

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 5, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 5, 2016. Chairman Benedetto called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

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

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

Absent: Judi Reiss, Treasurer

ADMINISTER OATH OF OFFICE TO JAMIE FAZZALORE-TRUELOVE AS ANIMAL CONTROL OFFICER

Mr. Benedetto administered the Oath of Office to Jamie Fazzalore-Truelove as Animal Control Officer. Chief Coluzzi congratulated Ms. Fazzalore-Truelove and stated she started as the Animal Control Officer in 2008 and since that time she has handled thousands of calls for service always conducting herself professionally and has served the community well. He stated until now the Animal Control Officer would conduct an investigation into matters; and if a Citation was needed, she would consult with a Police Officer who would in turn issue a Citation. Chief Coluzzi stated then the Police Officer and Ms. Fazzalore-Truelove would testify in Court. He stated by this Swearing in tonight, Ms. Fazzalore-Truelove is legally authorized to issue Citations on her own.

PUBLIC COMMENT

Mr. Mark Bortman, Environmental Advisory Council, reminded everyone that this weekend they are hosting an e-waste collection event at the Lower Makefield Corporate Center. He stated in the past these events have been hosted by the County; but the County was not able to do it this year, so the EAC stepped in to fill

the void and partnered with a few other EACs in the area, and they hope for a good turn out. Ms. Tyler stated this event will be on Saturday from 9 a.m. to Noon. Mr. Bortman stated most items are free; but if you have a television with tubes, there is a \$25 fee, cash only. He stated flat screen TVs and flat screen computer monitors are free.

Mr. Matt Bulger, 219 Taylorsville Road, stated on September 29 there was an initial meeting to reveal the Master Plan for the expansion/improvement of the Trenton Airport. He stated there were engineers and consultants available. He stated they have forecasts going forward through 2035 and they showed the requirements they believe they need to do to upgrade the facility. Mr. Bulger stated currently the Airport has two gates, and the proposal is to double that to four. He stated the current Commercial traffic is approximately twelve flights per day, and the forecast is to increase to thirty-four flights per day. Mr. Bulger stated in the next two years, there are plans to have a new taxiway which will run parallel to the longer of the two runways that they have currently, and this will allow them to get flights out faster. He stated between the increase in the size of the terminal and the new taxiway, they will be able to turn flights faster which will have an impact on the number of take offs and landings. Mr. Bulger stated the current terminal is approximately 25,000 square feet, and this will be increased to approximately 100,000 square feet. Mr. Bulger stated an expansion of the Airport will likely expand the impact on this side of the River.

Mr. Bulger stated the Airport is accepting a period of public comment through October 14, and BRAAM has information on their Website with photos of the presentation that the engineers made available as well as how to submit public comment. Mr. Benedetto stated he feels this information should also be put on the Township Website, and he asked that Mr. Bulger submit this information to Mr. Fedorchak which he did this evening.

Ms. Tyler asked if they discussed the Environmental Impact Study; and Mr. Bulger stated the only representative he saw from the Mercer County government was one Freeholder who was opposed to the Airport expansion, and no one else from the Freeholders or the County Executive's office was there. Mr. Bulger stated it was stated that once there is a plan for a particular project, they believe that triggers a cascade of events of which an EIS would be part; but there was discussion whether this was a continuing operation or part of a new project.

Mr. Barry Wagner, 393 Cobbler Court, stated last month BRAAM sent information to the Board as well as the Citizens Budget Commission requesting consideration in the 2017 Budget; and he asked the status of those Hearings. Ms. Tyler stated Budget Hearings are always open to the public, but they have not yet scheduled the dates.

Mr. Fedorchak stated he anticipates they will have the Budget Hearings the second and third weeks of November. Mr. Benedetto stated he anticipates that they will announce the dates at the next Supervisors meeting which will be on October 19.

Mr. Wagner stated in September it was anticipated that candidates for the Airport Task Force would be interviewed and possibly the Task Force would be formed this month, and he asked for an update on the status of the Task Force Committee. Mr. Benedetto stated they received three resumes from individuals interested in serving on the Committee and tonight they had a presentation by the Environmental Advisory Council. He stated they anticipate having the interviews on October 19 prior to the Board of Supervisors meeting. Ms. Tyler stated when they authorized the formation of the Task Force they contemplated seven members so she asked any Lower Makefield resident who is interested to apply. She added at this point they only have three resumes, and she stated anyone can apply and they do not have to be a BRAAM member as they want the best mix of the community that they can find. Mr. Fritchey stated they would like to have a diversity of views since that would be more reflective of the community as a whole. Mr. Benedetto stated they also have another resume from an individual indicating they would be interested in any opening so that person could potentially be interested in serving on the Task Force as well.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions Inc., stated she is concerned that there was not much advance notice for the meeting held concerning the expansion of the Airport. She stated she feels there is grave reason for concern that the Township was not aware that the meeting was taking place so that they could advise their residents of it far in advance so that there could be a good turn out at that meeting. Ms. Herman stated she asked the engineer how it was advertised, and they indicated that it appeared in the Trenton Times twelve days prior to the meeting being held, and she believes it may have appeared in the Courier Times. Ms. Herman stated she does not feel this was appropriate advance notice of the meeting, and the Township Board of Supervisors need to be “in the loop,” and she asked how they can make that happen. Ms. Tyler asked Mr. Fedorchak if he could correspond with someone to make sure that the Township is advised of all activities and meetings, and Mr. Fedorchak stated he could contact the Airport Manager.

Mr. Benedetto stated they are accepting comments until October 14 so this will provide residents this opportunity. Ms. Herman asked if the Board of Supervisors will make comment. She stated she does not feel there is any motivation for an Environmental Impact Statement to be done. She stated she spoke to the Transportation Director for Mercer County who felt the Airport was following regulations. Ms. Herman stated BRAAM feels that the Airport is taking big projects

and cutting them into small pieces and implementing changes that way so that perhaps they can skirt the requirement for an Environmental Impact Statement that way which she does not feel bodes well for Lower Makefield Township. Ms. Herman asked that the Board weigh in during this comment period asking for the Environmental Impact Statement.

Mr. Benedetto stated BRAAM has been fighting this fight for years, and there was a Court Order that compelled them to do the Environmental Impact Statement and they did not follow the Court Order which is what BRAAM is fighting about. Mr. Benedetto stated if BRAAM does not prevail in Court, he does not feel there is anything anyone can do. Mr. Benedetto stated any Supervisor or resident can express their personal opinion.

Ms. Herman asked Mr. Truelove if there is anything the Board should do during this public comment period. Ms. Tyler asked Mr. Truelove how they can make sure the Township can get contacted about meetings, etc. Mr. Truelove stated Mr. Fedorchak has indicated he will contact the Airport Manager; and Mr. Truelove stated they could also contact the Mercer County Freeholders since they have a great deal of impact into the development of the site, and he could look into that and find out who the attorney is for Mercer County. Ms. Herman stated she does not feel “no action” is advisable unless the Solicitor says that is the best action. Ms. Herman stated the Freeholder she spoke to at the meeting has a relative who is second in command at the Airport so politics is playing a huge part in this so silence is not to the benefit of Lower Makefield. Mr. Benedetto stated he does not feel the Township has been silent since they have financially supported BRAAM’s efforts in the past in the amount of \$100,000. Ms. Herman stated she does not feel they should stay silent now when the Township was not given the courtesy of being in the loop for this meeting. Mr. Truelove stated he does not believe there is anything negative if the Township tries to get their voice heard. He stated since the Township did not know about that meeting, possibly they could ask if they would extend the comment period for an additional period of time. Ms. Herman stated the residents would appreciate that.

Ms. Tyler stated she feels the presentation held was a “dog and pony” show much like the one put on by PECO, and she does not feel another meeting like that would be something she would look for. She stated she would like to have communication from the Airport Manager to the Township Manager, and Mr. Truelove finding someone to speak with at the County level to make sure the Township gets notification of everything.

Ms. Herman stated she feels the forecasts were daunting and people were demoralized by the forecasts. She stated they were talking to other residents at the meeting and found out about an airport in California where planes take off almost

straight up into the air to limit the noise impact on residents, and through launching opposition they could end up with something better than if they do not proactively work together.

Mr. Lewis asked the name of the Freeholder who was at the meeting; and Ms. Herman stated it was Lucy Walter who had advised that there used to be a Citizens Advisory Committee in Mercer County that she was an advocate for, but that Committee was disbanded by one of the politicians there so citizens are now not being represented. Mr. Lewis stated in the spring, Ms. Reiss had reached out to Ms. Walter talking to her about the issues. He stated he feels they should be pushing back hard on all the levers they have. He stated while they still need to think through their strategy, legally they do have to do an EIS; and if that does not come out in Court, they still need to push for that. He stated he agrees with Ms. Tyler that pushing them to have another meeting may not be the most effective approach, but they do need to start thinking about options. Mr. Lewis stated there is a balance between the convenience of the Airport versus the impact on those who are effected; and if they shift out some of the flight path, he feels there could be a balance which he feels is a reasonable request that they should be pushing for.

Ms. Herman stated she does not feel we are going to get balance if we continue the way we are going, and she feels we are going to get a worse-case scenario. She stated she feels proactivity on the part of the Township is the best chance we have in conjunction with citizens. Ms. Herman stated she feels there can be creative problem solving. She stated she was advised by one resident that the planes have to fly where the transponders are and fly into the wind, but she questions is they have to fly out of the Airport and into the Airport using the exact same flight path or could they change how they fly into the Airport. She stated another resident stated in lieu of transponders there may be GPS devices that could be used instead. Mr. Fedorchak stated if they changed their current flight paths, that would mean they would be going over New Jersey neighborhoods; and Ms. Herman stated they could “share the pain.” Ms. Herman stated she has no doubt that the current flight paths are to the advantage of New Jersey. She stated no one wants to shut down the Airport, and they all appreciate the convenience of the Airport; but it is being expanded exponentially without an Environment Impact Statement, and that does not bode well for Lower Makefield.

Mr. Don Wilcox, N. Delaware Avenue, stated the parallel taxiway presents an excellent opportunity to load up on the traffic that goes over Lower Makefield. He stated they are looking at the potential for thirty-four flights which would be sixty-eight events. He stated he knows there is an opportunity for public comment which is an opportunity to get on the record. He stated there will be a meeting of BRAAM at 7:30 p.m. to be held behind the Police Station in Yardley, and everyone is

welcome. He stated they will have forms available for public comment and they have the information that was available at the presentation. He stated they would be happy to collect written comments and send them along.

Mr. Fritchey asked if anyone who was at the meeting knows whether the Airport authorities were explicitly asked whether or not there was going to be an Environmental Impact Study done. Ms. Herman stated she does not believe there was anyone there from the FAA, and it was engineers. She stated the Transportation Director of Mercer County may have been the highest level politician present. Mr. Fritchey stated he feels there is some utility to putting them directly on the spot on that issue to find out what their intentions are. He stated if they say they are not going to do it, then we know where we stand with them. He stated they should find out who in authority can make a decision on this. Mr. Fritchey stated it increasingly appears that the current litigation will be unsuccessful, and perhaps there is another way of doing this which may be more effective which may involve direct dealings with people in authority with the FAA, Mercer County, or elsewhere who are stakeholders in this; and it may be that they can achieve far more at the negotiating table than they have in Court. Ms. Herman stated Residents for Regional Traffic Solutions Inc. feel it has to be an entity bigger than the people who go to the negotiating table. Ms. Herman stated she was met with arrogance by the Director of Transportation when she asked him about the Environmental Impact Statement.

Ms. Tyler stated Mr. Truelove and Mr. Fedorchak will be reaching out to establish contact and will ask the question about the EIS. Mr. Fritchey stated ultimately they will also have Congressmen and Senators who could eventually weigh in on this as well, and he feels they need to be put on the spot as to what their intentions are and whether or not they are going to conduct an Environmental Impact Study or not. Mr. Benedetto stated the issue is they do not want to do it or feel they are required to do it. He stated BRAAM is trying to hold them accountable in Court; and if BRAAM does not prevail in Court, there will not be an Environmental Impact Study done. Ms. Herman stated that is true unless there is negotiation as she feels politics can trump all. Mr. Benedetto stated this has been tried and the Township financially supported BRAAM, and they were compelled in Court to do an EIS if they brought in another airline; and even after they brought in another airline, they still would not do the EIS. Ms. Herman stated she feels Pennsylvania politicians can work harder on this than they have been working. Mr. Benedetto stated he is optimistic that BRAAM can prevail in Court; however, he added there are just as many people if not more that are supportive of this Airport; and do not care if the Airport expands. Mr. Benedetto stated he personally supports BRAAM's efforts, and it is the people who should comment on this and support BRAAM's efforts.

Ms. Herman stated that over the last fifteen years Lower Makefield has benefitted from BRAAM's efforts. She stated the forecast is going to effect many more thousands of people in the Township including seven to eight of the Schools which will have flight paths over them where the noise from the planes will be so unsettling that the children's learning will be severely impaired. Mr. Benedetto stated he agrees with that, but there are also people in the Township who do not agree with Ms. Herman. Ms. Herman stated the Board was hired to protect the health, safety, and welfare of the residents; and Mr. Benedetto stated they have supported them in the amount of \$100,000. Ms. Herman stated the people of the Township want the Board to protect their health, safety, and welfare even if they all do not know what that takes.

Mr. Eric Silverman, 1809 S. Crescent Boulevard, stated there are noise abatement procedures which are in effect for the Trenton-Mercer Airport. He stated he has lived in the Township since 1961, and he has heard this argument for years. He stated he does not know who BRAAM is, and he does not care. He stated there are 33,000 people in the Township, and they do not all agree on one thing. He stated the Trenton-Mercer Airport has been an "albatross" for as long as he can remember. He stated he feels they may have a course to speak to the FAA if the noise levels ever gets so bad from the jet noise to impact the Schools. He stated they also need to remember that Lower Makefield sits under several of the approach paths for Philadelphia International Airport. Mr. Silverman stated there are a lot more people who live in the area than previously, and he finds some of the "cheap flights" out of Trenton-Mercer to be attractive. He stated he does not know what an EIS would accomplish. He stated he felt the only time they would have to go through an EIS was if they were expanding the Airport beyond the physical boundaries of its current location. He stated if all they are doing is adding a taxiway, he feels it is a wonderful feature to have in an Airport as it lessens the possibility of runway incursions by other planes. Mr. Silverman stated for many years Trenton-Mercer had an unmanned tower. He also stated that Trenton-Mercer Airport does not have runways long enough to safely handle large planes. He stated it might be a good situation if the runways were lengthened a little bit in the event of an emergency if a 747 had to land there. He stated he is not advocating turning Trenton-Mercer Airport into Philadelphia International. He stated currently they have two gates, and they want to make it four gates; however, he does not feel they will double the size of the traffic. He stated there are still a finite number of people who will use the Airport, and he does not feel it will support the level the people are making it sound.

Mr. Don Wilcox stated BRAAM is not focused on trying to stop the Airport from having flights, and they know people do like the convenience. He stated their goal is to have an EIS which would hopefully give them the opportunity to have a fair sharing of where the planes land and take off so that it is spread fairly between New Jersey and Pennsylvania. He stated the volume they are projecting is triple the

current amount so it is dramatic. He stated they cannot anticipate what it will ultimately be, but it does seem that their plan is that they expect growth. Mr. Wilcox stated the community is looking at what they are experiencing today and do not feel it is that bad; but they are trying to project what this will be like if in fact Trenton-Mercer achieves their objectives and whether that will materially change the impact on Lower Makefield. Mr. Wilcox added that once something happens, it is difficult to go back.

Ms. Lisa Baxter, Arborlea Avenue, stated PADEP is accepting comments on the renewal of the Waste Permit for Clean Earth in Morrisville which is a contaminated soil incinerator where they accept 2,400 tons of contaminated soil every day. She stated they are also planning to expand, and they will accept comments on the expansion after October 17. Ms. Baxter asked if that information could be put on the Township Website. Ms. Tyler stated the EAC is looking into this issue and will weigh in on it. Ms. Baxter stated the public comment period is running out shortly, and it was agreed that she could provide information to Mr. Fedorchak to put on the Website.

APPROVAL OF MINUTES

Ms. Taylor moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of September 21, 2016 as written.

APPROVAL OF DEVELOPMENT AGREEMENT WITH MAKEFIELD GLENN

Mr. Edward Murphy, attorney, was present.

Mr. Truelove stated this is the DeLorenzo's development, and there have been numerous meetings between himself, Mr. Murphy, the Administrative staff, and Mr. Eisold; and he has circulated a proposed Development Agreement with language that may require some minor changes although they feel they have the major substance of it.

Mr. Murphy stated Mr. Fritchey and Mr. Lewis had recommended two weeks ago that they go back and try to develop an Agreement that was faithful to the Conditions that were attached to the Approval in May. Mr. Murphy stated in the intervening two weeks they have received comments and suggestions from staff, Mr. Lewis, and others all of which have now been incorporated into the revised Agreement that has been circulated. He stated his client is prepared to accept and execute the Agreement, post the required security, and move forward.

Mr. Truelove noted Section 2 lists the different Fees and Conditions which were worked out after review of the applicable Ordinance with fees to be paid at different milestones. He stated one area which was the most reviewed is in the first Section under Plantings. He stated the Township has a fairly rigorous Tree Ordinance, and this particular development is subject to different provisions of the Tree Ordinance. He stated one is to plant parking lot trees and street trees for a total of thirty-one trees. Mr. Murphy stated there are thirty-one trees to be planted on site and seventy-eight off site. Mr. Truelove stated Mr. Lewis made a very helpful suggestion and rather than planting seventy-eight trees with a 1" caliper at off-site Township-owned locations to be determined by the Township Manager, there was a desire to have more flexibility with that; and he has prepared draft language for the Board to consider that would state there would be some number less than seventy-eight to be a mix of various calipers 1" or larger to be recommended by the Township Manager and the Township engineer. Ms. Tyler stated they would establish the value of seventy-eight 1" trees but have flexibility to install a lesser number of more substantial trees provided it is the same value; and Mr. Murphy stated this would be acceptable. Mr. Murphy stated he feels this Development Agreement accurately and faithfully reflects the Conditions attached to the Approval in May.

Ms. Tyler moved and Mr. Fritchey seconded to approve the Development Agreement with Makefield Glenn subject to the Terms and Conditions as outlined by the Township solicitor.

Mr. Adrian Costello asked if the decision to change any of the trees from 1" will be made in public. Ms. Tyler stated this would be a value reached and a decision would be made by the Township Manager and their professionals. Mr. Costello stated he would like to know what the decision is. Mr. Truelove stated the determination is because they wanted to see which Township-owned properties are most appropriately designated for these trees. Mr. Costello asked if what they decide could be announced at a Board of Supervisors meeting. Mr. Truelove stated a Section of the Agreement indicates that the Township Manager shall provide the owner/developer with a list of off-site Township planting locations and the number and required tree species to be planted within six months of the execution of the Agreement. Mr. Truelove stated Mr. Costello could inquire of Mr. Fedorchak privately or at a meeting on the status of this.

Mr. Fritchey stated he had an issue with the seventy-eight 1" caliper trees as they have found that 2 ½" to 3" caliper trees have a better chance of survival than do 1" caliper trees.

Mr. Lewis stated the Board of Supervisors has been actively telling the public what they are doing in terms of tree planting especially with Memorial Park, and the team from Boucher & James has been putting good plans together.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2316 ACCEPTING DEDICATION OF CHANTICLEER

Mr. Edward Murphy, attorney, was present. Mr. Truelove stated this is a normal Dedication Resolution, and the Township engineer was very thorough in reviewing the property. Mr. Murphy stated the most recent activity was relieving the developer of the requirement to have the signage which the Board previously agreed upon. He stated that was the last impediment to approval of the Dedication. Mr. Murphy stated the Resolution requires that after tonight they will have to post the Maintenance Bond and all the other technical things under the Development Agreement.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve Resolution No. 2316 Accepting Dedication of Chanticleer.

APPROVAL OF PATTERSON FARM AGRICULTURAL CONSERVATION EASEMENT WITH BUCKS COUNTY

Ms. Lynn Bush was present and stated in August they discussed a Draft Agreement for the Patterson Farm Agricultural Easement, and there was feedback from the Board on a number of items. She stated since that time she has revised the Easement to remove some of the items under Rural Enterprises that they discussed that did not fit. She stated she also went back and reviewed with the Township Solicitor the current Easement on a portion of the Farm; and it was their opinion it would be best to have the same Easement over the entire property that is being conserved. She stated when she read the Easement that exists now, that decision was re-affirmed; and she feels the Easement they are considering on the additional farmed area is much stronger and clearer. She stated they will work through the mechanics with the Township solicitor about extinguishing the current Easement and simultaneously putting the new, stronger Easement over the entire property to be conserved.

Mr. Benedetto asked what is the total acreage if they include the acreage that was previously conserved with the additional acreage, and Ms. Bush stated she feels it is approximately 177 acres. A diagram of the acreage to be preserved was provided including the existing Easement area along with the new acreage to be preserved.

Mr. Benedetto asked about changing the impervious surface percentage and what Ms. Bush would recommend. Ms. Bush stated they discussed the idea of accommodating some additional buildings and structures for farming purposes, and she felt the only real limit on that would be the impervious ratio in the R-1 District which is 17% for properties over five acres. She stated this could lead to a lot of building coverage, and they have discussed previously that the soils on the Patterson Farm are very good soils; and to cover them with barns, etc. would be the loss of a resource.

Mr. Fritchey stated currently they can cover 17%, but they have only covered 2% to 3%. Mr. Fritchey stated he understands that once this is approved, it would be in perpetuity; and Ms. Bush agreed it is an Easement in perpetuity. Ms. Bush stated as their basic model they used the Pennsylvania of Agriculture model because they had done thinking Statewide about the potential future of agriculture. She stated what they did build in however was the potential for what they see as current trends in farming such as the greenhouses at Bright Farms so they have built that in to provide flexibility. She stated if it is adopted the County would be the Easement holder along with the Township and she supposes that it is possible in the future it could be modified to adjust for farming trends in the future. Mr. Fritchey stated fifty years ago the farm equipment and buildings at the Patterson Farm would have been quite different from what it is today. He stated technology will be changing significantly over the next fifty years, and he is concerned about freezing something into place which could be a short-sighted constraint on the ability of people in the future to deal with real-world situations; and he is therefore philosophically unwilling to go below the 17% because the fact that they could have 17% does not mean that they would have 17%. Mr. Fritchey stated he feels it shows respect to the judgment of the people in the future to give them a certain amount of flexibility. Ms. Bush stated the fact that the Township is the owner gives an added level of protection in that regard.

Mr. Fritchey stated they previously had discussion about rural businesses as well as wind and solar, and he feels there is a significant possibility that there will be a change in the National energy policies over the next twenty-five years and possibly sooner. He stated a Municipality could be required to produce a certain percentage of its own energy through wind, solar, or other technologies; and he therefore feels they should have a certain degree of flexibility. He stated at the same time they are guaranteeing that 83% would be preserved as farmland so he feels they have accomplished the core purpose they are trying to do by having a Preservation Easement while at the same time not hamstringing future generations.

Ms. Bush stated she feels Mr. Fritchey has made a very strong point about not knowing what the future will hold for this. Ms. Bush stated with regard to the impervious surface ratio, she was not proposing that it be memorialized in this document that lasts forever; but rather perhaps reflected in the Zoning Ordinance, so the 17% or 2% would not be in perpetuity. Ms. Bush also noted as a result of prior discussions about keeping in the energy industries, they did include those in this draft in 2D

Ms. Tyler asked that the language be changed after “including” “ to read: “including but not limited to” in the second sentence of D. Mr. Lewis asked if that would mean that fracking could be included. Mr. Truelove stated they could add the language “but to exclude hydrologic fracturing.”

Mr. Benedetto commended Mr. Fedorchak, Ms. Bush, and Mr. Truelove for working together to get as much acreage as possible and listening to the discussions. He stated they will be preserving 177 acres of the parcel of approximately 210 to 220 acres, and he feels this is credit to doing what Tom and Alice Patterson wanted.

Mr. Truelove stated some might have a question as to why the 33 to 34 acres have been excluded, and he noted that one area is still subject to litigation. He stated the area where the leaf recycling is done also cannot be included. He stated there are also some other areas where non farm-type equipment may be stored.

Ms. Tyler asked if the Janney-Brown House is contemplated within this Easement, and it was noted it is not.

After further review, Ms. Tyler stated she and Mr. Lewis feel the words “not limited to” should appear in D. Mr. Truelove asked if they should exclude the hydrologic fracturing, and Mr. Lewis stated he does not feel they need that.

Mr. Lewis moved and Mr. Benedetto seconded to extinguish the existing Open Space Easement for the sole purpose of imposing the Agricultural Conservation Easement on the entire area subject to the imposition of the Agricultural Conservation Easement which qualifies for consideration under the Agricultural Area Security Law and changes to the Easement that were part of the discussion tonight.

Mr. Tom Conoscenti, Ginko Lane, stated he appreciates the fact that the changes they requested in August were reflected. He reminded the Board that they set out in this process to maximize the amount of acreage available for the Agricultural Easement, and he wants to make sure that they have maximized what they can under the Easement requirements. Mr. Conoscenti was provided a copy of the map to show what is included.

Mr. Truelove suggested that there be a change to the Motion after “Agricultural Area Security Law,” and the wording be changed to “with changes reflected in the most recent Easement document.”

Mr. Lewis withdrew his prior Motion.

Mr. Lewis moved, Ms. Tyler seconded and it was unanimously carried to extinguish the existing Open Space Easement for the sole purpose of imposing the Agricultural Conservation Easement on the entire area subject to the imposition of the Agricultural Conservation Easement which qualifies for consideration of the Agricultural Area Security Law with changes reflected in the most recent Easement document.

Ms. Bush stated she reviewed this with the County Commissioners today so they knew that the Board was going to be voting on this, and they are prepared to sign on as Easement holders.

DISCUSSION OF COMPREHENSIVE MASTER PLAN UPDATE

Mr. Benedetto stated tonight they are only discussing this document, and there will be no vote on this tonight. He stated this was a Draft Plan recommended by the Planning Commission for approval in March, 2015. Ms. Tyler stated the Planning Commission worked on this Comprehensive Master Plan Update for two years, and there was significant public input at those meetings. Mr. Fritchey stated there are three new Supervisors on the Board since that review occurred, and there has also been a considerable turn over on the Planning Commission as well. He stated they are trying to get a sense of where they are going with this document, and there are certain areas they would like to discuss with Ms. Bush.

Ms. Bush stated the Municipalities Planning Code which is the document that governs how you do Planning and Zoning recommends that a Master Plan be updated every ten years. She stated she has been involved in the Township’s last three Master Plans. She stated the County Planning Commission was engaged by Lower Makefield to help update the 2003 Master Plan. She stated they did that by taking the 2003 Plan and doing strike throughs and additions so that the Planning Commission members knew exactly what they were dealing with in 2003 and what was recommended to change in 2013.

Ms. Bush stated the Plan touches on all aspects of the Township including the natural environment which she knows has been very important to the Township over the years as well as water quality and stormwater management. She stated they also looked at the current land use and the development trends, population,

housing, community facilities and services that the Township provides. She stated they also looked at parks and recreation, the Open Space program, and Conservation programs. She stated they added consideration of energy and energy conservation in the latest Plan, and they also looked at historic resources which is also something that has been an important component. She stated they also looked at transportation and what is going on in the surrounding area and the County that might influence the future of Lower Makefield. Ms. Bush stated in general this is a solid Plan in that it takes into account where the Township is now, what forces and factors will impact the Township in the future, and where they want the Township to be.

Ms. Bush stated in order to get as much input as they could, they invited all of the Township Boards and Commissions to come and meet with the Planning Commission over a period of months. She stated they also sent out questions to them to find out what they felt would be important to consider in the future for the Township. She stated they had public meetings which were attended by many people. She stated the document was prepared and recommended for Approval in March, 2015 by the Planning Commission.

Mr. Lewis stated he feels it is a wonderful document for those interested in the history and development of the Township. Mr. Lewis stated the Board has been talking about the O/R Zoning designation in the Township, and the challenge they have now is that there are empty Commercial Real Estate/Business Office Parks that they need to have filled. He stated there is also open land that cannot be developed as Office Parks, and he asked Ms. Bush what she would envision as potential solutions to that challenge.

Ms. Bush stated they highlighted that issue in the document noting the vacancies and the lack of ability to develop the open land. Ms. Bush stated she has thought about this and looked at what the trends in the Plan indicate recognizing that they do not know what will happen in the future although they can make some guesses. She stated with regard to the Township's population, they now have more than a quarter of the population over 65 years old; and the population group of 19 to 34 year olds actually declined so there is a shifting population. Ms. Bush stated there is also a slightly larger percentage of people working at home, and all of these things fit in with more Regional and National trends that they pay attention to at the County. Ms. Bush stated they know that younger people prefer more compact communities, more urban areas, and walkability. She stated they also see a trend away from the corporate employment scenario, and in place of that they see a more freelance economy with more people working at home and more people changing jobs. She stated energy is also changing the economy and transportation is changing adding that younger people are not driving as much and often do not have cars.

She stated they have noticed in Bucks County that some of the strongest communities they see are the Boroughs as people want to be in a place where they can walk to get coffee, etc. She stated these are trends the Township may want to pay attention to in order to keep the good solid community balance Lower Makefield has had over the years. Ms. Bush stated in terms of land use, she knows that the Board has seen proposals for multi-family; and she understands that the Planning Commission saw a proposal for Retail. She stated Industrial and Office are both uses that are struggling.

Mr. Fritchey stated he does feel that they are thinking of all of these things, and the O/R District is a matter of particular interest to himself and Mr. Lewis. Mr. Fritchey stated Mr. Dwyer had sent him a number of articles which indicate that O/R Districts may becoming passé, and more people will be working from home; and offices, except for large metropolitan areas, become less essential. Consequently the acreage they have designated for O/R may be an over allocation, and they should be looking at other alternatives. Mr. Fritchey stated one of these alternatives might be Residential, and Mr. Dwyer has a proposal for Residential development. Mr. Fritchey stated they might also want to look at some form of light Commercial development being permissible in the O/R District which would be small stores as opposed to big box stores. He stated he feels there could also be some restaurants. Mr. Fritchey stated the fact that Governor Christie is changing some of the tax structures for those working in New Jersey who live in Pennsylvania and vice versa may also impact the calculus of this whole decision.

Mr. Fritchey asked Ms. Bush if she or Bucks County is in a position to tell Lower Makefield how they are doing with regard to O/R in comparison with other Townships in Bucks and Townships in New Jersey. Ms. Bush stated they are looking at this question in relation to the I-95/Pennsylvania Turnpike connection in Lower Bucks County. She stated when that was proposed in 1998/99, the projections at that point were that the connection would spark a huge office boom in that area; and they do not think that is true anymore because the work environment is changing and the office market is very weak with a lot of office space that is not now being used. She stated they are now considering what they should be planning for. She stated they are having people who know about the economy help them with this study to see what is the potential for the area.

Ms. Bush stated she can give a comparison between Lower Makefield and Newtown and their business campus. Mr. Fritchey stated it seems that Newtown is doing better than Lower Makefield in this area. Ms. Bush stated the Newtown Business Campus used to be called the Newtown Industrial Park, and they changed the name and changed the uses that are permitted there and the signs they allowed as well as other things in order to attract different businesses there. She stated they have a much broader list of uses than they did ten years ago, and they have attracted new

users. Mr. Fritchey stated this would therefore be one way that Lower Makefield could go, and Ms. Bush stated they could look at that. She stated they did shift it from just offices to restaurants, day care centers, and more retail. She stated there is some of this in Lower Makefield in the O/R District now. Mr. Fritchey asked if there are other communities like this which might provide similar experience that would be valuable to Lower Makefield, and Ms. Bush stated she would like to consider that further.

Mr. Lewis stated he has been thinking about the mix of housing and the fact that Lower Makefield is losing 18 to 34 year old households. Mr. Lewis stated parts of the Master Plan were written about a year and half ago, and now they are talking about autonomous vehicles which may drive changes in traffic and the desirability of living in a place like Lower Makefield since there would not be a concern about transportation time because you could work while riding; and there could be a mix where both urban and suburban areas do well in that model. Mr. Lewis stated he feels Lower Makefield is well over indexed in single-family homes compared to Newtown Township which has a dramatically different mix of housing. He stated Lower Makefield is also at the highest end with Upper Makefield and Wrightstown in terms of single-family attached properties. Mr. Lewis asked Ms. Bush if they should keep it as it is. He stated he worries when he talks to Relators who say that houses above \$600,000 do not move but houses below \$400,00 move instantaneously. He stated they do not want to have a situation where they have a portfolio of housing that does not match what people want.

Ms. Bush stated she feels these observations are correct about the upper priced housing. She stated she feels even though there have been different Boards of Supervisors, Lower Makefield has had a philosophy about making this a good solid family-type community with lots of resources and attention to the environment which she feels has been a theme throughout the years she has been involved with Lower Makefield. She stated they have had a good sense of what they want to be, and that is in contrast to other communities that will consider a Zoning change every month. She stated if their objective is to modify that a little bit and accommodate a different mix of housing, they can do that.

Mr. Lewis stated the Township is almost fully developed, and they are talking about less than 1,000 developable acres within the Township; and he stated this means that each successive land use decision becomes exponentially more difficult, and this document could state that in general this is where they want to focus on the remaining undeveloped land. He stated they should also consider if there are areas which need to be re-developed although he does not feel the Township has a lot of that.

Mr. Benedetto stated he feels the O/R District needs to be addressed, and he does not feel that doing nothing is an option. He stated he feels there is an unmet need and what Mr. Dwyer had proposed with regard to the apartments does fit in with that need since they already have a lot of single-family detached homes. He stated he would be concerned about opening the entire area up to Commercial, and he does not feel they will ever be competing with Newtown Township although they can develop Edgewood Village to the extent possible. Mr. Benedetto stated he has talked to Realtors, and there is a need for apartments. He stated Polo Run and the other apartment units in the Township are close to capacity.

Mr. Benedetto stated he feels they need to address historic preservation, and he asked if other Townships have a Demolition by Neglect Ordinance. Ms. Bush stated there are some Ordinances like that, but she has not lived through their enforcement. She stated she does not feel there is a problem with having such an Ordinance, and she feels preserving the historic resources like Edgewood Village and some areas is critically important. She stated she feels this is worth looking into, and she could ask some of her sources if they have seen an example of it being implemented.

Mr. Benedetto asked with regard to recreational opportunities, where Lower Makefield is as a community since he feels this is a big attraction for the Township. Ms. Bush agreed that it is a big attraction for the Township. She stated they have found County-wide people always want to see more trails, walking paths, and bike paths; and Lower Makefield is way ahead of the curve on that. She stated all ages can make use of these and are by far the most in demand recreational activity. She stated she often uses Lower Makefield as a model for communities that have implemented walking paths.

Mr. Lewis the County has a Rails to Trails Program, and he knows that there is one Township that is slowing down that process. He stated Lower Makefield is willing to go all the way to the Canal. He asked how far Bucks County is on this and added he wants to make sure Lower Makefield is ready to tie in when that is ready. Ms. Bush stated the County is new in the trails business, but they have created trails inside parks; and about two years ago she suggested that they go outside of the parks with the trails which has resulted in the Newtown Rail Trail. She stated they have done feasibility studies for several other trails, and she will look into how they propose to link in Lower Makefield. She stated the Canal is their longest, most successful trail; and she knows that the Open Space Board approved a connection over to the Canal from elsewhere in the community. Ms. Bush stated there is an overall Greenways Trails map which she can provide to the Township. Ms. Bush asked if Lower Makefield is willing to take the place of the other Township in case the County wants to shift their attention, and Mr. Lewis stated Lower Makefield is ready at any time to extend the path.

Mr. Fritchey asked about the potential of Edgewood Village as a walking village. He stated he has been a member of the National Trust for Historic Preservation for over forty years and is a fan of historic preservation; however, the idea that Edgewood Village will be a 19th Century walking village has struck him as “quaint,” and the fact that it has not become that in thirty-five years is a market verdict on the concept. Mr. Fritchey stated the reason he thinks this fails is because villages historically are either industrial or agricultural villages where people live and walk to work. He stated he does not feel there is a core to Edgewood Village because there is no employment associated with the location, and he sees no reason to see that there will ever be any employment identified with this particular location. He stated people living in Makefield Glen right across the street from McCaffrey’s and Giant drive there and even drive from the McCaffrey side to the Giant side. He stated he feels that when people work elsewhere from where they live and are required to have a car, they go everywhere in the car. Mr. Fritchey stated he is concerned that they have clung to this concept out of sentimentality and a desire to be historical that lacks actual viability and perhaps they should abandon the notion that this will ever be a walking village. He stated he agrees there may be properties there that are historically valuable and should be preserved.

Mr. Fritchey stated Mr. Dwyer has come up with a plan to have housing where people could walk a half mile to the Village and McCaffrey’s; however, he does not feel they will walk there because they will be driving somewhere else and will have cars. Mr. Fritchey stated he wonders if it would be utilitarian to accept Edgewood Village for more of what it actually is rather than something more idealized.

Ms. Bush stated she feels that there are some little Villages that do not have employment centers. She stated she does not know how their actions would be different if they abandoned the idea of Edgewood being a walkable Village.

Mr. Fritchey stated he had heard that there would be infill in the vacant spaces, but he questions if they subdivided half acre lots into quarter acre lots that someone would build a small cottage there and what that would look like. Ms. Bush stated she does not feel they want to abandon Edgewood Village; however, Mr. Fritchey stated he is not saying they should abandon Edgewood Village but as a planning vehicle maybe they should not be talking about having a walking village as a modality that they are operating under as he does not see it as being realistic. He stated he feels this is a small area where there are a number of houses that are to some degree historic, and they have enforced an architectural cohesion successfully in some instances and unsuccessfully in others; however he does not see it as being a village in the sense that people will live there and walk to the services and stores they use since it is not their place of employment so there will also be cars and

traffic, and the road system will be stressed. Ms. Bush stated she feels it is important to keep open the option as there are people who do not have cars and she feels people need to have the opportunity to walk if they chose to.

Ms. Bobbie Moore stated she is a Realtor at 1010 Stony Hill Road, and when they go to lunch the only places they can walk to are the Dunkin Donuts or Shady Brook Farms. She stated they love to get out and wish there were more food places around, and she loves the concept of having more restaurants and retail that they could walk to as they do not want to drive. She stated many people who work in her office building also have offices in their homes and elsewhere. She stated she does not feel they need more Commercial buildings for offices.

Mr. Benedetto asked about the Liquor Referendum, and he asked if there is anything in the Comprehensive Plan how this would change their ability to attract certain businesses. Ms. Bush stated she is not sure if they touched on this in the Master Plan, and this is a good question.

Ms. Helen Heinz asked that Mr. Fritchey join some of their meetings so he can be educated on the history of the Village which did start as commercial and there was a rose garden operation there until the 1940s with a massive amount of greenhouses. She stated there were also a lot of the small houses which were homes that the workers lived in so it did have that economic base. She stated it was an agricultural village before that going back to the 1730s. She stated it is an interesting crossroads village and amazing that it survived. Ms. Heinz stated she agrees that these are small houses, but a lot of the younger generation reject “McMansions” in Bucks County, and they are seeking alternative ways of living going back to much smaller residential units. She stated she agrees with Ms. Bush that they also do not all use cars but prefer to ride bikes and walk. She stated they are also looking at sustainability issues and houses with adaptive reuse. She stated in many ways we are poised to take advantage of that, and Edgewood Village could be stupendous.

Ms. Heinz stated if it were connected to the Office/Research, and they developed small satellite villages in the area, they might have something amazing. She stated originally they were planning Edgewood Village to be similar to Peddler’s Village, and that model is still possible with small, little retail shops; but they cannot sell it to developers whose only goal is 3,500 square feet big, box retail. She stated they have tried to explain this to numerous Supervisor Boards. Ms. Heinz stated there are numerous residential streets that have “For Sale” signs, but they do not see those in Edgewood Village because they are being held by people who appreciate that smallness. She stated this is also true for older people who do not want to take care of large properties but still want to stay in the community.

Mr. Fritchey stated he recognizes that all of these villages were villages because there was employment there; but his problem is now there is not employment there, and he does not see the likelihood that there is going to be any core of employment. He stated there is the Patterson Farm and years ago there would have been numerous people living in the Village who worked there but now there is one farmer with equipment. Ms. Heinz agreed; however she added many of those houses are gone, and there is space which is the infill they are talking about where they could put back structures of the same size. She stated this works very well in Peddler's Village although they need a concentrated effort to get that. Mr. Fritchey stated they still would not have employment. Ms. Heinz stated there are a lot of young people who are artisans making things. She stated there is a lot of that in areas like Fishtown in Philadelphia, and they are looking to move out of those areas. Mr. Fritchey asked why that has not happened in thirty-five years. Ms. Heinz stated there are also changes taking place in supermarkets, and they are making them artisan stores with parking in the rear; and she would not be surprised if McCaffreys and Giant did not come in for that kind of a switch. She stated this would then create the streetscape they have been talking about.

Mr. Rubin reviewed the history of the Matrix property which originally was to be a corporate headquarters, next mixed use offices/professional buildings, and eventually a big box property which resulted in community opposition. He stated that area is C-3 and what they have there now is age-restricted housing which was not contemplated when the process of developing that property started in 1992. Mr. Rubin stated even though there is a Master Plan, they cannot see into the future. He stated he feels it is still important to have a Master Plan because if you need a Special Exception it has to conform to the Master Plan.

Mr. Mike Brody, 509 Brookbend Court, stated Peddler's Village faces internally; however Giant and the McCaffrey's have parking in the rear where all the dumpsters are. He stated he does not feel Edgewood Village will ever turn into what they want it to because the two key shopping centers back up to one another and mirror one another. Mr. Brody stated he does not feel they will be bringing in people aged twenty-one to thirty if there are no liquor licenses.

Mr. Bob Dwyer stated there are 123 O/R acres, half of which have been developed, and the rest is Shady Brook Farm and the 14 acres owned by his client. He stated he has tried to make the point that the 14 acre site is in a great spot as it is within walking distance from the Corporate Center and Edgewood Village. He stated he has significant research on O/R in the region. He stated Lower Makefield happens to be one of the worst as their vacancy rates on Township Line Road are higher than Newtown although Newtown also has unsustainable vacancy rates as does much of Central New Jersey. He stated they all recognize that they do not need offices as much as they used to, and companies are moving close to train stations.

Mr. Fritchey stated the information Mr. Dwyer has sent him has been helpful, and he feels there is substantial merit in the observations Mr. Dwyer has made in his correspondence on this particular subject. Mr. Fritchey asked Mr. Dwyer if he feels the recent New Jersey tax issues or the expansion of the Scudders Falls Bridge and I-95 will make any difference; and Mr. Dwyer stated he does not in the short term, although in the long-term the tax changes may influence some migration to Bucks County, but he feels it will take years before anyone knows for sure what will happen.. He stated it is clear that there are millions of square feet of vacant space that would be filled in long before a vacant parcel would be needed. He stated there is a half million square feet of space on the corner where Aria was proposed which is a much better location for O/R because it is closer to the Interchange compared to his client's parcel which is out of the way. He stated he feels this fourteen acre parcel has the opportunity to do something to help the Village as it will put people on the street which will help Edgewood Village develop. He stated he has met with the Business Association, and they are strongly in favor of a Residential use but not a Commercial use.

Mr. Dwyer stated his proposal is to try to introduce a costly connection across I-95 to allow people to walk or ride their bike from the Residential. He stated he agrees that Retail would also work at his client's site; however, he feels it would be a mistake to use it for Retail since it would take potential Retail out of the Village. He stated there is another fifty to sixty acres of O/R which could be developed for a Retail center or a small Village. Mr. Dwyer stated his client's property is too small for a mixed use Retail center. He stated AIG which owns the Corporate Center is fully supportive of a Residential use as is the Lower Makefield Township Business Association. Mr. Dwyer stated Ms. Reiss did express an interest in seeing what a Retail Plan would look like, and he will show that later this evening. He stated Newtown is doing better than Lower Makefield because they have Liquor Licenses. Mr. Dwyer stated there is a missing link in the Township, and the walking path that his client is willing to put in will create a synergy which will help the Village. Mr. Dwyer stated people will walk if there is an interesting path for them to walk along, and he feels walkability will help the Village flourish. He stated he hopes that the Board will not discount what the village planner indicated at a prior meeting.

Ms. Tyler noted Table 18 on Page 40 shows that the O/R is 12. Mr. Dwyer stated he raised that question to the Bucks County Planning Commission planner, Lisa, and she indicated that was the undeveloped acreage. Mr. Dwyer stated he had indicated that Shady Brook Farm is also not fully developed. Ms. Bush stated they view agricultural land not as vacant land waiting to be developed but rather as land being used for agricultural, although that could change in the future.

Mr. Silverman asked why they do not have Liquor Licenses in Lower Makefield Township. Mr. Truelove stated in the 1940s there was a Referendum and the voters approved that Lower Makefield would be a dry Township. He stated they are the only dry Municipality in the County. He stated the only way to undo that is to go through a Referendum process which can be done every odd year in a Primary. He stated in order for that to happen, there needs to be a sufficient number of signatures to have it put on the Ballot during a three week time period in February/ March. Mr. Silverman asked if they are planning on doing this. Mr. Truelove stated this is not something the Township itself initiates, but there has been consideration by others in the past to do this; and he feels there is also an effort to do it again.

Mr. Benedetto stated there is an effort underway to get this on the Ballot, and he believes the Lower Makefield Business Association is working on this. He stated they need to have 3,401 signatures to get it on the Ballot, and they will be coming before the Board of Supervisors with a presentation on repealing the ban and what their marketing campaign will look like. Ms. Tyler stated it is a tremendous hurdle to get that many signatures in that short period of time. She stated the last time they tried it, they were thwarted by weather.

Mr. Silverman stated he also heard mention of a Demolition by Neglect Ordinance, and he asked if the Township does not have one; and it was noted the Township does not. Mr. Silverman asked if there is not an Ordinance that requires people to paint their houses, and Mr. Truelove stated there is Property Maintenance Code that addresses some issues, but there is not a Demolition by Neglect Ordinance. Mr. Silverman asked why the buildings in Edgewood/Woodside are about to fall to the ground. Mr. Benedetto stated he feels it is due to the lack of enforcement of the Property Maintenance Code. Mr. Silverman stated he feels the Supervisors should get the Code enforced. He stated he is also appalled at the width of Stony Hill Road in that area and the large traffic island that exists there now.

Ms. Heinz stated that the white house on the corner in Edgewood Village was a tavern in the 1800s, and the Palmer House was a speakeasy so there is a tradition of imbibing in the Township.

Ms. Tyler asked what else the Board of Supervisors should look at when reviewing the Master Plan that they did not discuss this evening. Ms. Bush stated the Economic Development Commission has been working on a survey, and there may be information that comes out of that which could result in something that needs to be updated. Mr. Conoscenti stated they conducted a business survey again this year, and this year they mailed out 400 hard copies, and got a 27% response. He stated the combination of the printed and on-line responses are being compiled, and they would like to do an update during an upcoming Supervisors meeting.

Mr. Conoscenti stated different things emerged this time in the responses, and he stated last year there were a lot of references to the benefits of roadways, transportation, and the attractiveness of nearness to customers; but this year there were different responses some of which got involved with Planning and the Ordinances.

Mr. Benedetto asked if they have to go back with the Master Plan to the Planning Commission if there are changes made; and Ms. Bush stated she does not feel they have to go back technically, but if there were changes the Supervisor Liaison could provide them with information about the changes. She stated the Township solicitor knows about the process for proceeding with the formalities of the Master Plan.

Ms. Bush was thanked for the assistance she and her office provided in the preparation of the Master Plan.

Mr. Truelove stated the Board met in Executive Session beginning at 6:45 p.m. and they discussed items involving Real Estate, open space, and Township transactions.

DISCUSSION OF INFORMAL SKETCH PLAN OF CAPSTONE TERRACE

Mr. Bob Dwyer was present and stated as a result of the presentation for Residential over the last several months for this site, some of the feedback they received was that they should consider looking at Retail. He stated he had indicated that a mixed use Retail/Residential would not be possible on fourteen acres, but they would consider straight Retail.

Mr. Dwyer stated they have developed two Sketch Plans that comply with the neighborhood Commercial C-1. He stated this property could have a 52,000 square foot anchor and 21,000 square feet of in-line Retail, a restaurant pad, and a bank as shown on the Sketch he presented this evening. He stated there would be two entrances one fairly close to Stony Hill Road that would meet PennDOT standards at the same location they had for the Office and another entrance across from Shady Brook Farm. Mr. Dwyer stated the type of Retail they feel who would be interested to locate here would be grocers and some other Retail uses. He stated if there were Liquor Licenses, the project would change significantly, and there could be more than one restaurant if they had sufficient Liquor Licenses. Mr. Dwyer reviewed a number of potential Retail users but added they have not gone out to market it. He stated they know that there is interest in a shopping center although he does not feel Mr. McCaffrey or Mr. Troilo would be interested in having Retail at this location, and they would encourage them to have Residential at this location.

Mr. Dwyer stated the Planning Commission was shown these Sketches a few weeks ago, and they preferred these Plans over the Residential. He stated Ms. Reiss stated she felt that there was a dire need for Retail; however, Ms. Dwyer stated his position is that there will hopefully be Retail at Edgewood Village that would help fill that void. Mr. Dwyer stated this Retail proposal would compete with the Edgewood Village.

Mr. Benedetto asked the number of parking spaces proposed for the Retail and asked for a comparison of Retail traffic versus Residential traffic at this location. Mr. Dwyer stated Retail would have more of an impact overall but especially on Saturday. Mr. Benedetto asked if they were to change this to permit Retail, would they be able to control who would come in; and Mr. Dwyer stated there could be some restrictions they may be able to put in place. He stated they could get something like a Whole Foods or Aldi, but he does not feel they would get a Trader Joe's since they prefer to have urban locations. Mr. Benedetto asked about big box Retail.

Ms. Tyler stated it is presently zoned Office Research, and she asked if they were to allow a Commercial Use could they not control what goes into there, and Mr. Truelove stated that would depend on the mechanism by which it was approved. Mr. Dwyer stated the more restrictions put on it, the less likely it would be developed. He stated if they were to say they could not have a grocer, he does not feel they would be able to proceed. He stated they need an anchor to make it work.

Mr. Lewis stated he understands that the Philadelphia area has more grocery stores than anywhere else in the Country, and he questions if there is enough demand to support a fourth grocery store in the Township. He stated he could understand specialty stores and a Trader Joe's could conceivably do very well with the right footprint and changes to the Liquor rules so that they could sell more of their product; however, if it were someone else, he feels it might be harder on the overall stability. Mr. Dwyer agreed and stated this would be a situation where there would be a grocer who is willing to come in with the idea of capitalizing on the current market and shutting down a store like McCaffrey's or Giant if they were to bring in a store like Whole Foods which is more likely than a Trader's Joes which he knows will not come in here. Mr. Dwyer showed a rendering of a shopping center they are building in Newtown Square which has a Whole Foods connected to it. He stated possibly they could have a Lowe's or some other anchor although they have not gone out to market this. Mr. Dwyer stated he feels Retail would work at this location unless there were a lot of restrictions placed on it, although he feels Retail would be a mistake.

Mr. Benedetto stated he is concerned about setting a precedent if they change the O/R to Commercial and asked the impact on Shady Brook. Mr. Dwyer stated he has a good sound logical reason for Residential at his client's location since it would help with walkability into the Village; however, he does not have that for Retail because there is already Retail approved in the Village. Mr. Dwyer stated he does not feel the Aria site should be Residential since it is too far from the Village and would be beyond the range for walkability. Mr. Dwyer stated he feels the 2,500' makes sense because it is within walking distance and people would do this if it were a more interesting walk to the Corporate Center and to the Village.

Mr. Benedetto stated his concern is if they open this up to Retail and put in big box Retail, it would open this up to the whole corridor; and he feels many Commercial properties would want to come in such as home improvement centers or a Super Wawa. He stated they have no idea what the unforeseen consequences will be. Ms. Tyler stated this is why they need to get an opinion from Mr. Truelove whether it should be by Special Exception or a Zoning change. Mr. Benedetto stated if a change is made specific to this property, there is the potential for a Court Challenge by other properties such as Shady Brook Farm. Mr. Truelove stated he would have to look into the options to give the Board an opinion. He stated he does have some trepidation if there was a drastic change that would potentially open up some of the other properties for the same application.

Mr. Fritchey asked if they were to approve Residential for this fourteen acre tract and carve that out of the O/R District, what would they do with the rest of the O/R as they have discussed the fact that the O/R District does not seem to be as viable as they felt it was going to be. Ms. Tyler stated she feels they need to do an analysis and decide what they would like to see and what would the tax ratables be on these various forms of development. She stated there is a very limited amount of developable space left. Mr. Fritchey stated there is only a certain amount of land left from which they can get ratables. He stated the argument was made that if there were Retail on this fourteen acre tract it would hurt the Troilo projects, and he asked if there is that little capacity to absorb Retail since residents currently go to Middletown, Newtown, and along the Route 1 corridor to shop.

Mr. Benedetto stated he is less concerned about the impact it has on Edgewood Village and the objections by the Lower Makefield Township Business Association than he is about opening up a "Pandora's Box," since once they make this change, they will be setting in motion something that does not fit into the area. He stated if they were to put in an apartment complex it fits in with what is a quarter mile down the road with Polo Run and the other developments in that area. He stated he does not see that as a drastic change.

Mr. Dwyer stated his client is working on another project in New Britain Township which was re-zoned to Residential, and it is very successful. He stated they are also doing this in Lower Providence Township in Montgomery County. He stated it has made the nearby Corporate Centers more viable as there are people who live and work in the same location. He stated AIG has indicated they would fully support Residential since they feel it will help them and possibly draw in more tenants. He stated the O/R would then become more viable with more amenities. He stated the reason Newtown is more successful is because there are amenities nearby. He stated he feels Liquor Licenses, the pizza parlor, and the emergence of Flowers Field would put more amenities there, and it would create synergy between the Corporate Center and Edgewood Village. He stated he feels there are good, solid planning reasons why this should be Residential because of its proximity to the Village. Mr. Dwyer discussed other projects his client has worked on.

Ms. Moore stated she likes the idea of a Peddler's Village, and she would recommend a mixed use. She stated she feels this should look more like a village; and she feels the "boxy" shopping center shown by Mr. Dwyer is out of place.

Mr. Benedetto stated they agree that O/R is something that is a challenge that they need to look at, and he does not feel the status quo is an option. Mr. Dwyer stated he is willing to show other projects and share marketing research.

Ms. Tyler asked Ms. Bush's opinion about this issue. Ms. Bush stated she is impressed with the points made, and she agrees that O/R is really not viable any more. She stated the points made about fitting in with the area, and the issues about traffic and the domino effect is a very strong point. Ms. Bush stated with regard to permitting Commercial if this is the way they are going to go, she feels they will have to think strongly about that since a Special Exception would typically go to the Zoning Hearing Board; and she feels the Board of Supervisors would really want to control this as the legislative body since the Board of Supervisors are the policy makers. Mr. Truelove stated if it were a Conditional Use process, the Board of Supervisors would be the ones to do that. Ms. Bush stated Mr. Dwyer's presentation was quite good and covered a lot of the points they would look at as planners.

CONSIDERATION OF LONG RANGE PLANTING PLAN PHASE 3

Mr. Eisold stated the Board had approved Phases 1 and 2 of the Long Range Tree Planting Plan, and before the Board tonight is a copy of the first two Phases in addition to Phase 3. He stated Phase 3 includes Items 11 – 14 which includes the Community Pool, Kids Kingdom, Macclesfield Park, and the Makefield Highlands Golf Course. He stated each of these areas is shown on the attached sheets showing in

green the proposed trees. He stated there are trees proposed at each of the locations although some of them are not very extensive. Mr. Eisold stated for the Golf Course it is primarily along Woodside Road. He stated at Macclesfield they did an evaluation on the use of the facility during high peak Saturday soccer hours to determine where the areas might be where these trees could provide some shade so that they would not encroach in any of their usable area. Mr. Eisold stated this Plan is just to show where the trees could go, and this is not an implementation plan as that would come at a later date.

Mr. Benedetto stated they should make sure they get the buy-in from the user groups, Makefield Highlands, and Sam Stewart at Patterson Farm which was part of Phase 2. Mr. Benedetto stated he would not want to conflict with anything any of them are doing.

Mr. Fritchey stated approximately one to two weeks ago there was discussion that perhaps they would be putting in 85 trees at Macclesfield Park, and YMS was concerned about this; but he sees that number has been reduced. He stated YMS was concerned about having the maximum amount of flexibility since their activities are geared toward maximizing use of flat open areas that change from time to time because of wearing of the grass. He stated they would not want trees to be planted in areas that would unduly constrain them, and he feels that has now been taken into consideration by reducing the number of trees although they did want to have some shady areas to help on hot days.

Mr. Benedetto asked about the timeline for Phases 1 to 3. Mr. Eisold stated this is a function of which have the highest priority, how many trees are available, and the dollars to do it. Mr. Eisold stated he knows that YMS did have input into this, but he is not sure the other groups had as much input as that, and that could be the next step to review it with them to make sure it does not impact on the future usage of their facilities.

Ms. Tyler stated with regard to prioritization, she feels Caiola needs to be addressed since it is new construction with a shade less parking lot. She stated she is in favor of the Kids Kingdom proposition, but is not sure that they need additional trees at the Community Pool parking lot; and she would like to look at this more closely. Mr. Benedetto stated he feels this is a working document, and they could make changes to it. He stated it appears there are 118 trees for Phase 3, and he would like to know how many are proposed for Phases 1 and 2. He stated they could look at this long term to see how many trees they will need. He stated there could be money in the Tree Bank, but they may have already reached the critical mass where they are built out as far as planting trees is concerned around the Township.

Ms. Tyler stated she feels there could be beautification efforts such as flowers, shrubs, and bushes so it would not only have to be trees. Ms. Tyler also noted the need to address early on the buffer for those residing on Waterwheel next to the Community Center as they did promise buffering in this area. She stated she feels this should be done right away so that they can be shielded from the construction. Mr. Fritchey stated they are a number of trees coming from Mr. Troilo.

Mr. Benedetto stated some trees will be coming down when they construct the Community Center, and he assumes the Township is responsible for replacing these trees although he is not sure what that number would be; and hopefully they could put those replacement trees in to protect the Waterwheel neighborhood.

Mr. Benedetto asked if this document needs to be adopted, and Mr. Truelove stated it is just informational and no action is required.

Mr. Benedetto asked that this be put on the Township Website and also provide it to the user groups, Makefield Highlands, those involved with the Dog Park, Artists of Yardley, and Sam Stewart. Mr. Fritchey stated they should clearly state that this is a concept plan and is not necessarily exactly what will be done. Mr. Fedorchak asked that he be provided electronic copies as well as approximately fifteen hard copies so that he can distribute them.

PRESENTATION BY CSX REGARDING PTC TOWER ALONG RAILROAD TRACKS ADJACENT TO EMERGENCY SQUAD BUILDING

Mr. Bart Downing, CSX, was present and stated in 2008 Congress reacted to several serious commuter wrecks that occurred in California, and they ordered the Railroads to implement Positive Train Control (PTC).

Mr. Truelove stated this is somewhat akin to the cell tower situation that is normally encountered that would require a Conditional Use process; however, because CSX goes to a vetting process with the FCC including environmental, safety standards, and other engineering requirements, they are not subject to the same regulations locally. He stated this presentation is really being done as a courtesy, and it is a way to provide information to the Township and the residents as to what the proposed tower will look like which will be near the Emergency Squad Building. Mr. Truelove stated they provided the drawings to Mr. Eisold's office although the engineering was vetted at several levels of the Federal Government.

Ms. Tyler asked if the Township has to sign off or give approval for this project in order for it to go forward, and Mr. Truelove stated they do not. Ms. Tyler asked if they have any basis to object should they choose to; and Mr. Truelove stated they

could voice an objection, but he assumes it will have little if any impact, and this presentation is just being done as a courtesy so that the Township is fully aware of what was going on.

Mr. Downing referred to his power point presentation. He stated all Railroads are being required to have Positive Train Control. He stated this is a Federal mandate, and in order to implement the Positive Train Control they need antennas although they call them towers. He showed a picture of one which is more similar to an antenna. He stated the location at the tracks adjacent to the Emergency Squad Building is referred to as "Woodside." He stated the Positive Train Control system involves signal information being wirelessly sent to the train which is why the wayside antennas are so important. He stated it as an electronic command given to the train that can only go between certain points. He stated it is designed to warn engineers who are going too fast or need to stop; and if the engineer does not pay attention, the on-board system takes over and stops the train or limits the speed of the train to what it needs to be. He stated they will be equipping approximately 60,000 miles of freight railroad and install approximately 22,000 of the antennas with 36,000 wayside units which are devices that gather information about the track and the signals and transmits it to the train. He stated approximately 22,000 locomotives will be outfitted.

Mr. Downing showed a slide of the antenna which is actually a 60' steel pole with a 10' antenna on top. He also showed the equipment below which is not that large.

Mr. Downing stated they do have a particular challenge in this area since SEPTA runs a different PTC system than CSX. He stated if this is not very carefully planned, they could interfere with SEPTA and SEPTA could interfere with them. He stated since they are on the same right-of-way with their tracks only 10' from each other a lot of engineering has to be done to get this to work. Mr. Fritchey asked why there is interference, and Mr. Downing stated both radios are high power, and they are very close in frequency as SEPTA runs at 218 and CSX runs at 220 megahertz. Mr. Fritchey asked if there is an extremely limited frequency band as this does not seem as if it was planned well. Mr. Downing stated those in Washington wrote the mandate without any allocation of spectrum. He stated they have approximately \$40 million into buying spectrum, and you can only buy what is available. He stated the only way the FCC can grant spectrum is either by auction or an Act of Congress. He stated the Railroad should have gone back for an Act of Congress; however, they did not nor did the commuters, and they all went to the market and bought whatever they had and SEPTA and CSX never spoke to each other.

Mr. Benedetto asked about the “no adverse effect” comment, and Mr. Downing stated for all the Applications they have made, they have not had anyone have a problem. He stated when they designed it they went with a very minimalistic pole.

Ms. Tyler noted that the Township has a number of telecommunications in the area where this is proposed to go; however, Chief Coluzzi stated that is a different frequency and has all been tested. Mr. Benedetto noted the Quiet Zones will be installed in this area as well.

Ms. Tyler asked Mr. Downing if he was aware of the Quiet Zones project, and he stated he was not as he is CSX’s wireless architect. Ms. Tyler stated the Township has a Quiet Zone project proceeding in the Township, and they are having some issues with CSX.

She stated one is the cost of the Township’s work being supervised by CSX and the second is maintenance of the CSX tracks through the Township. She stated CSX has taken a position that it is the Township’s responsibility to repair the tracks which the Township does not agree with; and she asked if Mr. Downing could direct them as to how they could resolve these two issues. Ms. Tyler stated SEPTA has already redone their tracks and put down cement; however, the third track is CSX’s, and they have been resisting the repairs. Ms. Tyler stated SEPTA is also helping them repair a pitch issue at the Edgewood crossing but the engineers are running up against issues with CSX as to rights and responsibilities of repair. Mr. Downing stated he can contact someone who handles these things and he can coordinate with Mr. Truelove.

Mr. Eric Silverman asked Mr. Downing a number of technical questions which he answered.

Mr. Lewis asked if this will impact amateur ham radio operators, and Mr. Downing stated 220 used to be used be ham, but in the 1990s the FCC took that back and made it commercial/industrial. Mr. Lewis stated he hopes with PTC they will not have situations where trains are stopped for long periods of time blocking crossings. Mr. Downing stated they do not want the trains to stop; but if they are stopped because of PTC that means that something went wrong, and you would be better off with it stopped than what may have happened otherwise. Mr. Lewis stated he understands other Municipalities have had situations where they are bringing enforcement actions for extended train stoppages, and the Township would be concerned about that as well. Mr. Downing stated they have installed 25% of the system, and they have not encountered an unusual number of stops. Mr. Fritchey stated the question is whether PTC has anything to do with the problems occurring on Woodbourne Road in Middletown Township, and Mr. Downing stated it does not.

SUPERVISORS REPORTS

Mr. Benedetto stated Makefield Highlands is having their Inaugural Fall Classic on October 14 at 11:00 a.m. and the cost is \$125 per person. He stated that evening there is dinner and dancing and the non-golfers fee is \$50. He stated this is a fundraiser that benefits Lower Makefield Township Community Fund initiatives including the Garden of Reflection, open space, historic preservation, and the Dog Park.

Mr. Lewis stated the Economic Development Commission met last week, and they have compiled part of the Business Survey. He stated they are doing this every year, and they have found some interesting things which they will bring up at a future meeting. He stated the Electronic Media Advisory Board met last week, and they are getting closer to completing the Township Website which should be done by November. Ms. Tyler stated the Board has been asked to get head shots, and she found an individual who can come in prior to the next Supervisors meeting to take head shots of the Board, Mr. Fedorchak, and Chief Coluzzi as well as any other Director level employees they want to have on the Website. Mr. Lewis stated the Electronic Media Advisory Board also discussed the Community Clips process for the upcoming year.

Mr. Lewis stated with regard to the Quiet Zones, they will begin construction and they are making sure that Edgewood Road will be open for Election Day. Mr. Benedetto stated Charlann Farms which is off Heacock was concerned that the closure of the Heacock crossing would impact their busiest season, and they wanted to see if they could be accommodated and change the timeframe. Ms. Tyler stated Heacock is not going to be closed although Stony Hill will be. Mr. Eisold stated he did speak to the contractor today about the Edgewood situation and they told them they could not start until November 9 which would be the day after Election Day. Ms. Tyler stated they were looking to see what they could do with the Stony Hill crossing to help Charlann Farms, and she stated at the very least if they cannot change the construction dates, they could allow temporary signage. Mr. Benedetto stated Mr. Stewart contacted him about changing the construction time since it is a three week timeframe when Stony Hill will be closed. Mr. Eisold stated they do have a detour set up for the State roads and it had to be approved by PennDOT. Mr. Benedetto asked if they could delay that work at all. Mr. Eisold stated there is really not that much time left to get the work done before there is an impact from the temperature. Ms. Tyler asked if Charlann could be allowed temporary usage of frontage on Mirror Lake Road on Patterson Farm or allow them to set up at Veterans Square.

Ms. Tyler stated there will be a Slate Hill Cemetery tour on October 29 from 3 p.m. to 8 p.m. She stated they are still looking for volunteers who wish to be involved.

Mr. Fritchey stated during the month of October Phase II plantings should be completed at the Arboretum in Memorial Park, and Phase III should be installed shortly. Mr. Fritchey stated the Sewer Authority received an extensive report from the Township's sewer engineer who reported that DEP's number one priority is resolution of problems involving the Neshaminy Interceptor. He stated the reconstruction of the Morrisville Municipal Authority's treatment plant has been pushed to the back burner, pending resolution of the Neshaminy Interceptor which they expect to be resolved by the end of the year. Mr. Fritchey stated the Township sewer engineer has contacted a number of wastewater treatment plant vendors to visit the MMA current site, and the preliminary reports he has received suggest that a new plant could be built on the footprint of the existing plant.

Mr. Benedetto stated the Zoning Hearing Board approved the Artis Senior Living request for Variances and Special Exception.

OTHER BUSINESS

Mr. Benedetto read an e-mail he received from Ms. Valerie Mahalik thanking everyone for their help with the 9/11 evening Remembrance in Light ceremony. Mr. Benedetto stated Ms. Liney, the Park & Rec crew, Mr. Fedorchak, Chief Coluzzi, and the Police Department did an incredible job the entire weekend; and he thanked everyone for their efforts and dedication. He stated all three ceremonies were incredibly moving and were a credit to the people who planned them.

Ms. Tyler stated the template they set up this year for the three ceremonies worked, and she is hopeful that this will be the path forward should both of these groups wish to have multiple ceremonies. Mr. Fritchey agreed adding the three different ceremonies attracted three different constituencies any of whom would feel they had lost something if there was only one ceremony which was not theirs.

Mr. Benedetto stated they closed on the Jennings Tract on Monday. Ms. Tyler stated the Township now owns three acres. Mr. Benedetto stated the Township engineer went out and did a survey of the property, and they will have the Public Works crew clean up the path so people can clearly understand that this is Township owned property to access the Canal.

Ms. Tyler asked Mr. Fedorchak to make sure Public Works has a Cemetery clean up scheduled prior to October 29.

APPOINTMENTS

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to re-appoint Paul Roden to the Environmental Advisory Council.

There being no further business, Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 11:30 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary