was agreed that they would ask the Fire Company about this.

#### OPEN SPACE DISCUSSION

##### Update on Jennings Tract

Mr. Fedorchak stated he had a meeting scheduled yesterday with Mr. Jennings, and he had invited Ms. Tyler to meet with them as well. Mr. Fedorchak stated he has had a number of meetings with Mr. Jennings, and at the meeting approximately one month ago the direction they were headed was for the Township to purchase a certain number of acres from Mr. Jennings which would be an Open Space purchase; and by doing so, this would have resolved the access issues that the neighbors are currently experiencing with respect to getting to the Canal. Mr. Fedorchak stated at that time he had thought they were close and in fact had a tentative agreement.

Mr. Fedorchak stated when they met with Mr. Jennings today, Mr. Jennings advised he and Ms. Tyler that he was still very interested in constructing a second house on his property. Mr. Fedorchak stated for a number of years Mr. Jennings has had a Subdivision in the system for two lots with the second lot being the lot where he would locate the second home. Mr. Fedorchak stated what he had told Mr. Jennings over a month ago was that if he were to sell the Township 3.78 acres, which was what they had agreed upon, once that was done it would be highly unlikely for him to be able to subdivide the remaining less than six acres into two lots because he is in the RRP Zone where there is a three acre minimum and also because he has a substantial amount of resource-protected assets on the property which would severely restrict him. Mr. Fedorchak stated the representation he had to make to Mr. Jennings was that there was no way the Township could guarantee that once the 3.78 acres was subdivided, if he would choose to that, they could not represent that he could get in two lots. Ms. Tyler stated in fact they had advised him that it would be highly unlikely. Mr. Fedorchak agreed that he did that at the original meeting, and they said that again to him as well.

Mr. Fedorchak stated Mr. Jennings then brought to his attention that he had been having conversations with a “Zoning member,” and Mr. Jennings told Ms. Tyler and Mr. Fedorchak that it was his belief that if they took this to the Zoning Hearing Board, he perhaps would have a favorable decision. Mr. Fedorchak stated he wished that the Township had been informed that someone had this discussion with Mr. Jennings since he was trying to negotiate something, and someone else was out there saying something different to Mr. Jennings which he does not believe is accurate; but it allowed Mr. Jennings to believe that there was a chance.

Mr. Fedorchak stated he told Mr. Jennings the same things he had said to him previously, but he was still holding out hope that he could get in the second house. Mr. Fedorchak stated he called Mr. Jennings today, and Mr. Jennings indicated over the phone that he felt he was going to give up on this; but wanted to make sure that he could build a second structure which would be a detached garage but not living space, and Mr. Fedorchak stated he felt it was far more probable that they could accommodate this than another house. Mr. Fedorchak stated he and Mr. Jennings will have a discussion again soon.

Mr. Fedorchak stated he feels they are back on track with where they were five to six weeks ago, and he is sending information to Mr. Garton and Mr. Eisold so that they can start preparing a legal description and engineering description so that they can hopefully conclude the negotiations. Mr. Fedorchak stated while he did not hear what this other individual told Mr. Jennings, it was disappointing to hear that Mr. Jennings felt that if he went to the Zoning Hearing Board, he would be able to get Variances. Ms. Tyler stated Mr. Jennings indicated that he was “assured” by a Zoning member that he would receive the relief; and Ms. Tyler indicated that was not correct, and the Zoning member had no authority to make any representations to Mr. Jennings about an Application being granted that is not even pending.

Mr. Benedetto stated last night at the Zoning Hearing Board meeting after the meeting was adjourned, he brought up the Jennings tract and asked them if there was anything pending before the Zoning Hearing Board; and Ms. Kirk indicated that there was not. Mr. Benedetto stated one of the Zoning Hearing Board members asked if they could speak to Mr. Jennings, and Ms. Kirk and the other Board members stated this was absolutely not permissible. Mr. Benedetto stated Mr. Jerry Gruen was the member who asked if they could do this; and the other Zoning Hearing Board members indicated they knew nothing about this and that they had no interest in having any discussions with Mr. Jennings, and Ms. Kirk indicated it was absolutely not permissible. Mr. Benedetto stated he had a discussion with Mr. Gruen and Mr. Fedorchak today about this, and it seems that there was some miscommunication; and Mr. Jennings may have thought something was told to him that was not consistent with other things that are being told.

Mr. Benedetto stated with regard to the Satterthwaite parcel, that sale was contingent on her getting Zoning Hearing Board approval for her Variances; and Mr. Jennings seems like he wants the Township to go to the Zoning Hearing Board on his behalf and get approval for a Variance for a second house. Mr. Benedetto asked if the Township can do that, and asked if the sale could be contingent on the approval by the Zoning Hearing Board of granting a Variance to build the second house. Mr. Fedorchak stated while Mr. Jennings is entitled to explore all his opportunities, when you see the size of the tract taking away the 3.78 acres to be sold to the Township, this would leave him with two parcels that are not three acres or more as well as the fact that it is an RRP Zone which is even more restrictive. He stated adding in the fact that there are protected natural resource assets that would make it even more difficult to get Variances.

Mr. Benedetto asked what would technically be changing if the Township purchased the 3.78 acres since the Township would not be developing that portion, and he asked why Mr. Jennings could not still build on the lot. Mr. Fedorchak stated Mr. Jennings could not use the 3.78 acres as his since it is the Township's property, and he could not use that in his calculations once the Township owns it. Mr. Fedorchak stated he would need a good part of the 3.78 acres to go into his calculations to make it into two lots, and it would still need Variances.

Mr. Fedorchak stated he was trying to do what was right for the neighborhood and he felt they needed between three to five acres of open space and possibly do more with the property so that it is a more valuable open space asset by getting it to the 3.78 acres. Mr. Fedorchak stated he did advise Mr. Jennings yesterday as well as in the past that the Township could always go down to a 75' easement; and possibly that would allow him to build a second house although that would still be tight. He stated he did advise Mr. Jennings that the Township would not be paying \$175,000 to \$200,000 for a 75' easement.

Mr. Smith stated if Mr. Jennings does not want to sell, he does not have to sell regardless of whether the neighbors want this. Mr. Smith asked if they need all this ground for a walking path, and Mr. Fedorchak stated that amount was what Mr. Jennings had agreed to five weeks ago. Mr. Fedorchak stated 3.78 acres was what they agreed to; and Mr. Jennings was happy with this and was giving up on the idea of a second house. He stated now five weeks later he meets with him, and Mr. Jennings starts talking about getting Variances from the Zoning Hearing Board. Mr. Smith stated maybe the Township does not need so much ground. Mr. Fedorchak stated he was trying to create a good situation for everyone. He stated he feels 3.78 acre is the way to go which would provide a significant open space access that would provide direct access to the Canal, and Mr. Jennings seemed in favor of this so he does not feel he is pushing something on him.

Mr. Smith asked the Board if they would be opposed to a walking trail easement which would accomplish what the residents want. Mr. Benedetto stated he would want the 3.78 acres which Mr. Jennings was on board with previously. He stated he feels the residents will be happy, and Mr. Jennings will get a significant amount of money.

#### Update on Madak Tract

Mr. Fedorchak stated the Board had directed him some time ago to have a discussion with the owners of the Madak Tract. He stated Retail Sites had an Option on the property, and owners of the Tract were bound by the Agreement with Retail Sites so they were reluctant to talk to the Township at that time. Mr. Fedorchak stated the owner did express an interest in selling the parcel to the Township. Mr. Fedorchak stated he believes that Retail Sites is now out of the picture, so he will reach out to the property owners again. He stated if it is the Board's desire to pursue this, and the property owner is interested, he would like authorization from the Board to get an appraisal. He added the parcel is approximately 2.2 acres. The Board was in favor of Mr. Fedorchak proceeding on this to make sure that it does not go Commercial.

#### APPROVAL OF EXTENSION FOR CAPSTONE TERRACE

Mr. Smith moved, Mr. Dobson seconded and it was unanimously carried to approve the Extension request of Capstone Terrace to June 30, 2016.

#### SUPERVISORS REPORTS

Ms. Tyler stated she received a letter from the Delaware River Joint Toll Bridge Commission about the Scudders Falls Bridge project, and she asked that this be put on the Township Website. She stated they will be holding an information session on Thursday, December 3 from 4:30 p.m. to 7:30 p.m. at William Penn Middle School. Ms. Tyler stated people have been contacting the Township about the noise barriers and replacement trees, and she asked that they attend that meeting since this provides an opportunity to make contacts about this issue and to get more information.

Mr. Fedorchak stated he has had a few meetings with the Delaware River Toll Bridge Commission, and they have advised the Township that they are interested in purchasing the property the Township owns on which the Park & Ride is situated which is approximately ten to eleven acres. He stated they are interested in

purchasing the entire parcel. Mr. Fedorchak stated they need to secure a certain amount of easements off of that parcel for certain access ramps associated with the bridge. He stated they are coming to the Township and indicating their vision is that there would be a small two-story building on that site with parking, etc.; and that is the reason why they would like to purchase the entire lot. He stated that they would then continue to have the Park & Ride facility there, and they would maintain that facility. Mr. Fedorchak stated he will get the Board more information on this, and he would like them to come to a meeting and explain their plans so that the Board can decide what they would like to do. He stated this would be a Fee Simple Purchase based on what the appraisals show.

Mr. Dobson stated he is not sure about this, and he asked why they could not put it on the Jersey side. Mr. Smith asked if they could not just acquire it through condemnation; and Mr. Fedorchak stated while they could, they made it clear that this was not the way they wanted to go. He stated they have indicated that if the Board of Supervisors is not in favor of this, they would go to the Jersey side. He stated they would still need some pieces of it in order to accommodate the ramps, but that would not require them to purchase the entire lot.

Mr. Dobson stated Citizens Traffic will be coming back to the Board regarding the Traffic Calming Guidelines. Ms. Sue Herman stated they will be ready to go with their edited guidelines by Friday of this week, and they would like to get it back on the Board's Agenda as soon as possible. She stated they feel they have met the concerns the Supervisors had. Ms. Herman stated after the Board has seen the revised Guidelines, they would like to know if they have any concerns so that the Citizens Traffic Commission can be ready to discuss them at the Board meeting.

Mr. Benedetto stated the Environmental Advisory Council met and asked about the signage at the Ragan Tract; and Mr. Fedorchak stated a few weeks ago he asked Ms. Liney to handle that, and she was working on this. He stated they wanted something similar to what is on the Farmland Preservation properties. He added Ms. Liney will be out for a while, but when she comes back she will handle this.

Mr. Benedetto stated the EAC submitted a review on the Dogwood Drive Subdivision, and one of their comments was with regard to the Conservation Easement to be placed on approximately nine acres. He stated the EAC also discussed the trees at the ball fields which they feel were put in too close together. He stated while it may be too late to do anything about that now, they would like to be consulted on this in the future as they would like there to be additional landscaping there. Mr. Fedorchak stated he will look into the trees that have already been planted in that area.

Ms. Tyler stated she was contacted by a resident about the sound barrier issue, and she asked whether they would consider putting replacement trees in a gap area; however, Ms. Tyler stated she did not feel they could put them on private property, but in consultation with the professionals they may be able to get permission from PennDOT to put them in the right-of-way. She stated these are the kind of things they need to discuss at the upcoming meeting on December 3 to see if this could be done to help remediate some of the sound.

Mr. Benedetto stated the EAC is looking for new members as there is one opening and they may possibly have another opening soon. He stated they would also like to be contacted about nominees for their Environmental Stewardship Award.

Mr. Smith stated Economic Development had a successful Meet and Greet approximately one week ago at the Golf Course.

#### OTHER BUSINESS

Mr. Smith stated he has asked if Ms. Tyler would follow up with Mr. Fedorchak about a Patterson Farm Preservation group link on the Township Website. Ms. Tyler stated she wants to help them promote their Satterthwaite rehabilitation efforts, but feels it is premature. She stated she would also like to meet with Ms. Doan to discuss some items she has concern with that are on the Preservation group's Website such as the statement that all the rent that comes from the Patterson Farm will be going into the Satterthwaite House.

Mr. Smith stated in the Preliminary Budget no money has been set aside for the proposed dog park. He stated the financing will probably have to take place next year with the new Board. He stated he knows they have selected a few spots, and he would ask that they put this issue on the Agenda before the end of the year so that they can move ahead just with the selection of the site. Ms. Tyler stated as to funding, she understood that this was to be a fundraising project; and she does not feel that the Township ever made a representation that this was going to be a budgeted item with the Township. Mr. Smith stated he stills feels that they can supply a selected site so that they would know what they are fundraising for.

Mr. Fedorchak stated they could convene a meeting of the Dog Park Committee within the next few weeks and have them discuss the sites. He stated previously it was the Site Selection Committee that met and created the short list which they reported to the Park & Rec Board. He stated at that meeting they could discuss fundraising efforts. He stated after that perhaps they could bring it to the Board of Supervisors before the end of the year.

Mr. Benedetto asked about the Bright Farms blackout curtains, and Mr. Fedorchak stated they advised him as of Monday that they will have the blackout curtains in before Christmas.

#### APPOINTMENTS

Mr. Dobson moved to reappoint the following:

Grace Godshalk – Golf Committee  
Patricia Bunn - Park & Recreation  
Lisa Huchler-Smith – Disabled Persons Advisory Board

Mr. Benedetto asked about and was advised when their terms expire.

Mr. Benedetto seconded and the Motion carried unanimously.

#### POLICE DEPARTMENT MATTER

Chief Coluzzi stated they have a number of amendments and changes to Traffic Code 190 of the Township which regulates traffic speeds, stop signs, etc. He stated at the last meeting an individual requested the Township to do a survey of his neighborhood to erect stop signs; and they did do that, and the Traffic Commission unanimously agreed to this change and there will be a stop sign at Upton Lane at Concord and Plymouth at Concord. He stated he will submit a copy to the Board of all the changes to be made.

There being no further business, Mr. Smith moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 11:00 p.m.

Respectfully Submitted,

Jeff Benedetto, Secretary

