

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – FEBRUARY 3, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 3, 2016. Chairman Benedetto called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors:        Jeff Benedetto, Chairman  
   John B. Lewis, Vice Chairman  
   Kristin Tyler, Secretary  
   Judi Reiss, Treasurer  
   David Fritchey, Supervisor

Others:                            Terry Fedorchak, Township Manager  
   David Truelove, Township Solicitor  
   Mark Eisold, Township Engineer  
   Kenneth Coluzzi, Chief of Police (left meeting in progress)

APPROVAL OF POLICE DEPARTMENT PROMOTIONS

Chief Coluzzi asked the Board to approve promotions for the following individuals who will be present at a future Township meeting so the Board can properly recognize them. Chief Coluzzi reviewed the Officers' experience and stated all the promotions would be effective February 21, 2016 if the Board approves.

Patrolman Brian Holder – promoted to Corporal  
Corporal Timothy Reeves – promoted to Sergeant  
Sergeant Jason Braim – promoted to Lieutenant  
Lieutenant Robert L. Lewis promoted to Captain

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to approve the promotions as recommended by Chief Coluzzi.

Mr. Benedetto congratulated the Officers for what they do every day.

## PUBLIC COMMENT

Ms. Ann Gannon, 670 Fox Hollow Drive, stated the Artists of Yardley are about to end their first class session that began in early January with better attendance than they have ever had for both adults and children. She stated new instructors have been hired, and they have a broad variety in the type of courses offered. Ms. Gannon stated the spring session will begin March 2 and run through early June, and they will then have Summer Camp. Ms. Gannon stated in January the Artists of Yardley hosted an Art Show in collaboration with Pennsbury High School which was a huge success. She stated they will continue to do this because they enjoy having young people in their group and getting them involved with art. She stated in April, they will have their 5<sup>th</sup> Annual Juried Show, and they get artists from New York to Maryland with hundreds of registrations; and they have people coming from all over to see the Show. She stated information on all of the Artists of Yardley events are on their Website [ArtistsofYardley.org](http://ArtistsofYardley.org).

Ms. Kaaren Steil, 1027 Darby Drive, Chair of the Historic Commission, stated they had an Open House in October where they showed items they have been collecting since 1977. She stated they have begun digitizing with the assistance of the Newtown Historic Association and the Northampton historical group. She stated they are looking for more deeds, newspaper articles, books, artifacts, etc. from anyone who has these items available. She stated they would like to augment their records with as much as they can collect. Ms. Steil stated they have the 30<sup>th</sup> Anniversary Booklet from the Township which they are scanning. She stated they also have the Historical Landmark Booklet which was put out by the Historic Commission a number of years ago. Ms. Steil stated they have a number of new volunteers who would like to help them and learn more about the history of the Township. She stated they are looking for people to help with the digitizing.

Mr. Benedetto stated the Township received two resumes from individuals interested in serving on the Historic Commission, and they will interview them prior to the next Board meeting.

Ms. Tyler thanked Ms. Steil for providing her with a picture of the Scammel House.

Ms. Lisa Tordo, 206 Arborlea Avenue, stated at the last meeting, the Board indicated that they would invite the Falls Township Board of Chairman, Robert Harvie; and she asked if the Township extended that invitation. Mr. Benedetto stated he understands that they were going to have them at the February 17 meeting. Mr. Fedorchak stated he did talk to Mr. Harvie at length; and Mr. Harvie pointed out that there is really nothing official before the Falls Township Supervisors.

Mr. Harvie had stated that the Elcon facility is working its way through DEP, and there are many Permitting issues that need to be resolved. Mr. Fedorchak stated he asked Mr. Harvie if Lower Makefield would be put on the notification list if it does come before Falls Township; and Mr. Harvie stated they would, and it will be important for the Falls Township Supervisors to involve all of the surrounding communities as it goes through the planning stages if it gets to that point. Mr. Fedorchak Mr. Harvie feels it is early in the process, but he would be interested to come before the Lower Makefield Board of Supervisors at some point in the future assuming Elcon makes it through DEP.

Mr. Benedetto stated he read in the Courier that the Falls Township Supervisors took the position at their meeting that there was nothing for them to oppose or be in favor of at this point because it is still going through Phase II, and it seems as if they are going to wait. Mr. Benedetto stated he would like to have an Elcon representative address the Lower Makefield Supervisors as he knows they have done it in the past at Falls Township.

Ms. Tordo asked why he would be interested in having Elcon come speak to the Board, and Mr. Benedetto stated he feels this would be an opportunity to get as much information as possible. Mr. Benedetto stated he does not see an “upside” to this project for Lower Makefield Township residents. Mr. Benedetto stated having Elcon come to a Township meeting would give the Township residents a forum to personally address some things that Elcon may or may not have addressed already.

Ms. Tyler stated this would also let Elcon know that not only is the community where they are intending to build the facility interested, but that Lower Makefield is interested as well.

Ms. Tordo asked if anyone on the Board has read Elcon’s Phase I Application with the DEP, and Ms. Tyler stated the engineers have read it. Ms. Tordo stated she has read it twice, and it is important that everyone knows what they are talking about; adding you cannot talk informatively or intelligently without reading the document. She stated she also checked Elcon’s Website to see what they are putting out and how it compares to what she read in the Application; and she stated they are very different. She urged everyone to read the Application.

Mr. Benedetto stated Elcon will be having an information meeting on Thursday, February 11 from 7 p.m. to 9 p.m. at the Fallsington Friends Meeting House. Mr. Benedetto stated even without reading the Phase I report, he is still very concerned; and this is why he would like to have Elcon come to the Township and provide them a forum and have an open discussion around it.

Ms. Tordo stated PADEP requires that they have an open forum meeting which they are having on February 23 at the Oxford Valley Sheraton, and she urged everyone to attend and ask questions. Ms. Tordo noted that the Burlington County Freeholders in New Jersey stated they did not want to meet with Elcon because the project is not beneficial in any way to their community. Ms. Tordo stated this an outside corporation that wants to come into Lower Bucks and build a hazardous waste plant, a thermal oxidizer, and will be accepting toxic waste from ten States. She stated this has to be let out into the air which will create air pollution. She stated they will also be a half mile from the Delaware River which opens up the potential for contaminating our potable water source.

Mr. Benedetto stated he still feels there is value to bringing Elcon to the Township and having them make their case and have people who feel as strongly as Ms. Tordo does to question them.

Mr. Lewis stated the Township's Environmental Advisory Council has top-flight scientists and environmental specialists, and having them look into this in greater detail would be a strength. He stated he feels they have already started this process. Mr. Lewis stated Lower Makefield is clearly in the impact area for air pollution.

Mr. Fritchey stated he feels everyone is concerned about this, and he asked Ms. Tordo if she could prepare a summary of what she has learned from reading the Application and comparing it to Elcon's publicity.

Ms. Tordo stated she understands that Mr. Harvie will not be attending the Supervisors meeting on February 17, but representatives from Elcon may be attending. Mr. Benedetto suggested that Elcon be invited to attend their meeting on March 2 since February 17 may be too soon for Elcon. He stated they would also extend an invitation as well to the Township's EAC so they can weigh in.

Ms. Reiss stated the PADEP will listen and be able to give a very, unbiased report; and she feels the Township should use them as much as possible.

Mr. George Baxter, 208 Arborlea, stated he disagrees with Ms. Reiss; and what he has learned over the last two months makes him question Government agencies such as DEP that are supposed to be doing their job to protect the environment. He stated if you review the video from September when Elcon was doing their Phase I, the DEP representative seemed to be Elcon's "best friend;" and he appears to be defending Elcon. Mr. Baxter stated he is only speaking about the representative from this part of Pennsylvania, and he cannot speak to the Secretary of the DEP from Harrisburg who may have a different opinion since based on his bio

he is very environmentally-friendly. Mr. Baxter stated he would like to bring this to Harrisburg's attention that the local representative is not representing the environment or the community.

Mr. Baxter stated he spent approximately two and half hours going door to door to businesses at the Keystone facility. He stated these were businesses that would be across the street from this proposed site. Mr. Baxter stated the one business owner he spoke to indicated they knew about it and had written to DEP in Phase I and will write again in Phase II. He advised that his business had been there for thirteen years, and he indicated the pollution is already very bad from the incinerator and the dump. Mr. Baxter suggested the Board go to the area on a day when there is a low ceiling, adding the smell is overwhelming. Mr. Baxter stated the individual he spoke stated they do not want anything else down there that will add to the pollution that already exists. Mr. Baxter stated three of the businesses he visited were all opposed including a large chemical company. He stated he also visited three other businesses, but they knew nothing about this; and were very concerned when he advised them what was proposed. Mr. Baxter stated he intends to go back and visit more companies there.

Mr. Benedetto thanked Mr. Baxter for his diligence on this matter.

#### APPROVAL OF MINUTES

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of January 20, 2016 as written.

#### APPOINTMENT OF TOWNSHIP ENGINEERS

Mr. Benedetto stated the Board held interviews for Township engineers on two nights and interviewed nine engineering firms. He stated currently the Township has a Municipal engineer which is Boucher & James, the sewer engineer which is Tri-State, and a traffic engineer which is Gilmore & Associates.

Ms. Tyler stated they had two lengthy nights of interviews and were provided packets by the engineers. With respect to the Municipal engineer, Boucher & James has been their engineer for four years. She had encouraged her colleagues to speak to the Township staff and those who have been involved in projects with Boucher & James. She stated Boucher & James has excellent familiarity with the issues the Township is facing, and they have served the Township very well.

Ms. Tyler moved and Mr. Fritchey seconded to appoint Boucher & James as the Township Municipal engineers for 2016.

Mr. Lewis stated they reviewed the proposals from the engineering firms, and there were a number he felt were very good. He stated he has concerns with the current engineering firm as to past project management. He stated he did reach out to the staff who ranked them slightly higher than he had. He stated they would not be his first choice. He stated what was not seen in the interviews were the books they reviewed of each firm's prior projects as well as a comparison on pricing between firms. He stated Boucher & James was not out of the range of what other firms would charge. He noted the baseball project and stated if Boucher & James were to continue, the Township needs to be extra diligent in terms of project management, scope, budget, and timing.

Ms. Reiss stated she agrees with Mr. Lewis, and she feels at times communication has not been as strong as it could be. She stated other engineering firms made a point of telling the Board about Grants that could be available especially Grants to make the community more available by walking and biking; and she would like to see if Boucher & James could continue that since she feels part of engineering is letting the Supervisors know what Grants are available. Ms. Reiss stated while Boucher & James would not be her first choice, she would go along with it.

Mr. Fritchey stated in terms of general engineering, they interviewed a number of firms which were well qualified. He stated he understands some people have had some issues with Boucher & James; but having been involved in Township projects for over twenty-two years, he feels every engineering firm they ever had has had a few issues, and overall he feels Boucher & James has done a good job. He stated the Township staff has been very complimentary about Boucher & James and felt that compared to other engineering firms the Township has had in the past, they were the best. He stated he would advocate continuing with them at this time.

Mr. Jason Simon, 514 S. Southridge Circle, stated he changed a flight today coming back from a business trip so that he could speak on this matter. He stated he feels these decisions for Township professionals are critical components to how the Township operates. He stated he is Commissioner of PAA and prior to that he was the Township liaison for that organization. He stated his responsibility with PAA was to work with the Township as the new baseball fields were being developed. He stated he feels projects like the baseball fields and the upcoming Community Center are watershed projects for the community to have once in a generational opportunities to expand our footprint. He stated these are also the places where professional services have the opportunity to be seen more readily.

Mr. Simon stated he watched the interviews of the engineers on the Web broadcast, and there were some characterizations made by Boucher & James during the interview that some of the issues they had which occurred at the baseball list were punch-list items. Mr. Simon stated he has worked on several major projects in different areas, and he feels punch-list items are the things that you do post-project; but the issues they experienced at the baseball fields were major design flaws. He stated in 2012 he appeared before the Board of Supervisors with the architectural plans that were drawn up by Boucher & James that indicated an 11' slope between right and left field on both the 90' and 70' fields at the new facility. He stated prior to his attendance at that meeting he had called to Mr. Eisold's office and spoke to a woman working on the project extensively about this, and he was surprised that the sitting Board of Supervisors did not know what he was coming to talk about. Mr. Simon stated he does not feel the 11' was appropriate for this watershed project for the community. He stated the pitcher's mound was also not marked off properly on the smaller field, and he also noted another problem on the larger field; and stated while all these problems were rectified, he feels it was "mindboggling" that they were missed in the original design.

Mr. Simon stated the condition of the fields in the outfield as it stands today is poor, and he has had many discussions about this at both the Park & Rec Board and with the Board of Supervisors and also individually with most of the Supervisors about how poorly managed the project was. Mr. Simon stated he was told by the engineering firm last summer that there was an adequate amount of natural rainfall to insure that the fields would grow in, but there were bare spots and weeds the whole summer. He stated that translates into sweat equity and cost to the Township and to PAA. Mr. Simon stated he feels the engineering firm should be in front of these problems, and not finding out about them from citizens and reacting to them defensively. Mr. Simon stated he also heard during the interview that they indicated they were trying to work on a budget; and while he understands that, he feels they should have build the ball fields right and then gone back and figure out the costs.

Mr. Simon stated there are major projects coming up including the Community Center. He stated Boucher & James has already been involved in the site selection and gave the Board guidance. He stated he hears resignation in the voices of some of the Supervisors that this decision is a foregone conclusion, but he feels he should never have to come to the Township to challenge decision elements of an engineering firm that should represent all of the people and not just the Board of Supervisors.

Mr. Simon stated as the interviews went on the night that Boucher & James was interviewed, as they got later into the process he feels for the last set of interviews all the Board did was more of a "check and balance" against what they had heard earlier.

He asked the Board to reconsider the nomination tonight; and if they are not satisfied with what they have heard, they should not settle. He stated they should extend this and make sure that they vet the process further since there are big projects coming up, and they need the right communication and the right firm.

Motion carried with Mr. Lewis and Ms. Reiss opposed.

Mr. Benedetto stated five firms interviewed for sewer and wastewater treatment engineer. He stated Tri-State is the current sewer engineer.

Ms. Tyler stated those interviews were quite important since one of the biggest issues they are facing now in Lower Makefield is what is going to happen with the Morrisville Treatment Plant, and all of the firms were quite helpful in giving ideas as to how to move forward. She stated they unanimously suggested that the Township secure special counsel to guide them as well. Ms. Tyler stated she had discussions with the members of the Township Sewer Authority as well as Township employees who have been working with Tri-State for the last four to six months. She stated the Sewer Authority emphatically stated that they felt Mr. Wes Plaisted was doing a very good job.

Ms. Tyler moved and Mr. Fritchey seconded to re-appoint Tri-State, specifically Mr. Wes Plaisted, as the Township's sewer engineer.

Mr. Fritchey stated Mr. Plaisted has been the sewer engineer for only six months; however, during that time he has made a very positive impression on the Sewer Authority and Mr. Kelley Watson, the Township's Sewer Administrator. He stated they all feel that Mr. Plaisted has a very good understanding of the Township system, and he would provide continuity. Mr. Fritchey stated they did interview a number of other sewer engineers who were also very impressive; however, he feels because Mr. Plaisted received such good evaluations from those working with him in the Township, he would be in favor of re-appointing him.

Mr. Lewis stated he felt Remington, Vernick had a great grasp of the engineering issues they have at the sewer plant, and they also came with a lot of insight and knowledge to help them through some other things the Township is dealing with. Mr. Lewis stated that each of the engineering firms provided great insight and options for the Township as they deal with sewer issues. Mr. Lewis stated he felt Ebert was the strongest since they were focused, they had experience in plants of all sizes, and they came with a lot of options and choices; and they would be his first choice.

Ms. Reiss stated the representative from Remington, Vernick was very impressive; and she had a handle on things that the Township sewer engineer should have a handle on. Ms. Reiss stated she also felt CKS was outstanding, but she would be most in favor of Ebert since they are a small, local firm.

Mr. Benedetto stated he felt Ebert was the best, and they are a firm that does strictly wastewater treatment; and they have a great relationship with the Pennsylvania DEP. He stated he also likes the fact that they do not have any ties to anyone, and they bring a fresh perspective. He stated he also felt CKS was very impressive, and they have experience serving Lower Makefield Township. He stated he was also impressed with the representative from Remington, Vernick. He stated Mr. Plaisted has the experience of working with the Township for the past six months, and he is very well regarded. He stated Carroll Engineering also gave a strong interview. He stated his first choice would be Ebert.

Ms. Tyler stated she feels it is important to go to the people who work with the engineers, and the Sewer Authority and the sewer employees emphatically stated that Mr. Plaisted has been doing a great job on behalf of the Township; and she feels the Board should listen to what they say.

Motion to re-appoint Tri-State did not carry as Mr. Fritchey and Ms. Tyler were in favor and Mr. Benedetto, Mr. Lewis, and Ms. Reiss were opposed.

Ms. Reiss moved, Mr. Lewis seconded and it was unanimously carried to appoint Ebert Engineering Inc. as the sewer engineer.

Mr. Benedetto stated they had four firms which interviewed for the position of traffic engineer. He stated currently Gilmore & Associates is the traffic engineer. He stated Traffic Planning & Design (TPD) has also been their traffic engineer in the past.

Ms. Tyler stated she has been re-appointed as Supervisor liaison to the Citizens Traffic Committee, and they sent a letter to the Board indicating they feel Amy Kaminski from Gilmore is doing a wonderful job and recommended that she be re-appointed. Ms. Tyler stated they also indicated that they had liked all of the traffic engineers they had the benefit of working with. Ms. Tyler stated all the firms interviewed well. Ms. Tyler stated the main traffic issue in Lower Makefield which Ms. Kaminski and the Citizens Traffic Commission have been working on is the development of Flowers Field/Edgewood Village and the intersection of Yardley-Langhorne and Stony Hill Roads. Ms. Tyler stated Ms. Kaminski has also been involved in the Scudder Falls Bridge project. Ms. Tyler noted TPD represents the developer of Flowers Field/Edgewood Village so they would be conflicted out on the largest traffic issue that Lower Makefield has.

Ms. Tyler moved, and Mr. Fritchey seconded to re-appoint Gilmore & Associates, Amy Kaminski, as the traffic engineer for Lower Makefield.

Ms. Reiss stated she is not happy with what is going on at Flowers Field, and stated it is too bright. Ms. Reiss stated because of the conflict with TPD, she would be in favor of Ms. Kaminski for Flowers Field. She stated Pennoni is huge, and she was not happy with that. She stated Carroll gave a great interview. Ms. Reiss stated she was happy with TPD because they are very strong not only with traffic for cars, but also traffic for humans; and she feels one of the best parts of their interview was that they would get them Grants so the Township could get their bike and walking paths completed and connected. She stated TPD has Grant writers that would do that for the Township, and she would be in favor of TPD as the Township traffic engineer.

Mr. Fritchey stated he also liked TPD, but he is concerned with their representation of Mr. Troilo and his interests which would be a conflict. He stated he does not feel Gilmore has that issue so there is not a conflict there. Mr. Fritchey stated if they were to go with TPD, they would have to let Gilmore complete the matters with Mr. Troilo's interests so they would have half of their traffic engineering business with one firm and the other half with another firm.

Mr. Lewis stated he feels TPD and Gilmore were the strongest. He stated he did receive the endorsements of Gilmore and Ms. Kaminski's work, and he would not be disappointed if they were re-appointed. Mr. Lewis stated he was impressed with TPD's discussion of their holistic view of how roads, signals, and traffic work together and that they consider this when they are redoing roads to optimize traffic flows. Mr. Lewis stated he feels there are things they could be doing to improve drive times between segments of the Township, and he felt TPD would be more proactive with that. Mr. Lewis stated he also felt Carroll interviewed well.

Mr. Benedetto stated TPD had been their traffic engineer in the past, and their representative at that time was outstanding; and the Citizens Traffic Commission worked well with her. He stated he felt TPD was the strongest since this is all they do. He stated Gilmore does have the experience. Mr. Benedetto stated TPD's work with Mr. Troilo and Edgewood Village would have to be taken into consideration, and he does not feel they could have them work on that for the Township if they were the Township's engineer. He stated he also felt Pennoni did a good job, and they were in a difficult position since they were the last to be interviewed. Mr. Benedetto stated he feels they should appoint TPD with the caveat that they recuse themselves on anything to do with Edgewood Village/Cam Troilo, and to have Gilmore continue in that role.

Ms. Tyler withdrew her Motion.

Ms. Tyler moved and Mr. Fritchey seconded to appoint TPD as Lower Makefield Township traffic engineer, and to retain Gilmore and Associates (Amy Kaminski) for Edgewood Village and Cam Troilo projects through completion.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, member of the Citizens Traffic Commission, stated they would like to see continuity and have Gilmore and Associates re-appointed. He stated they have a very good relationship with Amy Kaminski.

Motion carried unanimously.

#### REPORT ON SNOW REMOVAL OPERATION RELATED TO SNOWSTORM OF JANUARY 23, 2016

Chief Coluzzi stated that prior to the storm's arrival Governor Wolf declared a State of Emergency in Pennsylvania and subsequently Lower Makefield Chairman Benedetto approved a Disaster Emergency Declaration. Snow alerts went out to the residents by way of the Township Channel, Twitter, the Police Department and Township Websites, ReadyNotify, and all major television news outlets; and updated messages were posted throughout the storm. Chief Coluzzi stated the Emergency Operations Center was activated Friday night and remained in operation until mid-day Sunday. He stated snow began to fall on January 22 at approximately 7:30 p.m. and continued to fall until approximately 3:00 a.m. Sunday. He stated emergency services were hampered not only by the amount of snowfall, but by the strong winds that reached 25 to 30 miles an hour which caused high drifts in many areas. He stated the snowfall was about 28" in total.

Chief Coluzzi stated the Yardley Makefield Fire Company had both the Yardley and Lower Makefield fire houses staffed around the clock for the duration of the storm, and the Emergency Squad was also staffed throughout. He stated the Road Department crews had prepared all major roadways and arteries prior to the storm. He stated the Road Department crews had all their trucks mobilized, and Lower Makefield full-time, part-time, and alternate drivers were out. He stated private contractors were also used. He stated throughout the storm there were as many as thirty-six trucks rotating throughout the Township. The Road crews worked for approximately eighty-six hours and private contractors worked for about three hundred nine hours total. Chief Coluzzi stated the Road Department also had chain saw and plow truck response crews to transport emergency personnel, Fire Company, and medics to emergency calls.

Chief Coluzzi stated the first plows hit the street at approximately 12 midnight and worked until 5:00 a.m. He stated the first notifications of the storm indicated that it was going to start at midnight on Friday night; however, it actually started five hours before that, so they were behind the time.

Chief Coluzzi stated the Emergency Operations Center received approximately ninety calls mostly regarding streets that were not plowed and some complaints about driveways being blocked in which are normal complaints received when plows try to move that amount of snow off the streets. Chief Coluzzi stated the Police were routinely dispatching plow trucks to these areas whenever possible. He stated the Operations Center also received transportation requests from doctors and nurses, and a lot of transportation was provided to St. Mary's Hospital for emergency medical personnel by Police. Chief Coluzzi stated approximately eighteen motorists needed Police assistance when they became stuck, and a tree also came down on River Road which was quickly removed by the Road crews.

Chief Coluzzi stated the Police Officers were in constant contact with the Bucks County Emergency Operations Center where there were PennDOT officials present, and they were constantly updated on State roads throughout the Township and called out to dangerous areas including 332 west of Mirror Lake Road.

Chief Coluzzi stated although approximately 500 residences in Bucks and Montgomery Counties lost power, there were no power outages reported in our area.

Chief Coluzzi stated he was in contact with the Township Manager and the Board of Supervisors throughout and they routinely relayed various problem areas to him, and they dispatched plow trucks to those areas as quickly as they could. He stated Mr. Benedetto and Mr. Lewis were very concerned about the areas around the Schools and bus stops, and whenever possible they tried to clear up those problems.

Chief Coluzzi reminded the residents of the importance of signing up for ReadyNotify as only 1,200 residents are signed up. He stated every household with a phone and every adult that has a cell phone should be part of this notification system.

Chief Coluzzi stated they did lose a sixty-year old Township resident as a result of the storm who apparently suffered cardiac arrest while shoveling snow, and he offered condolences to his family. Mr. Benedetto offered condolences on behalf of the Board as well.

Ms. Reiss stated the public should be aware that the main streets will be plowed first and someone will be first and someone will be last. She stated the amount of snow was massive, and she feels it was amazing that the children were back in School by Tuesday when much larger cities did not have School all week. Ms. Reiss stated considering the huge amount of snow and the drifting, she would like to commend everyone for the work done.

Mr. Fritchey congratulated everyone on a job well done.

Mr. Lewis thanked Sergeant Reeves for his help on Sunday as there were situations on a number of cul-de-sacs where the larger trucks could not maneuver because of the volume of snow, and they dispatched backhoes. He stated they had received a number of calls about this, and relatively quickly trucks were there. Mr. Lewis stated it is also important to remind the residents that they should keep the fire hydrants clear and make sure their sidewalks are shoveled. Chief Coluzzi stated they should also be mindful of elderly neighbors who may need help shoveling as everyone is to shovel their sidewalks within twelve hours after the snowfall has stopped. Chief Coluzzi stated they did get some calls about people who had not shoveled their sidewalks, and a number of them were elderly and could not do it; and he asked that neighbors be mindful of this and help them.

Chief Coluzzi stated one of the reasons they have a Disaster Declaration signed is because the Township is hopefully then able to get reimbursed for money spent on snow removal and also to be able to enforce certain laws including making sure that cars are not parked on the streets so that the plows can get through and that motorists are not travelling on the roadway during the disaster declaration. Chief Coluzzi stated very few people were out during the storm, but those who were did get stuck; and it puts the Police in a lot of danger to go out and try to rescue them. He stated it is also important that non-essential businesses not open when they have these situations.

Ms. Tyler thanked the Police and Public Works Departments for all the work they did.

Mr. Benedetto stated the Board received an e-mail from Ms. Jill Laurinaitis, a member of the Electronic Media Advisory Council, who advised that Boy Scout Troop 10 provided a community service and shoveled out several residents who had sent her a request through Facebook. She advised that Troop 10 provided thirteen Scouts ages eleven to seventeen and six fathers who cleaned fifteen homes in Lower Makefield Township most of whom were elderly or unable to shovel due to illness or long-term conditions. Total service hours were approximately thirty.

They are also interested in starting a Snow Angels Program similar to Newtown Township's program that could include other youth groups and organizations in coordination with the Township. Mr. Benedetto stated he feels this is an excellent idea, and he would like to see the Township utilize these types of organizations. Mr. Fritchey stated he feels this is very commendable, and he feels the best way would be to coordinate this through the Police Department. He commended the Boy Scouts for what they did.

Ms. Tyler stated the Snow Angels Program came up with the Seniors where she was the Liaison for several years. She stated Ms. Liney has collected information on this from Newtown Township, and she asked Chief Coluzzi to work with her on this. Chief Coluzzi stated they will work with Ms. Liney; and he noted they also have a Seniors Police partnership program now, and they could incorporate that as well. Mr. Benedetto agreed to forward the e-mail from Ms. Laurinaitis to Chief Coluzzi.

Mr. Benedetto asked Mr. Fedorchak for an update on the search for a Public Works Director, and why the decision was made to wait until the new year. Mr. Fedorchak stated he had started the search in late September through October but stopped because of the Election and turn over on the Board as he felt it was more appropriate to wait until the new Board was constituted so that all five Supervisors could be involved in the interview and selection process. Mr. Fedorchak stated he has reached out to a number of the candidates who had been interested, and they are still interested. He stated a few more have also been added, and he hopes in the next three weeks to begin to schedule interviews with the Board and the candidates. He hopes that in the next forty-five to sixty days, the Township will have a new Public Works Director. Mr. Fedorchak stated during this last snow emergency, the Township was without a critical position in that they did not have a Public Works Director; and despite that, he felt everyone pulled together including the Public Works employees and the Police Department stepping up trying to fill that void. He stated he is inspired to get a Public Works Director as soon as possible.

Mr. Benedetto stated during the storm, there was a public perception of a wide disparity among neighborhoods since some neighborhoods had multiple passes and others had only one or none; and he asked the Chief to discuss this as there were concerns expressed by some residents. Chief Coluzzi stated he did not know why that happened in some areas other than the fact that the Township is broken down into zones by Public Works personnel, and some zones are covered by Public Works personnel and others are covered by private contractors. He stated a lot of the private contractors did some areas but missed some others, and they did not report that back to the Road Department. He stated he feels this is why some areas were missed, or received only one pass when they should have received three.

Mr. Benedetto asked Mr. Fedorchak what is in place to evaluate the private contractors/outsourcing since even though it was a historic snowstorm, he feels the contractors should be held accountable. Mr. Benedetto also asked if there is adequate staffing in the Public Works Department adding that they did a study in 2012/2013. Mr. Benedetto asked what they are doing to make sure the problems they had with this storm will not happen again with regard to the private contractors. Mr. Fedorchak stated as to adequate staffing, he feels they will have adequate staff once they hire the Public Works Director. He stated anytime there is a very involved type of project such as snow removal, they always bring in a lot of contractors; and in the case of this last storm, they had at least thirteen additional pieces of equipment adding to their own twenty-five pieces of equipment that were out in the community which he feels is sufficient. He stated when it comes to leaf collection, they employ a large number of temporary employees to supplement the regular, full-time employees. He stated there are eight Township truck/leaf-pick up machines that go out and each of those is driven by a full-time Township employee, and the two to three-man crew are temporary employees. He stated they also bring in part-time employees on an as-needed basis, and he feels they are adequately staffed throughout the year for these larger, more involved activities.

Mr. Fedorchak stated following storms, they do an evaluation to see what they could have done better. Chief Coluzzi stated when they do have a new Public Works Director in place, he will be critiquing the snow storm with him to go over everything they did including equipment and staffing. Mr. Benedetto stated they discussed that Chief Coluzzi will be involved in the interview process for the Public Works Director, and Chief Coluzzi agreed that they like to see how the Road Director interacts with Emergency Managers and Police since they all have to work together in situations like this.

Mr. Benedetto asked about the cul-de-sacs, and Chief Coluzzi stated he believes that it is an equipment issue as Mr. Lewis alluded to earlier. He stated the big trucks cannot maneuver through the cul-de-sacs, and the smaller trucks are not powerful enough to push around that much heavy snow. He stated the front-end loaders do an excellent job, but it is difficult to find places to put the snow in a cul-de-sac.

Mr. Benedetto asked the responsibility around the plowing and timing of the softball fields and the parking lot where the Pool is located, and Mr. Fedorchak stated typically that would be last on the list.

Mr. Fedorchak stated throughout the three-day period, they used 300 tons of salt at a cost of slightly more than \$17,000, for contractors it cost \$37,000, and Township personnel costs were \$41,000 so the storm cost them approximately \$95,000.

Mr. Zachary Rubin, 1661 Covington Road, discussed the importance of signing up for ReadyNotify adding he received notices on his cell phone, home phone, and an e-mail about the storm. He urged everyone to sign up by going to LMT.org. Mr. Rubin stated he is the Vice President of the Makefield Glen Homeowners Association which is an Association of 838 homes. He stated at 4 a.m. Saturday morning their private contractor started working on their private roads, and they spent tens of thousands of dollars on snow removal. He stated during the day Saturday, the main access which is a public Township Road, was not plowed; and he received a number of phone calls from residents. He stated he called the LMT Police force about Covington Road; and while he was on the phone the plows did come through and plowed the road.

Mr. Ben Weldon, 2103 N. Crescent, asked about the bus stops. Mr. Benedetto stated they did ask Chief Coluzzi about plowing around the bus stops. Chief Coluzzi stated Mr. Lewis provided him with a list of all the bus stops in Lower Makefield; and they gave this to the Road Department who indicated they would try to do as much as they could, although they could not make any guarantees given the situation. Ms. Tyler stated a bus stop is across from her home but children do walk down her sidewalk to get to the bus stop, and as a homeowner she takes it upon herself to make sure the children can get there safely as does her neighbor on the corner; and they help each other. Mr. Fritchey stated he agrees with Ms. Tyler about people taking responsibility for the bus stops. He stated he was in Virginia where they had approximately the same amount of snow that Lower Makefield had, and their Schools were closed for the entire week. He stated he feels what was done by the Police department, Public Works, and the contractors was quite successful and very commendable.

#### DISCUSSION OF ROLE OF SPECIAL EVENTS COMMITTEE

Ms. Reiss stated the Special Events Committee has been somewhat inactive for a while. She stated she sent out e-mails to all those listed as being on the Special Events Committee, and she received only four responses. Ms. Reiss stated she would like to discuss with the Board what the role of the Special Events Committee is to be in the future. She stated from her point of view, she would like to see the Special Events Committee involved with Community Day, the Veterans Day activities, and fundraising that they might want to do in the Township. Ms. Reiss stated in the past they have had a 5K Walk/Run and a 1K for children, and they could do this and have the funds earmarked for walking paths, playgrounds, etc. She stated she feels that Special Events will need to work closely with Park & Rec.

Mr. Fritchey stated he feels it is a tremendous idea to get the Special Events Committee involved in fundraising since there are a number of worthwhile projects that deserve to have public support and which could be substantially supported through fundraising that is done privately for the public good. He stated by doing this, they would have a chance to accomplish things that otherwise they would struggle to support with tax money. He noted the Dog Park which has widespread popular support; and if they had an effective fundraising drive for that, he feels they could get the seed money to launch that fairly quickly even though it is not currently budgeted for in the Township Budget.

Mr. Fritchey stated there have also been discussions over the past year or so about funding the current maintenance, upkeep, and operation of the Garden of Reflection. He stated there is a fundraising mechanism for the Garden of Reflection to create an endowment fund that hopes to raise enough money so that it will be able to in future years contribute enough to take care of that maintenance, but that fund is still building up to a point where it will be contributing money to the Township; and he added it is not doing that now. Mr. Fritchey stated the funds raised during the Golf Outing are being put into that endowment fund, and it is not covering day to day maintenance so that there is a shortfall in that area of the Budget. Mr. Fritchey stated those on the Garden of Reflection Sub-Committee have engaged in smaller fundraising projects, but a more coordinated and extensive fundraising effort would help fund this as well.

Mr. Fritchey stated he feels there are also other areas they could think of which would benefit from public fundraising. He feels there are community-minded people who would be able to come up with other fundraising activities. He stated he hopes they can attract four to six people to the Special Events Committee who have some degree of expertise and an interest in fundraising who could spearhead this, and he feels this would allow them to get a lot of amenities for the Township that are difficult to support exclusively with tax monies. He stated this would get the Township some amenities they would like while taking some of the burden off of the taxpayers.

Ms. Reiss asked anyone interested in fundraising and supporting community activities such as Community Pride Day and the Veterans Parade to e-mail her of their interest.

Mr. Benedetto stated he would like to reenergize the Special Events Committee. He stated currently there are eleven members, but he does not feel they were asked to do things. He stated he feels the burden of Community Pride Day could be taken off of Ms. Liney, the Park & Rec Director; and he feels there are volunteers who could focus solely on this and get sponsors and vendors involved. He stated he

would like to have the Special Events Committee be a working group doing things that will relieve the burden on the taxpayers and on the Township staff. He stated he feels there are talented people in the community who could do this.

Ms. Tyler stated she feels they should suggest to the Dog Park Committee that they should have a 5K with the dogs which she feels would raise some quick money to fund the Dog Park. She stated she would be willing to help support the Special Events Committee, and she wants to find the pulse in the Community that built Kids Kingdom as that was a staggering community effort; and she would like to tap into those residents who want to do things for the community and provide them guidance.

#### DISCUSSION OF AMENDING 2016 BUDGET

Mr. Benedetto stated the Board approved re-opening the Budget at the last meeting. Mr. Lewis stated the Citizens Budget Committee prepared an analysis to share with the Board.

Mr. Joe Menard and Mr. Adrian Costello were present and provided this analysis to the Board this evening. Mr. Costello stated the Citizens Budget Committee met this past Monday to discuss the Board's decision to re-open the Budget. He stated based on what was heard at the last Supervisors' meeting, the Committee felt there were three primary drivers for the Boards' decision – increasing the current road resurfacing budget to meet the Twenty-Five Year Plan published by the Township engineer last November, to fill the position of Township Manager before Mr. Fedorchak's retirement, and to look at hiring a Finance Director; and these were the items the Citizens Budget Committee looked at. Mr. Costello stated they discussed what this would do to the General Fund in 2016 and what information they could bring to the Board of Supervisors to help them in the decision whether to find revenues to add these items to the Budget.

Mr. Costello stated their analysis presents two different scenarios one showing the impact including any shortfalls of including all three of the items and their estimates of the costs to do this. He stated the Committee agreed to suggest to the Board of Supervisors that raising tax revenues in 2016 for this limited scope without looking at the potential priorities and needs of the entire Budget may end up being insufficient for the longer-term Township needs. He stated for that reason they put together another scenario that meets the personnel needs only while remaining tax rate neutral. He stated this scenario allows for new perspectives because of a potential Finance Director, a new Township Manager, and three new Supervisors

who would provide new sets of eyes to look at the Budget and provide a better opportunity to look at the whole Budget and fully integrate any changes they wish to make in 2017.

Mr. Benedetto asked their recommendation with regard to the 2016 Budget; and Mr. Menard stated they want to see if the Board did not re-open the Budget, where they would be in terms of the items that will need to be paid attention to, and those were the three items that Mr. Costello mentioned. Mr. Menard stated they would not have to re-open the Budget or raise taxes this year if they limited it to the scope they are at. He stated they have provided an additional analysis of their thinking in terms of reserves, and the reserves are adequate to cover the scenarios.

Mr. Costello stated they agreed that this was more of a word of caution to the Board that this is a pretty limited scope that the Board is looking at it, and it potentially may not be enough; and they might have this same discussion in six months. He stated if they are going to ask for a tax increase from the residents, they feel they should make sure that everything has been included.

Mr. Lewis stated they talked at length about potential financial challenges the Township will be facing in the future in terms of revenue flows that the Township will no longer be receiving and other anticipated contingent liabilities they are facing such as the sewer; and he feels that they all agreed that they need to spend a fair amount of time this year communicating some of the Budgetary challenges they have so that the residents have an understanding where investments are needed and steps they can take to give the residents a sense of where their tax dollars are being spent.

Mr. Fedorchak stated he has the benefit of more recent expenses running through January and the Revenues received through the entire year of 2015. He reported that the Township had another very good year financially, and their Revenues came in “extraordinarily” well. He stated they had projected a beginning 2016 fund balance of approximately \$2.19 million which was in the Budget, and he anticipates now that they should receive approximately \$2.37 million. Mr. Fedorchak stated based on the Revenues that were projected and the Expenditures the Board approved for 2016, he feels this will leave them in 2016, under the revised format, at approximately \$1.56 million rather than the \$1.37 million they had originally forecast. Mr. Fedorchak stated when you look at that number in relation to the overall General Fund Expenses, it is in the neighborhood of 14%; and what the auditors recommend for Safe Harbor is between 5% to 8%. He stated even after taking the \$450,000 out of the surplus to add it to the \$500,000 they will be receiving in Liquid Fuels for the road resurfacing program to get to the \$1 million which the Board agreed to, what is left in the General Fund by way of surplus is substantial and approximately twice what the auditors would recommend.

Mr. Fritchey stated they are taking money from the reserves for the roads, and he asked what would be the impact of a similar action next year if they were to withdraw it from the reserve; and he asked if this would take them below Safe Harbor. Mr. Menard stated if they had the exact same scenario as they had this year in terms of road requirements that need to come from the General Fund and other needs, without an additional source of revenue next year, there would probably be a net deficit of Revenues over Expenses that they would have to fund through taxes. He stated depending on how they would restructure the road program, if they added additional money there, that would be an additional deficit so it would draw down further on the Reserves probably to a point below Safe Harbor. Mr. Fritchey stated it seems that this is at best a one-year fix, and Mr. Menard agreed.

Mr. Zachary Rubin stated one of the major sources of income for the Township is the Toll Bros./Regency Development, and he reminded everyone that there is a finite life for that Revenue. He stated currently every time they issue a Certificate of Occupancy, the Township receives \$1,650. He stated there are 191 units in the first phase, and approximately 140 have already sold. He stated there is also a second phase which will be 176 units at \$1,650 each which brings in hundred of thousands of dollars; and they will be built out possibly in two years in that development. Mr. Rubin stated one of the Stipulations in the Agreement with Matrix/Toll Bros. was that they would pay the Township \$1,375,000 in three equal payments. He asked Mr. Fedorchak if they have made the second payment; and Mr. Fedorchak stated they have, and they still owe a third payment which will be in 2016, and that is in the Budget. Mr. Rubin stated the Board should keep in mind when they are considering long-term funding for the Township that Revenue source will be drying out in the very near future.

Mr. Menard stated they did discuss that at their meeting even last year, and Ms. Tyler had asked that they develop a longer, detailed Capital Plan for the Township which they will be completing in the next three to four months. He stated they want to set out a even-keeled way of looking at the Capital improvements and what they need so that they are not “hitting peaks and valleys and having knee-jerk reactions” to what their Capital needs are.

Ms. Maureen Curlan, Applewood Circle, stated there are going to be three areas that are going to be developed in Lower Makefield which will bring in income on a yearly-basis as tax revenue. She stated she understands that the Township is a beautiful place to live, but she is very concerned that the expenditures that everyone keeps projecting is more, and more, and more. She stated what they need to do is be more fiscally responsible. She stated there are Senior Citizens in the Township that cannot afford increases in their fees for the condominium complexes. She stated the complexes are finding that they need to have more and more repairs to be done at their facilities; and if they cannot keep up their facilities, this will hurt the Township

in the long run. She stated if the Township continues to consider raising taxes for things that are “gifts” such as a Dog Park, etc.; while they are beautiful, the Board needs to remember that there is a large population of Senior Citizens who are not getting cost of living increases in their Social Security and do not have many income sources. She stated she is seeing this in her development, and more and more people are experiencing this throughout the Township; and the Board needs to take this into consideration when they look for projects that they feel will make the community better.

Ms. Reiss stated she is concerned about raising taxes until they have a larger view of what is down the road. She stated she does feel that the Township is fiscally responsible, and she knows that the Citizens Budget Committee spends a lot of time working on this. She stated she feels they are going to have to make some very hard decisions over the next six to eighteen months dealing with the sewer.

There was no Motion to increase the millage to amend the 2016 Budget.

The Citizens Budget Committee was thanked for their work.

#### DISCUSSION OF ARTISTS OF YARDLEY LEASE AGREEMENT

Ms. Maggie Robinson, Artists of Yardley, was present. Mr. Benedetto stated tonight the Board is having a preliminary discussion about a Lease Agreement with Artists of Yardley, and the Board will not vote on this tonight. He thanked the Artists of Yardley for their continued interest. Mr. Benedetto read into the Record a letter that was sent to the Board by Ms. Robinson dated 1/15/16 which was included in the Board’s packet of materials (attached to the Minutes). Mr. Benedetto stated they are looking for a continued partnership with the Artists of Yardley.

Ms. Robinson stated they received a preliminary Lease Agreement six days ago, and they are having their counsel look it at; and she indicated that it is overall a good Lease, and there are only a few things they need to address. Mr. Benedetto stated he would like to have their counsel speak to Mr. Truelove who was involved in the original Lease. He stated the current Lease expired thirty-one months ago, and they have a month to month arrangement that goes through July, 2016. Ms. Robinson stated her understanding was that it would be a three-year roll over if they completed everything that was on the first Lease. Mr. Benedetto stated what they talked about was a ten-year Lease and a rent arrangement. He stated Mr. Lewis has also discussed an escalator clause through the Consumer Price Index. He stated there were also discussions about maintenance; and he added that in the past the Artists of Yardley have paid for utilities and routine maintenance with major repairs being borne by the Township, and they would spell out what would be considered

major and what would be considered a minor repair. Mr. Benedetto stated he also wants to address the events held there, what the Zoning is currently, and what they can put in place so that the Artists of Yardley can continue to do those events moving forward.

Mr. Truelove stated a preliminary review of the Zoning indicates that this is Zoned R-1 Residential low-density District, and a public recreation facility is a permitted use; and one of the controlling provisions of that would include something to the effect of a facility that they have. He stated the Township does have the right to regulate the use of it, and he anticipates that there are some concerns about any encroachment upon the active farming use and the other buildings there. He stated they want to allow a reasonable co-existence for the Artists of Yardley which is thriving and make sure that it does not encroach upon the farm and agricultural use. He stated there are also concerns with the historic preservation of the other buildings as well. Ms. Robinson stated they agree that they do not want to encroach on Mr. Stewart's rights in any way, and they have not.

Mr. Benedetto stated there have been discussions about the pack house, and he added there is asbestos located in the pack house. He stated it was agreed by the Artists of Yardley that they would have Mr. Stewart, if able, to use the pack house. Mr. Benedetto stated they also want to have a long-term Lease with Mr. Stewart who is as much of a partner with the Township as the Artists of Yardley are; and Mr. Stewart has a great relationship with the Artists of Yardley and the Township, and they want to continue that. He stated he hopes that in April when they re-visit this, they will have two Agreements to announce. Mr. Benedetto stated if Mr. Stewart cannot make use of the pack house, they would look at some other options.

Mr. Fedorchak stated Mr. Stewart indicated that he would have a use for the pack house, and they need to explore this in more detail. Mr. Fedorchak stated Mr. Stewart has presented the Township with a ten-year arrangement, and he has invited Mr. Stewart to the next public meeting so that the Board can consider that.

Ms. Tyler stated she has reviewed the Lease, and she has no problems with it. She stated she feels the Artists of Yardley have been great stewards of the property; and if they were not in the house, it would be in very different condition than it is today. She stated she is completely comfortable with the Lease with the exception of the "step-up;" adding if they tie it to the CPI, it would not be definite, and she feels they could consider an amount. She stated she wants them there, and she wants to see them continue to grow there. She stated she knows that they have also been a good partner with Mr. Stewart, and she feels it is important to have the discussion with Mr. Stewart as well and ratify the two documents simultaneously to make sure there are no inconsistencies.

Mr. Lewis stated giving Mr. Stewart an extended Lease will allow him to apply for Ag Department Grants which could help bring improvements to the Farm and the farming process. Mr. Lewis stated the soil there is very special. Mr. Lewis stated part of his comments on the Lease were driven for a long-term perspective, and including the CPI adjustment could also result in the rent going down if there is deflation. He stated the reason for having this included was to make sure that this is something that they can endure in a safe way for long periods of time so that they do not have uncertainty, and so that they know where things will go. He stated he views the Artists of Yardley as a community organization, and he thinks that there is a legal definition that they need to cover.

Mr. Truelove stated for purposes of the Second Class Township Code, for the Township to be able to do this without going out to bid because it exceeds \$1,500 the other Party has to qualify under certain conditions. He stated a 501C3 may be part of it, but it also has to be what is called a "Community Organization; and they will have to make sure that the Lease reflects that. He stated they will have to make sure that term is inserted in the Lease. He stated he will discuss this with the Artists of Yardley's counsel.

Mr. Lewis stated Patterson Farm has been a long-debated issue in the Township, and he envisions that there are three very interested parties in the future of the Farm – the farmer, the Artists of Yardley, and the Patterson Farm Preservation group with regard to the Satterthwaite House; and while they may not be able to make everyone happy, to the extent that they can have these three working together in concert gives them strength. He stated if they are working together in that way, the community will benefit; and he is hopeful they will have a day when most of the property is protected by a Conservation Easement. Mr. Lewis stated they want to work with all interested parties for a longer-term solution.

Ms. Reiss stated she wants to make sure that any alterations get seen by HARB or the Historical Commission to make sure that there is nothing done to take away from the "gem" they have there. She stated she is not sure how Satterthwaite will be included; and Mr. Benedetto stated this is still in litigation, and they are hopeful that it will come out in favor of the Township. Mr. Benedetto stated he would like there to be a partnership with the Patterson Farm Preservation group as well.

Mr. Benedetto stated he feels there should be a schedule for routine inspection by the Township. Ms. Robinson stated Mr. Bob Jones is there frequently. Ms. Tyler stated they need to be careful with the "entry right," as it could put liability on the Township and remove it from the Lessee. She added she was very comfortable with the language in the Lease as to protecting the interests of Lower Makefield, and they have the right to enter within twenty-four hour notice; and she understands they

see Mr. Bob Jones multiple times a week on the property. Ms. Robinson stated Mr. Jones comes at his convenience and he has a key and knows the code to the alarm, and that is not an issue with the Artists of Yardley.

Ms. Reiss stated the other issue she had with the Lease was instead of “weddings” they should make it “events.” She stated she was an event planner, and she knows that when there are events, they have to make sure that the Township’s liability is covered; and they need to have some agreement on what types of events they will have and how often they will have them.

Mr. Benedetto stated they should go through the process of applying for a Permit, and he does not feel that is unreasonable and no one has objected to that. He stated Mr. Truelove will put a procedure in place, and he feels the best thing they can do is to continue to communicate.

Mr. Fritchey stated he has no problem with the Lease or Mr. Lewis’ suggested Amendments to the Lease. He stated he feels very strongly that the arts are a tremendous part of the cultural life of any community; and he feels what they are doing is terrific, and he hopes they will continue to flourish with their programs and activities.

Ms. Robinson stated because of where the Janney House is situated on the property which is in the middle, if you point speakers toward I-95 no one will hear anything from that property which is what Elm Lowne did not have as they did not have enough space around them. She stated she agrees all activities should be completed by 11:00 p.m. She stated she does not feel sound disturbance will be an issue to the community.

Mr. Jeff Hirko, 1450 Dolington Road, stated he was concerned with the rent; and he feels the rent is not where it should be, and it needs to be on an escalating scale as no one can get a set rent for ten years. Mr. Hirko asked why the non-profit designation is being crossed out of the Lease, and it was noted it was not. Ms. Robinson stated the “non-profit” word does need to be before “Pennsylvania.” Mr. Truelove stated “non-profit” and “community organization” both need to be in the document, and they will work on this with their counsel.

Mr. Hirko stated the Patterson Farm Preservation group has expressed very strong interest in the Satterthwaite Parcel, and they do not understand why that is in this Lease. Mr. Hirko stated he does not have concerns with the Artists of Yardley being at the Patterson Farm, but he is concerned about certain things in the Lease. Mr. Benedetto stated they are hoping the Satterthwaite issue turns out favorably, and the Artists of Yardley indicated they were interested in a partnership with the Patterson Farm Preservation group; and the Artists of Yardley have many

volunteers who have already done a tremendous amount of work at the Janney-Brown House and they wanted to work in coordination with the Preservation Group. Mr. Benedetto stated he would like to see them work together at the Satterthwaite House to fix up the house, and the Artists of Yardley could then use the House as well for some of their art classes since they are already “busting at the seams.” Mr. Benedetto stated they want the Artists of Yardley to stay there for a hundred years as what they offer the community is invaluable. He stated he does not want to lose them because they do not have the opportunity to expand. He stated the Artists of Yardley brought up that they wanted to work with the Patterson Farm Preservation group at the Satterthwaite House.

Mr. Hirko asked about weddings at the Patterson Farm adding they could not use the house for weddings, and he asked if they would be putting up a tent. Mr. Lewis stated at this point he would urge all those considering a wedding to look at Makefield Highlands where they have a tent facility and catering. Mr. Hirko asked if there were to be a wedding at the Patterson Farm, why would the proceeds be split between the Township and the Artists of Yardley. Mr. Benedetto stated they want to have events there that would serve both the Artists of Yardley and the community since it is a community property. He stated if there were to be a wedding on a Saturday, the Artists of Yardley would not be able to have classes or a function at that time, so he feels it is reasonable to expect them to also have the ability to split the profit on that since they are a tenant. He stated the Artists of Yardley would be giving up the use of that property at that time.

Mr. Hirko asked where they would put potentially two hundred cars from a wedding, and Mr. Benedetto stated he feels they would attract a different clientele to Patterson Farm than they would to Makefield Highlands. He stated there would be a size and capacity limitation at Patterson Farm. Ms. Robinson stated while they have had two hundred people at the property, they did not have two hundred cars. Mr. Benedetto stated these are details that they have to discuss.

Mr. Hirko stated Mr. Stewart is very concerned about functions going on there and who would be liable for his equipment if someone were hurt. Ms. Robinson stated they are very cognizant of his equipment. She stated she has advised Mr. Benedetto that because it is public property, there are people coming there with their families and young children to take photographs. Mr. Hirko stated that farms are very dangerous. Mr. Benedetto stated they have discussed signage and notifying people that this is a working farm. Mr. Benedetto stated this is part of the discussion he wants to have with Mr. Stewart as well.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, stated she reviewed the Lease and she has serious concerns which she sent to the Board in a list. She stated in the last Lease both the Township and AOY agreed to \$1,250 a month hold over rent, and she asked why this new Lease would start at \$1,000 a month. Mr. Benedetto stated the discussion about the rent was based on the maintenance costs of Artists of Yardley over the last five years which was approximately \$9,000 to \$10,000 in annual maintenance costs. Mr. Benedetto stated they had not been paying rent; and since they wanted them to pay rent, the Township wanted to know how much they had normally paid for maintenance each year. Ms. Doan stated for the old Lease both parties agreed that \$1,250 a month was a fair price if the Lease expired and that was the hold-over Lease. She stated for the thirty-one months since the Lease expired, according to the Lease the charge should have been \$1,250 a month or \$38,750 which would be due now before they go into the new Lease. Ms. Tyler stated that was a penalty and not an equivalent Lease amount.

Ms. Doan stated she has a problem with the presence and serving of alcohol on the property, and she feels this needs to be revisited especially if they are going to consider having events there. She stated the unsupervised serving of alcohol is a huge liability risk. She stated they should ban alcohol from the Farm and eliminate the risk. Mr. Lewis stated the serving of alcohol at formal events has always been supervised. He stated a person who leases a property does have rights to the property. He stated they are also required to have insurance; and while he can appreciate that there is a contingent liability, if done responsibly, it is a mitigated risk. Ms. Robinson stated normally you require people who are holding an event to get insurance for that event, and it costs approximately \$125. Ms. Tyler stated the Contract would indemnify the Artists of Yardley and in turn the Lease the Artists of Yardley have would indemnify the Township. Mr. Fedorchak stated the Township has insurance in place which would cover the Township by virtue of the Golf Course which serves alcohol. He stated the Township is also an additional named insured on the Artists of Yardley's insurance policy.

Ms. Doan stated it was discussed that there were 2,000 children and 1,200 adults in and out of the Janney-Brown House and 233 members of the Artists of Yardley all in a farmhouse that was built many years ago, and this is very heavy use of a historic structure; and there needs to be provisions for care of the structure. She stated she sees cars parking all over the lawn. Mr. Benedetto stated this is why they want this to be a cooperative relationship with Mr. Stewart, and they want to maintain the communication between Mr. Stewart, the Artists of Yardley, and the Farmland Preservation group.

Ms. Doan stated with regard to preservation of the Farm, this is an endeavor that she has been at for a number of years; and she reviewed her history with the Farm. She stated it is her highest concern that this Farm stays a farm for an additional 333 years. She stated she has spent thousands of dollars of her own money to increase awareness for the Farm's preservation as it is an important part of the community. She stated she wants the Farm to stay as it is. She discussed awards recently won by Mr. Stewart for produce grown at the Farm which speaks to the fertility and value of the land. Ms. Doan stated she would love to work with the Artists of Yardley to make sure that stays that way. She stated her vision for Satterthwaite is to have programs and potentially have it used by a farmer as a residence at the farm since without a farmer present, it will not remain a farm. She stated there are spaces in the Satterthwaite House that could potentially be used for programs that promote agricultural, and she would be willing to do public speaking and facilitate programs that bring agricultural awareness including beekeeping classes. Ms. Doan stated she has also reached out to Hawk Mountain which has a farm raptor program, and they were interested to learn about the wildlife on the farm. She stated they could do educational programs for children with nest boxes to build awareness of the environment.

Ms. Helen Heinz, 1355 Edgewood Road, stated she has been researching Keystone Grants which are now back. She stated she hopes they will get the Satterthwaite House back soon which is by far the most significant structure on the Farm. Ms. Heinz stated the Lease Agreement does not have metes or bounds described; and provided no one says anything about this and they do not trigger any Zoning issue, she feels they can continue as they have been doing. Ms. Heinz stated they would like as soon as possible to apply for Grants for restoration of the Satterthwaite House. She stated the application for these Construction Grants are due February 15, and she asked that Mr. Fedorchak apply for this so that they can get the structure stabilized. Ms. Heinz stated they could apply for a Technical Grant to get drawings started and engineering done. Ms. Heinz stated they want to cost the taxpayers zero, and they intend to do as much as they possibly can through private fundraising; and possibly Mr. Stewart will let them sell some of his produce.

Ms. Tyler asked if they have started fundraising; and Ms. Heinz stated they have had a few little events selling things when they were painting the structures next to the Satterthwaite parcel, and they did fundraising at little gatherings of the group. Ms. Tyler asked if they have been able to raise anything substantial, and Ms. Heinz stated they have not yet. Ms. Doan stated they have a benefactor. Ms. Tyler asked that they keep the Township posted about this since she is concerned whether they will have the wherewithal to raise enough money to do what needs to be done. Ms. Heinz stated they do also get donation of materials as well, and paint has already been donated.

Ms. Heinz stated she is concerned about safety and insurance liability for taxpayers with this Lease; and she asked that the Township take care of that. She stated they should also make sure that the Fire Marshall rates those buildings as to the number of people, and she suggested that there be somewhere in the Lease a restriction for huge events on the Farm since they will be competing too much with Mr. Stewart. She stated they are getting a different story from Mr. Stewart than Ms. Robinson and the Township are getting. Ms. Heinz stated the best use for the house would be a residential use; but if that cannot happen, they should make sure that farming is the primary goal.

Ms. Heinz stated she has suggested to the Farmland Preservation group that they look for other structures in the Township that they can improve with their donations and open a partnership with the Artists of Yardley closer to the Township Building, and she specifically noted the old farm foundation near Kids Kingdom. She stated it is a large, open 20' by 40' room which could be added to upstairs; and it could be a display spot if not a classroom spot.

Mr. Jeff Hirko stated it is difficult for them to do fundraising when there is a “no touch” zone where they cannot do anything. He stated they have some big fundraisers planned, and one member has already bought the metal to use at the potato barn, but they cannot do it; and since weather is getting inside, it will tear the building apart. Mr. Benedetto stated they have to wait for the conclusion of the litigation for the Satterthwaite House which hopefully will be sooner rather than later. Ms. Tyler encouraged the group to continue with fundraising as best as they can. Mr. Hirko stated he also still has the corporate sponsor from Sherwin Williams for all the paint for Satterthwaite.

Ms. Ann Gannon, stated she was involved in the beginning when the Artists of Yardley first looked at a number of structures that had been empty for many years including the Janney-Brown House. She stated until the Artists of Yardley were involved, she does not feel anyone ever showed interest in the Janney-Brown House. She expressed concern with the condition of the Satterthwaite House; and Mr. Benedetto stated they hope that property will be resolved in 2016, and that they are able to consolidate the groups interested in rehabbing the House so that it can be as useful and as beautiful as the Janney-Brown House is. Ms. Gannon stated she is only aware of one wedding that took place at the Patterson Farm.

Ms. Doan stated Patterson Farm was obtained by the Township in 1998, and Mrs. Patterson died in 2005; and she had control of the Janney-Brown House until the time of her death. Ms. Doan stated there was a tenant in the Satterthwaite House until Mrs. Patterson died, and in December of that year was when the rent-paying tenant was evicted. She stated the maintenance was on the Township at that time.

Mr. Benedetto stated they will have a discussion with Mr. Stewart and the Artists of Yardley to get this moving forward so that the Farm remains an active Farm with Mr. Stewart using it and to have a partnership with the Artists of Yardley as well so that it can remain the “crown jewel” of the Township.

Ms. Sarah Miller, 15201 Cornerstone Drive, stated both artists and farms are important to the community and vital to everything that goes on; and she is glad that everyone is interested in supporting both of those. She stated small and medium sized farms are at a constant disadvantage, and farms provide for the public good from an environmental, social, nutritional, and educational perspective. She stated they have lost too many farms in the County and the State, and it is important for the community to continue to support the farms and artists.

Mr. Benedetto stated their interest is to preserve the rest of the Farm, and they are waiting for conclusion of the Satterthwaite litigation so that they can preserve the entire Farm so that it remains as is. Mr. Benedetto thanked everyone for their input.

DISCUSSION AND DEFERMENT OF RESOLUTION NO. 2299 ACCEPTING DEDICATION OF CERTAIN PUBLIC IMPROVEMENTS AS CONTAINED IN THE SUBDIVISION KNOWN AS CHANTICLEER, AND FURHER ESTABLISHING CONDITIONS PRECEDENT TO THE ACCEPTANCE OF DEDICATION OF THOSE IMPROVEMENTS

Mr. Eisold stated in September he had prepared a detailed punch list of all the items that needed to be completed in the Chanticleer Development; and while some of them have been completed, not all of them have been completed to date. He stated they want to make sure that all of these items are addressed so that the Township does not have to take the responsibility. He stated he would also like to go over this with Mr. Truelove. It was agreed to defer this matter to April.

Mr. Truelove stated the Board met in Executive Session prior to the meeting at 7:00 p.m. to discuss real estate, litigation, Contracts, and confidential information.

ZONING HEARING BOARD MATTERS

With regard to the Dan and Jennifer Jones Variance requests for property located at 936 Big Oak Road in order to permit expansion of non-conformance for the location of a detached garage and construction of a new garage in excess of the height requirement which construction will result in greater than permitted pervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

## SUPERVISORS REPORTS

Mr. Benedetto stated the Zoning Hearing Board's next meeting is February 16, and that will be a further discussion of the Pennsbury Middle School project; and interested residents should attend.

Mr. Lewis stated the Electronic Media Advisory Board met, and they will be reviewing a preliminary re-design of the LMT.org Website to make sure that it meets the requirements for responsiveness. He stated there was also some discussion about enhancements to the Website.

Ms. Reiss stated the Seniors will have a luncheon on February 11, and those interested in joining the Seniors can get information on the Township Website.

Ms. Tyler encouraged the residents to vote for the Township's Pool and Makefield Highlands at Bucks Happenings.

Mr. Fritchey stated the Sewer Authority met last week. He stated he and several members of the Sewer Authority went to the meeting sponsored by the Morrisville Municipal Authority, and there was a presentation by MMA and their engineer indicating that there are two possible alternatives for a sewer plant. One alternative is to fix the existing plant which they estimate to cost \$85 million. He stated the second alternative is to build a new plant at a cost of approximately \$117 million on land in Falls Township that they do not yet own that is not Zoned for that purpose. He stated it is owned by a French corporation and was the former site of a chemical plant that has known arsenic; however, there has been no environmental survey done on the land to find out if there is anything other than arsenic. He stated it may also be in the wetlands.

Mr. Fritchey stated the conclusion of the Lower Makefield Township Sewer Authority members who were present at the meeting is that the alternative of a new plant is at best a remote aspiration; and the only way to move forward at this point is to complete Phases I and II of the upgrades to the existing plant which appears is being pressed upon them by the Pennsylvania DEP. He stated this will include replacing damaged sand filters and clarifiers, and the MMA engineer has estimated this will cost \$10 million. Mr. Fritchey stated the Sewer Authority recommended that the Board do what they are required to do by DEP and await Morrisville Municipal Authority to do a site selection and identify a potentially realistically-viable site before making any commitments toward that aspiration.

#### APPROVAL OF RESOLUTION NO. 2301 AUTHORIZING DESTRUCTION OF CERTAIN SPECIFIC RECORDS

Mr. Fedorchak stated the State law, the Records Retention Act, permits Governments to destroy various documents provided they are retained for the period of time prescribed by law. He stated the Township accomplishes this destruction through the adoption of the Resolution which is before the Board this evening. He reviewed the documents to be destroyed from 2008. He stated State law requires that they retain all these documents for a minimum of seven years. He stated certain documents such as employee information and Minutes must be retained forever. Mr. Fedorchak stated there is limited space in the Township, and they need to make room for the next year's documents.

Ms. Reiss asked if this includes any of the Garden of Reflection records; and Mr. Fedorchak stated it does not, and he has those separate and has kept them going back to the very beginning.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution No. 2301 with the exception of the 2008 legal bills.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Lewis moved, Ms. Tyler seconded and it was unanimously carried to appoint Michael John Tritt as an Alternate member of the Zoning Hearing Board.

Mr. Benedetto stated on January 4<sup>th</sup>, he was notified by someone who indicated that the appointment of Scott Ferrante could not be vacated because of the fact that there are certain specified laws in place in Pennsylvania that state that you have certain reasons that you can rescind a appointment to the Sewer Authority; and he has asked Mr. Truelove to look into this.

Mr. Truelove stated the Authorities Act does indicate that when an individual is properly named to a vacancy on an Authority, unless they violate the law in terms of attendance issues or other things that would violate their Oath of Office, that they cannot be removed. Mr. Truelove stated Mr. Scott Ferrante was appointed to the Sewer Authority on December 16, and it appears that he was properly appointed because there was a resignation letter submitted by Mr. Gauck on December 14 effective immediately so Mr. Ferrante was properly named and placed in that position and the Motion made on January 4 was improper; and therefore the recommendation would be to vacate the rescission vote of Mr. Ferrante's appointment.

Mr. Lewis moved, Ms. Reiss seconded and it was unanimously carried to vacate the Motion made on January 4, 2016 to rescind the appointment of Scott Ferrante to the Sewer Authority.

Ms. Tyler stated she feels they should also reach out to Mr. Gauck to see if he would come back to the Sewer Authority as he has been on that Board for a very long time.

Mr. Fritchey asked if there is any limit to the number of people on the Sewer Authority; and Mr. Truelove stated it is created by Ordinance, and the only way to change it is by another Ordinance.

Mr. Benedetto moved and Mr. Lewis seconded to appoint Mr. Tom E. Will to the Citizens Budget Committee. Motion carried with Mr. Fritchey and Ms. Tyler opposed.

#### AWARD OF BID FOR ELECTRICAL ENERGY SUPPLIER

Mr. Fedorchak stated they are coming off a three-year Contract with Liberty who served as their electrical energy supplier. He stated they were being charged approximately nine and half cents per kilowatt hour. He stated he advertised for proposals and received five bids, and he went for twelve, eighteen, twenty-four, thirty-four, and thirty-six months; and the price ranged from nine cents down to 7.31 cents per kilowatt hour. He stated he would recommend that they award the new Contract to Mint for thirty-four months at 7.31 cents per kilowatt hour, and this will result in an annual savings to the Township of approximately \$36,000.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to award the bid to Mint as recommended by the Township Manager.

There being no further business, Mr. Fritchey moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary