

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – AUGUST 17, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 17, 2016. Chairman Benedetto called the meeting to order and called the Roll.

Those present:

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

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

PROCLAMATION RECOGNIZING DEAN DICKSON FOR ELEVEN YEARS OF SERVICE ON THE PLANNING COMMISSION

Mr. Benedetto stated Mr. Dean Dickson has recently resigned from the Planning Commission and will be missed. Mr. Benedetto read the Proclamation into the Record. Mr. Dickson stated it has been an honor to serve the Township.

PROCLAMATIONS RECOGNIZING LMT POOL EMPLOYEES JEFF BROWN, MADELINE DOUCETTE, WES SHEFFER, JACKSON SIZER, AND ALI BARAHONA

Mr. Jeff Brown stated he is the Pool Manager at the Community Pool; and on July 11, 2016, Ms. Madeline Doucette, a lifeguard at the Pool, observed a boy in trouble; and she initiated the emergency action plan. She entered the Pool and handed him to Mr. Wes Sheffer, the Manager on duty, who worked with Ms. Doucette to clear the boy's airway. He stated Mr. Jackson Sizer, Head Lifeguard, and Ms. Ali Barahona also assisted. Emergency personnel transported the boy to the Hospital for observation, and he was released later that evening and returned to the Pool to swim the next day. Mr. Brown stated a near tragedy was averted because of the Pool staff. Ms. Tyler thanked them for handling this so professionally. Mr. Benedetto reviewed their experience at the Pool, and thanked them for the work they did. Ms. Tyler thanked Mr. Brown for his leadership skills.

PUBLIC COMMENT

Ms. Lisa Gage, 1117 Glen Oak Drive, invited the community to the fourth annual Yardley Peace Festival to be held on Sunday, September 18 from 12 to 6 p.m. in Buttonwood Park in Yardley. She stated it will include live music, interfaith messages, a peace circle, and tables from local businesses and non-profit organizations. She stated if there are questions or if there are organizations or businesses that would like to be involved, they should call 215-321-0305.

Mr. Benedetto noted that Ms. Gage has been doing the Township's Newsletter, and they hope to have the next one out by October.

Mr. Don Wilcox, 81 N. Delaware Avenue, stated he is a member of the Bucks Residents for Responsibility Airport Management (BRRAM). Mr. Wilcox stated BRRAM is seeking to compel the FAA to conduct an Environmental Impact Study (EIS) as directed by an earlier Court case. He stated BRRAM is not working to shut down the Airport. Mr. Wilcox stated in February the Board of Supervisors restated that they supported BRRAM's efforts, and BRRAM has kept the Board informed of new developments through e-mails to Counsel. Mr. Wilcox stated BRRAM filed suit in District Court in Trenton rather than the Court of Appeals because there was no known Order publically issued by the FAA reviewing and authorizing the use of Trenton Mercer Airport as a high-frequency air carrier. He stated BRRAM was challenging non-action by the FAA contrary to the mandates of NEPA. Mr. Wilcox stated the question when the lawsuit was initially filed was whether the FAA had a duty to prepare an EIS as they promised to do and to review the exponential number of flights per week.

Mr. Wilcox stated another low-cost, high-frequency airline, Allegiant Air, has announced that they will be flying out of Trenton starting in November. Mr. Wilcox stated BRRAM is working to determine if any improprieties have transpired as no Environmental Impact Study has been done as was the case with Frontier Airlines.

Mr. Wilcox stated with regard to BRRAM's most recent Appeal in the Third District Court of Appeals in Philadelphia, the Court has communicated that a Hearing date has been scheduled for September 22, and they encourage all to join them there. He stated there will be more information to follow on the BRRAM Facebook page and by e-mail. Mr. Wilcox stated Counsel has continued to represent LMT and BRRAM, and since June BRRAM has raised over \$1,800 to help defray the costs; and they are working to get support from other Municipalities as well, although Lower Makefield is the most heavily impacted area and air traffic is poised to increase shortly because of Allegiant Air. Mr. Wilcox stated as they continue their work, balances remain for services rendered on behalf of LMT; and they share the

invoices with the Board of Supervisors. He stated BRRAM has acted responsibly, and they would encourage the Board of Supervisors to financially support BRRAM for the efforts already transpired.

Mr. Benedetto stated it is his understanding that the Township is currently not a Party to the litigation. Mr. Truelove stated he checked the docket a few weeks ago, and Lower Makefield is not a named Party in the litigation.

Ms. Eileen Killeen, 1116 University Drive, stated she is also a BRRAM member; and she stated she feels a Motion was made with Lower Makefield's permission. Ms. Tyler stated she believes a Motion to Amend was made in the District Court of Trenton, and simultaneously they issued the Decision dismissing the complaint so the Motion was never heard; and Ms. Killeen agreed this is why the Township is not officially on there.

Mr. Benedetto stated he understands the outstanding bills are approximately \$40,000, and Ms. Killeen agreed. Ms. Tyler suggested that Mr. Truelove's office appear at the September 22 oral argument so that the Board can get a report from the Township's solicitor.

Ms. Loretta Partridge, Knoll Drive, stated the woman who lives at 1217 Yardley-Morrisville Road, which is at the corner of Maplewood Lane and Yardley-Morrisville Road, has made a public Township road a private road. Ms. Partridge stated signs were put up on either side of Maplewood Lane and fifty feet down there is a barrier of eight cement cinderblocks with wood so that no one can get through. Ms. Partridge stated she has a family member who lives in that area who needed an ambulance; and because of the barrier, it added three to four minutes to get to their home. Chief Coluzzi stated they will have someone look into this tomorrow. Ms. Partridge stated she did make the Township Office aware of this situation.

Ms. Bobbie Moore, Yardley Business Association, noted this is Restaurant Week in Yardley Borough and she listed the restaurants involved.

Mr. Larry Wind, 1054 Buck Creek Circle, asked if the Township attorney could look into whether it would be appropriate to place on the ballot a Referendum about the Board's ability to get involved with BRRAM and to raise the taxes by a certain millage to offset what might be declining taxes due to the impact of the Airport over certain areas of the Township. Mr. Benedetto stated he feels the Board is elected to make decisions and putting this on the ballot would be the wrong way to go.

Mr. Peter Kakoyiannis, 1413 Silo Road, stated there is now another airline proposed to come into Mercer; and he stated he feels the Board should reach out for members of a Task Force to look into options in addition to the litigation. He stated they should invite the two State Senators and two U.S. Representatives to address the concerns and make commitments as to what they would do. Mr. Benedetto stated the current litigation has to play out so that they can then see if there is an ability to have an ad hoc committee. Mr. Kakoyiannis stated he feels they can run on parallel tracks. He stated the political process may work before the legal process as litigation is a long, arduous, expensive process. He stated he feels they should work with the elected officials now. Mr. Benedetto stated his understanding was that those elected officials could not contact the FAA to use political pressure since it is in Court. Mr. Kakoyiannis stated he is not sure that contacting the FAA is the approach, and a task force of knowledgeable people could explore different avenues.

Ms. Tyler asked if the introduction of Allegiant gives BRRAM a fresh start. Mr. Kakoyiannis stated a task force may find that this is one tract they can consider but they could also get the U.S. Senators and the Representatives to work on this in Washington so it is not so burdensome and costly to the Township. Ms. Tyler agreed that the officials should be asked to speak about this.

Ms. Laura Hucklebridge, 1051 Drew Drive, stated she was able to buy her “dream house;” and now they have planes flying over their house all the time; and it is effecting their family. Mr. Benedetto asked if she knew this was an issue when she purchased her home, and Ms. Hucklebridge stated she knew that there were planes flying higher to get to New York; but these planes look like they are going to land in her yard. Ms. Tyler stated just because a situation exists when you move into the Township does not preclude the Township from trying to better the situation and bring a better quality of life, and she noted the Quiet Zones and the trains. Ms. Tyler stated the planes are not a problem for a number of residents in the Township because they are not in the flight path.

Ms. Sue Herman, 1977 Boxwood Drive, stated she sent the Board a letter dated February 10, 2016 with regard to BRRAM. She stated in that letter she indicated that there are limited air spots for planes to utilize, and expanding the Airport will widen the cone and lower altitudes will mean planes will be flying lower over Pennsylvania as the main runway faces this direction. She stated planes will be flying low enough that it will interrupt the students education as they fly over schools. She stated people are also not able to enjoy their properties or sit outside due to the noise levels. She stated research has also shown that real estate values can decrease proportionately based on the noise level experienced by an airport.

Ms. Herman stated she hopes the Supervisors will do everything they can to protect the residents. She stated she would agree that a Task Force should be pulled together by the Board including the Township solicitor and that politicians at every level be brought in to advise what they are willing to do. She also asked that the Board of Supervisors assist BRRAM in reimbursing counsel. She stated this is a Township-wide safety crisis, and she does not feel the Township residents should have to continue to plead for Township assistance on this issue.

Ms. Tyler stated she would be interested in writing letters to those above the Board to come to a meeting and to find out from the those lawmakers the rules and regulations with regard to the airport. Mr. Lewis stated he would also be in favor of writing to the FAA and the Mercer County Airport. He stated he feels there should be a sharing of the noise burden by changing flight paths. Ms. Tyler stated the introduction of Allegiant may be an opportunity to “restart the clock.” Ms. Reiss stated she has discussed this with the Mercer County Commissioners’ office, and they get the same calls from the Pennington area residents about planes taking off; and they also feel they are not getting any answers. Ms. Reiss stated Mr. Fitzpatrick has been contacted about this problem. Ms. Reiss stated the FAA is a quasi-government unit, and she feels the Township would be better off talking with them to see if they could change the flight paths. Mr. Fritchey stated he feels Mr. Truelove should write letters to our two Congressmen and Senators to see what position they are willing to take on this. Mr. Lewis stated beyond just writing letters, he feels there is an opportunity in engaging with the staffs of the Senators and Representative Michael Fitzpatrick and that a meeting be set up.

Mr. Kakoyiannis stated he feels they should form the Task Force tonight and appoint a Task Force Chair and between now and October invite those who are up for election for the House and the Senate to address the Task Force recommendations. He stated he feels this would be more effective than sending letters. Mr. Lewis stated he feels they could get the candidates for Congress and working with their staffs would also be effective. Ms. Reiss suggested that BRRAM approach the staffs since BRRAM is very well organized and knowledgeable. Mr. Kakoyiannis stated the Board is the vocal point for the Township. Mr. Benedetto asked Mr. Kakoyiannis if he would be willing to serve on the Task Force; and Mr. Kakoyiannis stated while he is, he feels they need to have members on the Task Force who bring different perspectives and not all lawyers.

Mr. Benedetto moved to establish a Task Force to examine alternatives at the Trenton Mercer Airport to be comprised of six people. There was no second to the Motion at this time.

Mr. Benedetto stated those interested in serving on the Task Force should send in an Application and the Board can conduct interviews. Mr. Fritchey stated he does not feel it should be all BRRAM people since there are many people in the Township who feel the opposite way from BRRAM and see this as an effort to limit air flight out of Trenton, and many people feel it is desirable to have flights out of this Airport. He feels any Task Force would have to be broad based within the entire Lower Makefield community. Mr. Fritchey stated he disagrees with the comments that have been made about falling property values in Lower Makefield Township.

Mr. Benedetto moved and Ms. Tyler seconded to establish a Trenton Mercer Airport Review Panel comprised of seven people to be opened up to all Township residents. It was agreed that the Liaison will be Ms. Tyler. Motion carried unanimously.

Ms. Joanne Guiniven, 986 Cultipacker Road, stated while they can divert some of the flights, if the number of flights quadruples, we have not gained much. She stated what they want is to have the FAA follow the rules. She stated there are some neighborhoods where house values are going down if they are under the cone area. She stated the rest of the Township will then have to make up for that. She stated while approximately \$100,000 has been spent on this issue, that has been spent over twenty years which she feels is a small amount compared to what is spent on open space. She stated BRRAM has spent its own money for the benefit of the Township, and the Township needs to help them pay these bills since this is for the benefit of all the Township.

Ms. Mary Borkovitz and Mr. Douglas Brodowski, Bucks County Performing Arts Center, were present. Ms. Borkovitz stated she founded this organization in 1978. She stated they are facing some issues; and they are concerned that they, like many other cultural organizations, could disappear. She stated they could not have done anything without the support of Lower Makefield and recognition of that support appears on everything they publish. She stated from 1978 to 2006 they held programs at the Lower Makefield Township meeting room, and now hold them in at the Yardley Borough Community Center. She stated when the Lower Makefield Community Center is built, they hope to be able to hold programs there. She stated in 1998 the Pennsbury School District partnered with them as well. She stated they have been able to raise close to \$400,000 through Grants and the community for education and the performing arts.

Ms. Borkovitz stated with the slow economy, they have found it harder to bring in sufficient funds to pay for the performing arts. She stated they are asking the Board for an additional \$4,500 in addition to the \$10,500 the Township already gives them

which will result in a total of \$15,000 annually. Mr. Benedetto asked if that would be for the current year as well, and Ms. Borkovitz stated they are requesting that it be for this year as well. Ms. Tyler stated having reviewed the donor list, the Township is tenfold higher than any other donor. She asked how long the Township has contributed \$10,500 annually, and Ms. Borkovitz stated she feels it has been three to four years. After review it was noted that there have been varying amounts over the years. Ms. Reiss asked about the Grants, and Ms. Borkovitz stated the Grant went away in 2009.

Mr. Benedetto asked if they will be able to have their fall program with the funds they have, and Ms. Borkovitz stated she is not sure. She stated they are working with a group of local business executives with a plan of raising additional money on a three-year basis. Ms. Reiss asked if there are Grants available from the National Endowment for the Arts, and Ms. Borkovitz stated they are not large enough to qualify for that.

Mr. Benedetto stated he would support a Motion for an additional \$2,500 for 2016 and discuss increasing it to \$15,000 for 2017. Ms. Tyler stated she feels since the Township is the major contributor, they should look at the books. Mr. Lewis stated he agrees they should look at the financials before they make any decision. Mr. Lewis noted the Township's Budget season starts soon. He asked if they have a Lease arrangement with Yardley Borough, and Ms. Borkovitz stated they pay a per-concert rental fee of \$300 per concert. Mr. Lewis asked if Yardley Borough contributes anything, and Ms. Borkovitz stated they do not although her organization has tried to get a contribution from them for many years. Mr. Lewis stated the Borough is benefitting from this in terms of the rental and restaurant business, and Ms. Borkovitz agreed. Mr. Lewis stated he is willing to look into Ms. Borkovitz's request but wants to review the books and include the discussion as part of the Budget process. Ms. Tyler stated she agrees with Mr. Lewis as this involves the giving of Township monies so they need to do their due diligence.

Mr. Benedetto stated he would be willing to give some additional funds now if there is the possibility that they are in jeopardy of not being able to provide their program in the fall since there is a history of providing funds to this organization.

Ms. Reiss stated she feels the restaurants in Yardley Borough should be willing to make a donation since they benefit from this, and Ms. Borkovitz stated they do solicit from the Yardley Borough businesses every year and a page goes from \$50 to \$250 which brings in \$5,000 to \$6,000. Ms. Borkovitz stated they also have corporate businesses that sponsor concerts, and the corporate amount is between \$300 and \$3,000. Mr. Benedetto asked how someone could make an individual donation to their organization, and Ms. Borkovitz stated checks can be made out to Bucks County Performing Arts Center with the address being 1140 Edgewood Road.

Mr. Frank Fazzalore stated he is in support of the Bucks County Performing Arts Center and was once their Treasurer. He stated he was also once President of the Delaware Valley Philharmonic Orchestra, and they worked very hard on fund raising. He said his term ran out and two years later that organization was gone. He stated there is a need for culture, and the Township should support this organization. Ms. Tyler stated they do have a long-standing relationship with them, but they are now asking them to push the amount up to \$15,000 annually. She stated she feels the Board is obligated to do their due diligence to make an educated decision. Mr. Benedetto stated he hopes they can do this before the next Supervisors' meeting.

Ms. Borkovitz stated she also spoke to Mr. Benedetto about putting out their annual brochure with the Township Newsletter which would reach more people. Mr. Benedetto suggested they work with Ms. Gage on this. Ms. Borkovitz stated their first program is in October.

Mr. Doug Brodowski thanked the Board for all their support over the years, and also thanked Ms. Borkovitz for all the work she has done over the years. He discussed some of the programs they have presented for people of all ages. He stated he wants to work to make sure this program is a success.

Mr. Joe Menard, 917 Putnam Drive, stated he would be willing to volunteer the Citizens Budget Committee to get involved to review the financials; and Mr. Benedetto agreed to this.

APPROVAL OF BOARD OF SUPERVISORS MINUTES OF JULY 20, 2016

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

APPROVAL OF AUGUST 1, 2016 AND AUGUST 15, 2016 WARRANT LISTS AND JULY, 2016 PAYROLL

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve the August 1, 2016 and August 15, 2016 Warrant Lists, and July, 2016 Payroll as attached to the Minutes.

AWARD COMMUNITY CENTER BIDS AND APPROVAL OF RESOLUTION #2307
APPROVING SEWER PLANNING MODULES FOR THE COMMUNITY CENTER

Mr. George Hibbs was present and stated on July 25 multiple Bids were received and read aloud at the Township Building for the proposed Community Center. Per the request of the Board of Supervisors two separate projects went out to bid – a larger Community Center Option A of approximately 7,900 square feet and a smaller Community Center Option B of approximately 5,400 square feet.

Mr. Hibbs stated for Option A with all the multiple prime Bids and all the alternates, the sum total was \$2,839,900. For Option B the sum total of all of the Bids inclusive of all alternates was \$2,473,900. Mr. Hibbs stated for both of these Bids the General Contractor was Gordon H. Bayer, Inc. and for both projects the electrical low bidder was the same that being QPI Electrical. He stated the HVAC low bidder for both projects was B & E Boiler Works, and the plumbing low bidder was Guy M. Cooper for both A and B.

Mr. Hibbs stated there were a series of Alternates. He stated Alternate 1 for both projects was all millwork, appliances, plumbing, and finishes in the kitchen. Alternate 2 is an exterior patio. Alternate 3 was a folding partition in the middle of the multi-purpose room. Alternate 4 was millwork and sinks in the classroom for both projects. Alternate 5 was the majority of the landscaping although included in the Base Bid was some minor landscaping along the front.

Mr. Hibbs stated his office along with Mr. Truelove reviewed all of the Bids and paperwork received from all of the Bidders, and these are all upstanding firms and their references came back solid. He stated these are firms that have been in existence for many years and have done good work in many localities. Mr. Hibbs stated he feels they complied with all requirements that were set forth. Mr. Hibbs stated in Option A they will have 2,500 square feet more than in Option B. He stated Option A is \$361 per square foot, and Option B is \$461 per square foot. Mr. Hibbs stated in Option A the multipurpose room is 320 square feet larger and there are two classrooms where in Option B there is one classroom. He stated Option A also contains a storage room for tables and chair and has additional toilet facilities although there are a sufficient number of toilets in Option B. Mr. Hibbs stated Option A has a covered side patio. He stated Option A also has windows across the top in the multi-purpose room. He stated Option A also has a larger volume and the lobby is enhanced. He stated architecturally Option A has slightly more distinction as there is a stone base around the entire perimeter where B only has it on the two front sides. Mr. Hibbs stated he feels they would get more for their money with Option A than with Option B.

Ms. Reiss stated she feels they should do this right the first time, and she is in favor of the add-ons. She stated she would be in favor of Option A which is in the best interest of the Township in the long run.

Mr. Fritchey stated he agrees with Mr. Hibbs; and for a difference of approximately \$350,000, they will get a building that is 40% bigger. He stated he does not feel they should build an undersized building to save \$350,000 if they are spending \$2.5 million. He stated they also have the \$1 million State Grant; and these are tax monies they have paid to the State which they will get back in order to be able to build a Community Center that they have been trying to build for twenty years. Mr. Fritchey stated the Township has had this land for over twenty years, and it is sitting fallow. He stated over the span of twenty years, there are countless people who have lived in the Township and who have not had the benefit of this Center; and he feels it is time to act decisively and move forward. He stated he would be in favor of Plan A.

Ms. Tyler asked for further information regarding the add Alternates. Mr. Hibbs stated with regard to Option A, Alternate 1 is \$67,500 for the General Contractor, \$2,600 for the electrician, and \$3,000 for the plumber for a sum total of \$73,100. Ms. Tyler asked what is involved for the kitchen. Mr. Hibbs stated in the Base Bid, they are only getting the mechanicals, the ceiling, dry wall, and the floor. He stated with the Alternate they are getting the appliances, cabinetry, sinks, and plumbing so that it is a full working kitchen. Mr. Hibbs stated for Alternate 2 the sum total is \$10,200 for Option A which is the exterior patio. He stated without this, it would be just grass outside the building. He stated the doors would open out to the exterior. Mr. Hibbs stated Alternate 3 is \$59,200 which is the folding partition and the power to that partition so that the space is divisible for smaller groups in the large multi-purpose room. Mr. Hibbs stated Alternate 4 is \$19,600 which is the millwork and the sinks in the two classrooms and cabinetry so that the classrooms are as multi-purpose as possible. Mr. Hibbs stated Alternate 5 is \$32,800 for landscaping for the entire site. Ms. Tyler asked Mr. Hibbs if he feels they could do better on the add Alternates elsewhere, and Mr. Hibbs stated he does not.

Mr. Lewis asked if they could use any of the trees from the tree bank for the landscaping. Ms. Tyler asked what the landscaping entails. Mr. Eisold stated he believes that any landscaping required by Ordinance is included in the Base Bid, and the Alternate is the foundation plantings around the building itself. Ms. Tyler noted a resident from Waterwheel Drive is present, and Ms. Tyler stated the Board has not forgotten about her screening.

Ms. Tyler moved and Mr. Fritchey seconded to approve Option A as described by the architect, Mr. Hibbs, with the add Alternates.

Mr. Benedetto stated the Board had previously voted on limiting this to \$2.3 million; however he feels if they limited this to Option B, they will be back in five years because they will have a useless building which no one will be able to enjoy, and they will then have to spend additional money to upgrade a facility that they should have done right in the first place. He stated he is also not ignoring the fact that there are tremendous needs in the Township including the sewer; however, this is something that they have been talking about for twenty years and it should have been done before.

Mr. Tom Will, 389 Trend Road, stated the total cost will be higher than the numbers they have been given since they will still have to pay for additional engineering through the completion of the project. He stated typically in a project like this, there are also changes and miscellaneous items which are not hard and fast dollars included in the Bid. He stated that number typically can be 5% to 10%.

Mr. Frank Fazzalore, 921 Queens Drive, thanked the Board for being the group that looked at a problem and solved it. He stated he has been fighting for this for twenty-five years, and he will now have the chance to see it being built.

Mr. Benedetto asked when the project could start if the Board approves it this evening, and Mr. Hibbs stated he feels it could be in a few weeks.

Mr. Zachary Rubin, 1661 Covington Road, asked Mr. Hibbs about the ability for an extension in the future if they proceed with Option A such as adding an additional floor or expanding outward. Mr. Hibbs stated while there would have to be some site adjustments, he feels the building has been set up so that they could expand the first floor in the future. He stated a second floor would entail an elevator for handicap accessibility as well as multiple fire egress stairs.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is on the Environmental Advisory Council. Mr. Dresser asked if the building will be LEED Certified Silver as required by the Green Building Ordinance. Mr. Hibbs stated he believes the Ordinance requirements is that it is not Certified, but that it is equivalent; and Mr. Dresser agreed. Mr. Hibbs stated the building does have the equivalency. Mr. Dresser stated the Township needs to appoint a Green Building Administrator as soon as possible. Ms. Tyler stated they do not unless they are applying for the Certification. Mr. Dresser stated if they are applying for the Certification, they do not need a Green Building Administrator according to the Ordinance; however, if you are not going for Certification this person can be a Township employee or someone they hire that is an accredited engineer that is familiar with LEED or the Ordinance says, “the Township.”

Mr. Benedetto asked if this could be done through someone at the Township engineer's office, and Ms. Tyler stated she feels it would be through the architect. Mr. Fedorchak stated he feels Mr. Hibbs has colleagues on his staff who would be qualified, and they could also check with Keystone Municipal Services. Mr. Dresser stated the whole purpose of the Green Building Administrator is to make sure they have the points. Mr. Benedetto asked Mr. Dresser if he has a recommendation. Mr. Dresser stated while the Township could appoint someone, he feels the EAC should be allowed to meet with them from time to time to make sure the points are legitimate. Mr. Dresser stated Ms. Lisa Grayson is very familiar with LEED Certification and the point system. Ms. Tyler asked Mr. Hibbs to review the Ordinance to see if they are required to have a Green Building Administrator and advise the Board what is required.

Mr. Dresser stated they are getting \$1 million from the State, so the Township will need an additional \$2 million; and he asked if this is coming from the \$15 million Bond Issue, and Mr. Fedorchak stated it probably is. Mr. Benedetto stated there are a number of items in this \$15 million. Mr. Fedorchak stated the amount over the \$1 million Grant which he felt was \$2 million plus was put into the \$15 million so he feels they are covered.

Mr. Truelove stated if they Approve this Motion this evening, they should also simultaneously have another Motion with a Resolution that the funding would come entirely from the anticipated Bond Issue.

Initial Motion for Option A carried unanimously.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried that the remaining funding to fund the Community Center construction come entirely from the recently-approved \$15 million Bond Issue.

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to approve Resolution #2307 approving the Sewer Planning Modules for the Community Center.

A short recess was taken at this time.

AWARD CONTRACT FOR CONSTRUCTION OF QUIET ZONES

Mr. Eisold stated a letter was provided to Mr. Fedorchak dated August 12 regarding the Bid award recommendation. Mr. Eisold stated Bids were opened on July 20 at the Township, and only one Bid on PennBid was received which was from Harris

Blacktopping for a total cost of \$496,936.50. Mr. Eisold stated they checked their references, and they have done work for the Township in the past including road paving projects. Mr. Eisold stated the information has been advertised on the Township Website for the Responsible Contractors Ordinance, and it was posted on 8/10. He stated this needs to run for thirty days, but the Board could make a Motion to approve the award of the project subject to meeting the requirements of the Responsible Contractors Ordinance.

Ms. Tyler moved and Mr. Lewis seconded to award the Bid to Harris for the construction of the Quiet Zones subject to the terms of the Responsible Contractors Ordinance.

Mr. David White, Gayle Drive, stated on behalf of the over 700 families who petitioned the Board to get this done, he thanks the Board and urges them to approve this project.

Motion carried unanimously.

DISCUSSION OF PATTERSON FARM CONVERSATION EASEMENT

Ms. Lynn Bush, Bucks County Planning Commission, was present with Mr. Rich Harvey who runs the Bucks County Agricultural Land Preservation Program. Ms. Bush stated she understands that the Township's objective is to place in permanent preservation the areas of the Patterson Farm that were not previously preserved which are eligible for preservation as they continue in the kinds of uses and are not obstructed in any way by activities that would not fall under the Farmland Preservation Easement. Ms. Bush stated approximately seventy-one acres was placed under Easement when the property was secured by the Township in 1999, and that falls under the Bucks County Open Space Program. She stated there is approximately one hundred acres that is now being discussed with regard to permanent preservation.

Ms. Bush stated the mechanism that they have previously discussed with the Board and which was further explored with the Township solicitor is the use of an Agricultural Preservation Easement model that they have used in the County based on the County and State Easements and which has been used effectively for nearly two hundred farms in Bucks County. It is a State-wide model. She stated they are however suggesting that it be modified somewhat for the purposes of the Patterson Farm because they can make it stricter than is allowed on a State-wide basis. She stated other Counties in Bucks County have done this, and there are things that are considered fine in other parts of the State which they do not always find to be acceptable in Bucks County. Ms. Bush stated the County would be the Easement

holder, and they would be an enforcer of the Easement. She stated they would inspect it on an annual basis to make sure that the terms of the Easement are being followed. Ms. Bush stated there would be no cost or a \$1 cost whatever is negotiated in terms of cost for making this happen.

Ms. Bush stated she has listed the uses which would be permitted under the Agricultural Conservation Easement which are from the State Easement. She stated they have excluded from that list, based on prior discussions, mining and utilities. Ms. Bush stated they would also suggest that they consider restricting further subdivisions although they can allow for this if they wish. Ms. Bush stated in the State model Ordinance there is provision for “rural enterprises.” She stated this would make sense for a farm where there is a farm operator, and it would include things that are agriculture related but might occur off season that are incidental to agricultural production. She stated this would include structures associated with production of energy for the use principally of the farm such as wind, solar, hydro, methane, etc. She stated some other things are such things as Bed and Breakfasts but they might not want to have that as part of this rural enterprise. She stated it also allows for communication antennas on existing buildings.

Mr. Fritchey stated he could envision a situation where tonight they might be indicate there should not be any rural enterprises, but in twenty-five years they might feel that it would be desirable to have wind farming, etc.; and he asked if this is something that could be re-gained. Ms. Bush stated she feels they need to anticipate what they may want there so that it does not have to be “tweaked” as time goes on. She stated their view of spending public dollars to preserve property should be memorialized in a way that the residents/taxpayers can rely on that decision, and it is not subject to “future whims.” Mr. Truelove stated he agrees and he would suggest that they discuss further for a few weeks what they want to exempt and craft this in a way that makes sense. Mr. Fritchey stated he feels that if “rural enterprise” includes alternative energy sources over the next twenty years there could be a change in energy sourcing away from fossil fuels where this may become necessary. Ms. Bush stated they have the opportunity to indicate that alternative energy is something that they would like to accommodate in the future.

Mr. Fritchey asked about other “rural enterprises,” and Ms. Bush read the exact language from the document. Ms. Bush suggested they review the list and decide what makes sense for the Township. Mr. Truelove asked that Mr. Harvey e-mail him the list so that he can make it available to the Board so they can decide which ones may or not be acceptable in the Township.

Mr. Lewis stated the remaining property within the Patterson Farm that would not be protected represents the building area which is the Artists of Yardley, the pack house, the 5.14 acres that is currently in legal dispute, and the mulch area.

Mr. Lewis asked the size of the mulch area, and Mr. Fedorchak stated he estimates that area is approximately seven acres. Mr. Lewis stated under the allowed uses under the Easement he assumes “livestock and livestock products” are farm animals and “timber and wood products” would be forestry which may not be applicable here although it could be in the future if they wish to plant trees around the perimeter or remove trees. Mr. Lewis asked about “aquatic plants;” and Ms. Reiss stated this would be whatever they do with the pond that is there, and there are things that they can actually grow. Mr. Lewis stated he assumes that is not necessarily greenhouse facilities. He asked if hydroponics would be “aquatic” as Bright Farms is in the area, and he asked if that would no longer be a permitted use post-Easement; and Ms. Bush stated she believes that Bright Farms is in the area that is already under Easement and is defined as agricultural.

Mr. Lewis asked about “Commercial equine activity;” and he would suggest after initial review that be revised to be “non-Commercial equine activity,” or that they remove it all together. He stated currently he can see modest interest in livestock products but he is less interested in large-scale Commercial equine operations on the protected farmland. He stated if this were a different area with more reason for Commercial equine facilities for riding activities this may make sense; however, given this particular parcel, he would strongly suggest that they remove Commercial equine activities.

Mr. Fritchey asked the definition of “Commercial equine activity,” and Mr. Harvey discussed what this would include. Ms. Bush stated the Easement specifically excludes anything that is licensed under the race horse industry reform act.

Ms. Bush stated with regard to the seventy-one acres that was preserved under the initial Easement under the Municipal Open Space Program she has listed what that Easement allows for. She stated that Easement requires the allowance of public access to the property unless it is in active agriculture. She stated when that Easement was written which was in the very early part of the Open Space Program, they put in a clause that said that the Easement could be extinguished if circumstances changed; and they do not do include that clause any more. She stated the Board may want to consider if they want to have one Easement over the entire property. Mr. Truelove stated on the existing Easement property, they may want to have simultaneously extinguishment of that Easement and then include that property into what Ms. Bush is proposing tonight. Ms. Reiss asked if that would impact Bright Farms, and Ms. Bush stated they would look into that. Ms. Reiss stated the Township could put in what they would accept as a rural enterprise and what they would not. Mr. Fritchey asked if they could also retain the old Easement

on the seventy-one acres as is and delete the extinguishment provision which would allow whatever they currently have on the seventy-one acres to continue in perpetuity. He stated they could make the seventy-one parcel under the old Easement permanent while at the same time having the new Easement with respect to the other one hundred plus acres, and Ms. Bush agreed.

Mr. Benedetto stated he is in favor of no further subdivision as he feels it was a mistake to subdivide the Satterthwaite parcel. He stated he is not in favor of any rural enterprise, and he feels they want to make it as restrictive as possible as a working farm. He stated any language that allows for leeway could lead to an interpretation that could be taken for uses in the future that would not be conducive to a working farm. Mr. Benedetto stated it seems that there are pieces of the Farm that are currently being farmed that do not seem to be a part of the 106.5 acres being discussed. Mr. Fedorchak reviewed the areas that were excluded. He noted the driveway and the pond area could probably be included, but they would want to look into this. Ms. Tyler stated she felt they excluded some of the areas because of a buffer issue. Mr. Fedorchak stated there was a perimeter they wanted to keep around the Artists of Yardley since there are a lot of non-agricultural activities associated with the AOY. He stated the bottom section where the driveway is which would be the eastern side as it ties into Mirror Lake Road could be re-considered to see if they could add a good portion of that into this. Mr. Benedetto stated he agrees with Mr. Lewis that they should include as much as they can and not have to re-visit this. Mr. Fedorchak stated Mr. Eisold will be able to superimpose some additional areas to provide a clearer picture of what they need to stay away from and what can be added.

Mr. Benedetto stated there was previous discussion about the Heritage Conservancy, but that is no longer part of this; and Ms. Bush agreed.

Mr. Tom Conoscenti, Ginko Lane, thanked the Board for following up on the prior discussion when Ms. Bush was present that the goal was to maximize the acreage eligible for the Agricultural Easement; and while they have moved in that direction, he feels that there is more that can be done. Mr. Conoscenti asked if anyone has looked at the Deed to see if the permitted acts and uses in the Deed of Easement are consistent or will run afoul of the Zoning Ordinance for R-1. He stated he raises this question because there is a lot of wording in the Deed about an additional residence being permitted, and there are already two residences on the Farm. He asked if they are giving someone the right to build another residence without going through Zoning and Planning. Ms. Reiss stated she felt this was the reason for “no subdivision,” since she assumes that if there is no subdivision allowed, they could not subdivide a parcel to build a house. Mr. Harvey stated their Easement does allow for one additional house, and this may be something they want to consider not

having. Ms. Bush stated their thought on this was that it was specifically for people employed on the farm; but since the Township is the owner, they may want to insure that it cannot be used in that way, and they could delete this.

Mr. Conoscenti stated the Satterthwaite Appeal is moving in Commonwealth Court so there may be a resolution.

Mr. Conoscenti stated with regard to the discussion about changing the definition in Section 1 for Commercial equine activity to non-Commercial, if they do that there is a Section 2A where it discusses fences for Commercial, so they would need to coordinate those. Mr. Conoscenti discussed the various maps from past years, and he stated there is a Boucher & James map which shows the ponds and the driveway from Mirror Lake up to the Janney House; and he showed these locations on the map being looked at this evening. He stated he feels there is substantial additional acreage that would be available and eligible for coverage. Mr. Eisold stated he believes that map was prepared September 16, 2014.

Mr. Conoscenti stated he agrees with the comment of making rural enterprises not permitted as a means of focusing on making agricultural use the primary goal of the Farm.

Mr. Benedetto stated he would like changes to be made based on the feedback provided this evening. Mr. Truelove suggested that they come back on September 21.

Ms. Tyler stated she is likely on board with almost everything stated; however, Lower Makefield Township currently stages mulch there, and the Township itself may want to have other uses there, and she does not feel they should stop Public Works from using this as a staging area for legitimate Township uses. She asked that they re-visit this as they look at the language more. She stated they may want to keep some trucks there, and they should look into this. She stated there is less space available for the Township since the area at the ball fields is gone, where the Community Center will go is gone, and Snipes where the salt and other operations are located is going to be gone; and they need to carve out a portion of the Farm for legitimate Township uses.

Ms. Donna Doan stated yesterday was the sixteenth anniversary of Tom Patterson's death. She thanked everyone for the discussion being held this evening. She stated there was mention of utilities, solar, and wind, and she stated at one time there was a windmill on the property that pumped the water up. She stated the Farm has a strong aquifer, and it would be a good service to the public should there ever be an emergency so that water would be available. She stated they may not want to

exclude this altogether. Ms. Doan stated she agrees with Mr. Fritchey that they are probably going to move in the direction of more solar and a manufacturer in the future may be able to make a solar panel that looks like a barn roof, and she would like to see the Farm off the grid. Ms. Doan stated they should also consider if they would ever want to move the Farmer's Market to the Farm if that would be a problem if they exclude rural enterprise. Ms. Tyler stated this is why they need to be careful about what they lock down. Ms. Doan stated she would not want to see acreage left unprotected that is being farmed so that the Township could park a salt truck on it. She stated they would not want to introduce automotive chemicals and salt any more than they have to on a property where they have food growing as it will kill the food.

Ms. Doan stated she recognizes that the Artists of Yardley are there, but she would suggest excluding just the Janney-Brown House itself, and not all the other buildings. She stated there is a ten-year Lease with the Artists of Yardley, but what they are considering here is long-term. Ms. Doan stated they do not have a financial audit on the Artists of Yardley so there is no way of knowing if they are financially stable for the future. She stated she does not feel they should be an impediment to the preservation of as much of the Farm as possible.

Ms. Doan stated with regard to the horses, this particular Farm is too important to be used for horse. She stated she has a letter from Penn State from May, 2007 when they looked at the quality of the soil; and they indicated that they would be "hard pressed to find another farm in Bucks County of this size with the quality of soils found on the Patterson Farm." She stated going forward society is going to need farmland given the amount of farmland that has already been lost. She stated they should get as much land for food as possible.

Ms. Doan stated with regard to Bright Farms, they should "hem it in;" since they do not know if they will be there five years from now. She stated they did not provide the tomatoes all year round as was promised.

Ms. Doan asked if they would be able to vacate the Satterthwaite Subdivision once that issue gets resolved so that they can include it in the Easement. Mr. Truelove stated he believes that they could consider this, but they need to look at the definitions. He stated it is possible to supplement the Easement in the future. Mr. Fritchey stated if they cover 180 acres with Easements by the end of this year, that does not mean the remaining fifty acres could not be subject to similar Easements at a later time; and Mr. Truelove agreed.

DISCUSSION OF TOWNSHIP'S LONG RANGE PLANTING PLAN

Ms. Judy Stern-Goldstein was present. Ms. Goldstein stated the Plan is for the Township land holdings having to do with park, recreation, and open space for twenty to forty years depending on how long it takes to develop. She stated there are over eight hundred trees on the plans she will show tonight, and they still have three to four parks to go. She showed a map of the Township and noted the hand outs provided, although it was noted that some Board members did not get them all. Ms. Goldstein showed the Plan for Memorial Park, and on the left hand portion of the Park there were areas highlighted for the Arboretum plantings some of which were planted in April. She stated there are two more phases going to happen in the fall. She stated in addition to the Arboretum there are additional plants proposed for Memorial Park to complete the initial concept of the Park to provide trees and shade. She showed the Secret Garden, and the additional seven trees to be planted by an Eagle Scout.

Ms. Goldstein showed the Plan for the Caiola Baseball Park which includes two components – one the remaining trees that were not included as part of the Base Bid when the Samost Fields were built, and secondly they have included additional trees so that they are providing shade and comfort for the people there both playing and watching games. She stated they would also complete the row of trees along Edgewood so that there are trees on both sides of the street of the Township Complex. She stated they would then come around and have trees along Oxford Valley Road as well. Ms. Reiss stated there are trees on Edgewood Road, and there are children in the area. She asked if there should not be some kind of walking/bike path on that side. She stated there is a walking path on the Township Building side. Ms. Goldstein stated she feels this is a good point, and when they look at the overall trails they should look into this for potential connectivity. She stated wherever they are putting in trees it does not preclude future pedestrian pathways.

Ms. Goldstein showed the Plan for the Fred Allan Softball Complex and stated they need trees for the parents and players, and there are significant Tournaments held here. She stated additional trees will add to the experience and make this great complex into a really great complex.

Ms. Goldstein showed the Ragan Tract which she stated is essentially an old style detention basin; and while they will not quite naturalize it, they are giving it a chance to have some shade and function more environmentally correct.

Ms. Goldstein showed the Plan for Veterans Square with some shade trees around the parking lot and a grove of trees near the playground. She stated they will retain an area for the Farmers Market as a large open area, and complete street trees as well as supplementing the buffer between the property and CVS a little more.

Ms. Tyler stated there exists a Landscaping Plan for Veterans Square prepared by an architect on that Committee, and they can provide this for her. Mr. Fedorchak agreed to provide it to Ms. Goldstein

Ms. Goldstein showed the Plan for Patterson Farm, and noted the area of the riparian corridor. She stated they want to make this environmentally correct and provide canopy but also make sure that none of it will interfere with the ability to farm the property. She stated they were careful to look at the riparian area and the part not currently planted, and they would keep any trees to the center and also have shrubs and understory trees so that it does not impair the ability of the farmer to get a proper yield from the crops. Mr. Benedetto asked Ms. Goldstein if she has discussed this with Mr. Stewart, and she stated they have not yet. Mr. Benedetto suggested that they do this to get his feedback. Ms. Goldstein stated what she is showing is conceptual, and they will discuss it with Mr. Stewart. She stated they will also talk to the Soil Conservation Service adding that one of their objectives is to plant riparian corridors as it helps filtrate out nitrates.

Ms. Goldstein showed the plan for the Dog Park. She showed trees near the fence line and evergreen trees along Heacock Road. Mr. Benedetto asked about a buffer for the neighbor. Ms. Goldstein stated there is an existing buffer on the Condo side, and they will be supplementing this. She stated they did meet with a group who indicated there should not be plantings on the Township side of the existing fence since that is an area they currently use to play in.

Mr. Rubin stated he understands that the fence is on Township property, and Ms. Goldstein agreed. Mr. Rubin stated it was his understanding that trees would be planted as a buffer on the Township side although there is some planting on the Condo side. He stated if they put in trees on the Township side, it would not impact on the play area which is 125' wide. Ms. Goldstein stated there will be trees planted on the Condo side of the fence line, and the fence is on the Township property. Mr. Rubin asked if there is room for the trees where the parking is, and Ms. Goldstein stated there is room. Mr. Rubin expressed concern with roots expanding and going into the blacktop which could crack the blacktop where the driveway is since the roots will be as wide as the canopy of the tree. Ms. Goldstein stated this would depend on the type of tree and the roots they have. She stated they will select specific trees for that location; and while they could put them on the Dog Park side, when they met one of the gentleman expressed great concern with having anything on that side of the fence. Mr. Fritchey stated he feels they can work this out.

Ms. Goldstein showed the Twig Lane Tot Lot which is an area which needs some shade in order to function so they are proposing installation of some shade trees.

Ms. Goldstein showed the Plan for the Revere Road Tennis Courts and they propose evergreen trees along the fence to act as a wind screen and also for sound deafening and some shade trees along the pathway and lawn area as a buffer area.

Ms. Goldstein showed a Conceptual Plan for the Snipes Tract, and she added they will be doing more detailed land development. She stated they propose trees lining the vehicular circulation around the perimeter of the fields. She stated they are proposing to retain as much of the existing nursery vegetation as they can, and along the frontage of Dolington Road they show areas dashed in which is where they are proposing additional vegetation for a buffer.

Ms. Goldstein stated the total number of trees for the long-range planting just for the parks being shown tonight is 824 trees which includes 482 canopy/shade trees, 107 evergreens, and 235 understory trees. She stated this does not include the Arboretum plantings which is a separate issue. She stated they are still working on plans for Kids Kingdom/the Pool, Macclesfield, and Makefield Highlands.

Ms. Tyler stated she feels that it is important that they prioritize these Parks as the order of presentation is not the order of priority, and Ms. Goldstein agreed.

Ms. Goldstein showed plans for the Arboretum plantings. She stated Phase I has been completed, and she reviewed what has already been planted. She stated for Phase II they received three Bids which includes 19 shade trees, 15 understory trees, and 15 evergreen trees; and she showed the Concept Plan for Phase II. She stated there is a tight deadline for installation of Phase II as they need them in by September 2 so that they are in before the celebration the following weekend.

Ms. Goldstein stated the low Bid came in very low at \$10,158; however, it was this low because they were substituting a lot and they had smaller sizes than had been specified. She stated the next lowest Bid was \$14,400 which met all the specifications except for the planting of one species which could not be planted until October as it could not be dug yet. She stated the third Bid came in at \$23,385. She stated they are recommending that the Bid be awarded to All-Season in the amount of \$14,400 adding this is the firm that did the planting of Phase I, and they did an excellent job.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to accept the Bid of All Season as described by Boucher & James.

Mr. Lewis asked if there are uncollected funds in the Tree Bank that could be used for this purpose, and Mr. Fedorchak stated there are. Mr. Lewis asked for further discussion about the walkway in Phase 2. Ms. Goldstein showed the Plan for the walkway which is a circuitous route. Ms. Tyler asked if it should not go all the way around the parking lot. Ms. Goldstein stated that could be done with another section. Mr. Eisold stated what is currently shown is slightly over 1K. Mr. Eisold stated they had looked at various construction methods for the trail including mulch up to synthetic surfaces which would be very expensive. He stated he feels it will be something similar to the bike trails which are stone with asphalt. He stated the cost for this is reasonable at this time.

Mr. Benedetto asked if this could be done in an October/November timeframe; and Mr. Eisold stated one of the Bid Alternates in the Bid for the 2016 Road Project was bike path at various locations. He stated PennDOT does permit, if you have a Bid price for the same items, to add or subtract from your Bid within 20%. He stated the cost for this was approximately \$65,000 for this bike path which would be within the 20%. Mr. Eisold stated he feels this can be added when they are doing other work. Mr. Eisold reviewed the work required to install the path.

Mr. Fritchey stated they would therefore have the initial planting done in early September, the trail installed, and then the second planting sometime in October.

Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to extend the 2016 road plan to include the additional paving of a running path/bicycle path/jogging trail in Memorial Park.

Ms. Goldstein showed the signage for the Arboretum and how the signs will be mounted. She also showed a sample of the material. She stated they have been using this material for educational signage for parks since 1999 and it is vandal resistant and able to be restored. She noted how it will be mounted and asked for the Board's approval of these so that they can get prices from the company to be brought back to Mr. Fedorchak.

Mr. Benedetto moved, Mr. Fritchey seconded and it was unanimously carried to put out to Bid for the educational signage for the Arboretum at Memorial Park.

The Board thanked Ms. Goldstein and her staff for their work on this project. Mr. Fritchey asked Ms. Goldstein how long she felt the turnaround time will be on the signs, and Ms. Goldstein stated she feels it will take two months, and hopefully the signs will be installed by November. She stated she needs to discuss with Mr. Fedorchak if Public Works can install them, and Mr. Fedorchak agreed to discuss this with her.

APPROVAL OF DEVELOPMENT AGREEMENT WITH STEVEN A. BULLARD

Mr. Truelove stated although he did not draft this Development Agreement as Mr. Bullard was a former client, he did review it. He stated he believes Mr. Garton drafted it, and it was tailored to the specific circumstances for the Bullards. He stated he would recommend that this be approved at this time.

Mr. Truelove stated this is at Ovington Road in the Westover Section near the Canal, and Mr. Bullard obtained Subdivision approval approximately four years ago. Mr. Truelove stated this project was reviewed by a number of entities. Mr. Benedetto stated there was a recent communication about having discussions with Mr. Bullard about the purchase by the Township so that it would not get developed. Mr. Truelove stated the Board could defer this to the next meeting. Mr. Fritchey stated this road dead ends; and if the Township were to purchase it as Township Open Space land, he does not feel anyone would use it as Township Open Space land nor would they know it was preserved Township Open Space land unless they had a reason to go down a no-exit road toward the Canal. He stated he does not see it as a desirable piece of property for open space.

Mr. Benedetto stated his understanding was that if the Township were to purchase the approximately one acre, it would remove the ability for Mr. Bullard to develop it which was a concern of the neighbors who were concerned about his expansion of the property. Ms. Tyler stated there was a steep slope, and there were numerous truckloads of fill coming in so that it would be a buildable parcel; and this created a lot of problems for the neighbors. She stated there were also a number of other issues; and she did raise the potential of the Township purchasing it, but it was rejected by the Supervisors for the reasons discussed by Mr. Fritchey.

Mr. Fedorchak stated unlike the Jennings Tract where the Township purchased three acres which tied directly into the bridge to the towpath which made a lot of sense, this one plus acre is sitting on a hill, and there is not safe access to the towpath. He stated the public would not easily use this for any reason.

Ms. Reiss expressed concern that they had brought in a significant amount of dirt this close to the Canal. Mr. Benedetto stated it was very controversial. Mr. Eisold stated while this matter took place before his time, it is his understanding that there was a lot of testing done, and it was regulated extensively.

Ms. Tyler asked if the Agreement was recently reviewed by Mr. Garton, and Mr. Truelove stated that is his understanding. Mr. Benedetto stated he has no problem with approving this.

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to approve the Development Agreement with Steven A. Bullard.

Mr. Truelove stated the Board met in Executive Session starting at 7:10 p.m. and items of Real Estate regarding the Joint Toll Bridge Commission and the Park & Ride project and related areas, Code Enforcement issues and litigation related to same, and informational items were discussed.

ZONING HEARING BOARD MATTERS

With regard to the Artis Senior Living, LLC Special Exception and Variances for property located at Stony Hill Road, immediately south of the I-95 overpass, to permit redevelopment of the premises for a memory care facility it was agreed that the Township solicitor should participate so as to inform the Zoning Hearing Board the process that has occurred to date before the Board of Supervisors and assist them in making their decision.

SUPERVISORS REPORTS

Ms. Reiss stated the Seniors will be happy with the decision made about the Community Center. She stated Lower Makefield will hold Community Pride Day on Sunday, September 4 beginning at 12 Noon. She stated there will be a food court, entertainment, 3 v 3 basketball, a Homers for Heroes Home Run Derby, and a dunk tank. She stated there will be fireworks at dusk. She stated Edgewood Road will be closed from Oxford Valley to Mill Road. Ms. Reiss stated there are three programs scheduled for 9/11. She stated starting on Saturday night, September 10, there will be a Candlelight Vigil at the Garden of Reflection starting at approximately 7:30 p.m. which will be family friendly. Ms. Reiss stated on Sunday, September 11 starting at 8:30 a.m. there will be a very traditional Remembrance Ceremony, and the rest of the day after that will be for quiet reflection. At 7:00 p.m. they will have the Remembrance in Light Ceremony which will be a lovely ceremony as well and will close the day for everyone at the Garden.

Mr. Benedetto read a letter received regarding the Remembrance in Light Ceremony asking that the Supervisors take part in reading the names of the Bucks County victims and to advise them by September 1 if they wish to participate. He also reported that the 5K will take place at the Garden of Reflection on September 17.

Ms. Tyler stated the Environmental Advisory Council has been working hard on a recycling event for electronics which will take place on October 8 at the Lower Makefield Corporate Center. She stated there is additional information about this on the Township Website. Ms. Tyler stated the Historic Commission continues to work on their Garden of Stone Twilight Tour to be held on October 29 from 3 p.m. to 8 p.m., and they are looking for re-enactors who can contact Ms. Tyler about their interest. Ms. Tyler stated the annual Labor Day Concert will be held at Community Park on Sunday, September 4 from 6 p.m. to 7:45 p.m. featuring the Pennsbury Community Band.

OTHER BUSINESS

Mr. Fedorchak stated the Golf Outing that was originally scheduled for October 7 will be held on Friday, October 14. He stated this is a Community fundraiser for special projects, and the money will go toward the maintenance and upkeep of the Township's Garden of Reflection as well as other projects such as the Dog Park, historical projects, etc. He stated that evening there will also be a Dinner Dance, and everyone is invited not just those who golf. He stated this event will be held in the tent, and there will be a band.

Mr. Benedetto stated with regard to the Dog Park, that Committee has been very active; and they will be present at Community Pride Day where they will be selling items and hosting a patriotic-themed dog parade with prizes awarded. He stated they will also have a presence at Yardley Harvest Day on September 17 with a tent in Yardley Borough from 10 a.m. to 5 p.m. and will be selling items there as well. He stated they also have a Poker Night planned for September 17 at 7:00 p.m. at Nation 9 Sports. He stated Tournament entry fee is \$100 and you must be 21 or older to attend. He stated information and registration for this can be found on the Township Website.

APPROVAL OF RESOLUTION NO. 2308 FOR THE PURPOSE OF ACQUIRING LAND FOR A DOG PARK

Mr. Truelove stated they have identified the area, and he added Mr. Rubin and others from the Makefield Glen Association have been very helpful in discussing this. He stated Ms. Kirk has prepared the Condemnation Resolution which will then be followed by a Petition to be filed in Court so that the Township can secure ownership of the parcel. Mr. Truelove stated after the Resolution is approved, he would also ask that his office be authorized to obtain a Title Report at a cost of approximately \$200 to make sure that there is clean Title.

Mr. Fritchey moved, Ms. Tyler seconded and it was unanimously carried to approve Resolution #2308 and to authorize the Township solicitor to obtain a Title Report.

OTHER BUSINESS

Mr. Benedetto stated they received a letter from Pennsbury LYFT indicating that they recently received a Grant from Falls Township who challenged the Supervisors from the other Municipalities to match the Grant of \$6,000 for general operational support for Pennsbury LYFT for the fiscal year 2016/2017. Chief Coluzzi stated he has familiarity with LYFT and their great organization, and over the last four years they have raised through donations and Grants about \$25,000 to Police for reimbursement of school activities and educational programs.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to authorize \$6,000 to LYFT as outlined by Mr. Benedetto.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to appoint Craig Bryson to the Planning Commission.

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to appoint Justin VanDyke as an Alternate to the Disabled Persons Advisory Board.

Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to appoint John DiPasquale III to the Special Events Committee.

Mr. Benedetto moved, Mr. Lewis seconded and it was unanimously carried to appoint David Sabogal to the Citizens Budget Committee.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kristin Tyler, Secretary

