

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – APRIL 6, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 6, 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  
   Judi Reiss, Treasurer  
   David Fritchey, Supervisor

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

Absent:                                        Kristin Tyler, Board of Supervisors Secretary

PROCLAMATION FOR PENNSBURY HIGH SCHOOL GIRLS CROSS COUNTRY TEAM

Mr. Benedetto stated for the fifth time the Pennsbury High School Girls Cross Country Team has been the State champs. He read the Proclamation honoring them into the Record.

PRESENTATION TO CHIEF COLUZZI AND THE LMT POLICE DEPARTMENT FROM JOSEPH SZAFRAN, BUCKS COUNTY RECORDER OF DEEDS

Mr. Joseph Szafran, Bucks County Recorder of Deeds, was present and stated for the last two years they have had a program in Bucks County called the Bucks County Honor Flight. He stated this year they wanted to recognize the outstanding service they received throughout the County. He thanked Lower Makefield for their support of this program. He stated tonight he will make a presentation of a plaque to the Lower Makefield Police Department who assisted in the escort of the World War II and Korean Veterans to Washington D.C. through Pennsylvania down to the State line. The plaque was presented to Chief Coluzzi who thanked Mr. Szafran for taking the time to present this. He stated he will convey Mr. Szafran's message to all the Officers and display the plaque proudly in the Police Department.

Mr. Szafran stated there is a trip planned for September 26, 2016. He stated if anyone knows of any Lower Makefield Township World War II or Korean Veterans who would like to go on the trip it is free to the Veterans and goes to Washington D.C. and back; and they should contact 215-348-6209. He stated they also have a video that they are going to be sending out to Townships that have community channels so that it can be run on their TV Channel, and Mr. Fedorchak agreed to run this on the Township TV Channel and Website.

#### PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, stated at the March 16 Board of Supervisors meeting he was authorized to discuss with Boucher & James some “tweaking” of the original Sketch Plan for the Dog Park. Mr. Rubin stated he is a representative of Makefield Glen, a community of 848 homes which is next to the proposed Dog Park. Mr. Rubin stated with the Board’s permission, the original Sketch Plan was “tweaked” so that the Dog Park would be moved 50’ towards Heacock Road. He stated since some of the homes in Makefield Glen are next to the Dog Park, they would ask that the Township through the Tree Bank plant some trees there as a buffer zone between the homes and the Dog Park. He stated in return for that Makefield Glen has generated a letter which will be included in the Application for the \$150,000 Grant from the State, which indicates that the Executive Board for Makefield Glen has endorsed the Dog Park so that it shows that the neighboring community is on board which will good for the Grant Application.

Mr. Rubin stated Makefield Glen has also agreed to cede the meadow which is Makefield Glen property and all the land between Covington Road and the Township property where the soccer field is which is approximately three acres; and they would cede this three acres to the Township through a friendly condemnation that they will not fight, and this will give the Township some additional parking in the meadow for the Dog Park and additional open space that the Township will own. Mr. Rubin asked the Board to agree to moving the Sketch Plan approximately 50’ in return for what Makefield Glen has offered to do.

Mr. Benedetto stated this will not change the actual acreage of the three different areas of the Dog Park; and Mr. Eisold stated there was a slight modification in that the small dog portion will go from one acre to .8 acres. Mr. Rubin stated the .8 acres for the small dog area still conforms to the State regs for having an adequate Dog Park.

Mr. Benedetto stated he feels this is a great compromise as there had been some residents initially who had objections based on a buffer. Mr. Rubin stated the people who objected at a prior meeting did attend the Makefield Glen meeting, and they indicated that they were on board.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to approve moving the Dog Park over 50' on the Sketch Plan, reduce the size of the small dog section to .8 acres, and proceed with a friendly condemnation with Makefield Glen.

Mr. George Baxter, 208 Arborlea Avenue, stated Morrisville has passed their Resolution unanimously opposed to Elcon; and there are also three other communities in the area who are considering the Resolution. He asked that the Board of Supervisors put this to a vote, and to give them a definite date for when this will be presented and voted on.

Mr. Lewis asked if it is known if Elcon has submitted their Phase II Application, and Mr. Baxter stated they have not. Mr. Baxter stated publically Elcon has “gone underground and are off the radar.” Mr. Lewis stated the last time the Board discussed this, they indicated that they wanted to see the Phase II Application and have the Lower Makefield Township EAC look at it so they can make an assessment. Mr. Baxter stated he does not feel the Board needs to have the Phase II Application in hand in order to make a decision on the Resolution based on what is known now. He added there is no upside for the community to have Elcon at the proposed location.

Mr. Lewis asked the three other communities that are considering this; and Mr. Baxter stated they are Middletown, Newtown, and Upper Makefield.

Mr. Benedetto stated he agreed to put this matter on the May 4 Agenda. Mr. Lewis stated if Elcon does not submit their Phase II Application, there would not be anything for them to be against; however, Mr. Baxter stated there will be a Phase II Application, and it is just a matter of timing at this point. Mr. Lewis stated technically Elcon does not own the land where the plant is proposed to be located. Mr. Baxter stated there is a Purchase Agreement on the land pending the Approval process. He stated Elcon has an Agreement in place with the trucking company in New Jersey. Mr. Lewis stated he understands that they previously had an option on the property and that option was about to expire, although he has not checked back following their negotiating with the property owner.

Mr. Benedetto stated he wants this on the Agenda for May 4. He stated he feels Lower Makefield is very informed about this issue since they had Elcon representatives present at their meeting. He stated even without the Phase II Application, he feels the Board has enough information to discuss the proposed Resolution.

Mr. Lewis stated his only concern is that if they get the Phase II Application in two weeks, that will not give the EAC time to do a thorough review of it. Mr. Lewis stated in September of last year, the Board of Supervisors got a legal opinion about standing should they choose to sue to try and stop Elcon; and the prior Solicitor at that time indicated that they do have standing. He stated Lower Makefield has been very proactive, and they are only trying to make sure they can be the most effective they can be.

Mr. Baxter stated he feels what is known about Elcon and what they represent is quite clear. He reviewed his concerns with Elcon at the proposed location. Mr. Lewis stated the Board of Supervisors did indicate their concerns with respect to transportation, air pollution, etc. He stated they want to be respectful of the process and give DEP some leeway. He stated DEP has worked very well with the Township, and they respect their opinion as well. He stated he wants to be in the best place to protect Lower Makefield in the most effective and constructive way.

Mr. Baxter stated Steve Santarsiero has officially come out against Elcon. Mr. Lewis asked if Mr. McIlhinney has opposed this as well, and Mr. Baxter stated he has.

Ms. Reiss stated she is concerned about air and water, and she understands that Waste Management has just opened another “dump.” Mr. Baxter agreed that has been approved. Ms. Reiss stated her major issue with Elcon is that they have no control over the trucks, and she has seen too many accidents. Mr. Baxter stated he is concerned that if Elcon comes in, they will have even more companies coming in to make use of their services. He stated Elcon is promoting this as a positive to being located in this area.

Mr. Paul Hansen and Ms. Jackie Hansen, 597 Longacre Lane, were present. Mr. Hansen stated they are the farmers of Promised Land Farm, and he announced that the Lower Makefield Farmers Market will start its tenth year.

Mr. Benedetto thanked Mr. and Mrs. Hansen for agreeing to step up to run the Farmers Market.

Mr. Hansen stated they have been there since the beginning, but managing it is new to them. He stated the Farmers Market will be open starting Thursday, May 26 for twenty weeks. He stated they are currently lining up their vendors, and they are trying to add some new vendors. Mr. Hansen stated the farmers are thankful for the community support. Mr. Hansen stated they need some helpers as they need people with computer skills to manage the Web page, Facebook, etc. He stated this is how they get the word out. Mr. Hansen stated they also need people to help at the Farmers Market including a Market leader who will oversee the market, help get the vendors located, pick up fees, etc. Mr. Hansen stated he is unable to do this since once they are at the Market, they are busy selling their produce. He stated they also need help with the Special Events. Mr. Hansen stated any of these jobs can be done by more than one volunteer. Mr. Hansen invited the Board of Supervisors to be at the Market on Opening Day. Information on the Farmers Market is on the Township Website, and they can be contacted by email at LMTFarmersMaket@gmail.com. Mr. Hansen also left information at the Township this evening.

Ms. Christine Tentilucci, 1014 Lafayette Drive, stated she did send a number of e-mails to the Township over the last few weeks. She stated her house backs up to the new Scammells Corner development; and when the development was in the planning stages, it was agreed that there would remain a natural buffer of wooded area between the yards. She stated a few weeks ago, she saw that the homeowner behind her at Lot #11 had cleared all but a few of those trees so the wooded area is practically gone. She stated there is a long history of removal of trees at the Scammells Corner property. Ms. Tentilucci stated when the development was approved, she and her neighbors fought hard to keep what little of the wooded area was left that they possibly could. She stated she feels the removal of these trees could easily decrease her property value; and the nature of her yard has been compromised, and she is concerned about run off since her property sits lower than the new property behind her. She stated the Township passes Ordinances for a reason, and the builder put the agreement in the Plan for a reason; and she is troubled that they were so easily ignored.

Mr. Benedetto thanked her for identifying the problem. He stated they had the Township go out and stop some of the trees being removed. He stated they also put up a silt fence to prevent some erosion. Mr. Benedetto stated a plan was developed which had been forwarded to Ms. Tentilucci. Mr. Benedetto stated the Board was concerned that this could happen again on other properties since when others see that this was cleared, they may think that this is permissible even though it states in the Agreement that they are not allowed to do this. Mr. Benedetto stated they need to notify the rest of the residents that this cannot happen.

Mr. Eisold stated there was a lot of time put in during the planning process to keep the trees, and there was a Note put on the Record Plan that had a remedy as to what would happen if the trees were taken down. Mr. Eisold stated they stopped the work at this point, and the homeowner did submit a plan which in Mr. Eisold's view was not sufficient for what needed to be put back. Mr. Eisold stated the Note on the Record Plan requires that a Type II Buffer be installed, and he prepared a Plan in accordance with the Type II Buffer; and that Plan was forwarded to the EAC, and they are going to discuss it at their next meeting and provide their comments on the Plan so that the buffer is reestablished in that area. He stated once everyone agrees on what the buffer should be, it will be presented to the homeowner showing what they need to put back. He stated while the developer was on board, for whatever reason the information was not accurately relayed to the property owners.

Mr. Lewis asked if they filed a Permit before they did significant work on the property, and Mr. Eisold agreed; and this is why they stopped them. Mr. Lewis stated the homeowner violated the Lower Makefield Township Ordinances, and Mr. Eisold agreed. Mr. Lewis stated he feels they should receive the maximum penalty for violating the Ordinance immediately since this behavior cannot continue. Mr. Eisold stated he feels quite a substantial number of trees are going to be required, and it will be quite expensive to install those trees.

Ms. Reiss stated if there is a fine, she feels they should hold the developers to this so that they follow through.

Ms. Tentilucci stated she understands what is required for the Type II Buffer, but she feels that would be for a Type II Buffer that is being created from scratch; and this is something that should not have been destroyed in the first place. She asked if there is a way to increase the size and number of trees that are going to be required. She asked if there is an Ordinance which requires that if a tree of a certain size is removed, that they would be required to plant a certain number of trees, and Mr. Benedetto stated there is such an Ordinance.

Mr. Alan Dresser, 105 E. Ferry, stated the Tree Replacement Ordinance specifies that if the trunk diameter of the tree that is removed is 10" to 18", they need to install four replacement trees, if the tree that is removed is 18" to 30", they need to install seven replacement trees, and if it is greater than 30", they need to install ten replacement trees. Mr. Benedetto noted the Plan was for twenty-five replacement trees, and

Mr. Dresser stated they will review this and try to get back to Mr. Eisold by next week. Mr. Benedetto asked that Ms. Tentilucci be advised of their recommendation.

Ms. Tentilucci provided pictures of the area before and after the trees were removed.

Mr. Benedetto stated he would like to have an update on the Scammell House, and he asked that this matter be put on the Agenda for May 18.

Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to direct the Township Manager to write a letter to the offender announcing their violation of the Ordinance and the Township's pursuit of complete enforcement of the Ordinance including all penalties therein including the Township's desire to take it to District Court as soon as possible.

Ms. Jill Laurinaitis, 1517 Revere Road, noted an upcoming event to be held April 21 at Pennsbury High School from 7 p.m. to 9 p.m. entitled Parenting in Cyberspace. She reviewed what will be discussed that evening.

#### APPROVAL OF MINUTES

Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to approve the Minutes of March 16, 2016 as written.

#### DISCUSSION AND APPROVAL OF PENNSBURY SCHOOL DISTRICT APPLICATION FOR LAND DEVELOPMENT FOR MIDDLE SCHOOL CAMPUS IMPROVEMENTS PRELIMINARY/FINAL PLAN

Mr. Tom Beach, engineer, Mr. Owen Hyne, engineer, Mr. Scott Millward, Pennsbury School District Facilities Director, and Ms. Barbara Merlie, attorney, were present. Ms. Merlie stated they hope to receive Preliminary/Final Approval from the Board this evening.

Mr. Beach stated the Pennwood School was built in 1952 with an addition built in 1972. He stated it is approximately 214,000 square feet with 53 existing classrooms, a 600-seat auditorium, cafeteria, and boys and girls gym; and there was a pool which was recently removed. Mr. Beach stated currently there are approximately 872 students enrolled. Mr. Beach stated in 2014 the District did a District-wide facilities study and identified Pennwood as a priority for renovation work as well as campus site improvements for all three Middle Schools. Mr. Beach stated at Pennwood they propose to add five classrooms which will allow them to enlarge some of the existing classrooms as well as enable them to phase construction so that they do not need to bring in temporary trailers. He stated there will be replacement of the HVAC system, electric, plumbing, new roof and windows, and they will make it totally ADA compliant.

Mr. Beach stated with regard to the campus improvements, they have identified areas to be improved which will have separate bus and parent drop off areas for the three Schools, improve on-site circulation between the three Schools, have protected pedestrian zones, on-site visitor parking for each School, elimination of the on-street parking, bus storage, and stormwater management.

Mr. Beach showed a slide of the existing campus, and identified the surrounding roads as well as the three individual Schools – Pennwood where they will have major renovations, Charles Boehm, and William Penn. He showed areas in green on the Plan which are the areas where they will do major improvements.

Mr. Beach showed a slide of the Pennwood Middle School existing conditions. He noted a parking lot with a large green space to the north which is parking and the bus storage area. He also showed the on-street parking on Makefield Road. Mr. Beach stated they propose to reduce the parking lot size and add some green space in an area he showed on the Plan. He stated this will allow them to handle their stormwater management. He noted a parking lot on the Plan which will be enlarged which will allow them to have parent drop-off rather than having parents pulling into the diagonal parking on Makefield Road and then backing out. He showed where cars will now come in on Ramsey Road, drop off the students, and then proceed out and go right or left on Roelofs. He stated they have also added some landscaped islands in the parking area to conform with the Ordinance and a landscaped strip along Roelofs Road.

Mr. Beach stated at the corner of Roelofs and Makefield Roads, they propose to add a dedicated left-hand turn lane so that there would be a dedicated left-hand and dedicated right-hand turn lane from Roelofs onto Makefield Road which should relieve some of the traffic congestion there is currently on Big Oak Road. Mr. Beach showed the location of the proposed Visitor parking lot in the front of the School. He stated they will eliminate the diagonal parking on Makefield Road, and they will install a landscaping strip. He stated they will also have a dedicated bus drop-off area on the south side of the site, and the buses will then go either back out to Roelofs Road or further on into the campus. Mr. Beach showed a gated area so that during School hours, the gates can be closed so that the students can get to the athletic fields without any traffic in that area. Mr. Beach stated where they could they added as much green space as possible, and they have an extensive underground stormwater management area.

Mr. Benedetto stated at the Zoning Hearing Board meeting there was discussion about the temporary bus parking and the impact on the residents on Roelofs. Mr. Millward stated that situation should not exceed twelve months. He stated they may also be able to restripe the Charles Boehm area and pull some if not all of the buses to Charles Boehm earlier.

Ms. Reiss stated with regard to the sidewalk on Makefield Road, she would like to have that put back in. She stated it is not so much for the students as it is for others in the community who want to take a walk. She stated there are many unconnected sidewalks in the Township, and they are working on getting Grants so that they can get sidewalks connected so people can walk.

Mr. Beach stated they did discuss this at the Planning Commission, and the School District and the Planning Commission were concerned that parents would still stop on Makefield Road and drop off their children at that location if the sidewalk is still there. Ms. Reiss stated she feels there can be a re-education of the parents which should have been done years ago as the parents should not have been using that as a drop off. Mr. Fritchey stated he agrees with Ms. Reiss, adding their objective is to have more sidewalks rather than to lose existing sidewalks. Mr. Beach stated the School District has agreed that if the Township wants the sidewalk there, they will leave it there. Mr. Millward stated they have a serious safety concern there which was why they were looking to take it out; and while you can tell parents what to do, if the sidewalk is there, they feel parents will use it since it is easier. Mr. Millward stated they wanted to voice their concern, but they will agree to what the Township is requesting. He added there is a maintenance burden that will be placed upon the District to maintain a sidewalk that is not supporting the traffic flow of students to the School. Mr. Fritchey stated he feels the parents are educable, and he feels it is a benefit to the entire community to have the sidewalk there.

Mr. Beach showed a rendering of the bus drop off area, and the parking lot along Roelofs Road.

Mr. Beach showed a slide of the existing condition at Charles Boehm. He noted the small area along the front where there is diagonal parking. He showed the bus storage area which while it will be expanded, they will not expand the impervious coverage; and they will work within the asphalt limits shown. He noted where Rock Run runs along the site, and he added that almost the entire School is within the floodplain. Mr. Beach stated the proposed improvements include the installation of the gates that can be closed at certain periods of time so that they can allow the students to get to the sports fields. He stated they will also add some green space at a location he showed on the plan. He noted where the existing fueling station is located, and he stated they will relocate it to an area he showed on the plan within a fenced-in area where they will store the School buses. Mr. Beach stated per the SALDO requirements they have added landscaped islands in areas he showed on the Plan which is currently all asphalt.

Mr. Beach showed where they have moved the student drop-off area which will be in front of the School. He stated they are eliminating the diagonal parking in the front of the School. He stated they will enlarge the entrance that is on Big Oak Road. He showed where buses would come in and how they will circulate through the site or go back to the storage area.

Mr. Benedetto asked about the bus traffic that will be increased at Big Oak Road, and also asked if a Traffic Study is contemplated and when it would be done. Mr. Beach stated they did do a Traffic Study which was submitted to the Township traffic engineer and reviewed. Mr. Beach stated they do not anticipate any additional traffic onto Big Oak Road. Mr. Hyne stated the levels of service at all the intersections will either be the same or improved with their proposal.

Mr. Beach showed a slide of existing conditions at William Penn. He noted the existing bus drop off which requires the buses to make a 180 degree turn and then a right hand turn to get back to Derbyshire, and this is a difficult turn for the buses. He stated as part of the improvements they will provide for a left-hand turn for the buses to go back out to Derbyshire Road after they drop the students off, and they were able to do this without adding any impervious coverage. He stated at Derbyshire they can then go right or left. He stated this will allow them to put in some additional parking at the northeast corner just by re-striping it. He showed two small green islands in front of the School which they will be able to enlarge.

Mr. Benedetto asked if there is a proposal for additional screening for the Roelofs Court area, and Mr. Beach stated there is already screening there.

Mr. Beach stated for student access to the fields, they propose a dedicated sidewalk along the rear east side parking lot with a fence so it will separate the parking lot from the students. He stated currently there is no sidewalk there.

Mr. Beach showed an area on the south side which is currently a small green space; and to compensate for some of the other parking loss, they will pave this and have a small landscaped island. He noted an area on the northwest corner where they were able to increase some of the green space.

Mr. Lewis asked about the underground storage tanks which are in the floodplain, and Mr. Beach stated that will all be taken out.

Mr. Eisold stated their last review letter was dated March 24, and this was reviewed by the Planning Commission. He stated although there are a number of comments, the vast majority of them are cleanup items. He stated they met with the engineers yesterday to review all of the items, and the Applicant is in the process of making

the final changes; and the Township engineer will then check to make sure all the items have been addressed. Mr. Benedetto stated they could grant Preliminary/ Final Approval subject to the items being addressed.

Mr. Beach stated they have requested a number of Waivers, and they were requested to bring three of them to the Supervisors' attention. He stated the Ordinance requires that they indicate both the size and species of any tree 8 inches or more in caliper. Mr. Beach stated they have indicated the size but not the species since it is difficult to identify that at this time of year, so they are asking for a Waiver from identifying the species.

Mr. Beach stated the Ordinance requires a fifteen foot tree protection area, and they have done that in almost 90% of the cases, but there were a few small areas where curbing or sidewalk was a little closer than fifteen feet so they are asking for a Waiver from those small areas where that occurred.

Mr. Beach stated the other Waiver they would like to discuss is the tree replacement requirement. He stated their calculation indicates that 486 new trees were required on the site, and they are proposing on their Landscaping Plan that 205 new trees be planted. He stated he understands that there is a fee-in-lieu of all the trees, but because they are a public agency, they are asking that the Board consider not charging them the full \$315 for each additional tree over the 205 that they have on the Plan.

Ms. Reiss stated what they are proposing is less than half the trees they are required to install.

Mr. Benedetto stated especially since they are talking about the School District, he feels it is not appropriate to require 486 trees. He stated they gave a Waiver to St. Ignatius on this. He stated his issue with the Tree Replacement Ordinance was that it is not a one-to-one situation, and it is significantly more. He stated while 205 may not be the correct number, he feels the fee-in-lieu of \$315 to replace 486 trees is significant.

Mr. Fritchey stated he agrees with Ms. Reiss, and he feels the discrepancy is too much. He stated he has no problem with the other Waivers requested.

Ms. Reiss stated she feels that what the School District is proposing is a large discrepancy. She stated most of the Township was very upset about St. Ignatius, and they are now upset about Scammells Corner. She stated it seems that everybody just wants to cut down trees.

Mr. Benedetto stated if they would be paying the fee-in-lieu which would be \$315 times 281 trees, this would require a payment of \$88,515; and he is not inclined to make the School District pay this to the Township. He suggested that they come up with a compromise.

Mr. Beach stated they are taking down less than 100 trees, and they proposing putting in 205 trees. Mr. Benedetto asked if they could agree to 305 trees. Mr. Lewis asked if the Board would be willing to agree to an option that the trees put in other School District areas that could use additional trees, and not have to pay the fee. Mr. Beach asked if the Board could agree to 300 trees. Mr. Fritchey stated under the existing formula under the Tree Replacement Ordinance the number should be \$153,090 for all of the trees. He stated he understands they are proposing to pay approximately \$65,000 which he feels is well short of what he would find acceptable. Mr. Beach stated the fee is based on the shortage they have so he feels it would be closer to what Mr. Lewis indicated which was \$88,000. Mr. Benedetto stated the Ordinance requires 486 trees, and they are proposing to install 205 new trees even though they are removing less than 100 trees. Mr. Benedetto stated the Board could require them to pay some fee above the 205 trees that they are putting in or they could install 305 trees and pay a fee-in-lieu for the number of trees between 486 and the 305. Mr. Beach stated they would have to look to see if logistically they have space to plant the additional 100 trees.

Mr. Benedetto stated they are taking down less than 100 trees, but they are replacing them with 205 new trees so they are doubling the trees. He stated he feels the Tree Replacement Ordinance is cumbersome. He stated he feels they should be required to replace the number of trees that they have taken down, and he feels it is “extortion” to require them to pay \$315 each for 281 trees which is over \$88,515. Mr. Benedetto stated they have indicated they may be willing to come up to 305 trees.

Mr. Fritchey stated he feels Mr. Benedetto is amending the Tree Ordinance “on the fly.” He stated there is an existing Ordinance; and if they feel it is unfair, they should discuss it at a future meeting. He stated right now they have an Ordinance in place which has been adopted, and he feels it is irregular not to follow it although they could come up with a compromise. Mr. Benedetto stated they have granted Waivers on this previously. He stated he does not feel that this Ordinance has never been enforced. He stated they granted a Waiver to St. Ignatius, and now they are talking about the School District; and the cost for this will come from the Township taxpayers. Mr. Benedetto stated he did not vote in favor of the Tree Replacement Ordinance.

Ms. Merlie asked if the Board would be amenable to imposing a Condition on their Approval that gives the option to the District to either pay the fee-in-lieu for the difference based on the formula or to accept the compromise of another 100 trees to make it 305 instead of the 205, and this would give the School District time to see where they want to go on this.

Ms. Veronica Bittner, 924 Big Oak Road, stated she lives next to where the buses park; and when she attended the Zoning Hearing Board meeting two weeks ago, she was told all the buses would be parked at Boehm under this new plan. She stated she understands parents would be dropping their children off at Boehm and those going down to Big Oak Road toward Kohl's would also be coming out the exit where the buses are coming out. Ms. Bittner asked if they have taken into account the development across from where the buses are because with the construction going on there now, it is very difficult for her to get out of her driveways; and when the new residents move in there, it will be even worse. Ms. Bittner stated she leaves her home every morning between 7:15 a.m. and 8:15 a.m., and it can take her ten minutes to get out of her driveway because of all the traffic. She stated the School District did put in a stop sign; but the buses are not all stopping, and it is very dangerous. She stated the Police have been very good about coming out there at least one time a week at the area she is describing; and when the drivers see the Police car there, they all slow down and let people get out of their driveways. She stated she is concerned that there is going to be a tragic accident and this is even before all the buses and the new residents across the street come in.

Mr. Lewis stated Ms. Bittner has indicated that some of the bus drivers are not abiding by the stop sign, and Ms. Bittner agreed. Ms. Bittner stated approximately one year ago she asked the School District if they would put a stop sign there, and they did; however, it is only 5' high and maybe this is why all the buses are not stopping there. Mr. Lewis stated the School District should be re-training their bus drivers to make sure they are abiding by all the traffic laws. Mr. Millward agreed to discuss this with the Transportation Supervisor. Mr. Lewis stated there has been a traffic study done, and they have found it was okay. Mr. Truelove stated Gilmore did a traffic study. Mr. Lewis stated the parking lot being removed should be a big help in terms of changing behavior and reducing risk. He stated the widening of the lanes will also have a significant benefit. Mr. Beach stated the Traffic Study was also reviewed by PennDOT which indicated that the Level of Service did not degrade.

Mr. Adrian Costello, 2122 N. Crescent, stated since the Tree Ordinance was passed, there has never been an official discussion about changing it; and this is the second time out of two that someone with a big project that wants to take down a lot of trees has indicated that what is required is too much. Mr. Costello stated he understood that the main purpose of the Tree Ordinance was to be a disincentive to

developers to cut down trees; and if there is not a high cost to it, there is no incentive to look at another option. Mr. Benedetto stated this is the School District; and if they are they hold them to the 486 new trees, they would have to come up with close to \$90,000. Mr. Benedetto stated he would be thrilled to change the Ordinance since he feels it is absolute extortion; and if they were willing to grant a Variance to a developer, they should grant a Variance to the School District since that would come from the taxpayers. Mr. Benedetto stated he also feels that they should be given back some of their Fees. Mr. Costello stated the difference between this and fees, is that there is not another option. He stated this is money to plant trees, and the Board should not put the money in the bank; and it should be used to put trees in the ground. Mr. Benedetto stated they are doubling the amount of trees that will be on the property. Mr. Costello stated he feels they should then re-visit the Ordinance. He stated when the Board was considering this Ordinance he did question why they did not just do it one for one. Mr. Benedetto stated he feels that what is required by the Ordinance is “over kill” especially when they are talking about the School District. Mr. Costello suggested that they put the Tree Replacement Ordinance on the next Agenda and change the Ordinance.

Mr. Benedetto stated they need to address the proposal that is in front of them now; and he feels that what is in front of the Board is a request by the School District which is vastly different from what happened at St. Ignatius. Mr. Costello stated there are acres of open fields, and Mr. Benedetto stated they are replacing with twice as many trees as there are now. Ms. Reiss stated they are replacing large trees with little trees. Mr. Benedetto asked how many of them were large trees. Ms. Reiss stated the issue is if they keep compromising, they make it difficult to hold any developer to any Ordinance. Mr. Benedetto stated this is the School District - not a developer.

Mr. Costello asked why they have not discussed why they need to cut those trees down. Mr. Benedetto asked Mr. Costello if he does not feel there is a big difference between a developer and the School District; and Mr. Costello stated while he does feel there is a difference, this is the second time out of two that they did not follow the Ordinance. He stated he has no problem if the engineers and the School Board come back and determine what is the right thing to do for the community; but he does not feel it is the right thing when it first comes up, to say compromise it. He stated he feels they should have to explain why they have to cut those trees down, and he asked why they cannot put something where there are no trees to begin with.

Mr. Beach stated there is 67 acres, and the majority of it is already athletic fields, and they would not want landscaping at athletic fields. He stated this leaves the campus site itself, and wherever they could they added green space. He stated the School District has a lot of grass to maintain; and every time you put a tree in, they

have to trim around it. He stated they worked with the staff to come up with a landscaping plan that they felt was reasonable that worked for the School District. He stated they will work with the Township and hopefully meet somewhere in the middle. He stated they only took the trees out where they had to. He stated they revised the Plan numerous times to try to save as many trees as they could when they did the design. He stated they do have to meet certain parking requirements.

Mr. Costello stated he would like to see the Board of Supervisors hold up the Ordinance; and if they do, he would be willing to pay \$300 for one of the trees that they need to pay for. Mr. Benedetto stated he is not inclined to hold the School District accountable for \$88,000. Mr. Costello stated he feels they should keep the Township the way the Township recently decided it wants to be kept, and he feels they should fundraise and ask people to contribute.

Mr. Benedetto stated they have proposed to plant 205 trees, and they would then have to pay for the trees above that. Mr. Benedetto stated there are already 170 trees in the Tree Bank that they have not put anywhere yet. Mr. Benedetto stated they have set a precedent by giving relief to a developer, and he does not feel it is right not to give the same relief to the School District. He stated this is vastly different from St. Ignatius; and the School District is not trying to “cram in” as many houses as they can, rather they are trying to put a Plan together that works and they tried to save as many trees as they could. Mr. Costello stated he does understand the difference. Mr. Costello stated he does not feel they should have given relief to St. Ignatius. Mr. Benedetto stated the amount that St. Ignatius was putting in was more trees than they took out. Mr. Costello stated he feels they should put the Ordinance on the Agenda, and they can change it to one for one tree replacement. Mr. Benedetto stated he feels they should put this on the Agenda for April 20 adding he would be agreeable to two to one tree replacement.

Mr. Lewis stated he agrees with the rule of law, and he reminded everyone that earlier this evening there was an Ordinance which was violated when someone took down trees, and he moved to have them prosecuted to the maximum extent of the law. He stated he feels there should be equal application of the law regardless of the entity. He stated with this Application there is a timing challenge and a number of good revisions have been made to address community concerns. He stated he does feel there is potentially a compromise that retains the strong belief in the rule of law and that they should not get an exemption from the Ordinance, but that they can work through other elements to make it less onerous for them. He stated he also wants to be respectful of the timeline. He stated he would be willing to discuss the Tree Ordinance in general adding that he is a supporter of continuing to plant trees for flood, aesthetic, and environmental reasons. He stated he feels they can compromise in a way without giving relief on Waiver #15.

Mr. Costello stated he does not have an issue with helping the School District, but he believes the Tree Ordinance was undermined the second it came up. Mr. Benedetto stated St. Ignatius was held responsible for replacing trees although it was not to the Ordinance. Mr. Benedetto stated with regard to following the rule of law, they would have to provide for all the trees required; and anything less than that would not be following the Ordinance.

Mr. Tim Collins, Jenny Drive, stated they have discussed a number of safety concerns which regard to routing of buses and traffic. Mr. Collins asked if they are increasing the number of students going to these Schools, or is the number decreasing. Mr. Millward stated they are seeing a decrease currently. Mr. Collins asked why they have a need to make all of these huge transitions. He asked if there are not some small things they can put in place that would take care of the safety concerns.

Mr. Beach stated they looked at the circulation on site and identified major safety issues including backing out onto Makefield and Big Oak Road which is extremely unsafe. He stated they also looked to separate the car drop areas from the bus drop off areas. He stated to make this work, this is what they came up with. Ms. Reiss stated she agrees that there are definitely safety issues.

Mr. Collins asked that cost of the entire project, and Mr. Beach stated it will be between \$45 million to \$50 million. Mr. Collins stated he feels they should look into this to see if there is anything they can do to reduce the cost, and they should not be worrying about trees. He stated they need to make sure they are spending the money the right way for everyone involved. Ms. Reiss stated the cost of the build is really a School Board issue; however, Mr. Collins stated it is the taxpayers that are paying for this.

Ms. Laura Donovan, 1705 Wrightfield Road, stated because so much care has to be taken to routing the buses and cars, the walkers tend to be forgotten. She stated many going to the Middle School are walking, and they need to have sidewalks so they can walk in safe places. She stated at Makefield she has to park in the back and then walk in the grass to get to the Office, and she feels more sidewalks are needed. She stated she has heard from parents that they bought a house close enough to the School so that their children could walk, but it is not safe for them because there is not an adequate walkway. She stated this perpetuates the problem of more drivers.

Ms. Amy Nolan, Esther Lane, asked about the plan for the student walkers. She stated currently there is a path from William Penn to Pennwood that parallels Roelofs Road; but there are others from the Yardley Crest area who have to get to Pennwood who have trouble since there are not sidewalks all the way, and they are not allowed to cut through the campus. Mr. Beach stated they are trying to direct the students to safer locations.

Mr. Hyne stated they want to keep the School buses, pedestrian traffic, and parent traffic as separate as possible. He reviewed on the Plan how walkers would get to the various Schools. He stated there are areas where students were walking in the road, and they will have a new crossing to get them into the Campus so that they do not have to walk in the street. He stated currently there are not contiguous sidewalks along the south side of Roelofs Road, and they are going to provide that so they will be able to stay off the road. He also noted the bituminous path between Pennwood and William Penn where there will be a connection to the public sidewalk. He stated a number of students who attend Charles Boehm do come from the north of the campus, and they will provide a safe walking route between the neighborhood to the north and Charles Boehm. He stated near William Penn, they were seeing a lot of students walking through the parking lot; and they will add a new sidewalk with a fence on the side to try to keep the students in a safe area until they get north of William Penn where they can take a bituminous path out to Derbyshire.

Ms. Nolan asked how a child would get safely to Pennwood if they live south of Charles Boehm, and Mr. Hyne stated they could walk through the campus where there are bituminous trails; however, Ms. Nolan stated currently they are not allowed to do that as the School does not want them walking on the Campus where the roads are and where there are buses. Ms. Nolan stated she feels the safest way for a walker is to get to the campus and then walk within the perimeter of the Campus, but they cannot do that now from every direction. She stated because they do not have this safe passage, that is why currently there are a lot of parents driving their children.

Mr. Fritchey asked if this was a policy made by the School District not to permit walking through the Middle School Campus; and if they so, what was the rationale. Mr. Millward stated they have improved all of the known traffic patterns they have. He stated from south of Charles Boehm to Pennwood, he was not aware of a restriction of students inside the Campus; and he could talk to the Principal about this. Ms. Nolan stated they were told not to walk there. Mr. Millward stated all the issues brought to the Safety Committee were addressed in the Plan, and he was not aware that there was a shortfall in the traffic pattern from south of Charles Boehm to Pennwood.

Mr. Hyne stated there is a path that goes on the west side of Charles Boehm Middle School which does take care of one of the protected pedestrian zones that the District has created. He stated they have added new gates behind Charles Boehm which will be closed at certain period of time so that foot traffic is protected. He stated using Campus walkways, students will be able to make their way to Pennwood Middle School without using Township roads. Mr. Hyne showed this route on the Plan.

Mr. Josh Waldorf stated the students are allowed to walk between the Campus buildings, but they cannot walk on the road; and that is the restriction.

Mr. John Romano, Roelofs Court, stated his property is immediately adjacent to the William Penn Middle School. He stated he heard that nothing further was going to be done with the screening along Roelofs Court. He stated bushes were planted there when the School was built in 1992, and they are now twenty-four years old; and since they were overgrown and growing over the walkway, last year the School District sent out a maintenance crew, and they “butchered” the trees along the property line. He stated now there is no screening from his yard, and he would like to see that something is done as to screening. Mr. Beach stated possibly they could put in some of the trees that they need to replace at that location. Mr. Romano stated currently you can see right through the fence up to about ten feet.

Mr. Romano stated in the afternoon cars are picking up at William Penn coming off of Derbyshire, and they then back up onto Derbyshire to get out. Mr. Hyne stated William Penn is a tight site; but one of the things they are doing is adding additional parking stalls to help with the congestion in the driving aisles.

Mr. Benedetto stated he understood that there was going to be screening for Roelofs Court, and Mr. Hyne stated there is a row of mature arborvitae; and the School District does do maintenance on them. Mr. Romano disagreed and stated that several have fallen over. Mr. Romano stated he currently has a lack of privacy because of the trees being cut back below the 10’ level. Mr. Beach stated they will look into additional screening at this location.

Ms. Carol Biros, 1517 Derbyshire Road, stated her driveway is directly across the driveway from William Penn Middle School. She stated her house is in the floodplain, and she knows that a good portion of William Penn Middle School is also in the floodplain. She asked if the cutting down of trees and installation of additional parking will impact the floodplain and the drainage of water onto her property from Rock Run Creek.

Mr. Hyne stated at William Penn Middle School, the floodplain does not extend to the School although they do have that problem at Charles Boehm. Mr. Hyne stated they are making some improvements in the floodplain; and one of the challenges of having an existing School in the floodplain is that everything you do is governed by the Floodplain Ordinance. He stated they are adding a few trees and they are also taking out some structures associated with the existing fueling stations.

Mr. Beach stated at the William Penn Middle School site they added a sidewalk they discussed earlier and paved a small portion of the parking lot, but they were able to offset this by adding green space.

Ms. Biros stated her neighbor on Big Oak Road was very concerned about her safety coming out from the driveway with the increased traffic and because the School buses do not observe the stop sign. She stated she has witnessed this with teachers, parents, and School bus drivers not adhering to the posted signs. She stated as late as this morning when she was walking down Derbyshire Road, a School employee deliberately pulled into a driveway that stated “Do Not Enter.” She stated she feels it is important for the School District employees to follow the posted traffic signs.

Mr. Benedetto stated he understands that there will not be additional bus traffic, and Mr. Hyne agreed.

Ms. Reiss stated she received a few emails from people who suggested a traffic light at Makefield and Roelofs or at Big Oak and Derbyshire, but she feels they would only need the traffic light in the morning and the afternoon. She stated the problem is that that buses do not stop at the stop signs, and they speed. Ms. Reiss stated she feels they need to sit down with the bus drivers, and to re-educate the parents that this is not a suggested speed, and a stop sign means that you have to stop. Ms. Biros stated she does not feel they need an additional traffic light, but they need to get the people to adhere to posted signs.

Ms. Sue Herman, Citizens Traffic Commission, stated after listening to this discussion, she wonders if they would benefit from asking the planners to look at the walking paths inside the complex again to make sure they are as user friendly as possible, since if they can make them attractive for the students to walk on, it would alleviate the fears of the parents which will limit the parent drop offs and help with congestion. Mr. Truelove stated the SALDO and Zoning Ordinances that the Township enforces do not address those issues so that would be better addressed to the School District. Mr. Beach stated unfortunately Rock Run cuts through the site, and there is also a bridge which would put students in conflict with buses and vehicles. He stated there is a way now within the campus to direct the pedestrians.

Mr. Jim Bray, member of the Environmental Advisory Council, stated he feels they need a clarification of the Tree Bank Ordinance which was put into effect last year; adding all it did was establish a dollar value for a replacement trees. He stated the value they came up with was \$315. He stated in the past, it was a huge issue because the developers owed trees and no one was paying so they set a dollar value and a specific time that these monies had to be paid. He stated the \$315 came from an analysis they did. He stated if an individual were to purchase a 2 ½” to 3”

caliper tree and have it planted, it would cost approximately \$500; however, because of economies of scale, developers get a much better rate, and he feels the \$315 is a very sound number. Mr. Bray stated all this did was establish a dollar value for the Tree Bank, and they did not change in any way the tree replacement ratios which have been in the Township for twenty to thirty years.

Mr. Bray stated if there is any “extortion” taking place, it is on the part of the developer. He stated that a mature tree of 10” to 18” caliper that is cut down requires that four trees of 2 ½” to 3” caliper be planted. He stated a 10” to 18” caliper tree absorbs approximately 400 gallons of water a day. He stated the purpose of the Ordinance is to stop environmental degradation. He stated the four replacement trees of 2 ½” caliper probably soak up collectively about 40 gallons per day, so that even though there is a four to one replacement value, they are losing the absorptive capacity of approximately 360 gallons. He stated he agrees that in the years to come, the trees will get larger; and that number will not be as skewed. Mr. Bray stated every other Municipality in the area has similar replacement values. Mr. Bray stated when you replace trees with grass, you have a lot of run off.

Mr. Benedetto stated he does not feel anyone is disputing the dollar amount of \$315, and the issue he has is the Tree Replacement Ordinance. He stated if the Tree Replacement Ordinance has been in place as long as Mr. Bray has indicated, given all the development that has taken place, they would probably have 50,000 trees and not the 170 they currently have in the Tree Bank, unless they granted Waivers to a significant number of the developers. Mr. Benedetto stated he also has a problem with requiring the School District to give the Township almost \$90,000 for trees since it will have to be paid for by the taxpayers. Mr. Benedetto stated they have already agreed to plant twice the number of trees that they are taking out; and when they grow, they will result in twice the amount of trees that are existing now. Mr. Bray stated they will not grow to that size for ten to thirty years.

Mr. Bray stated Mr. Dresser just advised him that the Tree Replacement Ordinance did not go into effect until 2006 so it was not twenty years to thirty years.

Ms. Reiss stated if four trees are planted to replace a tree of a certain caliper, they are probably going to lose a few of them and all four of them will not make it to maturity.

Mr. Benedetto asked how they came up with the ratio of 4, 7, and 10 trees; and while Mr. Bray stated he did not know, he feels it is not high enough since there is no way you can replace a 10” to 20” caliper tree. He stated the reason they have it at 2 ½” caliper size is because that is the ideal planting size for the tree, canopy, and the root mass. He stated if they went with a larger tree of such as a 5” or 10” caliper, after approximately three to four trees, the smaller tree actually passes that because

of the root mass size. He stated he feels the developers are getting a break, and the Township is initially losing out because of the environmental degradation and the impact of the excess water which will go into the streets, the streams, and the River. He stated they then have to put chemicals into the water from the River to take all the contaminants out.

Mr. Benedetto asked if it stands to reason that in the years since 2006, there were probably a lot more trees that have come down that should have been replaced and that the numbers in the Tree Bank should be higher or did they grant relief to a number of developments. He stated if they had previously granted relief, he questions why they would be drawing a “line in the sand” with the School District. Mr. Bray stated with regard to the School District as far as who pays for those trees that is another matter, and what he is talking about is the purpose of the Ordinance. Mr. Bray stated he does see a difference between the School District and a developer.

Mr. Bray stated in 2006 through 2008, there was very little development in the Township, and this is why you do not see a huge number of trees in the Tree Bank. He stated approximately three years ago when the economy started turning around, they started to see development; and this is when they started dealing with the tree replacement.

Mr. Benedetto asked Mr. Bray what he would suggest with regard to the School District in terms of a compromise. Mr. Bray stated he does not feel they should be paying the full amount since it does come from the taxpayers; however, he is concerned with the environmental degradation and not so much the money. He stated the fact that these trees are not going to be replanted means that there will be excess water to be dealt with, and the water issue is only one issue as it relates to the environmental benefit of trees.

Mr. Lewis stated he feels they can discuss the Tree Ordinance at another time; but as it relates to this particular circumstance, there could be a compromise which would be effective. He stated they could grant Approval contingent on resolution of some of the minor issues that are outstanding; but with regard to Item #15 he feels they should vote not to give a Waiver on Item #15 and in lieu of not giving that Waiver, they would give the School District a credit in terms of money they would not have to pay for their Permit Fees. He stated in this way, they would not have given up their commitment to the Tree Ordinance. He stated he feels the credit should be approximately \$55,000.

Mr. Benedetto asked Mr. Beach if they are still accruing Fees with the Township; and Mr. Beach stated Mr. Lewis is referring to the Building Permit Fees which are quite extensive for this particular project, and the School District has not addressed this with the Township yet. Mr. Lewis stated there are hard dollar costs that the Township pays for outside firms to perform the inspections. Mr. Benedetto stated he understands that what is being proposed was that if the Permit Fees were \$100,000, the School District would then pay only \$45,000; and Mr. Lewis stated that would be the case if that was the amount of the Permit Fees. Mr. Benedetto stated he would not be in favor of this, and he would prefer that there be a compromise on the number of trees; and he asked the School Board members present if they had a number of trees they could agree to. Mr. Josh Waldorf stated there are just four individual Board members present this evening, and this would have to be discussed at a School Board meeting. Mr. Waldorf asked if it would be possible for this decision to be made later.

Mr. Truelove stated one suggestion was the option to go up to 305 trees or to pay the fee-in-lieu and give the School District the timeframe to decide that, and Mr. Waldorf stated they would like to have the chance to do that since none of them present this evening have the ability to make that decision tonight. Mr. Fritchey agreed with Mr. Waldorf as they do not have a quorum. He stated they are asking the Board of Supervisors to compromise on their Ordinance as to Item #15; and for the present time he feels that has to be denied pending the School Board coming back to tell them what kind of compromise they are willing to offer. He stated he feels they could resolve that possibly at the next meeting.

Ms. Jacqui Redner, School Board Facility Chair, stated they are on a timeline; and they need to keep to that so they can get the School started. She stated this is the last thing they need to do before they can start construction. She asked the Board for flexibility since if they do not get approval this evening, they are pushed back for another month. Mr. Fritchey stated they could approve it tonight except for #15 which could be revisited at the next meeting.

Mr. Truelove stated a possible solution could be that all Waivers would be granted except for #15 in which the Applicant would be permitted the option of planting 305 replacement trees or paying a fee-in-lieu of the trees not planted over 205 at the amount of \$315 per tree said determination to be made by September 1, 2016. Mr. Truelove stated this would give the District an option, and Ms. Redner stated she feels they could accept that.

Mr. Millward stated he understands that the number being discussed is 305, and the Plan is showing 205 so they either have to find some combination of either trees or money at \$315 to make up the 100 tree deficit; and Mr. Truelove agreed.

Mr. Lewis moved and Mr. Benedetto seconded to grant Preliminary/Final Approval for the Pennsbury Middle School Project Tax Map Parcels #20-034-086, #20-034-087, #20-034-088, and #20-034-090, Project No. 15-77-152R for the Plans from Remington Vernick Engineers dated 6/15/15, last revised 4/6/16 subject to the following:

- 1) Compliance with the Lower Makefield Subdivision and Land Development Ordinances and the Lower Makefield Zoning Ordinance and all applicable State and Federal Ordinances, Statutes, and/or laws;
- 2) Receipt of all Permits, authorizations and/or approvals from all agencies having jurisdiction including but not limited to the Pennsylvania Department of Environmental protection and the Bucks County Conservation District;
- 3) Compliance with the Boucher & James Inc. Consulting Engineers 3/24/16 review letter;
- 4) Compliance with the Boucher & James Inc. Consulting Engineers review letters submitted as a result of the 4/5/16 meeting between the Applicant's engineers and Boucher & James Inc. Consulting Engineers;
- 5) Compliance with the Lower Makefield Township Planning Commission memorandum dated 4/1/16 summarized from the 3/28/16 Planning Commission meeting;
- 6) Compliance with the Bucks County Planning Commission memorandum if applicable;
- 7) Compliance with the Lower Makefield Township Zoning Hearing Board Decision dated 3/15/16;
- 8) Compliance with the Lower Makefield Township EAC review letter if applicable;
- 9) Compliance with the Gilmore & Associates Engineering and Consulting Services 3/30/16 letter regarding PennDOT Highway Occupancy Permit Plan review;

- 10) Compliance with Gilmore & Associates Engineering and Consulting Services 3/30/16 letter regarding traffic and signage issues;
- 11) Compliance with the review letter from former Captain Thomas Roche, now retired, of the Lower Makefield Township Police Department dated 1/7/16;
- 12) Preservation of sidewalk access frontage on the west side of Makefield Road;
- 13) Consideration of additional screening on Roelofs Court area adjacent to William Penn Middle School complex;
- 14) Waivers are granted as listed and enumerated in the applicable Boucher & James Consulting Engineers review letters referenced above except with respect to #15 the Applicant will be permitted the option of planting 305 replacement trees or paying a fee-in-lieu of those trees not planted over 205 up to 305 in the amount of \$315 per tree said determination to be made by September 1, 2016;
- 15) Where applicable, Applicant should comply with all comments from the appropriate authorities responsible for the approval of proposed utilities;
- 16) Applicant shall pay the required appropriate fees associated with this project.

Ms. Merlie stated they would accept these Condition, and the Motion carried unanimously.

#### DISCUSSION AND AUTHORIZATION TO PROCEED WITH A CONSERVATION EASEMENT WITH BUCKS COUNTY TO PRESERVE PATTERSON FARM

Ms. Lynn Bush, Executive Director of the Bucks County Planning Commission was present with Mr. Rich Harvie, Director of the Bucks County Agricultural Land Preservation program. Ms. Bush stated since the topic this evening is farmland

preservation, she felt it was important for Mr. Harvie to be here. Ms. Bush stated they had a request from Mr. Fedorchak to come and discuss the possibility of working with the Township to achieve a permanent preservation approach to the Patterson Farm. She stated she was involved in preparing the first Application to the County to preserve the seventy acres of Patterson Farm that is already under Conservation Easement. She stated they know how important the Farm is to the Township.

Ms. Bush noted the Plan of Patterson Farm and stated the area in green is what is already under Conservation Easement since 1999. She stated the Applications that have come to the County through other approaches had suggested that the building area might be conserved by the Heritage Conservancy. She stated the Board needs to decide if they want to carve out the buildings from the Easement area so that they would not be constrained by a Conservation Easement if they chose to do something with those buildings. Ms. Bush stated she also discussed the leaf-mulching operation with Mr. Harvie, and they feel that is something that could be contained in an agricultural easement especially if they define that is an acceptable activity. She stated this would allow the Township to preserve everything with possibly the buildings carved out.

Mr. Benedetto asked how the Satterthwaite parcel would play into this now that the Appeal was denied at the Court of Common Pleas level. He stated there is a house there and it has been subdivided into 5.1 acres. Ms. Bush stated she was assuming that would not be part of the Conservation Easement.

Ms. Bush stated they do have a lot of the work done already, and the Farm has already been surveyed. She stated it is up to the Board what they want to exclude. Mr. Benedetto stated he assumes they are looking at approximately 140 to 150 acres, and Ms. Bush stated she believed that is correct. She stated the most recent Application they had was 103 acres, but that had excluded approximately 45 acres so she feels Mr. Benedetto is correct.

Ms. Bush stated she has spoken to the County Commissioners, and they are happy to work with the Township to get this permanently preserved.

Mr. Benedetto asked if the language would be the same as on the existing Conservation Easement of the 70 acres, and Ms. Bush stated it would not. She stated she has re-read that; and Lower Makefield was one of the first to participate in the County's Open Space Program, and they have since learned a lot about Easements in the last eighteen years. She stated she feels if they do this, the current Easement should be re-written and re-recorded.

Ms. Bush stated she and Mr. Harvie have discussed the Easement that he works with from the State, and they feel they should “tweak” that in this case since the State Easement allows a lot of activities that would not be appropriate for Lower Makefield. She stated they did feel they should start with that as a basis. She stated their role is to work with the Township, and then be the back-up Easement holder.

Mr. Lewis stated there is a Section where the Township has previously leased property to a company called Bright Farms, and they have the ability to renew the Lease. He stated he understands that use is considered as “okay” under the Easement, and he asked if that would continue to be case the or could there be an option to write in the Easement that upon a certain timeframe, that would no longer be allowed and that land could be brought back to its original state when the Lease terminates or he asked if that should be subdivided and addressed later. Mr. Lewis stated his overarching goal is to protect as much of Patterson Farm as possible so that it remains largely traditional farming, and so that there is not a threat that future Boards may attempt to use it as a revenue source or in ways that would not be appropriate. He stated he knows that the Janney House and the Satterthwaite House do not fall under traditional farming, especially the current Janney House use, and at the Satterthwaite House they do not have a complete assessment as to what that would likely be. He stated he would draw those very tightly. Mr. Lewis stated outside of those two small parcels, everything would be protected.

Mr. Harvie asked if the Bright Farms buildings are permanent, and Mr. Lewis stated they are not. Mr. Harvie asked if they have concrete floors, and Ms. Reiss stated they may have partial concrete floors. Mr. Benedetto stated it was defined as an agricultural use. Mr. Harvie asked if they were considering excluding that use out; and Mr. Lewis stated he was eventually when the Lease finished its term, although they would not want to breach an existing Agreement with a company. Mr. Harvie stated they could tailor the Easement anyway the Board wants, and they could start by using the traditional State/County Easement which is straightforward although there are some things they may want to take out as noted earlier by Ms. Bush. Mr. Harvie stated he has already had the Farm surveyed. He stated when they had it surveyed previously, they left out some large areas for the Heritage Conservancy around the buildings. He stated their original acreage was approximately 103 acres. He stated they can include whatever the Board wants, and they could leave out whatever they want. Mr. Harvie stated he can leave a copy of the Deed of Easement with the Township, and they can review it and tailor it as they wish. Mr. Harvie stated they would also monitor the property for the Township. He stated they would love to have this Farm in their program.

Mr. Benedetto stated they could have the Township solicitor review the language. He asked if once it is approved and once by the Board, would it then go to the County Commissioners for them to approve it as well. Ms. Bush stated it would go through the process that Mr. Harvie is very familiar with, and there would be no money transaction. She stated they have the survey done, and they would have to define the Easement area, adding there may be some additional metes and bounds that need to be done. She stated they would need to go through the Easement language, and then both Parties would sign – the Commissioners and the Township.

Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to authorize the Township officials to take the appropriate next steps to advance the Easement with the County.

#### PRESENTATION OF TREE PLANTING PROGRAM AND MOTION TO EXECUTE ARBORETUM PLAN AT MEMORIAL PARK

Mr. Jim Bray and Mr. Alan Dresser were present. Mr. Dresser stated they have a slide presentation this evening on the replacement trees. He stated the Township's Replacement Tree Ordinance was passed in December, 2006 and was part of changes made to the Ordinances to encourage low-impact development. He stated if developers remove trees greater than 10" in diameter, they must plant replacement trees. He stated these are usually planted at the development site where the trees were removed. Mr. Dresser stated Manor Care, Freeman's Farm, and the Moon Nursery Development all put in replacement trees on site; and it was a success. Mr. Dresser stated if approved by the Board of Supervisors, the developer may instead deposit \$315 per replacement tree to the Tree Bank; and the Township is to use this money to plant trees at locations of its choosing.

Mr. Dresser stated the Ordinance requires that the replacement trees be 2 ½" to 3" in diameter, and they are usually approximately 10' tall. He stated the number of replacement trees required is a function of the size of the tree removed running from 4 to 10 replacement trees. Mr. Dresser stated if they were to do a one to one replacement he does not feel it makes sense. Mr. Benedetto stated he recognizes that this is something they can discuss further at some point.

Mr. Dresser reviewed the reasons why they require replacement trees which include maintaining the current tree canopy in the Township and to encourage developers to preserve existing large trees and not build in wooded areas. Mr. Dresser stated he views this Ordinance as an environmental impact fee similar to the traffic impact fee that the Township charges based on the increased traffic that will be caused in the community by the new development. He stated similarly the number of replacement trees owed is a function of the environmental impact of

their development on the community. Mr. Dresser stated the trees provide a community-wide environmental benefit including reduction of stormwater run off and flooding. Mr. Dresser stated the stormwater run off from a wooded area can be one tenth that from an impervious surface such as a parking lot. Mr. Dresser stated trees also improve air quality, reduce noise pollution, are wildlife habitat, and add to the visual aesthetics of the Township. Mr. Dresser stated there are also benefits for the individual homeowners who have trees as they provide home energy savings and increase property values. Mr. Dresser stated the Pennsylvania Courts have recognized the value of trees, and he discussed a case where an individual had cut down trees and had to pay a significant amount of money

Mr. Dresser showed what is owed to the Township in replacement tree money with Edgewood Corners owing 56 1" diameter trees which is equivalent to \$5,600, Flowers Field at Edgewood owes 91 trees or \$28,665, Bright Farms owes 126 trees or approximately \$40,000, and the St. Ignatius project owes \$25,000 in the future when the final Development Agreement gets executed.

Ms. Reiss stated it seems that everyone seems to have had a "deal" and did not have to do what they were supposed to do.

Mr. Dresser stated the developers currently owe approximately \$74,000 to the Tree Bank, and the Township needs to collect that money. He stated they will get another \$25,000 when Erin Development proceeds. Mr. Dresser stated they could have received \$200,000 in the Tree Bank if they had required Erin Development and Troilo Properties to do what they should have done.

Mr. Lewis stated he would like to end "corporate welfare" in Lower Makefield; and if they are owe \$73,953, we should seek collection immediately as we desperately need trees in certain areas.

Mr. Dresser stated not all significant tree removal in the Township is covered by the Tree Replacement Ordinance; and developments that submitted Applications before the Tree Ordinance became effective are exempt from it including Regency At Yardley. He stated at that site the Township will lose thirty acres of woodlands. Mr. Dresser stated there is also the Scudder Falls Bridge Replacement Project, and he showed a photo of some of the tree removal that is going on now at I-95 between the Bridge and the Newtown Exit. He noted additional tree removal that will take place in conjunction with that project. Mr. Dresser stated if the Township sells the Park & Ride parcel, there will also be additional tree removal. He stated the Delaware River Joint Toll Bridge Commission is exempt from all local Ordinances. Mr. Benedetto stated they did indicate that they were willing to have a discussion about trees. Mr. Dresser stated New Jersey has the No Net Loss Reforestation Act, so they get replacement trees from the DRJTB.

Mr. Dresser stated with regard to where they should plant the replacement trees, there are three broad categories – Township parks, Township open space, and other locations. He stated there are a number of choices in Township parks including the Stoddart baseball fields since at this time all you see are fences, and a few groups of well placed trees would go far. Mr. Bray stated they walked that site with Ms. Goldstein from Boucher & James and Ms. Liney and pointed out a number of voids, and everyone was very receptive to planting in those areas; and that could be addressed as early as this fall. Mr. Dresser stated they should also review this with PAA, but he does not feel that would be a problem. Mr. Dresser stated other locations would be Macclesfield Park, Veterans Park leaving room for the Farmers Market, the new Dog Park, and the Fred Allan Softball fields.

Mr. Dresser stated there is also the idea of installing an arboretum at Memorial Park which he knows the Board of Supervisors is interested in. A slide was shown of an aerial view of Memorial Park including the proposed location for the arboretum which is the highest elevation in the Township. Mr. Bray stated for years the EAC has thought of this concept in various areas of the Township, and Mr. Fritchey had suggested that they take some of the replacement trees and put them in Memorial Park in the form of an arboretum. Mr. Bray stated Mr. Fritchey also suggested that they be placed at the high point of Lower Makefield Township. Mr. Bray stated the EAC had suggested to Boucher & James several trees they felt would be appropriate for the site and to put them in a north/south/east/west access in various clumps and use native trees in this area. Mr. Bray stated the landscape people from Boucher & James have come up with an excellent plan. Mr. Bray stated the various woodland groupings would reflect climax forests, coastal plain forests, emerging woodlands, and mature forest. He stated the plants they can use and grow well are numerous in Lower Makefield, and the trees they are considering are American icons. He noted the different trees they are considering including an American elm as the central tree. Mr. Bray stated Boucher & James have come up with a cost estimate. He stated if the Board is in favor of this and want to move forward, they would need a Motion from the Board.

Mr. Fritchey stated they were considering kicking this off the weekend of April 29/30 which is Arbor Day, and they hope to get community involvement from the Scouts and others who are interested in the environment. Mr. Fritchey stated the arboretum at Memorial Park has been on the radar of the Park & Recreation Board since they did Memorial Park almost twenty years ago. He stated they feel this is also good as an educational opportunity. He stated this is the beginning with the installation of twenty-five trees, and they could also consider expanding the number of trees at the Park over the years. Ms. Reiss stated she feels this will be asset to the Park.

Mr. Bray stated they would like the Board to consider a long-range tree planting program for the Township. He stated Boucher & James have the expertise to perform an analysis like this, and they could look at all the major areas in the Township and come up with a long-range plan for planting trees. He stated in this way they could start filling in the gaps each year on a more consistent, orderly basis.

Mr. Lewis noted the slide regarding the value of trees for noise abatement, and he asked if they have studies to buttress that opinion. Mr. Dresser stated at Heacock Meadows along I-95 some of the residents had asked if they could use trees from the tree bank for a buffer there. He stated he looked into this, and for cars traveling the speeds they are on I-95, you would need a buffer between sixty-five and one hundred feet; and he questions if there is enough room there for that type of buffer. Mr. Dresser stated they would need more than one row of trees for a sound buffer.

Mr. Lewis stated they are still working through issues with the Delaware River Joint Toll Bridge Commission, and noise abatement is a concern. He stated they also want to correct some of the visual aesthetic issues associated with sound barriers, and trees would help make that more visually appealing. Mr. Dresser stated if they are just trying to hide the sound barrier, you would not need as many trees. Mr. Lewis stated there were also some potential gaps they were hoping to remedy where there were not sound barriers.

Mr. Dresser stated there are also locations in the Township open space which might benefit from additional trees, and he noted Patterson Farm. He showed a slide of a specific location on Patterson Farm where it would be good to put in some trees which would create a riparian stream buffer which would stabilize the stream bank and take out fertilizer from the run off from the fields surrounding the creek. Mr. Dresser also noted the open space at the Ragan Tract which could be a naturalized basin. Mr. Dresser stated they could also replace the parking lot trees at the Township Municipal Building, and plant trees along the entrance driveway to the Golf Course.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to execute the arboretum plan planting twenty-five trees from the Boucher & James proposal and do the planting the weekend of April 29 and 30.

Mr. Benedetto moved, Mr. Fritchey seconded and it was unanimously carried to task Judy Goldstein of Boucher & James to craft a twenty-five year tree replacement plan.

Mr. Bray thanked the Township for taking this step.

#### APPROVAL OF AWARD OF FIVE YEAR FARMING LEASE TO CHARLANN FARMS

Mr. Fedorchak stated at the direction of the Board the Township staff placed the new five-year Lease for farming the Patterson Farm out to bid, and they received two bids. He stated Mr. Stewart/Charlann Farms bid \$131 an acre which comes out to \$22,925 a year, and over the life of the Lease \$114,625. Mr. Fedorchak stated they also received one other bid from Ronald Rook who bid \$85.26 per acre which came out to \$14,920.50 per year so Mr. Stewart was the highest responsible bidder. Mr. Fedorchak stated this is the fourth time that the Township has put the Farm out to bid for commercial farming starting back in 2001, so they have been commercially farming the property for the last fifteen years.

Mr. Fritchey moved and Ms. Reiss seconded to accept the highest bid from Charlann Farm.

Mr. Sam Stewart was present, and Mr. Benedetto asked the prior amount he was paying, and Mr. Stewart stated it was \$110 an acre.

Motion carried unanimously.

Mr. Benedetto asked Mr. Stewart to discuss the individual he had suggested who would paint the barns. Mr. Stewart stated there is a crew that comes through the area in the summer, and they paint barns at a reasonable rate. He stated they painted his barn for \$3,800. Mr. Stewart stated he asked them to look at the Patterson Farm property; and other than Satterthwaite, they indicated they would scrape and paint the barns for \$6,800. Mr. Stewart agreed to give Mr. Fedorchak their contact information.

Mr. Benedetto asked Mr. Stewart the average rent for farms in Bucks County, and Mr. Stewart stated it averages \$45 to \$65 per acre; but they bid higher for Patterson Farm because it is a good piece of ground. He stated they grow their vegetables there. Mr. Benedetto asked Mr. Stewart how many acres he farms in Lower Makefield, and Mr. Stewart stated approximately 420. Mr. Benedetto thanked Mr. Stewart for everything he does. Mr. Stewart stated that now that they have a five-year lease, they will be able to get in some other programs.

Mr. Lewis asked if they could add an option on the current lease for it to continue on the same terms; however, Mr. Truelove stated if they were changing the terms, they would have to re-bid it. Mr. Stewart stated when they re-bid it in five years, he would ask that it be considered earlier than it was this time because now he has to hurry to get everything in place.

## UPDATE ON SUNFLOWER FARM APPEAL/SATTERTHWAITE HOUSE RESTORATION

Mr. Truelove stated a few days ago he circulated the Opinion to the Board wherein Judge Mellon of the Court of Common Pleas of Bucks County affirmed the unanimous Decision of the Zoning Hearing Board that denied the Use Variance and also ruled that the issue of the recusal of the one member was a non-issue and denied that as well. Mr. Truelove stated it is his opinion based on the way it was written, the supporting law, and the fact that no additional evidence was taken that it would be very difficult on Appeal if one were taken for anyone to prevail at the Commonwealth Court which would be the next level. He stated at this point they do not know if an Appeal will be taken, and the timeframe for the thirty days to expire would be approximately April 21.

Mr. Tom Conoscenti, Ginko Lane, stated in 2012 they organized a neighborhood group in opposition when the prior Board was considering selling the Satterthwaite farmstead to the horse hospital; but they did not prevail. He stated the Board of Supervisor was not unanimous, but what was unanimous was the vote of the Zoning Hearing Board. Mr. Conoscenti thanked all those in the community who supported them over the years; and he stated going forward if they can be helpful to the Board with the Easements, they are prepared to do that. He stated at the Satterthwaite property it may make sense to include at least part of the five acres for which there is a definite Township use in the open space such as the bank barn. Mr. Benedetto thanked Mr. Conoscenti for his efforts.

Mr. Zachary Rubin stated the public show know that it was Mr. Conoscenti's efforts, his time, and his financial input that has kept Satterthwaite the way it is.

## APPROVAL OF PURCHASE OF THE JENNINGS TRACT

Mr. Fedorchak stated Mr. Jennings has signed the Agreement to sell three of his approximately ten acres. He stated the property is located at the intersection of Taylorsville and McKinley Avenue. He stated Mr. Jennings will sell this property to the Township for the sum of \$225,000. Mr. Fedorchak stated they have been working with Mr. Jennings for almost a year; and he, Mr. Benedetto, and previous Board members were involved in a number of meetings with Mr. Jennings.

Mr. Fedorchak stated over a year ago a number of residents had approached the Township with a concern they had. Mr. Fedorchak showed a plan of the property, and Mr. Fedorchak noted specifically the far right side shown in green which is the three acres that the Township will be purchasing from Mr. Jennings. Mr. Fedorchak stated throughout that green area, there are a number of makeshift trails that run the length of the green section which feed into the Delaware Canal. He stated there

is a bridge on the far right side that passes over the Canal and ties directly into the towpath, and many residents throughout the area have been going through Mr. Jennings' property in order to get to the bridge and ultimately the tow path. Mr. Fedorchak stated some time ago Mr. Jennings made the decision for liability purposes to begin to deny access to everyone in the area and posted No Trespassing Signs as well as put boulders and logs along the trails to prevent residents from trespassing on his property. He did this under the advice of his attorney because of liability concerns. Mr. Fedorchak stated the residents then came to the Board of Supervisors and asked if the Township could work something out.

Mr. Fedorchak stated the ultimate plan is to establish more formal pathways leading directly to the bridge which will be a win/win situation for everyone involved. Mr. Fedorchak thanked Mr. Jennings who was very cooperative throughout the entire process.

Ms. Reiss moved and Mr. Benedetto seconded to approve the purchase of the Jennings Tract.

Mr. Benedetto thanked the Supervisors for showing that they are very much interested in preserving open space in the Township and made this a priority.

Motion carried unanimously.

Mr. Truelove stated the Board met in Executive Session at 6:30 p.m. to discuss real estate and personnel items.

#### ZONING HEARING BOARD MATTERS

With regard to the Crystal Clear Signature Pools, on behalf of Tony and Kathy Miller, Variance request for property located at 2280 Jase Drive in order to permit construction of pool deck and pool house resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Nancy and Rick Tustin Variance request for the property located at 1039 Randolph Drive in order to permit enlargement of existing patio and construction of a garage resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the William Harrison Variance request for the property located at 1711 Makefield Road in order to permit construction of an in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

## SUPERVISORS REPORTS

Mr. Benedetto stated the Golf Committee indicated that there is a lot of interest in having weddings and outings at the Golf Course this year, and they are bringing in an additional staff member to help with the events. He stated they are looking at potentially including in their capital plan re-doing the sand traps.

Mr. Lewis stated there needs to be a liaison from the Citizens Budget Committee to the Rescue Squad, and it was agreed that Mr. Joe Menard would be the liaison. Mr. Lewis stated Economic Development is working to put together a comprehensive data base of businesses in Lower Makefield to help improve our knowledge about economic output within the Township. Mr. Lewis stated there has also been discussion about reviewing any Ordinances that are business related to make sure the Township has not done anything that would slow us down from attracting additional businesses within the community. Mr. Lewis stated the Electronic Media Advisory Commission is in the process of reviewing and revising the Township Website. He stated there will be an internal meeting tomorrow to review some of the comments the Commission has collected related to the Township, and they are in discussion with the current developer of the Website. He stated they are also integrating some things from the Economic Development Commission as it relates to helping businesses in the community to make them easier to find through the Government Website and to help improve their search engine response.

Ms. Reiss stated the Farmland Preservation Corporation is still working on fencing. She stated that there were some residents who were not aware that the open space is not part of their yard. She stated those with questions can contact the Township who will review the surveys. Ms. Reiss stated the Planning Commission will meet on April 11 and she hopes people will attend that meeting as she feels a lot of the issues related to the School District could have been handled at the Zoning Hearing Board and the Planning Commission. Ms. Reiss stated three developments will be discussed at the Planning Commission meeting including Makefield Glenn in Edgewood Village, Artis Senior Living, and Erin Development on Dobry Road. Ms. Reiss stated it is important for the EAC and those who live in the area to come to the Planning Commission meeting. Ms. Reiss stated the Seniors are very interested

in when the Senior Center will go out to bid. Mr. Benedetto stated this will be on the Board of Supervisors' Agenda on April 20. Ms. Reiss stated they still need more volunteers on the Special Events Committee, and she only has three people who responded to her e-mails. She asked that those who are interested in helping with the Veterans Parade, Community Pride Day, and other special events that might be coming up send a resume to the Township to Mr. Fedorchak.

Mr. Fritchey stated the Sewer Authority met, and Mr. Ebert the Sewer Authority engineer, briefed them on developments with Morrisville which were minimal due to the vacation of Jim McCann, the Morrisville Sewer engineer. Mr. Fritchey stated he understands that Mr. Ebert has since met with Mr. McCann and was able to get some further information from him which they are conveying to major contractors to see what they would propose to fix up the Morrisville plant.

#### OTHER BUSINESS

Ms. Reiss stated the Newtown Quilters Guild will be having a speaker on barn quilts on Tuesday, April 19 at Birches in Newtown. She stated the Artists of Yardley may want to work on a quilt block that represents Pennsylvania or some part of the Township that has meaning and have it painted and hung on a barn.

Mr. Benedetto stated the second annual sleep out at Arm & Hammer Park/Trenton Thunder will take place on April 8. He stated the Board had heard a presentation about this previously, and over six hundred tickets to the Game have been sold. He stated some tickets are still available at \$11, and you can also make a donation at their Facebook page teensforteens2015. He stated this benefits the Covenant House.

Mr. Fedorchak stated they have selected a well-qualified gentleman named Ralph Carp who lives in Newtown as the Public Works Director. Mr. Fedorchak stated that for the last nine years he has been the Facilities Director for the City of Bethlehem. Mr. Fedorchak stated he will be starting on Monday. Mr. Benedetto asked that he attend an upcoming Board meeting, and Mr. Fedorchak stated one of his requirements is to attend the Board of Supervisors meetings.

#### APPOINTMENTS TO BOARD AND COMMISSIONS

Mr. Fritchey moved, Ms. Reiss seconded and it was unanimously carried to re-appoint Dave Gordon to the Park & Recreation Board.

April 6, 2016

Board of Supervisors – page 36 of 36

There being no further business Mr. Fritchey moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 11:50 p.m.

Respectfully Submitted,

Jeff Benedetto, Chairman