

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - MAY 4, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 4, 2016. Chairman Benedetto called the meeting to order at 7:35 p.m. and called the Roll. Mr. Benedetto stated at the beginning of the year he made a comment as Chairman about setting a standard of civility for the Board of Supervisors and conducting meetings in a certain way; and anyone who watched the last meeting could say that he failed in that role as the Chairman, and he takes responsibility for that. He stated he considers everyone on the Board a friend, and he apologized to the residents and his fellow Supervisors.

Those present:

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

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

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, stated he feels that the last meeting of the Board of Supervisors was "brilliant," and he does not feel Mr. Benedetto needs to apologize. He asked if the Board has decided if they are going to meet one or two times in July and August, and Mr. Benedetto stated they will discuss this in the next month or two. Mr. Kupersmit asked if the Board would have any problems if he makes political speeches, and Mr. Benedetto stated if he has something to say briefly, that would not be a problem.

APPROVAL OF MINUTES

Ms. Reiss moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of April 20, 2016 as corrected.

INTRODUCTION OF NEW PUBLIC WORKS DIRECTOR

Mr. Benedetto stated they are pleased to have Mr. Carp as the new Public Works Director who has already started in his role, and he stated they are looking forward to the work he is going to do in the Township.

Mr. Carp stated he is a resident of Newtown Township, and has worked for the City of Bethlehem for nine years, prior to that for Warrick Township as their Public Works Director, and prior to that he was with Buckingham Township.. He stated he is happy to be here, and anxious to get to work helping the community advance the initiatives of the leadership and the residents.

SEWER SYSTEM UPDATE

Mr. Fred Ebert, Township sewer engineer, was present. Mr. Ebert stated tonight he would like to give the Board updates on the Bucks County Sewer & Water Authority Neshaminy Interceptor, the Morrisville Municipal Authority Wastewater Treatment Plant upgrade, and a draft Sanitary Sewer Capital Budget for the next three years.

Mr. Ebert stated with regard to the Neshaminy Interceptor update, he showed a Plan noting the area which is served by this which is shown in yellow. He stated he has had a series of meetings with the PADEP over the last few weeks, and he stated the DEP has come to a Settlement Agreement with the Bucks County Water & Sewer Authority to provide future connections for the next eight to ten years. He stated as part of that, Bucks County Water & Sewer Authority is doing a lining project to increase the capacity and fix the I & I that is in the existing Interceptor. He stated the most important aspect is that all the tributary Municipalities have to reduce their I & I and come within specified annual average flow limits which are a rolling average as well as peak daily flows, peak hourly flows, and peak fifteen minute and instantaneous flows which is important moving forward. Mr. Ebert stated the Township has not officially received a copy of the Amendment, and Bucks County Water & Sewer Authority is making changes to the Amendment and circulating it among other Municipalities. He stated once they have conceptual agreement with them, Bucks County Water & Sewer Authority will then present it to Lower Makefield formally. Mr. Ebert stated in the meantime he has started to do an evaluation of what the Township's performance will be against it, and in fact he found a mathematical error which increased the Township's capacity by about 25,000 gallons a day.

Mr. Ebert stated DEP has come up with a policy that until the Township complies with the Agreement, they will not release any new edus (equivalent dwelling unit) which is the sanitary sewer capacity for one residential house. He stated for

commercial, they will take the total flows and divide it by 350 gallons per day in the case of the Township. He stated 2015 edus are released in 2016, 2017, and 2018; and they have established criteria. He stated the first criteria is that the Township has to sign the Agreement and perform an Act 537 Update. He stated the purpose of the 537 Update is to establish a methodology by which the Township will reduce their flows by at least 10%, and if they do not reduce that, the edus after 2018 will not be released. He stated the second thing the Township is required to do is to do a comprehensive sanitary sewer evaluation of all the linings and laterals in the service area to be completed by 2016, adding that these dates may slide. Mr. Ebert stated in order for the 2017 edus to be released, the Township needs to have completed all the repairs identified in the report. He stated in 2018, the Township needs to be in compliance with the goals in I and I reduction as well as all the criteria and flow plan that has been established.

Mr. Ebert stated going forward after 2018, there is no establishment for how they are going to get additional edus. He stated edus that are released between 2016 and 2018 will be added onto the existing five year annual average flow. He stated they will take a running average of the Township's flows over the last five years; and for the first three years, they will credit the Township additional edus that the Township buys, but past that they do not credit the Township's edus; and the Township is mandated to reduce the annual average flows by 10% according to DEP which he has been advised is the minimum that they will accept.

Mr. Benedetto stated Mr. Ebert provided costs as follows: Comprehensive Report repairs of \$150,000 in the first year, TV inspection of \$15,000 in years 2 and 3, manhole liners of \$25,000 in years 2 and 3, and spot lining repairs of \$40,000 in years 2 and 3; and he asked Mr. Ebert how they came up with these costs.

Mr. Ebert stated he is doing similar I & I projects in seven other Townships at this time, and he looked at the average amount of money spent for the first year in order to reduce it, and it was between \$125,000 to \$185,000 for the actual work not including the cost of the study. He stated he also looked at more-established Authorities which have an ongoing I & I program, and this cost was anywhere from \$50,000 to \$100,000 a year. He added that knowing the edus are contingent on this, they have to hit it very hard the first year, and then reduce it to approximately \$75,000 a year. He stated he uses the first \$15,000 of televising; and as he televises and finds needed repairs, he immediately fixes them until he runs out of repair money, and then waits for the next calendar year unless he is authorized to do more by the Board or the continued evaluation of the flows indicate that they are not being successful, and they need more money. Mr. Ebert stated because he does not have a history with the Lower Makefield system, he looked at the average of five other systems. He stated a lot of I & I work has not been done up in that area.

He stated routinely the Township has been spending between \$40,000 to \$50,000 a year on I & I throughout the entire system. He stated what he is discussed this evening is just concentrated in the yellow area.

Ms. Tyler asked what this 10% number that DEP has given is based upon; and Mr. Ebert stated they did a model storm in 2009 and the flows coming out of the entire Neshaminy Interceptor were approximately 54 million peak daily flow. He stated the new Agreement indicates that the peak flow cannot exceed 48 million as the peak hourly flow and found that a 10% reduction would bring this down. Ms. Tyler stated that does not take into account the condition of the various Municipalities, and Mr. Ebert agreed. He stated there could be a Municipality that had a significantly worse problem. He stated the Township's collection system, based on the existing flows, is probably in the top third out of the twelve; and the Township is very close to compliance on the model storms they looked at. He stated he is currently evaluating the last two years of data to see how the Township complies now. He stated they used 2009 data and one storm, and what he has his staff doing is looking at the flow data for the last two years; and this is how he found that they did not properly credit the Township. He stated he needed to understand the location of the meter pits because what the Township was reporting previously was data that the Township had. Mr. Ebert stated he reached out to Bucks County Water & Sewer Authority, and they promptly provided him with access to their data within hours. He stated unfortunately they gave the data in fifteen minute increments so he had to compile this into hourly and daily.

Ms. Tyler asked if the Agreement will be based upon real information and real flows. Mr. Ebert stated the reason he is doing the analysis now is to see if the Township can comply with the requirements. Mr. Ebert stated when you have a smaller population, you get significantly higher peak flows between 6 a.m. to 9 a.m. and 5 p.m. to 8 p.m. flows; and this Agreement indicates that the Township can only go two times that which is difficult since 80% of the flows come through between those two, three-hour periods. He stated he made the argument to DEP that the Township should be using different peak factors.

Mr. Ebert stated by the time the Township gets the Agreement, every other Municipality will have already had it; and the Township will be pressured to review and comment back to them. Mr. Ebert stated DEP is very clearly in favor of Bucks County, and this the only path they will approve for future connections. Mr. Ebert stated no one has complied yet; and the test will be will they hold the edus from them once they have complied.

Ms. Tyler stated she feels the obligation by the Township should be based on real data, and Mr. Ebert agreed. He stated he does not feel it should matter how much capacity you purchased, it should be based on how much capacity you use. He stated theoretically those who never maintained their systems, get a credit; and those who maintain their system like Lower Makefield, get discredited. He stated as they reduce their flows, it gets harder and harder to comply with the Agreement because the peaks will get higher since as you reduce your base I & I, the impacts of people's daily lives becomes a much more significant factor. Mr. Ebert stated there is no bottom to this so that as you reduce the I & I, you do not get a credit; and you have less capacity to utilize. Mr. Ebert stated he feels that once the Township has reduced its I & I, they have given their share; and anything else reduced below that should be a credit to the Township and would allow for additional capacity.

Mr. Ebert stated there is no expiration on the Amendment, and it only talks about getting credit for additional edus until 2018. Mr. Ebert stated his other concern is that it is based on a five-year rolling average; and the Township's ability to have capacity is based more on the weather than anything else. He stated last week he advised the Sewer Authority that if the flows are exactly the same this year as they were last year, the Township loses 13,000 gallons of capacity because a wet year rolled off the five-year average. He stated this makes it very hard to do long-term planning when you do not have a static number. He stated if there is a three-year drought in the beginning there is a lot of capacity; however, two years later you are out of capacity even though your flows are relatively the same.

Mr. Ebert stated there was no definition of compliance in the Agreement. He stated he feels DEP will work with the Township, but you cannot sign an Agreement like this. He stated they also have not shown how they did the calculations as no one knew where the flow meters were. He stated there is no formula in the Agreement, and he had to ask them for the formula and to get the maps; and this is how he found the error.

Mr. Benedetto asked if there is a fear of a moratorium, and Mr. Ebert agreed there is. Mr. Ebert stated if you are on the 2014 list to be released in 2015, those edus will be released; and DEP stepped in and forced them to release those edus. He stated the 2015 edus that were to be released in 2016 are being held in "Purgatory," and he does not feel they will be released until the Agreement is signed, the 537 Plan is done, and the Comprehensive Sewer Capacity Analysis is done.

Mr. Benedetto asked the impact this would have on Lower Makefield, and Mr. Ebert stated currently the Township has approximately 150 edus; and then it will be a matter of whether they can switch edus, if there are existing uses, and what Conditional Approval they can go through. Mr. Ebert stated it is going to make it significantly harder for developers because everyone is going to have to do full

Planning Modules, and then they will have to get on the hierarchy. Mr. Ebert stated someone could be ahead on the list but their project could be further behind, so it would be through a connection management plan. He stated this is new to Lower Makefield, and they will have to educate the developers on this process. He stated the Township has to make sure from DEP and Bucks County how it is being applied so that they can release that information to the developers.

Mr. Lewis stated the Township has 150 unused edus which effects the yellow area on the map, and he asked Mr. Fedorchak if the Township has more than 150 planned expansions over the next five years in that area. Mr. Fedorchak stated there are some developments planned including approximately eighty units on Dobry so that number could become problematic rather quickly.

Mr. Ebert stated with regard to the Morrisville Sewer Plant, they had representatives from the Morrisville Authority come to the Lower Makefield Township Sewer Authority meeting last Wednesday night which included John Warena, their solicitor, and Jim McCann, their engineer. Mr. Ebert stated the purpose of the meeting was so that the Authority could ask questions and receive an update. Mr. Ebert stated they indicated that they had met with Senator McIlhinney to discuss Grants. He stated while Morrisville indicated it was a positive meeting, there were no definitive Grants identified. He stated there was a discussion about opening up the H2O Grant Application again; and while that is a long process, at least it is being discussed. Mr. Ebert stated the Morrisville representatives also advised that they are still negotiating their penalty with the PADEP; however, the more progress made on selecting an alternative, the less the penalty will be. He stated DEP is very aware of the communications taking place. Mr. Ebert stated with regard to the Falls site, the Morrisville representatives stated they had some preliminary discussions with the property owner; and the asking price was approximately \$14 million just to buy the property. Mr. Ebert stated Morrisville believes that the property is worth \$3 million to \$4 million, but there is no formal appraisal.

Mr. Ebert stated they discussed the effluent project which was awarded and under construction at a cost of approximate \$3.9 million. He stated they are also working on a three-year Capital Budget, and they have provided that to him late today. Mr. Ebert stated they also discussed the option of having a Regional Authority that would own the wastewater treatment plant, and there would be representatives from all member Municipalities proportionate to their share of the ownership of the Plant. He stated he feels that Morrisville understands that in order for work to go forward, this is a requirement. He stated he envisions that every Authority would continue to own its collection system, and there would then be a Regional Authority only for the Treatment plant. He stated Lower Makefield has asked that they set up

an exploratory committee to look into how they would set up the Authority from a legal, financial, and administrative standpoint. He stated this would have to be a separate Authority since Morrisville also has water, and there are some employees that are being shared. Mr. Ebert stated DEP was open to this as well.

Mr. Ebert stated they want to look into the Falls situation since they do not want to spend a lot of time on the analysis of a new plant versus an upgrade of the old plant until they determine if the Falls option is really feasible. He stated they need to meet with Falls representatives and ask them if they will support the treatment plant in their Township and would they support any Zoning and SALDO relief needed. He stated without that, it is a non-starter. Mr. Ebert stated Mr. Warena advised he had informal discussions with numerous individuals on the Falls Board of Supervisors, but had never formally approached them as a whole.

Mr. Ebert stated the proposed site in Falls Township is also contaminated with arsenic and possibly other things. He stated the property owner will not release the information unless Morrisville Municipal Authority signs a non-disclosure, and this would include not talking to the DEP. Ms. Tyler stated she feels this would be public information. Mr. Ebert stated the private company that owns the site may have more knowledge than what they have released to the public. Ms. Tyler stated DEP did have a file on them; however, Mr. Ebert stated the question is what else do they know they have to disclose as part of the sale that DEP does not know about. Mr. Ebert stated another question is whether you can get a bond or a loan for the project, and they will need an opinion from a Bond Counsel as to whether public monies can be used for that since you do not know if you are going to be successful in the clean up.

Mr. Ebert stated if Falls Township indicates that they are in favor, and the Bond Counsel indicates they can do a loan, they can then do a comparison to see what is the best option in the long term. Mr. Ebert stated Morrisville has committed to giving the Township plans for the entire facility, and Lower Makefield will go out to major treatment plant vendors; and Mr. Ebert added that Morrisville wants to do this as well. Mr. Ebert stated Morrisville is also amending the Feasibility Study since DEP came back with more stringent criteria. Mr. Ebert stated he feels at this point, Morrisville is waiting for a reaction from Lower Makefield. Mr. Ebert stated Morrisville had previously indicated that they could not get Lower Makefield the Capital costs, but he got it this afternoon.

Mr. Fritchey stated there are still two proposed plans, one of which is remediating on the footprint of the existing site; and the other is a site in another Municipality that is not Zoned for a sewer plant which they do not own, and they do not have an environmental study on so that they do not know the full extent of the contamination. Mr. Fritchey stated they have also not considered any other sites, and Mr. Ebert agreed adding they indicated they could not find any other sites that were feasible.

Ms. Reiss stated she is concerned about the non-disclosure. She stated if there was nothing to disclose, she feels they would be more open. Ms. Tyler asked if the EPA could not mandate that the owner of the property clean it up. Mr. Ebert stated he does not feel that this is a Superfund site, but no one really knows. He stated a Bond Counsel would have to weigh in on this. Mr. Ebert stated if Falls Township is not in favor of this, it will make the analysis easier. Ms. Tyler stated she feels Falls Township would want the land to be cleaned.

Mr. Lewis stated he has spoken to Falls Township Officials, and they were “blindsided” by the Morrisville Municipal Authority; and he does not feel there is a consensus to consider this yet.

Mr. Ebert stated this is why they want to flush this out because they do not want to spend a lot of the Township’s money on studying this if Falls Township is not supportive of it.

Mr. Lewis asked about the timeline since they were going to get an RFP from companies that do wastewater treatment facilities, and he asked if they still plan to get an RFP for the existing plant or for another site. Mr. Ebert stated they are actually doing both, and Morrisville is providing him the Plans hopefully early next week. He stated they will then have an RFP that will evaluate the existing Plant and how they would handle that. He stated he wanted to give them the Feasibility Study that was done by Pennoni, and Pennoni wants to update this because it is going to be critiqued by all their peers. Mr. Lewis asked how many firms they would invite into the process; and Mr. Ebert stated there are three “major players,” one of which has twenty-seven major companies underneath it. Mr. Ebert stated he feels that one major company will develop three teams that will compete internally for this. Mr. Ebert stated this will be a very large project, and they wanted to get a commitment from Morrisville that these vendors could go out and visit the site; and Morrisville did not have a problem with that.

Mr. Lewis asked again about the timeline, and Mr. Ebert stated he actually has the Feasibility Study out to people already and has had numerous meetings with them. He stated after the RFP, it would take about two months to hear back. Mr. Ebert

stated he feels that by the end of the summer, they will have costs back; and he feels that it will take three months to get a response from Falls. Mr. Ebert stated he had a discussion with the Falls solicitor, Mike Clark, and this had not been brought up formally for discussion.

Mr. Lewis stated the Township has a plan for the short-term pending what they get from the RFP. Mr. Ebert stated Morrisville is in compliance technically for the next eight to ten years with the effluent filters. He stated one of the alternatives DEP wants to look at for Neshaminy is will the Township convey additional flows there or will they be taking additional flows away. Mr. Lewis stated they met with DEP in February, and DEP was willing to work with the Township; and he feels the Township has shown a good faith effort. Mr. Ebert stated he meets with DEP representatives regularly and gives them updates.

Mr. Benedetto asked for an explanation of the colors on the chart Mr. Ebert had provided, and Mr. Ebert stated the area in yellow goes to the Neshaminy Interceptor which is the Bucks County Water & Sewer Authority, and then is treated in the City of Philadelphia. He stated the area in pink flows to Yardley and then goes to Morrisville. He stated the area in dark orange is a Contracted area that goes to Falls Township. He stated the area in Falls Township that is in light orange are Falls customers who the Township bills for treatment at the Falls Wastewater Treatment Plant. He stated the area in green goes by gravity and goes directly to Morrisville,

Mr. Ebert stated because the Township is going to potentially do a Bond for the sewer improvements he was asked to work with Mr. Fedorchak and Mr. Watson on a three-year Capital Plan. He stated there are three significant components to the Township's wastewater system one of which is the Township's collection system that we own and maintain. He stated the second is the Contractual obligation to Yardley Borough because the majority of our flows (shown in pink on the plan) go through there, and Lower Makefield is responsible for approximately three quarters of these costs. He stated the last item is the Morrisville Authority for the capital costs for three years so that they can have capacity for eight to ten years.

He stated he was asked to prioritize where the Township should spend money and the reasons why. He stated the first item is the Stackhouse pump station replacement, and he showed the location of this on a Plan. He stated it is next to the Canal located in the back yard of a residential home. He stated it is a metal can style ejector pump station, and the metal can is rotted out; and they can no longer get

parts for pump station. He stated because of its location, it will cost approximately \$325,000 for this project because of the difficulty of getting back to this location which will require that it be craned in and craned out. He stated he has added a 25% contingency on top of the costs so it may come in lower.

Mr. Benedetto asked if Mr. Ebert has delineated a priority, and Mr. Ebert stated these were Mr. Watson's priorities which he would be in support of. Mr. Ebert stated with regard to the Stackhouse pump station replacement, if they do not do something, it is going to fail so this was their number one priority.

Mr. Ebert stated the second one is the Maplevale sanitary sewer. He showed the Plan for Maplevale. Mr. Ebert stated he evaluated the ten meter pits that are in the Township, and he looked at which had the ratio of the highest monthly flow to the lowest monthly flow. He stated in March of last year at Maplevale the flow was 95,000 gallons per day compared to 24,000 in June. He stated this means that the pump station is at or near its capacity very frequently. He stated they looked at two options with the first being to line the main as well as the laterals to the right of way. He stated the cost for this would be approximately \$421,000. He stated he also looked at the cost to replace the entire line which was approximately \$706,000. He stated this is a sand and gravel pit area so they would be overlaying the entire road. He stated he used \$85 a liner foot for slip lining, but he recently bid out a job which came in at \$65 a linear foot so there may be an opportunity for savings.

Mr. Fritchey asked what would be the difference between lining and replacement in terms of longevity. Mr. Ebert stated a new sewer would be significantly better than re-lining. He stated the difference would be a fifty year fix versus a one hundred year fix.

Ms. Reiss stated she believes that some of the roads in Maplevale were on the road repaving list. Mr. Ebert stated the roads involved would be Maplevale Drive and Meadow Drive.

Mr. Ebert stated the next item is the Buck Creek interceptor lining project. He stated this goes to Yardley. He stated it is a 12" main, going to a 10" main, going to an 8" main; and it follows the creek for the entire run. He stated the average daily flows were 1 million gallons a day, but the flows in September were 300,000. He stated the cost for this option is approximately \$780,000 which does include a 10% contingency. He stated he believes that there were portions of this which were already lined; however, he could not get documentation of which sections were lined. He stated they are going to continue to research this; and to the extent that some of it has been lined, it could reduce the costs.

Mr. Benedetto asked if this relates to the Lakeview residents who had issues with their sewers, and Mr. Ebert stated it does not. He stated those residents came before the Sewer Authority, and there were problems with tree roots. Mr. Ebert stated Mr. Watson has removed the roots, and he is checking it on a quarterly basis.

Mr. Ebert stated the next issue is the Neshaminy Interceptor which was discussed earlier. He stated the costs he has included are the comprehensive report repairs at \$150,000 for the first year. He stated they would then be spending approximately \$70,000 the next two years.

Mr. Ebert stated with regard to Yardley Borough sewer improvements, the cost estimate is approximately \$3 million and with the cost-sharing Agreement, Lower Makefield would pay approximately \$2.5 million and Yardley Borough would pay \$500,000. He stated that project is scheduled for construction in 2017 with approval in 2016.

Mr. Benedetto stated last year they discussed capital improvements, and he asked Mr. Fedorchak if all of this being discussed is in line with what they had discussed previously; and Mr. Fedorchak stated what is being discussed this evening is much higher. Mr. Benedetto stated with regard to the Yardley Borough sewer improvements this \$2.5 million is by Agreement, and Mr. Fedorchak stated the Township is locked into this.

Mr. Ebert stated the final item is the Morrisville Municipal Authority costs.

Mr. Fritchey stated with regard to the Morrisville Municipal Authority, it is his understanding that there is a generator which has been continuously running for a significant period of time, and Mr. Ebert stated it is not a generator it is a blower for the main treatment unit which has been running continuously for forty years. Mr. Fritchey asked if they have anything in to replace that. Mr. Ebert stated historically Morrisville spends approximately \$400,000 on repairs; and he estimated that every year they would have that same \$400,000, and then they allocated an additional \$500,000 in years 17 and 18 which could be for replacement of equipment or design dollars. He stated in the last two years they have approximately \$.18 million for capital upgrades that are not necessarily attributed to the future upgrade. He stated the Township is committed to approximately 45% of the cost of the filters which cost approximately \$3.9 million.

Ms. Reiss stated she understands that what Waste Management is putting into the treatment plant is what is “killing” the filters. Mr. Ebert stated it does definitely deteriorate the system faster; but they are a direct customer of Morrisville so there is nothing that the Township can really do. He added Waste Management is a significant revenue source for Morrisville that Lower Makefield does not share.

Ms. Tyler stated she would like the engineers to comment on the acceptance of the leachate at the Morrisville Treatment Plant, and she would like to know if that has significantly contributed to the degradation of the filters. She stated if this is true, and Morrisville is allowing Waste Management to be their customer, then Lower Makefield is subsidizing this. Mr. Ebert stated he feels the filters were probably at the end of their life, were not maintained as well as they should have been, and were probably so deteriorated by the time they took in the leachate, that it would be difficult to classify the impact that it had. He stated Ms. Tyler's point is well taken, and the Township needs to understand this; and if the leachate is going to deteriorate the life of the equipment, Waste Management should be sharing in the capital replacement. Mr. Ebert stated a lot of his clients accept leachate because it is a great revenue source; but in all of those cases those sending the leachate may pay 10% to 20% of the capital improvement costs because it is less expensive than building and operating their own system. Mr. Ebert stated a Regional Authority may be a solution to this issue because Lower Makefield cannot negotiate with Waste Management since they are not the Township's customer. He stated if there was a Regional Authority, they could have a long-term Contract in exchange for paying their fair share and having a seat on the Authority. Ms. Tyler stated they need to keep this keep this concept on the radar.

Mr. Benedetto stated it appears that costs for the Lower Makefield sanitary sewer collection system will be \$1.8 to \$2.1 million which would be immediate needs in the next one to two years, and Mr. Ebert agreed. Mr. Benedetto stated costs for the Yardley Borough Sewer improvements would be approximately \$2.5 million which is also an immediate need. He stated the Morrisville Municipal Authority costs are estimated to be \$2.8 million with \$1.957 million in 2016. He stated overall this equals \$7.1 to \$7.4 million for the three year Capital Budget for Sewer, and Mr. Ebert agreed adding that he feels 90% of this will be spent by 2017.

Ms. Tyler stated she would ask that they continue to look at these numbers since they will be very important to the Board, and she would like to know if there is any way to pare these numbers down. Mr. Lewis stated they also need to understand what portion of the \$7.4 million would be paid by ratepayers versus borrowing. Mr. Fedorchak stated most likely he will recommend to the Board that they finance all of the improvements through a Bond Issue, but he will review the numbers further with Mr. Ebert to make sure everyone is comfortable with them.

Mr. Lewis stated this \$7.4 million would get them in a good position for eight to ten years, and the proposed refurbishment would be a thirty to forty year solution. Mr. Ebert stated what is being discussed would address all the internal collection system and then the Debt Service would switch over to the Treatment Plant. He stated if there is a Regional Authority, that Authority could take on the Bond for the Treatment Plant; and the Township would then only have to co-sign it.

Mr. Lewis stated from the taxpayer perspective it is \$7.4 million now; and if they build a new Plant in the future, that debt would be taken by the Authority and not by Lower Makefield Township. Mr. Lewis stated when they discussed this in February, Mr. Ebert had felt that when they put out the RFP, it could be a smaller amount; and Mr. Ebert agreed once they get this fine tuned, costs may come down, and the Township's share may be significantly better than 45% of \$120 million. Mr. Fritchey stated he also feels that Mr. Ebert will have a better handle on what the realistic number will be once he gets input from the major vendors; and Mr. Ebert agreed that this would be correct for both options.

Mr. Ebert stated DEP has empowered Lower Makefield through the Act 537 Planning process to make these decisions with regard to Morrisville.

Ms. Tyler asked if the potential for Grants impacts the primary filter replacement, and Mr. Ebert stated it will not since that has already been done. He stated the H2O Program is currently unfunded, but it does exist on the books; and they will look to see if they will re-fund that program. Mr. Fedorchak stated there may be other Programs that might be available.

Mr. Zachary Rubin, 1661 Covington Road, noted the Neshaminy Interceptor and the 10% mandated reduction; and he asked Mr. Ebert if it is mostly fixing the leaks that will result in the 10% reduction or could it be by using less water through the use of newer fixtures which use less water. Mr. Ebert stated while water-conserving fixtures being installed does help, he feels the goal will be a combination of fixing laterals, getting down the peak flows through I & I metering, and lining.

Mr. Harold Kupersmit asked how much the rates will go up if the Supervisors choose the \$7 million option; and Mr. Ebert stated while he did not know at this time, an analysis will be done on this. Mr. Kupersmit asked about new technologies that could save money, and Mr. Ebert stated they are using new technology with the lining process. Mr. Kupersmit asked if the wastewater that is sent out is tested, and Mr. Ebert stated the wastewater sent out by the Township goes to either Morrisville or Philadelphia. Mr. Ebert stated it is discharged under at Permit, and it tested every day. Mr. Ebert described the treatment process.

Mr. Ebert was thanked for an excellent presentation.

UPDATE ON RE-BIDDING OF COMMUNITY CENTER PROJECT AND MOTION TO AUTHORIZE GOING OUT TO BID

Mr. George Hibbs was present and showed the previous Plan as it stood in 2015, and the proposed Plan as it exists per the Board's direction on December 2, 2015.

He stated when Bids were received for the original proposed Plan they came in over Budget; and he came back before the Board in September, 2015 when four Plans were presented. He stated Option #2 was selected, and the directive was to go forward with that with a \$2 million Budget, and to prepare construction documents to reflect a \$2 million Budget. He stated as of today, those documents are ready for Bid.

Mr. Benedetto asked if there is an opportunity to do Bid Alternates. Mr. Ebert stated the original Plan was for a 7,200 square foot building; and Option #2 which is ready to go Bid now is for 5,200 square feet. Mr. Hibbs noted the red-dashed lines on the Plan which represent a shrinking of the floor plan so that the building itself got smaller. He stated in addition there were also a series of elements that were either removed from the project or a series of Add Alternates that they put into the project. He stated these are certain things that are expensive but were designed so that they could be removed or added as part of the Bid process. He stated with the smaller building, the folding partition would be an Add Alternate; and there is a separate line item that the contractor will put in, and they can then determine whether they want to it to the project or remove it from the projects. He stated there are a series of items like that. He stated the kitchen was constructed as a shell space, so the base bid would be the shell, and an Add Alternate would be fixtures and to construct the kitchen and cabinetry. He stated the concrete patio in the rear is also an Add Alternate.

Mr. Lewis asked if the original Plan for the 7,200 square feet building would be an Option to be re-bid as well; and Mr. Hibbs stated he met with Mr. Benedetto and Mr. Fedorchak in February, and they had a discussion as to the potential to go out to Bid with both projects – re-bidding Project 1 and to Bid for the first time Project 2, and with both they would have all the Add Alternates he spoke of. He stated the Board needs to decide what they would like to proceed to Bid with. Mr. Lewis stated if they re-bid the first Plan, they would need to explain to the Bidders that this is the same Bid specs they may have Bid on previously; and it is being re-bid for better costs to see if they can get better results. Ms. Tyler stated she does feel that there are a lot of upsides to doing the dual Bid. Ms. Reiss agreed, and she stated she feels it would be more responsible to do it in this way. Ms. Tyler stated this will also give the Township more flexibility.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to authorize the bidding of the Community Center project both options as outlined with the Add Alternates as discussed by Mr. Hibbs.

Mr. Hibbs stated Project #2 needs to be submitted to the Building Department for review and Approval. He stated they do have the Approvals for Option #1. He stated they could submit the drawings for review at the same time they start the Bid process. He hopes that it will be before the summer.

2015 YEAR END FINANCIAL REPORT

Mr. Fedorchak noted the Board has been provided with the Executive Summary and the more detailed 2015 Finance Report. He noted that both of these documents are posted on the Township Website.

Mr. Fedorchak stated with regard to the General Fund, 2015 proved to be an outstanding year. He stated the Township had budgeted to finish last year with a deficit of approximately a quarter of a million dollars, but instead saw a \$621,000 surplus. He stated the reason for this was mainly within the Revenue categories which was driven by what has proven to be a resurgent local housing market, and the two areas he will discuss are the Deed Transfer Tax and the Building Permit Fees. He stated they had budgeted to receive \$1.1 million in Deed Transfer Taxes for 2015, but instead saw receipts spike to \$1.6 million. He stated Addendum 2 provides the breakdown of the last four years of Deed Transfer Taxes, and 2015 receipts were 65% higher than 2012 and 40% higher than two years ago.

Mr. Fedorchak stated there were two large sales one being Polo Run and the other a section of Floral Vale which brought in slightly over \$300,000. He stated it can be concluded that the Deed Transfer Tax was driven mainly by the single-family housing market. Mr. Fedorchak stated they also saw various Building Permit Fees increase significantly; and while they had budgeted to receive approximately \$360,000, they received over \$500,000. He stated this is 46% over what was received two years ago. Mr. Fedorchak stated as a result the General Fund Balance reached \$2.689 million which is \$600,000 more than the previous year.

Mr. Fedorchak stated looking at all twenty-one Funds, he has shown these in a spreadsheet format, where the negative variances are identified in red. He stated on the Revenue side, there are three large variances which are Special Projects, Capital Reserve, and the Patterson Farm. He stated for Special Projects the variance is a result of not yet receiving the Multi-Modal Grant which was anticipated to have been received last year; and hopefully, the Township will get that this year recognizing that they will get it eventually either the end of this year or the beginning of next year. He stated this relates to the Quiet Zone. Mr. Fedorchak stated in Capital Reserve there is a variance which relates to the RACP Grant Program, and they anticipate that will be received this year. Mr. Fedorchak stated the variance with respect to the Patterson Farm, he had hoped that they would have been receiving the \$500,000 Open Space Grant which was not received. Mr. Fedorchak stated while these are large numbers, they are not materially significant because the Township did not have the corresponding expense.

Mr. Fedorchak noted the Expense side, and stated in the Sewer Capital Fund they are \$600,000 over Budget, and the reasons for this were explained earlier this evening by Mr. Ebert. Mr. Fedorchak stated over all the twenty-one Funds, the Fund balances actually decreased going from \$7.3 million to \$5.5 million mainly from various Capital Expenses for that year. He stated \$5.5 million is approximately 20% of all Expenses so that even though there was a drop, the Township is well over Safe Harbor.

Mr. Fedorchak noted the Capital Reserve Fund where the Township ended with a \$558,000 deficit. He stated going into this year that will be somewhat self correcting because the Township will be receiving some extra money particularly from Toll Bros. and some of the Matrix set-aside money; however, it is necessary to keep an eye on the Capital numbers on a going-forward basis.

Ms. Tyler stated this is a credit to Mr. Fedorchak's stewardship and good planning over the last several years. She asked what was budgeted this year for Transfer Taxes, and Mr. Fedorchak stated he believes it is approximately \$1.15 million.

Ms. Reiss stated she is not surprised about the increase in the Deed Transfer Taxes as her street has had four houses sold since January with two more up for sale, and nothing had been turning over for at least ten years. Ms. Reiss stated Lower Makefield is considered to be one of the best places for people to move to in the Country because the taxes are low, the Schools are good, and the median income is the highest in Pennsylvania for a Township above 10,000 people.

Mr. Lewis stated he believes our total debt is approximately \$32 million, and Mr. Fedorchak stated this sounds correct. Mr. Lewis asked what year they were projected to be debt free, and Mr. Fedorchak stated he believes it was 2032. Mr. Lewis stated people pay less for their Township taxes than they do for their trash collection.

Mr. Kupersmit stated he does not feel the Township will ever be debt free. He stated it appears that the Township spent approximately \$750 per person in 2015, and he stated the Pennsbury School District spends \$18,000 to educate every child.

Ms. Denise Kram, 1150 Waterwheel Drive, asked if there limitations that restrict the Township from borrowing above a certain amount; and Mr. Fedorchak stated there are State laws that provide a ceiling, and there is a complicated calculus to determine what that number is. Ms. Kram stated she feels it would be helpful to know what restrictions there are on the existing Bonds, since at some point the Moody's Rating would be impacted if they wanted to go above some level. Ms. Tyler stated Moody's has characterized the Township's debt in the last report as "modest debt." Ms. Kram stated the Township would not want to jeopardize that. She stated

they are discussing money for a number of things, and at some point this would become a factor. Mr. Lewis stated the Bucks County Courier Times had a recent article where they compared the debt for Townships on a Per Capita basis; and Upper Makefield had an average debt per person of \$1,731, and Lower Makefield is at \$982. He stated Solebury has an average debt of \$3,000. He stated they are considering how much debt they should add in the new refinance and what is the strategy for paying it down. Mr. Lewis stated the Board needs to spend as little money as possible and do it in the most effective manner possible. Ms. Kram stated she does not know that they need to be debt free, and there is some debt that is appropriate for any borrowing entity. Ms. Kram stated she does not feel that the “average tax rate residents are paying” is the right number to be discussed, and she feels it should be the “median” or the “range.” She stated there is a vast difference between what condo owners are paying in taxes and what single-family homeowners are paying. Mr. Lewis agreed that a mean, median, and mode would be helpful.

Mr. Benedetto asked Mr. Fedorchak for a clarification on the 2008 Voter Referendum on Open Space, and he asked if the Township were to borrow money based on the \$15 million that was authorized, how would this impact where the Township would be able to borrow money and impact the debt. Mr. Fedorchak stated it is classified as Electoral Debt, and it is separated from the calculus on the Debt ceiling so that would be exempted.

Mr. Rubin stated in Pennsylvania there is not a Recall Referendum Initiative except that they could go to Referendum to increase the Debt which is the Electoral Debt Mr. Fedorchak is speaking about. Mr. Rubin stated the people of the Township can increase the debt such as the Open Space Referendum.

ARTIS SENIOR LIVING LLC SKETCH PLAN PRESENTATION

Mr. Edward Murphy, attorney, was present with Mr. Max Ferentinos, Vice President of Artis Senior Living. Mr. Murphy stated they presented this Sketch last month at the Planning Commission for this memory care facility which would be located on Stony Hill Road as you are coming over the bridge from I-95 entering the Village of Edgewood on the right-hand side. He stated the parcel is triangular in shape and is a compilation of four separate tax parcels – the field owned by the Stewart family and three other parcels adjacent to it. Mr. Murphy showed the Plan which is a seventy-two room/seventy-two bed memory care facility. Mr. Murphy stated this property is sewered through Morrisville and not through the Core Creek Interceptor. Mr. Murphy stated Artis Senior Living is the equitable owner of the property which is under Agreement, and they will move forward subject to obtaining the Approvals they will discuss this evening. Mr. Murphy stated the Applicant and the Township engineer’s office have already identified certain

Variations the Plan would require in order to move forward, and they wanted to first review with the Board of Supervisors the nature of the Variations before they make a formal submission to the Zoning Hearing Board.

Mr. Ferentinos stated Artis Senior Living was formed in 2012, and they are headquartered in McLean, Virginia. He stated they are a Bainum Family company which has extensive experience in senior housing, developing their first nursing home in 1959. Mr. Ferentinos stated the proposal is for a 100% memory care facility, and the building has been designed from the inside out to cater exclusively to individuals in the early to mid-stage of Alzheimer's and dementia. He stated the construction is such so that the residents can find their way back to their wing and there are enclosed courtyards. He stated the purpose is to provide security and comfort to the individuals who suffer from this disease.

Mr. Ferentinos stated at the present time Artis Senior Living has four properties that are operational, five projects that are under active construction, and there another twenty-three sites in various phases of development similar to the one in Lower Makefield.

Mr. Murphy stated Mr. Eisold's office has already prepared a review of the Sketch. Mr. Murphy stated this property is in the R-1 District, and a nursing home is a Special Exception Use, so they will have to go to the Zoning Hearing Board for Approval. He stated in terms of the minimum requirements, you need to have a five acre site; and this site is 5.35 acres.

Mr. Murphy stated there are also a number of Zoning Variations they are requesting one involving the setback from I-95. Mr. Joel DellaCarpini, engineer, was present and showed the Plan; and he showed the location of I-95 which runs north/south along the site to the bottom left side of the Plan. Mr. Murphy stated they have already made a revision from the original Sketch which had two points of access off Stony Hill Road since MR. Eisold's office has commented that they felt that was too many, and they wanted there to be a single point of ingress and egress from the site. Mr. DellaCarpini showed the proposed access which is in between the two existing driveways which are across the street. One of these driveways is to Bright Farms, and the other is the driveway for the day care.

Mr. DellaCarpini stated with regard to the setback from I-95 which is an arterial road, the Ordinance requires a 120' front yard setback. Mr. DellaCarpini stated they had originally felt this was a rear yard setback; however, Mr. Eisold's office indicated that it was really considered a front yard setback. Mr. Murphy stated he is not sure that Mr. Ware agrees with Mr. Eisold on this; however, technically because of the configuration of the property, they are supposed to two front yards, and because it is on a "street" which is actually I-95 where there is no access, Mr. Eisold

feels this is a front yard so they will need relief from that. Mr. DellaCarpini stated they are required to have 120', and they are showing 25.7' to the closest corner of the building. Ms. Tyler asked what would be required if it were a side yard or a rear yard; and Mr. DellaCarpini stated if it were considered a side yard it would be 50', and if it were a rear yard, it would be 100'. Mr. DellaCarpini noted on the Plan where they were able to comply with the 50' side yard requirement, but this moved the proximity of the building closer to the I-95 property line.

Mr. Fritchey asked what will be at the part of the building that is 25' from I-95, and Mr. Murphy stated they are rooms for the residents. Mr. Fritchey stated he feels that 25' from I-95 will involve a lot of traffic noise; and if there people who are suffering from dementia, he feels that would be disturbing. Mr. Ferentinos stated the building is fully insulated including the windows, and they have other urban situations including their Princeton facility that backs onto the Princeton Junction Train Station.

Mr. Murphy stated there is a residential use being made at the property next door before you get to the Troilo development, and they slid the building over to provide more of a distance from that neighbor. Mr. DellaCarpini stated the ultimate right-of-way also cuts into their property just at the northeastern corner, so that pushed their setback in off of the ultimate right-of-way; and to make sure they were not encroaching in the front yard, that pushed them back a little further.

Ms. Tyler asked the elevation where the proposed property is versus I-95, and it was noted that I-95 is significantly higher.

Mr. DellaCarpini stated the rear yard setback along the eastern property line requires 100', and they are providing 81.4'; and they will need a Variance for this as well.

Mr. Murphy stated they also need a woodland disturbance Variance. He stated even though it is not clearly depicted on the Plan, the site has approximately one third of an acre of what has been referred to as woods; however, he stated it is more scrub-like trees. Mr. DellaCarpini stated it is the trees around the existing dwellings that are there today. Mr. Murphy stated they are proposing to disturb about one quarter acre of that; and while it looks like a big number when it is expressed as a percentage, they are actually talking about a very small portion of the site. The location of the proposed disturbance area was shown on the Plan which is where they are proposing to put the building and the parking. Mr. Murphy stated they will comply with the Tree Replacement requirements. He stated he feels the quality of what they will plant will be far better than what is existing.

Mr. Murphy stated with regard to the impervious surface, the current Ordinance permits 17% which is typically applied for Residential uses. He stated for this type of use which falls under the category "All Other Uses Permitted by Special Exception," the ratio is still 17%. He stated while they are still working on seeing if they can do better, their Plan today is at 23.5%. Mr. DellaCarpini stated initially they were at approximately 28%, but they worked with Boucher & James and implemented porous pavement and porous concrete sidewalk wherever they could on the site. He stated at their last submission, they were a little aggressive on the percentage of credit they were taking; but when you back it down to the 50% credit you get, they are at approximately 24% impervious coverage.

Mr. Lewis asked if it would be an option to do pervious in the parking lot as well, and Mr. DellaCarpini stated they have proposed porous pavement in the parking spaces. He stated the only places they did not go with the porous material were the driveway and the drive aisles which get heavier traffic.

Mr. Benedetto asked the number of parking spaces they are proposing; and Mr. DellaCarpini stated they are required to have forty-two, and they have forty-three. Ms. Reiss stated they are proposing to have seventy-two beds; and there will be nurses, aides, physical, occupational, and speech therapists, kitchen staff, janitorial staff, doctors coming and going, and people visiting. She stated she has received e-mail complaints about the parking at Sunrise, and people are parking on the road, in no-parking places, and in places where emergency equipment cannot get in. She stated there is only one access so they are going to be bringing in equipment, food, and everything else through the front door which is a concern.

Mr. Murphy stated at the Planning Commission they provided information from Artis that the maximum number of employees on any one shift is eighteen so this would account for eighteen out of the forty-three spaces. Ms. Reiss stated she believes that is the State minimum. She stated since this is not a State facility that people go into when they can afford anything, she feels there would be more than eighteen staff for seventy-two people who can wander recognizing that some of them would be sleeping or sedentary.

Mr. Ferentinos stated there is a door off to the side where deliveries take place that goes to the back of the house portion of the building, so the deliveries are not coming into the main lobby. He also stated the number of employees mentioned is the model that they have perfected. He stated as to the level of care for the residents, this is for the early to mid stages. Ms. Reiss stated they would be more active, and Mr. Ferentinos agreed. He stated they are ambulatory; and once they get

beyond a point where the facility is unable to care for them in a way they should be cared for, they are referred out to their family and family physician to a facility that can take care of them.

Mr. Lewis stated there are no noise barriers along this section of I-95, and Mr. Murphy agreed; and according to the article in the newspaper last week, there will not be any. Mr. Murphy stated other projects further down have been lobbying for these barriers, but have been unsuccessful to date. Mr. Lewis stated these residents are early onset and are ambulatory, and he can see how they will be kept out of half the area. He asked if there will be additional trees or fencing. Mr. Ferentinos stated the building is enclosed by an 8' fence on three sides of the building. He stated the courtyards that can be seen surrounding the building are just as important as the inside space. He stated beyond the front lobby area, everything behind a key-padded door belongs to the residents; and they are free to move as they wish within the building inside and out. He stated they have outdoor activities including gardening activities. Mr. DellaCarpini noted the location of the fencing on the Plan. It was noted it is actually a 7' solid board-on-board fence with a 1' lattice cap. Mr. DellaCarpini stated from the road, the façade of the building will be seen. Mr. Lewis stated the neighbors will be seeing a fence; however, Mr. Murphy stated there will be landscaping done per the Ordinance including buffering.

Ms. Tyler asked how many beds are in their existing facilities, Mr. Ferentinos noted the location of their facilities with beds ranging from 64 to 72. Ms. Tyler asked how many beds they need to make a profit, and Mr. Ferentinos stated it is a combination of profit and a care model; and he stated typically it is 64 beds. Ms. Tyler asked how large the Princeton facility will be; and Mr. Ferentinos stated it is 64 beds, but it is a two-story facility. Ms. Tyler asked if they gave consideration to making this a two-story building, and Mr. Ferentinos stated they did not. He stated typically the multi-story building is not as conducive to caring for individuals with Alzheimer's; but when the site is small, they will do a two-story building. He stated at the Lower Makefield location it is a five acre site, and between the building and parking it takes up approximately one and a quarter acres so they would not consider a multi-story building for this site. Ms. Tyler asked if this model mirrors any of their existing facilities, and Mr. Ferentinos stated Lower Moreland is a 72 bed facility. Ms. Tyler asked if that facility is built or in progress, and Mr. Ferentinos stated it should be done sometime in June. Ms. Tyler asked the size of that parcel, and Mr. DellaCarpini stated he believes it is approximately two and half to three acres. He stated it is a one-story building.

Ms. Tyler asked what brought them to this parcel in Lower Makefield, and Mr. Ferentinos stated it was the availability of the land of a suitable size to do their single-story building. He stated there is also market demand in this area, and it is a great community. He stated there are 10,000 baby-boomers turning 65 every day.

Ms. Tyler noted Sunrise is located down the street from this proposed facility, and she asked if they would be a direct competitor; and Mr. Ferentinos stated they would be although they do not provide the exact same service. He stated they are general assisted living with memory care as an add on, and they are doing very well. Ms. Tyler asked if Sunrise provides up to a medium level for memory care, and Mr. Ferentinos stated he feels they would cater to a similar client base.

Ms. Reiss stated the Planning Commission was concerned about the parking, the front entrance adding that they felt there was no way for a truck to go around to deliver the food, and the 25' setback. She stated understood why there was one entrance although they were a little concerned because of emergency reasons. Mr. Murphy stated there was also a question raised at the Planning Commission by a neighbor about stormwater. He stated it was regarding the one corner of the site that does not flow to I-95 but flows across Stony Hill Road, and they wanted to know how that water was going to be managed as opposed to going overland as it does now. Mr. DellaCarpini stated they did look at that, and he showed on the Plan where water is currently collected and piped underneath Stony Hill Road; and while they have not gotten into stormwater design, they have looked at the drainage area. He showed this small portion and stated everything else goes underneath I-95. He stated this small portion represents approximately 7% of the site that flows underneath Stony Hill. He stated they will meet the stormwater requirements.

Mr. Ferentinos stated with regard to the parking, some locales do not want them to put even one more additional parking stall; and in this case, they are providing parking at slightly higher level than what the ITE Standards call for which are between .4 and .6 spaces per bed. Mr. Benedetto stated he understands that there was a discussion at the Planning Commission about leaving some of those spaces in reserve. Mr. Ferentinos stated they have done that in other cases as well.

Mr. Benedetto asked if Manor Care is a competitor as well, and Mr. Ferentinos agreed they are.

Mr. DellaCarpini stated with regard to the access to the site, their initial Plan did have two accesses lined up directly across from the two existing driveways; however, the feedback they got from the Township was that the one was a little too close to coming over I-95. He stated he feels that two accesses were desirable, and if the Board was in favor of that, they would do it; however, they can make one access work. Ms. Tyler stated that road is a very busy artery which will be getting even more traffic with the new development coming in the area.

Mr. Benedetto asked if they will go next to the Zoning Hearing Board, and Mr. Murphy stated they have not yet made an Application as they wanted to get the Board of Supervisors' reaction first. He stated he feels it would be July at the earliest that they could go before the Zoning Hearing Board.

Mr. Fritchey stated he feels they have a lot proposed for a small space, and he is concerned about the traffic flow and elderly people with memory and confusion issues being exposed to what he feels is a lot of noise from the Interstate highway.

Ms. Reiss stated she feels it is a lot in a pie-shaped lot, and they are putting a square in a triangle. She stated she is also concerned about being 25' from an Interstate, and there is the possibility of a truck having an accident and coming down the hill. She stated trucks going down the road at 11 p.m. or later are not going the suggested speed limit. She stated it is noisy enough that people who live in homes with a lot larger setback are complaining even with noise barriers. She also added the Bridge Commission is not likely to do much of anything.

Mr. Lewis stated he also has concerns about the setback from I-95. He stated his other concern as it relates to traffic is that there is another proposed development very close to this property which will be multi-family housing; and he hears already from those working at the Lower Makefield Corporate Center, that it can be very difficult to get in and out of that office building. He stated he agrees that this use may not have the same peak periods, but if they add this facility and multi-family housing along with the special events that occur at Shady Brook Farm, it is a concern. Mr. Lewis stated he does see the value of the facility serving people with these issues, and he appreciates that.

Ms. Tyler stated her concern is that the building was not designed for that parcel, and it was dropped on that parcel rather than being designed around it. She stated if the shape of the building followed the format of the parcel, she feels there would be more room. She stated she also agrees with the concerns expressed about the proximity to I-95.

Mr. Eisold stated they have looked at the Sketch Plan, and agreed that the shape of the parcel does not seem to mesh with the building. He stated he does not know what their options are as far as design, but he feels they should be able to eliminate some of the Variances with some modifications. Mr. Eisold stated they have not yet seen the actual grading or the contours. He stated he feels there might be a way to modify the building if they would be willing to use a different method than they have used at other places in order to make this work.

Mr. Benedetto stated he is concerned with how this fits in with what they are looking to do at Edgewood Village. He stated there is a Master Plan in place for development of the Edgewood Village. He stated Sunrise and Manor Care are already in the Township, and he does not feel that this use fits in with what they are looking to do with this particular area. Mr. Benedetto stated he is hesitant to change the Zoning, and it is Zoned R-1 although there is a Special Exception for a nursing home. He stated when they are trying to have Edgewood Village be a hub for the Township, and he does not feel this use fits into that.

Ms. Tyler asked if single-family homes were to be built there, what would be the number of homes that could be built there. Mr. Fedorchak stated if there are five acres and it is Zoned R-1, possibly they could get four homes there.

Mr. Murphy stated they will take another look at the Plans to see if they can make some adjustments.

Mr. Zachary Rubin asked if this would be a ratable, and Mr. Murphy stated it would. Mr. Rubin stated he agrees with what the Supervisors have stated; however, a number of years ago Mr. Murphy represented Sunrise, and Mr. Rubin was a Party to the Zoning Hearing Board Application and opposed that Application because of his concerns with emergency vehicles, traffic, etc. He stated since that has been built he admits that he was incorrect, and he feels it was a good addition to the neighborhood because it does not create a lot of sound or traffic; and he would be in support of these types of facilities, but not necessarily on the parcel they are discussing.

DOBRY ROAD HOUSING DEVELOPMENT SKETCH PLAN

Mr. Edward Murphy, attorney, and Mr. Mark Havers, engineer, were present. Mr. Murphy stated this is a Plan that the prior Board of Supervisors had seen in 2015 and had a chance to review and comment on. Mr. Murphy stated it has now been the subject of an engineered Plan that was submitted to Boucher & James, and there has been identified a few items of Zoning relief. Mr. Murphy stated with the advent of the new Board it was felt that they should re-present the Plan so that the new Board could review it before they make a formal Application to the Zoning Hearing Board. Mr. Murphy stated they had an opportunity to meet with the Township staff approximately one month ago and reviewed some of the items of Zoning relief and some suggestions were made during that staff meeting as to ways they might modify the Plan to eliminate some items of Zoning relief. Mr. Murphy stated they want to show the Board the Revised Plan before they submit the Zoning Hearing Board Application. Mr. Murphy stated with regard to sewer service, this property would also go to Morrisville and not to the Neshaminy Interceptor.

Mr. Murphy stated there is a provision in the Zoning Ordinance that states that the height of grasses in a wetlands area defines how big the buffer adjacent to that wetland area is. He stated as the area is more maintained, and the grass is shorter, the buffer gets wider. Mr. Havers showed an area on the Plan, and Mr. Murphy stated that area is a defined wetland area; and adjacent to it is a required buffer. Mr. Murphy stated the property that is a wetlands area is on private property; yet for reasons that no one can explain, the Township has been maintaining and mowing it for years. Mr. Murphy stated because the area has been mowed, the buffer required is much wider. He stated their intention is not to mow these wetlands areas as they are supposed to be left alone.

Mr. Havers stated he was out at the site; and they talked to the Township employee who was mowing it who indicated that he had been mowing it for twenty years. Mr. Murphy stated when they stop mowing it, the buffer requirement will be reduced from 100' from 50'. He stated there was previously an area that was going to encroach on that, and it was suggested that they move the building out of that area, and they have done that. Mr. Havers stated they will have a 50' buffer, and their intent is to plant the buffer so that it will support the wetlands.

Mr. Benedetto noted a building on the far left of the Plan against the buffer, and he asked what that is proposed to be. Mr. Havers stated they have two Plans to present tonight showing the recreational space in two different areas. He stated one provides recreational space in the area they were just discussing. Mr. Murphy stated the staff felt that was not centrally-enough located to benefit the residents, and they suggested that it be re-located to another area which is what the second Plan shows. Mr. Havers showed the other Plan which shows the recreational space in the middle of the community. Mr. Murphy stated he believes that most people prefer that option provided that there is a full network of sidewalks installed internally and along the road so that people can access it.

Mr. Fritchey asked what the recreational area consists of; and Mr. Havers stated it has not been formally designed, but they are thinking of some bocce courts, a gazebo, a community garden, and possibly horseshoe pits. Mr. Benedetto asked the size of the area, and Mr. Havers stated it is approximately one acre.

Ms. Tyler asked that Mr. Fedorchak look into the piece of private property the Township has been mowing for years. Mr. Havers stated they plan to replant the buffer with wetland plants so that it will create a true wetlands buffer. Mr. Murphy stated once they stop mowing it, and replant it and encourage the wetlands growth, they will then need only a 50' buffer rather than the 100'. He stated once the grass gets 12" in height, they will no longer need a Variance. Ms. Tyler stated she does not feel that will buffer them from the train noise.

Ms. Reiss stated she understands that they have added the sidewalks, and Mr. Murphy agreed. He stated they also reduced the density so that they no longer need the Variance for that. He stated the other relief that the prior Administration had supported was that the Ordinance indicates that when you have a community like this you are supposed to have mixed units with a quad, a single and/or townhouse; however it was agreed that it would be better for this community if it were more homogenous provided the building elevations were changed. Ms. Tyler stated the Planning Commission and the prior Board were in favor of this.

Mr. Benedetto stated the proposal is for nineteen quads which would be seventy-six units that are similar to what McGrath has in Newtown, and Mr. Murphy agreed. Mr. Lewis asked if the buildings will be visually differentiated in some way, and Mr. Murphy agreed they talked to the staff about having the elevations be slightly different. Mr. Lewis asked if they could have different facades; and Mr. Murphy agreed, adding they have some photographs which they can show the Board when they come back. Mr. Lewis asked that they pay attention to the house numbering so it is not confusing.

Ms. Tyler noted the three quads near the buffer, and she asked how these residents would get to the recreation area. Mr. Havers showed how they could walk and also stated there are four to five parking spaces at the recreation area so they could drive there as well. Ms. Tyler asked about the ability to walk around the development, and Mr. Havers showed the internal sidewalks and sidewalks going around the recreational area. Ms. Tyler asked where the sidewalks are around the three units near the buffer. Mr. Havers stated they are not showing them; but if that is desired, they could provide that. Ms. Tyler asked about the density, and Mr. Murphy stated the density has been revised so that it meets the Ordinance. He stated on an earlier Plan they showed over a year ago, there was a slight increase over the allowable density; and they agreed to reduce it. Ms. Tyler asked what it will do to the impervious surface if they include the sidewalks so that the people can walk around the development, and Mr. Havers stated they will comply with the requirements.

Mr. Benedetto asked what Zoning relief they still need, and Mr. Murphy stated they need it for the unit mix. Mr. Havers stated they also need a Variance from the 50' perimeter yard setback which is supposed to be taken from the buffer yard which would be an additional 50' on top of that. Mr. Fritchey stated their Variance issues are designed to permit the quad on the bottom left. Mr. Murphy stated they had a choice of moving that to the area where the recreation is proposed in the center, but they were advised everyone wanted the recreation area more centrally located. Mr. Fritchey stated if they took out the one quad, there would not be any Variance issues, Mr. Havers stated the 150' buffer would impact possibly three buildings.

Mr. Havers stated there is a requirement for the 100' buffer from the wetlands and another 50' buffer from that so it would be 150' which would impact the second building as well.

Mr. Benedetto stated when there was a previous development proposed for this property with less units than what is proposed now, there was a concern about water run off. Mr. Havers explained the stormwater proposal which will reduce the rate below existing conditions. He stated they have done infiltration testing, and infiltration is poor because of the soil; and they have ideas on ways to reduce volume. Mr. Benedetto expressed concern with the additional traffic but stated because of the proximity of other lights, there is no ability to put in an additional traffic signal. Mr. Havers stated they did look into that and found that it would not meet the Warrants required. Mr. Murphy stated that was the initial reaction by the traffic consultant, but they did discuss having everyone discuss this with PennDOT. He stated they are willing to look into this further. Ms. Tyler asked about having a right-turn only, and Mr. Murphy stated they will have to see what PennDOT has to say.

Ms. Tyler noted the unit closest to the recreation area in the center, and she asked if there are any setback issues related to that building; and Mr. Havers stated there are not. Ms. Tyler asked if there are any setback issues with respect to the two units that stand alone at the top of the Plan or the four on the right, and Mr. Havers stated there are not. Ms. Tyler asked about the units on Dobry, and Mr. Havers stated that there are no setback issues with those. Ms. Tyler stated the only setback issue they have on the entire Sketch Plan is the 50'/100' buffer, and Mr. Havers agreed.

Mr. Eisold stated they also do not want to use the setback from the natural resources, and they want to use it from the property line; and Mr. Havers agreed. Mr. Havers showed areas on the Plan that are considered resource protected. He stated the Ordinance requires that the setback be taken from wherever the resource protection land is, and they are asking for the wetland area to take the setback from the wetland itself and not the conserved area; and for the small areas which have been defined as woodlands, to be able to take it from the property line. Mr. Havers stated they are providing 50' from the property line. Mr. Eisold stated he is not sure that they have shown all the natural resources on the Plan; but it would definitely encroach on a number of the units if they took the 50' setback off the resource protection land. Mr. Havers stated he will look into this further.

Ms. Tyler stated she feels this is a big issue as it relates to the density of the development. Mr. Havers stated most of the woodlands are actually on the adjacent property. Ms. Tyler stated there is an additional setback, and she would like them to look into this further; and Mr. Murphy agreed. Ms. Tyler stated she feels this will significantly impact the number of units they can put on the parcel particularly when they add the sidewalks.

Mr. Benedetto stated he is concerned about the density especially when you consider the traffic that will be coming out. He stated he is familiar with the McGrath Development in Newtown that has similar units which are age-restricted units as well. Mr. Havers stated the traffic generated is much lower than a normal single-family non age-qualified development and is also typically off peak as well so it is a good use as far as traffic. Mr. Benedetto stated there were also concerns about water run off previously, particularly by the EAC and some surrounding residents.

Mr. Murphy stated they will clarify the setback from the natural resources so that everyone has a clear understanding of the impact and come back to the Board.

Ms. Reiss stated she feels this is a lot of units for the space.

Mr. Zachary Rubin asked if the internal road will be a private road, and Mr. Havers agreed. Mr. Rubin asked the width of the road, and Mr. Havers stated it is proposed to be 25' wide. Mr. Rubin stated since it will be owned by the Homeowners Association, they could ban parking on the road or permit it. Mr. Rubin noted the Regency Development where there was a gross mistake made with regard to the width of the roads and parking. Mr. Rubin stated if the road is 25' and the Association permits parking, there could be cars on both sides of the road; and he asked if this would be passable for emergency vehicles. Mr. Rubin asked the width requirement for a public road, and Mr. Eisold stated it is 26'. Mr. Rubin stated he does not want the Township to make the same mistake they made with Regency. Mr. Rubin stated everyone knows this is a four-lane highway, and it would be a "nightmare" for any car exiting wishing to go to McCaffrey's during rush hour. He stated while he is not advocating a light there, he feels this will be a "failure intersection."

Ms. Reiss stated she is also concerned about the width of the road and the inability to accommodate guest parking. Ms. Tyler specifically noted the middle six units and asked how many parking spaces would be available. Mr. Havers stated there would be two spots for each unit – one in the garage and one in the driveway. Ms. Tyler asked if there is additional parking contemplated anywhere else on the site to accommodate guests, and Mr. Murphy stated they could park on one side of the street. Mr. Benedetto stated at the McGrath Development in Newtown, it is rare to see cars parked on the street; but if there are cars parked on the street, it is difficult. Mr. Benedetto stated he agrees with Mr. Rubin that coming out of Dobry onto Oxford Valley, particularly if you want to make a left, is very difficult.

Ms. Tyler stated if there is parking on one side of the interior roadway, she is concerned that there could be issues with emergency vehicles getting in and out. Mr. Fritchey stated the Board is concerned about density and parking.

Mr. Truelove stated the Board met in Executive Session starting at 6:45 p.m. and items of litigation and real estate were discussed.

ZONING HEARING BOARD MATTERS

With regard to the Rob Ambler, Ambler Industries LLC Variance request for Benjamin Bunin for the property located at 840 Winthrop Drive in order to permit construction of a patio with sitting wall resulting in greater than the permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Lewis stated the Economic Development Commission is preparing a revised LMT Business Survey which goes out to business owners, and they are widening the scope but keeping many of the questions the same so they have a base line to monitor economic activity in Lower Makefield and confidence levels over a longer period of time. There was also some interest about the potential of art installations within the Township, and the potential for economic development around that. Mr. Lewis stated the Electronic Media Advisory Board met and received the first version of the new Website which they are starting to review.

Ms. Reiss stated they still need people to serve on the Special Events Committee as currently there are only three members; and to be effective they could use some men as well since they are planning a Home Run Derby. Ms. Tyler stated it is very important to get people to step forward to serve on the Special Events Committee which is a fun Committee and will help build community. Ms. Reiss stated it would not be time consuming, and there will not be a lot of meetings involved.

APPROVE RESOLUTION NO. 2303 EXTINGUISHING VETERANS SQUARE LEASE AND CONFIRMING DEDICATION TO THE TOWNSHIP

Mr. Fedorchak stated a few years ago the Board of Supervisors executed a ground lease with the Veterans Square Foundation to construct a monument, and they accomplished that task. Mr. Fedorchak stated it is recommended that the Board

approve the Resolution which is accepting Dedication of the monument back to the Township, and it will be the Township's responsibility to own and operate it in perpetuity.

Mr. Fritchey moved, Ms. Reiss seconded and it was unanimously carried to approve Resolution No. 2303 Extinguishing the Veterans Square Lease and confirming Dedication to the Township.

OTHER BUSINESS

Mr. Adrian Costello, 2122 N. Crescent Boulevard, asked the deadline for any Appeal for the horse hospital. Mr. Truelove stated he believes that it is May 19.

There being no further business, Mr. Lewis moved, Ms. Tyler seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary