

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – DECEMBER 7, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 7, 2016. Chairman Benedetto called the meeting to order at 7:30 p.m. and called the Roll. Mr. Benedetto asked for a moment of silence in remembrance of the 75<sup>th</sup> Anniversary of Pearl Harbor and the people who died on that day.

Those present:

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

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

PUBLIC COMMENT

Mr. Douglas Marshall, Big Oak Road, stated he read about the Supervisors considering spending money for open space acquisition on Big Oak Road, and he would endorse that idea. Mr. Benedetto stated that matter is on the Agenda for discussion this evening.

Mr. Charles Lombardo, 1511 Laurie Lane, stated he went to the Planning Commission meeting last week which was abruptly adjourned. He stated the engineer was discussing the road activity with regard to the Snipes property. Mr. Lombardo stated he has significant disagreements with the Plans the Township has for that property because of the children and the Schools, and the enormous amount of traffic that is going to ensue. Mr. Lombardo stated he feels the engineer was trying to figure out how they could “get away with this as cheap as possible,” and was cutting corners that are significant. Mr. Lombardo stated Dolington Road is very narrow, and there are gutters on both sides; and where the driveway is proposed to come out it is very narrow. Mr. Lombardo showed a copy of the proposed Plan. He stated where they are proposing the entrance is also very close to the overpass at I-95, and cars are going 40 to 50 miles per hour all the time.

Mr. Lombardo stated the Township engineer suggested a place on the side where they could turn in, but Mr. Lombardo stated he feels there will be numerous accidents there. He stated if the Township is going to do “this crazy project,” they will need to widen the road significantly and put signage and blinking lights saying “merging traffic.”

Mr. Lombardo stated he has asked the traffic engineer if he had timed the traffic over twenty-four hours or only during the high traffic times; and the traffic engineer would not answer his question. Mr. Lombardo stated what is happening at this location is that there is a ton of traffic when the Schools are in and out, and a lot more traffic when people are going home from work between 4:00 p.m. to 6:00 p.m. Mr. Lombardo stated there will also be more traffic based on the additional 200 cars that will be trying to get into the Snipes project.

Mr. Benedetto stated he was at the Planning Commission meeting, and the traffic engineer, Mr. Worsta, indicated that there were two separate issues. Mr. Benedetto stated one of the issues is the traffic issue that exists currently. Mr. Lombardo stated it is going to be exacerbated by a lot more cars. Mr. Benedetto stated Mr. Worsta had discussed coming down Dolington to Quarry they would use painting on the road. Mr. Lombardo stated there were three or four issues, and the one issue was how they were going to get in and out of the Snipes project and how they would deal with the turn. Mr. Benedetto stated the turn is what he was just discussing. Mr. Lombardo stated his response to the traffic engineer was they should do what they were planning to do ten to fifteen years ago which was to come straight into Creamery and put a traffic light there. Mr. Benedetto stated he recalls that Mr. Worsta indicated that the bigger issue with that is it is a State road, and there is a significant cost involved in that. Mr. Lombardo stated he agrees, but the bottom line is “should they end up killing people because they are trying to save money.” He stated cost should not be an issue when you are talking about this kind of crowded condition. He stated there are over 1,000 children in the area every day. He stated there are only gutters. He stated when two School buses are passing each other, they can barely get by on the road. Mr. Lombardo stated Creamery is also very crowded.

Mr. Benedetto stated Mr. Worsta did indicate that the big problem is during School hours, and this is where he was differentiating between the peak hours at the School.

Ms. Reiss stated she was at that School with a family member at 4:10 on a Thursday; and other than the children who were in the after-school program, there was no one there. Mr. Lombardo stated he lives there, and there is a “ton of traffic.” Ms. Reiss

stated she agrees that there is a lot of traffic in the morning at drop off and in the afternoon at pick up. Mr. Lombardo stated from 4:00 p.m. to 6:00 p.m. he hears brakes screeching because they are all racing to get home at the end of the day.

Mr. Benedetto stated he appreciates the time Mr. Lombardo has spent at Township meetings about this issue, and he added that it will be going back to the Planning Commission and come again before the Board of Supervisors.

Mr. Lombardo stated they should not think about saving money, rather they should think about saving children. He stated they need to widen Dolington Road past his property. He stated he feels the plan is poorly conceived, and they have too much crammed into the Snipes Tract. He stated they should make this a wildlife preserve with flower gardens and walking trails.

Mr. Michael Hansen, 885 Slate Hill, stated he also attended the Planning Commission meeting, and he is very excited to hear about the Snipes project. He stated he appreciates the thought the Township has put into this, and this will take an under-utilized asset in the Township and put it to good, productive use. Mr. Hansen stated he was impressed with the presentation by the engineers about the work they will do on the stormwater and reduction of impervious surface over what the benchmark requirements are. Mr. Hansen stated he feels the most important resources for families in the community are their children, and feels it is great to have another high-end recreational resource that they can use and add value economically and to the quality of life of the community. He stated he felt the traffic consultant and lighting consultants also made nice presentations recognizing there are things that need to be worked out.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, asked for an update on the status of the comment letter that was to be sent regarding the Trenton Mercer Airport Master Plan. Mr. Truelove stated based on the discussion at the last Board of Supervisors meeting and at the direction of the Board, a letter will be going out tomorrow from the Board of Supervisors which he authored but circulated to the Board. He stated the letter will go to Ms. Montgomery and Mr. Russell, and copies will be sent to several elected officials at the local, County, State, and Federal levels.

Mr. Mike Brody, 509 Brookbend Court, stated Middletown Township recently passed something related to growth and distribution of marijuana; and he was wondering if Lower Makefield is considering anything proactively as there is a hydroponic farm on the Township property so it would be an easy opportunity. He stated he is in favor of medical marijuana. Mr. Benedetto stated this has not come before the Lower Makefield Board of Supervisors, but he believes the Bucks County Planning Commission has drafted an Ordinance that potentially Townships

could consider. Mr. Lewis stated he has discussed this with some Middletown Township Supervisors, and it was predominantly about locations for distribution of medical marijuana. He stated it is very narrowly drafted at this time as to where they are going with this. He stated he does not know that this issue has risen to the level where it is on the Board's radar. Mr. Lewis added that currently Lower Makefield does not allow Liquor Licenses. Mr. Brody stated because of Bright Farms, the growing of marijuana could be more immediately available. Mr. Lewis stated that company does not have a License to grow marijuana; however, Mr. Brody stated they could apply for one.

Mr. Jason Simon, 514 Southridge Circle, stated he currently serves as the Commissioner of PAA which is the Baseball/Softball League in Lower Makefield. He stated he is acutely aware of the challenges that are associated with scheduling youth sports activities based on the inventory that is available to make these programs work. Mr. Simon stated all of the sports organizations are volunteer run, and the volunteers often are not available until their work day is done so there is a limited amount of time that the field space can be utilized. He stated this is important for the Township to consider as they move forward with development of additional tracts of land and with regard to lighting and other aspects that extend the available inventory so that the players can be accommodated. Mr. Simon stated their players are also participating in multiple activities. He stated with baseball and softball one of the challenges they have with regard to scheduling is that they need inventory to make up games when it rains so this condenses it even further.

Mr. Simon stated these programs impact the community by not only providing programming for the participants, but the Leagues also become the "Town Hall" for the community as it is where the parents gather to be communal. Mr. Simon stated one of the jobs of the Supervisors is to protect the property values; and when you look at a residential community like Lower Makefield that has limited support from a business tax, the property values are paramount. He stated studies indicate that a strong parks and recreation system has a positive impact on the property values, and properties that are closer in proximity to parks have a higher property value. Mr. Simon stated with regard to the demographics of the Township, the older residents in the community are being replaced with young families; and they buy here because we have a good School District and excellent recreational programs and facilities. Mr. Simon stated he agrees they should address the concerns with the development of the Snipes Tract; but they should remember that these programs are vitally important to the community

Mr. Sean O'Hara, 360 Robin Hood Drive, stated he is President of YMS, and he agrees with Mr. Simon. He thanked the Board of Supervisors for all they have done to date with the development of Snipes as well as Mr. Eisold and his group. Mr. O'Hara

stated at the Planning Commission meeting some residents, none of whom were from YMS, took over that meeting in a negative way; and hopefully that will not happen again. Mr. O'Hara stated YMS represents 1,700 families. He stated they have served this many families in the fall and in the spring for the past seven to ten years. He stated he is a strong supporter of the development of the Snipes tracts, and he agrees with Mr. Simon's comments about property values. He stated there is also a study which the Board has seen in reference to the amount of acreage per resident that is recommended by the National Recreation and Park Association which refers to the number of acres per 1,000 residents. He stated based on the current resident count of 32,000 to 33,000, the Township should be at approximately 320 to 330 acres. He stated even after the development of Snipes, they will be over fifty acres short. Mr. O'Hara stated he is in support of even further development of any space that can be purchased and converted to parks.

Mr. Lombardo stated they should remember that over 1,000 children come out of the Schools every day, and there is a huge amount of traffic in this area. He stated the children are going to be put at risk by not doing this right. He stated if they are going to proceed with the project, the Township should spend the money to widen Dolington and Quarry and put in sidewalks. Mr. Lombardo stated they may have to cut back on the number of fields. He stated he does not understand why they do not "cut deals" with the School District and improve their playgrounds since they are already there. He stated they should sell the Snipes property and take the profit from it to improve other properties at the School District sites.

Mr. Simon stated the Pennsbury School District has a significant inventory, and PAA and YMS do use the School's inventory frequently, and they pay for it. He stated the School District has a policy in which they do not invest or expand any services on their fields. Mr. Simon stated PAA spent \$4,000 on the Afton ball field. He stated they were told by the Pennsbury School District that when you spend money on their fields, they would deduct it from PAA's fees to the School District. He stated it turned out that the field that PAA invested in is not considered part of the School's curriculum; and therefore the funds spent on that field were not eligible to be used as an offset. He stated they pay thousands of dollars of User Fees to both Lower Makefield and the School District, and they use all the fields they can. He stated the challenge is that all of the Leagues are trying to access the same fields with the School District. Mr. Simon stated when they played T-ball at the School fields they are discussing, they had problems with poison ivy, bees nests, and other things causing problems; and they could not get the School District to take care of the fields, and it was an expense put on PAA. He stated all of the Leagues do everything they can to maximize the opportunity to leverage the inventory they have. He stated if there is an issue with the way the School District is utilizing field space and being available to the residents, that is a discussion that has to happen with the Pennsbury School District and not Lower Makefield Township.

Mr. Simon stated the Township and the Leagues have an excellent working relationship with one another, and they work closely with Park & Rec to insure that they are aligned in providing safe environments for their players. He stated the amount of effort it takes to run these Leagues is nothing short of a full-time job for those doing it, and there are hundreds of adult volunteers in the community coaching the children. He stated he has heard about the children at the Schools during the day near these fields, and these are the same ones who are making use of the fields after School. Mr. Simon offered to discuss this further with Mr. Lombardo outside of the meeting.

Mr. Lombardo stated he feels Mr. Simon just called him “a liar;” and others present stated that is not what Mr. Simon stated. Mr. Lombardo stated he feels the Township should help the Leagues and help fund them so that they can use the School District fields that are there. He stated they should negotiate with the School District to improve the School properties, and put the lighting in there since they already have the property.

Mr. Lewis stated the traffic engineer for the Township is very well known in the area, and Mr. Lombardo impinged on his reputation and suggested that he was not doing his job. Mr. Lewis stated he feels Mr. Lombardo owes a debt of gratitude to the people who work for the Township diligently and he should give them a fair hearing. Mr. Lombardo stated he did not impune the Township engineer, and he only stated that the Township engineer had not answered his question, and he had no idea how the Township engineer had computed his analysis.

Mr. Brad Pinious, Sutphin Pines, stated he has been a resident for over thirty years; and he would like to know why the Township has an assault-type military vehicle, and who paid for it. Chief Coluzzi described the \$1 million vehicle that they got from Army Surplus which are made available to all Police Departments throughout the Nation. He stated it is to provide tactical equipment for Departments. Chief Coluzzi stated they have had this vehicle for eight to nine months, and they have used it eight to nine times on different hostage situations throughout the County. He stated it a County vehicle being housed here.

#### APPROVAL OF MINUTES

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

## PRESENTATION OF MARRAZZO GARDEN CENTER SKETCH PLAN REVIEW

Mr. Edward Murphy, attorney, was present with Mr. Rob Cunningham, engineer, on behalf of Ed Moser who recently entered into an Agreement of Sale to purchase the Marrazzo Garden Center property at the corner of Sutphin Road and Yardley-Morrisville Road. He stated it is approximately 2  $\frac{3}{4}$  acres. He stated it has been Marrazzo's for quite some time; and he stated over the course of the life of Marrazzo's from a compliance standpoint, the Township staff knows that it has not always been "an easy ride." He stated there has been a fair amount of conflict between the operation of the Garden Center and the Sutphin Pines residents to the rear.

Mr. Murphy stated the idea is to consider a re-development of the corner property for an extension of Sutphin Pines. He stated the Sketch has been the subject of an early review by Mr. Eisold's office and last month by the Township's Planning Commission. He stated the Sketch shows seventeen Sutphin Pine-style townhomes. He showed the Sketch and stated the units are arranged in a fashion nearly identical to Sutphin Pines. He stated there would be a single point of access on Sutphin Road and an emergency access only on Yardley-Morrisville Road.

Mr. Murphy stated the issue, as it was many years ago when Sutphin Pines was created, is that the property as well as almost all the acres that surround it are Zoned R-2. Mr. Murphy stated Sutphin Pines contains one hundred and five units, and it would not exist today under the R-2 requirements; and he recalls that Sutphin Pines was created by virtue of a Curative Amendment Application, and resolution as settlement of the litigation. Mr. Murphy stated Sutphin Pines today is Zoned R-2 which does not permit townhomes either.

Mr. Murphy stated at the Planning Commission meeting last month the members endorsed the idea of a re-development of the property for a plan like the one he is showing. He stated they spent more time trying to determine if the Board of Supervisors was also of a similar mind, how they would implement the plan. Mr. Murphy stated there would be two choices – one to seek Zoning relief from the Zoning Hearing Board or to modify the underlying Zoning to permit this. Mr. Murphy stated he feels the sense was the preference would be to go to the Zoning Hearing Board to seek Zoning relief first as opposed to modifying the Zoning.

Mr. Murphy stated they presented to the Planning Commission elevations of what the units would look like, and they provided a hand-out this evening and showed a colored rendering as well of what the units would look like which will very much mirror the current Sutphin Pines housing project.

Mr. Benedetto asked the price point for the townhouses, and Mr. Murphy stated it would be upper \$300,000.

Mr. Benedetto asked what specific Zoning relief they would be looking for; and Mr. Murphy stated earlier today he gave Mr. Truelove and Mr. Eisold a list of the Zoning relief required which would be to permit attached single-family homes in the R-2 District which today is not permitted. Mr. Murphy stated there would also be a density Variance since R-2 only permits single-family homes. Mr. Truelove stated there would be one Use Variance and approximately six or seven dimensional Variances.

Mr. Fritchey stated the floor plans are dated 2/10/15, and he asked if this is the same Plan that was used on another development by the same builder. Mr. Murphy stated the negotiations with the Marrazzos were so extended that it has been going on for over a year to get to this point.

Ms. Reiss asked the size of the garages, and Mr. Murphy stated they are two-car garages.

Ms. Tyler asked if the proposed density is the same as, greater than, or less than Sutphin Pines; and Mr. Murphy stated their intention was to try to make it identical to Sutphin Pines. He added that Mr. Cunningham can discuss how they looked at the lay-out of Sutphin Pines in terms of the block of units and the number of units, and they tried to mirror that. Ms. Tyler stated she was just provided the list of anticipated Zoning relief from Mr. Eisold, and she stated they are requesting Variances to permit single-family attached and permission to have minimum front yard setback of 58' where 100' is required. She stated the one she finds troubling is the Variance request to permit maximum impervious coverage of 50% where 15% is permitted. She stated they are also requesting a Variance to permit minimum setback from the collector road of 60' where 80' is required, a Variance to permit minimum width of a Type I Buffer of 10' where 25' is required, and a Variance to permit width of a Type II Buffer within 30' where 50' is required.

Mr. Murphy stated the current impervious surface ratio of the property is approximately 80%, and they are proposing to reduce it by 30%. There was discussion about the history of this property as a nursery.

Mr. Murphy stated some of the biggest issues that the existing neighbors have had with the operation are the lack of buffers and setbacks, and the constant movement of equipment and machinery. He stated they have an opportunity here to create meaningful buffers with meaningful landscaping to support it, and he feels the quality of experience for the existing residents around this property will be greatly enhanced.

Mr. Lewis asked Mr. Murphy if his client owns the property outright; and Mr. Murphy stated they have an Agreement of Sale, and it is contingent upon getting the necessary approvals to do this. Mr. Lewis stated he feels the Zoning Hearing Board will analyze this in rigorous detail, and they do a lot of great work for the Township. He asked if the Zoning Hearing Board approves some variation of this, would the Marrazzos be out of the picture in terms of the development of the property and removed completely, and Mr. Murphy agreed. Mr. Lewis asked if there would be any interaction with other Marrasso-related developments within Lower Makefield, and Mr. Murphy stated there would not.

Mr. Lewis stated he feels architecturally they look like very attractive units, but he would have some of the similar concerns expressed by Ms. Tyler. He added he often defers to the Zoning Hearing Board in terms of the details such as the impervious surface. Mr. Murphy stated he understands the concern about the impervious surface, but he feels they need to look at what is there now and compare it to what is proposed. Mr. Lewis asked if there are alternatives with respect to setbacks and width of street such that they could have fewer units or re-structuring of units recognizing the economic downside to making the project as profitable as the client may prefer, but it may make it more appealing to the Zoning Hearing Board. Mr. Murphy stated they will have to work through the process to see where it goes. Mr. Benedetto asked if it would change any of the Variances necessary if they were to reduce it by one or two units, and Mr. Murphy stated he does not feel it would appreciably.

Ms. Tyler asked that the Board of Supervisors be provided a list of the Variances on the Sutphin Pines development so that they can see the history of this.

Mr. Eisold stated they reviewed the proposal early on and identified some of these issues that have gone to the Variance standpoint, and there were a few layout issues that they had made recommendations on which have been addressed on the Plan. Mr. Eisold stated they should also recognize that Sutphin Pines is not in accordance with the Zoning even when it was built. He stated what is proposed is in accordance with what is at Sutphin Pines for the most part.

Mr. Benedetto stated he feels it is an improvement on what is there now as far as the neighbors are concerned given the current use, although he is not sure that any of the neighbors were in attendance at the Planning Commission. Mr. Murphy stated the neighbors did not attend the Planning Commission meeting. Mr. Benedetto stated he understands that the Zoning Haring Board does a great job of looking at these issues, and he wants to make sure that the residents can express their concerns if they have any. He stated he personally feels that what is proposed is an improvement, and it is a well-designed plan.

Mr. Brian Wagner, Barn Drive, stated he comes from Hoboken, New Jersey, where he was the lead bike advocate working with elected officials to bring bike safety and infrastructure to Hoboken. He stated they fought for many years against over development where infrastructure could not support the speed of the growth of development. He stated he agrees that this is an interesting rendering, but he is concerned about visual sight as he lives behind Sutphin Pines. He stated the buildings appear to be larger, height wise than what is in Sutphin Pines right now. Mr. Murphy stated they comply with the height requirements of 35'. He stated he is not sure of the height of the existing Sutphin Pines units. He stated they are not seeking any relief from the height requirements. Mr. Wagner stated there appears to be two living levels above the garage plus whatever is in the eaves of the attic, and that might provide a higher viewpoint of structure higher than the existing Sutphin Pines. He stated the homes on the west side of Yardley-Morrisville Road are single-family ranches. Mr. Benedetto stated they are within the Zoning requirements, but they could consider this from an aesthetic standpoint.

Mr. Wagner stated the area of the access is very busy in the morning rush hour; and while there is a stop sign there now, he is not sure that a Traffic Study will be part of the consideration. Mr. Murphy stated they have had discussions with Mr. Worsta, the traffic engineer; and one of his representatives was at the Planning Commission meeting, and they will be commenting upon its impacts.

Ms. Reiss stated they should make sure that the neighborhoods that are most impacted get notice for the Zoning Hearing Board meeting. Mr. Wagner stated he did not receive Notice about the Planning Commission meeting, and it was noted it is not a requirement for Sketch Plan.

Mr. Lewis asked if the trees behind the proposed Units 12 to 17 and Units 6 to 11 are existing trees of significant height since that might address some of the concerns about visibility. Mr. Cunningham stated there are existing trees on the border, and they will supplement them with new plantings as well. Mr. Lewis stated with regard to traffic there might be a positive benefit as it relates to the development as the prior property was a Retail establishment which had peak periods in both spring and fall with parking overflows going across the street. Mr. Murphy stated Mr. Worsta did comment to him that would be an important consideration as they compare the impact of the existing operation versus the proposed. Mr. Lewis stated even with thirty-five cars, they would predominantly be early morning which would be a lot better than an entire weekend which is the current situation during peak periods at the existing facility.

Ms. Tyler asked if there was any consideration of staying within the R-2 Zoning and putting in single-family homes as permitted; and Mr. Murphy stated there was not as they could only get in two to three homes, and Mr. Marrazzo was not interested in selling the property where the Residential density would be so limited. Ms. Reiss asked why he would care; and Mr. Murphy stated the value of the property would be such that Mr. Marrazzo would not be interested in selling the property for a few single-family homes. Ms. Tyler asked if the sale is contingent upon Zoning approval, and Mr. Murphy stated it is.

Mr. Matt Zubrzycki, 80 Sutphin Pines, stated he is the President of the Sutphin Pines HOA, and he was not aware of this discussion until someone forwarded him an e-mail; and he would like to be notified before this goes further. He stated he has concerns about the height as the rendering looks like a four-story building. Mr. Benedetto stated with regard to notification, he believes that the requirement for the Zoning Hearing Board is to notify those within 500' of the proposed development.

**APPROVAL OF RESOLUTION NO. 2322 APPROVING THE FILING OF AN APPLICATION FOR \$269,605 IN FUNDS UNDER THE BUCKS COUNTY OPEN SPACE PROGRAM FOR THE PURCHASE OF 9.5 ACRES OF THE HILDEBRAND PROPERTY**

Mr. Truelove stated the County Program is coming to an end soon, and there is \$269,000 available. He stated this property is at the corner of Big Oak Road and Stony Hill Road. He stated it is approximately nine acres. He stated the purpose would be to use the County Open Space money with the balance to be a match by the Township as listed in the proposed Resolution. He stated it will be a Fee Simple purchase of 9.5 acres with the remainder of the acreage to remain with the property owners.

Mr. Fedorchak stated earlier in the year the Board authorized the purchase of the Jennings Tract which was 3 acres of land situated off of Taylorsville Road between Taylorsville Road and the Canal. He stated this 3 acres allowed the Township to connect the Canal at a location where there is a bridge over it, and connect that piece to Taylorsville Road a public thoroughfare; and this was very much welcomed by all the residents in the area. Mr. Fedorchak stated \$225,000 was the sale price for that property, and the Township received approximately \$168,750 from the County Open Space Program which was applied to the \$225,000.

Mr. Fedorchak stated the Hildebrand property now being discussed was highly recommended for acquisition by the Township's Environmental Advisory Council which some years ago had inventoried the remaining open space properties within Lower Makefield Township. Mr. Fedorchak stated what is before the Board this evening is the first step which is to make Application to the County for an Open Space Grant in the amount of approximately \$270,000 which represents the remaining amount of Grant money allocated for Lower Makefield Township by the County. He stated the Township by adopting this Resolution this evening will also commit to the Township match which is estimated to be approximately \$190,395.

Mr. Fedorchak stated the Hildebrand property is situated at the intersection of Stony Hill and Big Oak. He stated the Hildebrands have owned the property for a number of years, and they had a very pleasurable experience negotiating the sale with them; and they were very much wanting the Township to purchase the property. He stated the Hildebrands have on a number of occasions had developers approach them, and their property seems to be very much of interest to developers. Mr. Fedorchak stated the only condition Mrs. Hildebrand wanted the Township to attach to this sale was that there shall absolutely be no public hunt on the property.

Mr. Fedorchak stated it is his recommendation that the Board approve this Resolution allowing the Township to submit the Grant Application to the County. He stated they have one appraisal which came in at \$460,000. He stated ultimately they will have to have a second appraisal done, and that is in the works right now. He stated they will have the results of that shortly, and they will combine the two appraisals and put that into the County.

Ms. Tyler asked about the future of the property and the restrictions that would apply as a result of the Township accepting Open Space money from the County. Mr. Fedorchak stated ultimately there will be an Open Space Easement that the Township will execute with the County being a Party to that Easement, and there would be the typical terms and conditions about there being no development, and it will be highly restricted. Ms. Tyler stated this in essence would stop development of these acres.

Ms. Reiss stated the proximity of this property to the Five Mile Woods is important. She stated across the street from this property on Big Oak Road are two lots that have been for sale for some time. Ms. Reiss stated the Guzikowski tract which is coming up next also connects to this area which results in a large open area.

Mr. Fritchey stated the 9.5 acres they will be buying are currently wooded areas, and Mr. Fedorchak agreed. He stated there is a certain amount of protected natural resources within that 9.5 acres; however, the engineers have calculated that there could have been as many as five if not more building lots that could be constructed on the 9.5 acres. Mr. Fritchey stated if they proceed with this, it is likely that this will remain as woodlands, and Mr. Fedorchak agreed.

Ms. Tyler moved and Mr. Fritchey seconded to approve Resolution No. 2322 as discussed this evening.

Mr. Benedetto stated the Hildebrands will be retaining 1.5 acres, and the purchase would be subject to a Subdivision next year. Mr. Benedetto asked what would happen if the second appraisal comes in at a higher or lower price, and Mr. Fedorchak stated they will split the difference. Mr. Benedetto thanked the EAC for multiple recommendations. He stated they had indicated that this property was on their Top Ten list.

Mr. Jim Bray, EAC, thanked the Board of Supervisors for considering this acquisition. He stated one of the best things that a governing body can do for the people in their Municipality is the purchase of open space. He stated one of the benefits is that they will not have to worry about the maintenance of infrastructure or additional Police protection. He stated this property could have had an additional five homes on it, but they will now not be built. He stated one of the reasons people move to Lower Makefield Township is because of its pastoral heritage. He stated he feels the Board, by doing this, is leaving the best legacy they can to the people of Lower Makefield Township. He thanked the Board and the EAC.

Mr. Bray stated in the spring/summer of 2007 three members of the EAC undertook an inventory of all the remaining open space in Lower Makefield Township, and they reviewed 289 properties. He stated the Hildebrand property was one of those and was one of their higher rated properties as well. He stated they prioritized the 289 properties based upon ease of development; and if the property could easily be developed, that would have a high property. He stated this is also the case for the Guzikowski property that is coming up next on the Agenda.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2323 TO PURCHASE AN AGRICULTURAL CONSERVATION EASEMENT IN THE AMOUNT OF \$3,775,000 FOR 44 ACRES OF LAND OWNED BY SANDRA GUZIKOWSKI

Mr. Truelove stated this is a property that has been long coveted by the EAC and the Township for a Conservation Easement. He stated in the last several weeks they have had discussions with Ms. Guzikowski and her representatives about this property. He stated the recent Bond Issue issued by the Township included the designation of a portion of those funds for the purchase of Open Space. Mr. Truelove stated Mr. Fedorchak was very involved in the process as well as himself and members of his office.

Mr. Truelove stated the Resolution would authorize the acquisition of a Conservation Easement on 44.6 acres on Big Oak Road. He stated the two attachments are an Agreement of Sale for the Conservation Easement as well as the Conservation Easement document itself. Mr. Truelove stated they did have appraisals done as required by the applicable Codes including the Second Class Township Code and the number referenced of \$3.775 million is one of the numbers that was determined as the appraisal for the property. He stated the property will be subject to the Conservation and Preservation Easements Act which is important since they will not then be required to have Transfer Taxes paid. He stated it also indicates what the limitations of the use would be. He stated the total property is 44.6 acres, and 5 acres of that will be reserved for a building envelope to allow Ms. Guzikowski to conduct certain activities consistent with agricultural use and certain activities such as selling trees, farm goods, etc. Mr. Truelove stated the language is very similar to the discussion with Ms. Bush from the County Office for Open Space about the proposed Easement that will be finalized on the Patterson Farm; and the restrictions they will have for this property will be very similar as they are on the Patterson Farm.

Ms. Tyler stated this case is much different from the Hildebrand property, and in this case the title will remain with Ms. Guzikowski; and all Lower Makefield is purchasing are the development rights for the property, and Mr. Truelove agreed. Mr. Truelove stated that is consistent with the programs that both the County and the Township have been involved in making a choice between the Fee Simple approach if feasible and affordable or the Conservation Easement approach which does allow in perpetuity the restrictions on the property being consistent with the current use. Ms. Tyler asked if the County favors one method above the other; and Mr. Truelove stated they do not, and it depends on the property. He stated they look at each property individually to see what is the best way. He stated oftentimes it depends on who owns it, and what they want to do with it as well. He stated in this case Ms. Guzikowski is a dedicated farmer, and she has agreed that the use of the property will continue in perpetuity to be consistent with what it is now.

Ms. Tyler stated when the time comes that Ms. Guzikowski is prepared to sell her property, whomever that subsequent purchaser is will also be bound by the Conservation Easement; and Mr. Truelove agreed. He stated everything will be Recorded at the Recorder of Deeds Office, and anyone considering purchasing the property will be placed on Notice by the Recorder of Deeds Office of the limitations of use on the property.

Ms. Tyler asked if they have two appraisals, and Mr. Fedorchak stated they only need one in this matter. Ms. Tyler asked if they only appraised for a Conservation Easement or did they also appraise for outright purchase, and Mr. Fedorchak stated they did have a Fee Simple appraised value which was \$400,000 more. Ms. Reiss stated Ms. Guzikowski was not interested in an outright purchase. She added that Ms. Guzikowski has been a very good steward of her family's land; and she wanted to be sure that when she was no longer able to farm or she passed, that whoever had title to the land would again be good stewards of the farmland. Ms. Reiss stated it is a beautiful piece of property. She stated she believes that Falls Townships has some of the adjacent property as open space as well. She stated it is the type of property that they want to preserve. She stated with 44 acres it could have easily been 88 or more homes. Ms. Reiss stated she has been working on this for over a year, so she is very happy to see this come to fruition tonight.

Ms. Tyler asked if anyone else on the Board is troubled by the fact that for \$400,000 more the Township could be the outright owners of the property, and asked if they were interested in pursuing this as an outright purchase. Mr. Lewis stated she will be very limited in her buyers after the execution of this Agreement, and at that point the question for the Township would be if they want to buy it given that they have gotten the value that the Township has earned from it limiting development. Ms. Tyler questioned what the cost would be as that time as probably it would be more than the \$400,000 that it is right now. Mr. Lewis stated farmland in the United States has become cheaper in some areas of the Country as a function of the number of farms with family farms being bought by large corporations. He stated this is a relatively small acreage compared to what you would see in other States or even the central part of Pennsylvania. He stated it may not have a value that is higher \$400,000 at that time.

Ms. Tyler asked Mr. Fedorchak if the appraisal speaks to the value of the property after the Conservation Easement. Mr. Fedorchak stated an outright purchase would cost \$4,175,000. Ms. Tyler stated her concern is what would be the value of the property at the time when Ms. Guzikowski no longer wishes to farm it and the Township wants to buy it, and whether the Township is being foolish not just paying the \$400,000 right now and buying the property outright. Mr. Fedorchak stated as Ms. Reiss had indicated, it was his understanding as they proceeded through the

negotiating process that Ms. Guzikowski wanted to maintain control over the entire 44.5 acres to the extent that she could for a variety of farming purposes subject to the Conservation Easement. Mr. Lewis asked if the staff explored the right of first refusal on the remaining value of the land, and Mr. Fedorchak stated they did not. Ms. Tyler asked if that is something that they should consider. Ms. Reiss stated she feels they originally approached her about buying it outright.

Mr. Benedetto stated this been approximately ten years in the making, and this is the third different appraisal of this property. He stated this is very similar to what was done with the Wright Farm where they sold the Conservation Easement to the Township, and Ms. Wright still owns it. He stated it is not unprecedented in the Township, and Ms. Guzikowski has always approached it as a Conservation Easement. Mr. Benedetto stated while they could tell her that they want to buy the property outright since it would only cost \$400,000 more the problem is that she does not want to do that. He stated she wants to maintain the property just as Ms. Wright has maintained the Wright Farm for over ten years. Mr. Benedetto stated if there is not a willing seller, they have to either go with the Conservation Easement or there is the threat of a developer coming in and developing it. Mr. Benedetto stated this is a very developable piece of property as it is wide open acreage, and it is a superior Residential location. Mr. Benedetto stated he feels they should proceed with this since they committed in 2008 with the Referendum to acquiring Agricultural Conservation Easements.

Ms. Reiss stated if the Township were to own the property, they would have to maintain it and the house and would have to find a farmer who is willing to farm it. She stated this way, if Ms. Guzikowski wants to sell it she would be selling it as a small farm. Ms. Reiss stated the Township did not have an option since Ms. Guzikowski did not want to sell it outright. Ms. Tyler asked if they had that conversation; and Mr. Benedetto stated they did, and Ms. Guzikowski indicated that she was not interested in an outright sale. Ms. Reiss stated she feels this way the land will remain farmland in perpetuity.

Mr. Fritchey stated by doing this they are doing what they wanted to do which was to keep it in farmland in perpetuity.

Ms. Tyler moved, and Ms. Reiss seconded to approve Resolution No. 2323.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is Chair of the Environmental Advisory Council, and he is 100% in favor of this. He stated he feels that these two Resolutions are the best things that the Board has done all year. He stated this will be the first significant addition to the preserved open space since 2004, and Mr. Fedorchak agreed. Mr. Dresser stated this will come out to \$11 per household for twenty years. He stated it will also reduce the need for future property tax

increases by not having these 93 homes built, and all the homes in the immediate area such as Big Oak Woods will have their property values increased. Mr. Dresser stated open space has contributed a net \$1.4 million to the General Fund over the last ten years mainly from the sale of approximately 26 acres of land at the Patterson Farm, Elm Lowne, and the Park & Ride.

Mr. Jim Bray, EAC, stated contiguity in open space is an important issue. He stated this is a 44.6 acre farm that abuts preserved land in Falls Township that abuts Five Mile Woods. He stated this contiguity and these wildlife corridors are very important, and it ultimately results in clean air, clean water, and flood mitigation. Mr. Bray stated they have been looking at this farm for over ten years, and they feel this is one of the jewels of Lower Makefield Township, and he thanked the Board for their actions this evening. Mr. Benedetto thanked the EAC for their hard work.

Mr. Adrian Costello, 2122 N. Costello Boulevard, thanked the Board for doing this. He stated this is the fifth Board that had the opportunity to use what was voted for in 2008, and the first Board to do anything significant like this.

Mr. Tim Collins, Jenny Drive, asked if there is not a sale sign on this property; and it was noted that sale sign is on the adjacent property. Mr. Collins stated the Hildebrand property is across the street, and for 9.3 acres they are spending approximately \$28,000 per acre; but at this property it is almost \$90,000 per acre. Mr. Fedorchak stated the value is not on a per acre basis, rather it is based on buildable lot yield. He stated the 9.5 acres at the Hildebrand property could result in five lots at most; however, in the case of the Guzikowski Tract, because it is a very open piece of property with very little in the way of protected natural resources, it is a very attractive piece of property for development. He stated it would be very easy to develop, and could result in at least 52 lots minimum which could be realized from this tract so that is the reason for the difference.

Mr. Jim Wilson, 2111 Yardley Road, stated he brags to everyone about what they have done in Lower Makefield Township; and he thanked the EAC for what they have done. He stated this is why he has lived in Lower Makefield for thirty years, and he is proud of what the Board has done.

Mr. John Heilferty, 875 River Road, stated as a resident he is always grateful to have his tax dollars go for open space. He stated he is also in favor of active recreation as well as passive recreation. He stated he is the Naturalist at the Five Mile Woods, and he commended the Board and expressed his significant support for this. He stated before he was the Naturalist at the Five Mile Woods, he was on the EAC, and they were doing the same kind of open space assessments that the current EAC has done, and they looked at some of these same properties. He stated it is encouraging to see these efforts finally paying off. He also thanked the Hildebrands and Ms. Guzikowski

for working with the Township on this as well. He stated Ms. Guzikowski has been a good neighbor to the Five Mile Woods Preserve; and it is encouraging to see people interested in keeping active farming in the Township. Mr. Heilferty stated there is additional forested property in Falls Township that is in private hands owned by a relative of Ms. Guzikowski that abuts the Five Mile Woods so there is still additional work to be done. Mr. Heilferty stated there is a connection as it relates to a wildlife corridor. He stated he does not feel it would be harmful if they discussed the right of first refusal with Ms. Guzikowski.

Motion carried unanimously.

Mr. Truelove stated the Board met in Executive Session commencing at 7:15 prior to the start of the Public Meeting, and they had discussed informational items.

#### DISCUSSION OF BRIGHT FARMS CLEAN WATER ACT VIOLATION

Mr. Paul Lightfoot, CEO of Bright Farms, was present. He thanked the Board for inviting them to the meeting and stated after briefly describing what Bright Farms is about, he will address their question about the release of water in November. Mr. Lightfoot stated Bright Farm's mission is to improve the health of the environment and the health of Americans. He stated they grow food that makes people healthier with a smaller environmental footprint than traditional farming. He stated samples of their produce are available this evening. He stated all of their produce is GMO and pesticide free, and they operate in a way that uses 80% less water, 90% less land, and 95% less shipping fuel than long-distance, field-grown produce generally from the West Coast that they are placing on store shelves. Mr. Lightfoot stated they are passionate about giving back to the communities they serve, and they have provided fresh nutritious produce to the local community twelve months a year, they pay rent to the Township and taxes, and they provide living-wage jobs with health benefits to their workers, many of whom are present this evening. He stated they also work with local food banks to help deliver fresh produce to those in need in Bucks County. He stated Bright Farms has received National recognition for its efforts to grow local produce in a way that is kinder to the Earth, and to get fresh food to dinner tables faster. He stated since opening in Lower Makefield they have built and now operate greenhouse farms in D. C. and Chicago.

Mr. Lightfoot stated their first farm was in Lower Makefield Township, and they have enjoyed investing in the community, creating jobs, providing the community with fresh local salad greens on a year-round basis, and getting to know people in the community.

Mr. Lightfoot stated he was invited to talk about the water that was released from their greenhouse in November. He stated with regard to their water practices, they grow plants that float on seven ponds inside of the greenhouse. He stated the ponds are approximately 14" deep, and they are created by small concrete walls that hold in water on a liner over the dirt. He stated the liner is similar to what you would have in a back yard garden pond. He stated the water is generally from the rain, and they collect all the rain that falls on the roof of the greenhouse; and they store it in a giant cistern, and they add nutrients to the water which is fertilizer so the plants can thrive. He stated they add nothing else to the water. He stated every week they send water samples to an independent lab to make sure there is nothing else in the water. He stated the USDA audits them, sometimes on a surprise basis; and they are a Food Safe Certified facility, and they have never had a problem with the safety of their plants, their water, or their operations in any way. Mr. Lightfoot stated for the most part, the only water that leaves the pond is the water that is in the plants. He stated a small amount of water from their harvesting operation falls on the floors when it falls off the stems and the roots, and this is a deminimous amount. He stated their greenhouse farming method is water efficient because unlike field farming, they have no run off at all, and all the water stays in their ponds and is re-circulated. He stated since they opened the ponds several years ago, they have never emptied the ponds and refilled them.

Mr. Lightfoot stated the event that he was asked to come talk about took place in November when one of their farmers released water, and this was a one-time event which is not a practice. He stated they asked their team to estimate how often they have done this, and they estimated they have done it three times since construction began on this project. Mr. Lightfoot stated in this particular instance the farmer released about 1" of water from the approximately 4" deep spinach and arugula pond. Mr. Lightfoot stated this would be equal to about several small hot tubs worth of water. He stated the amount of fertilizer that was in that water was not an extreme amount of fertilizer particularly for a greenhouse surrounded by a farm that grows crops. He stated they have an expert present this evening who can describe this in more detail.

Mr. Lightfoot stated in this particular instance, the farmer wished to fine tune the balance of some of the nutrients to try to get the perfect pond conditions to try to get perfect, thriving plants. He stated the nutrients in this case are salt called chlorides which are electrolytes which are needed by plants to thrive. He stated he released this small amount of water because he thought it was an appropriate way

to get the perfect balance that he was looking for in this farm. He stated he knew that there was no harm in releasing electrolytes, and it did not occur to him that releasing this small amount of water on a farm would be a problem since he was releasing water with fertilizer on a farm that uses water and fertilizer to grow crops. Mr. Lightfoot stated this water was in no way harmful in any way.

He showed a brief video about the process at the greenhouse.

There was a question about what was red in the water that was released, and Mr. Lightfoot stated it is iron, and it is just considered a fertilizer. He stated the water released did not run into any waterways. He stated there is a detention pond that they built as part of the Permitting approval for the greenhouse, and the detention pond was oversized and built in a low-lying part of the field which was generally wet. He stated it was built larger than would have been required for the size of their greenhouse to try to help alleviate some of the run off issues that existed before Bright Farms was there. He stated the water released ended up in that detention pond, and it did not go into any waterways.

Mr. Lightfoot stated the DEP has never had an issue with them previously, and he believes that a complainant sent a video of the water just discussed and indicated to them that Bright Farms had industrial waste coming from their greenhouse. Mr. Lightfoot agreed there was a release of water; however, it was not industrial waste. He stated the DEP is required to investigate all complaints; and they therefore sent Bright Farms a Notice of Violation, and then came out and met with them at the site. He stated they are working closely with them, and it is part of Bright Farm's culture to be totally transparent.

Mr. Lightfoot stated as a Commercial greenhouse farm, any wastewater coming from their facility is considered residual and not industrial as defined in the Pennsylvania Code 25 Section 271.1. He stated this afternoon he shared with the Township, and can make public, a copy of the response letter that was sent to DEP today; and with that letter, they are also making available six months worth of lab results that are sent weekly about their pond water. Mr. Lightfoot stated the water from the greenhouse was not industrial waste, and an expert will discuss exactly what it is, and that the small amounts of fertilized water released was not harmful to the community, the environment, the waterways, or the Patterson Farm. He stated they still want to be a respectful, responsive neighbor; and they understand from listening to the Township that they do not want them to release water like that, and they have not since then and will not in the future release pond water from the greenhouses like that. He stated whenever there is a need for them to discharge any water, which never happens in significant quantities, they will flush it into the interior drains into the sanitary sewer system; and they have permission to do so from the Morrisville Municipal Authority who also tested their water and deemed it to be perfectly safe and appropriate.

Mr. Lightfoot stated they are trying hard in many ways to be a good community member, and they currently pay \$23,000 a year in rent for four acres, and that land had previously brought in approximately \$100 an acre. He stated they also pay taxes and administrative fees, and in total he believes they have paid nearly \$250,000 to the Township since 2012. He stated they are happy to do that because they are hoping that it will enable Lower Makefield Township to better preserve this farm and make other acquisitions by making the Farm more economically productive and viable.

Mr. Lightfoot stated they are working hard to listen to community feedback and make their Farm a business which community members take pride in, and they are always trying to make themselves open and available. He stated they hosted an Open House this past Saturday, and over 100 people attended; and he showed a Video from that event. Mr. Lightfoot stated while they have a policy of giving tours whenever they get a request not many people do that; and he stated if people want to see how the farm works and how it helps Pennsylvania, Bucks County, and Lower Makefield, they will be happy to set up a tour. He stated they will hold more tours in 2017 as the Open House was very successful.

Mr. Lightfoot introduced Mr. Raymond Lees, an engineer with Langan Engineering Environmental Services which is a forty-five year old company with their headquarters in New Jersey. Mr. Lightfoot stated Mr. Lees also sits on the Board of Directors for the Water Resources Association of the Delaware River Basin which is an advocacy and public information organization with the mission of promoting sound water resources management within the Delaware Basin.

Mr. Lees stated he was contacted approximately one day ago by Bright Farms to evaluate the incident that Mr. Lightfoot just discussed. He stated he looked at the Notice of Violation dated November 10 from the DEP and also evaluated the information on the water quality provided from the laboratory in November. He stated he looked at the amount of the constituents that were in the laboratory reports; and when he evaluated the constituents it became apparent that the items which you would typically put on your lawn for fertilization were present which is normal for agricultural purposes, and he did not see any apparent harm. He stated the release was also contained in a retention basin. He stated he did not see any connection to the streams in the area as this location is significantly away from that area.

Ms. Tyler asked what his field was, and Mr. Lees stated he has a Masters in environmental engineering. His Bachelors was in civil engineering with a specialty in environmental engineering. Ms. Tyler asked if he was licensed in Pennsylvania, and Mr. Lees agreed that he is as well as other States. Ms. Tyler asked if he

performed a site visit, and Mr. Lees stated he visited the site yesterday for approximately thirty to forty-five minutes to look at where the water was released from and where it resided at from that release. Ms. Tyler asked what documents he reviewed, and Mr. Lees stated he reviewed the Notice of Violation dated 11/10/16 from the Pennsylvania DEP issued to Bright Farms and reviewed the analytical information from the ponds that Mr. Lightfoot had alluded to as well as the well water that is used for some of the make up for the water for the ponds, and this information was dated 11/15/16. Ms. Tyler asked if discharge of this type is in violation of any Federal or State laws, and Mr. Lees stated not at this time as it was not evident to him that there was a discharge to the waterways of the United States. Ms. Tyler asked Mr. Lees if it is his opinion that as to the operation of Bright Farms it is perfectly okay for them to dump this water out as is alleged in the complaint to DEP. Mr. Lees stated he does not think it is okay, but it was a one-time incident; and he does not see non-compliance relative to law at this time.

Mr. Lewis stated it was not a one-time event as when the Township Public Works Director spoke to a staff member of Bright Farms, he was advised that it had happened at least three times; and Mr. Lightfoot indicated that as well this evening so that would no longer qualify as a one-time event. Mr. Lewis asked Mr. Lees his opinion as to the threshold of how many times would result in an issue of public safety and environmental impact. Mr. Lees stated he works for a variety of different firms across the Country, and these types of incidents occur throughout the United States including Pennsylvania. He stated typically the DEP concentrates on operations that consistently do this, and they have heard tonight that there was no sense of that. He stated Bright Farms immediately took corrective action to get approval from the local wastewater treatment plant. Mr. Lewis asked if another enterprise had released water in a similar manner, how the DEP would view that. Mr. Lees stated it would depend on the circumstances as to where the release was, if it was in direct contact to the waterways of the United States, and what were the constituents in the water.

Mr. Lewis asked Mr. Lees if there is a generally-accepted best practice as it relates to waste from a facility of a similar type. Mr. Lees stated he believes that many of the practices he observed yesterday were state-of-the-art practices in terms of using rainfall water for make-up water as well as well water. He stated the carbon footprint that he observed yesterday was state-of-the-art in terms of the amount of material, the agricultural product that is produced based on real estate footprint, as well as the energy consumption; and they have a very low carbon footprint compared to shipping materials across the Country. Mr. Lewis stated he appreciates some of the cost and environmental advantages from a net impact that this process could drive, but his question is more about operating processes as they relate to discharges in this particular case. Mr. Lewis stated if there was a cistern for capturing water and an intermediate wastewater facility so that it could be re-used

and brought back in with fresh water that would meet a certain threshold he would feel that would be more of a closed-loop circumstance. Mr. Lees stated while he is not familiar with the exact operation at Bright Farms, but to engage in the design and operation of a wastewater treatment plant with the amount of water that was discharged on this occasion would not be very cost effective or operational.

Ms. Reiss stated she is familiar with standard greenhouses, and she asked if there would be more or less spillage of fertilizer with a hydroponic greenhouse. Mr. Lees stated he does not feel there is a standard answer because there are different greenhouse operations. He stated overall you have to look at the amount of material that is used in terms of nutrients used and the beneficial use of those as well as the crop yield that results from the greenhouse.

Mr. Fritchey stated it sounds like Mr. Lees is saying this was an extremely insignificant discharge; and as long as it did not get into the streams and rivers, it could be spilled on the ground on a daily basis and still be insignificant. Mr. Lees stated overall he feels that is a correct observation. Mr. Fritchey stated it seems that they could pour it into sink and it will go into the sanitary sewer system at Morrisville which will process it. Mr. Lees stated most of the compounds that reside in the water that Mr. Lightfoot described are biodegradable; and the Treatment Plant would have no problem with them, and in fact it could enhance some of the treatment in terms of organic load.

Mr. Benedetto asked if they have provided records of water samples for the past six months to DEP; and Mr. Lightfoot stated they did, and the public could look at them if they wished. Mr. Benedetto stated they also had to identify alternative disposal method for the wastewater, and it seems they have received approval from the Morrisville Municipal Authority to dispose of it in the sewers; and Mr. Lightfoot stated did get approval in writing from them. Mr. Benedetto asked how much wastewater is generated on a weekly or monthly basis. Mr. Lightfoot stated the release they had that they are discussing will not happen again. He stated the daily amounts are not more than an average household, and the water does not normally leave except in the plants. He stated they use water to clean the machines after harvest and a certain amount falls on the floor during the harvest.

Mr. Benedetto stated at the last meeting there was also a concern expressed about the amount of well water they are using. Mr. Lightfoot stated they use water for their sink and bathroom and in the hose to wash their equipment. He stated he feels it would be similar to a large household. Mr. Benedetto asked if they use it to fill the ponds, and Mr. Lightfoot stated the ponds have never been emptied. He stated they do add water in small amounts constantly because water leaves mostly in the plant, and it is generally water from the cistern which they capture from that which falls on the roof; however, in drought periods, they could use the well water as well but

it is not very much. He stated they do not have a powerful pump on their well, and it runs very slowly. Mr. Benedetto asked the amount of water that is in each pond, and Mr. Lightfoot stated while he cannot answer this, someone from their staff could answer that. Mr. Benedetto stated there was an issue about some storage of materials the DEP mentioned, and Mr. Lightfoot stated that has all been removed.

Ms. Tyler stated she felt they had made that same request of them in April; and Mr. Lightfoot stated they may have, and if they did not comply fast enough, he regrets it.

Mr. Dominick Mack, Bright Farms' Manager, stated they have seven ponds and each pond has 48,000 gallons of water. He stated they have a well pump that only pumps 25 gallons per minute so it is slow. He stated they primarily use rain water to fill the ponds as needed which is approximately 1" every two weeks per pond.

Mr. Benedetto asked if the DEP investigation is closed, and Mr. Lightfoot stated it is not closed; and Bright Farms just responded today. He stated they will meet with them again, and he expects it to be resolved shortly. Mr. Lewis asked who they spoke to at DEP, and Mr. Mack stated the individual who came out and did the investigation was Bernard Krasnisky. Mr. Truelove stated Mr. Krasnisky is the gentleman who signed the report that came out November 11.

Mr. Benedetto asked Mr. Eisold if he did a site visit as the Board had requested; and Mr. Eisold stated one of the environmentalist from his office went out and spoke to Mr. Mack and reviewed the site. Mr. Eisold stated what they found was consistent with what they have heard tonight from Bright Farms, and it is basically a commonly-used fertilizer that was in the water.

Mr. Lewis stated based on the terms of the Lease Agreement until there is a resolution from the DEP, they are technically not in compliance with the Lease Agreement; and Mr. Truelove stated he believes that is correct until they get the final word from the DEP.

Mr. Benedetto asked why this discharge happened two to three times, and Mr. Lightfoot stated he feels it is probably what most greenhouse farms do around the World. He stated particularly in an environment that is agricultural, releasing water and fertilizers on a farm is not viewed by most people as an act that you would avoid doing.

Ms. Tyler stated Mr. Lightfoot had indicated it was not in their SOP. Mr. Lightfoot stated because they circulate their water, they try never to release any water since part of their mission is to use as little resources as possible including water. Ms. Tyler stated there was also a dumpster placed outside of the leasehold, and she asked if that has been remedied. Mr. Lightfoot stated that has been removed.

Mr. Benedetto stated since the question was raised earlier by a resident, he asked Mr. Lightfoot if they have any plans to obtain a License to grow medical marijuana; and Mr. Lightfoot stated they have no interest in that business.

Ms. Tyler stated when Bright Farms came to Lower Makefield Township one of the selling points was the representation that this would be a place where children could be brought to education them on this growing style, and they have not seen much of that. Ms. Tyler stated she would like to get them in partnership with the Elementary Schools as this would be a valuable learning tool for them. Ms. Reiss stated she would also suggest this for Scout groups as well. Mr. Lightfoot stated they would be interested in this.

Mr. Lewis stated he feels the approximately \$23,000 in Lease revenue is relatively deminimous in the Budget, but he would be willing to look at the full economic impact of Bright Farms. He stated the challenge for many on the Board of Supervisors is that they are dealing with the negative externalities that the farm creates in terms of light pollution and other issues they have gotten. He stated if Bright Farms wants to have a commercial relationship with the Township, compliance has to be there. Mr. Lewis stated when the Board sees things that fall outside of compliance with Federal or State law or any element of the Lease Agreement; it is in the Board's best interest to be as aggressive as possible because they hear about it from the residents. Mr. Lewis stated he appreciates the change in public relations that he has seen from Bright Farms in the last two weeks which is constructive. He stated Bright Farms should expect that the Board will be extraordinarily diligent because the value in terms of revenue to the Township is not that great. He stated he will be visiting the facility on Wednesday to get a site tour. He stated Bright Farms should not expect a "pass" on anything in the future; and they should never again violate the terms of the Lease Agreement or any State or Federal of law since this is costing the Township time and money.

Ms. Reiss stated they need to make sure the shades are always in use since the biggest complaint they gets about Bright Farms is the light.

Ms. Jean Kuhn, 807 Combine Lane, stated she is a neighbor across the field from Bright Farms; and she is not sure that they have the ability to fully cover the light. She stated it is destroying the night sky, and for \$23,000 she feels this is a headache and a detriment. She stated she would like the Board to put in some kind of timetable for compliance of a full black out of Bright Farms, and that Bright Farms come up with a solution. She stated the lights come on at 3:00 a.m.

Mr. Benedetto asked if there is the ability to have it completely shaded so that there is not any light emanating from it. Mr. Josh Norbury, Vice President of Operations for Bright Farms, stated he believes in the mission of Bright Farms and is proud of

what they do and the people he works with. Mr. Norbury stated they installed east and west shades; but they did not do what they hoped they would do. He stated they can look at further installation of a full blackout shade, but it would approach \$500,000 for that kind of investment. Ms. Tyler asked if the east and west shades are in use when it is dark out, and Mr. Norbury stated they are down all the time now. He stated they did have some problems earlier; but since they received complaints they are now closed all day and all night. Mr. Benedetto stated they are closed now, but you can still see it. Mr. Norbury stated there is an overhead shade, and they have the side shades; and while there is a glow from the facility, it is much reduced compared to what it was a year ago.

Ms. Kuhn stated she would like the Board to consider if this is as good as it is going to get is it worth it to the Township. Ms. Kuhn stated while they are renting four acres, they are impacting miles.

Mr. Lewis asked how many years are left on the Lease Agreement, and Mr. Truelove stated he believes it is six years. Mr. Lewis stated there is no auto-removal at that time, and the Board would be in a position to address it as part of any removal.

Ms. Reiss stated she sees more light coming from Flowers Field than she does from Bright Farms. Others disagreed. Ms. Reiss stated she can still see the lights from Bright Farms but it is not nearly what it was a year ago.

Mr. Norbury stated they want to be good neighbors, and they are working on it. He stated they turn the lights off at 6 p.m., and they turn them on again at 3:00 a.m. which is about one hour before people start to arrive at the facility to work. He stated this is an economic impact to them since they are losing a lot of energy for the plants.

Mr. Mike Brody stated there is a faction of Friends of Patterson Farm which has issues with everything that takes place at Patterson Farm if it is not the way they want it. He stated he feels this is unfair to the Board of Supervisors, the Artists of Yardley, and Bright Farms.

Ms. Jamie McKnight, Program and Development Director of Rolling Harvest Food Rescue, was present and stated they have a partnership with Bright Farms. She stated since 2010 Rolling Harvest has partnered with local farms in Bucks County including Bright Farms. She reviewed the number of people in Bucks County who are food insecure. She stated Bright Farms provides year-round donations of fresh greens; and because of Bright Farms operations, they are able to provide this fresh produce throughout the winter. She stated since partnering with Rolling Harvest, Bright Farms has donated almost 20,000 pounds of their product which translates to 80,000 individual servings and has a retail value of approximately

\$250,000; and this is just in the first year of their partnering with Bright Farms. Ms. McKnight stated together with partners like Bright Farms they are working to change the stereotypical items that are offered at local hunger relief sites. She stated she has worked with farmers for a number of years, and she feels most farmers are underappreciated; and she feels that those who work at Bright Farms should be considered an asset to any community. She stated they are thankful for their efforts.

Mr. Peter Solar, 28 Edgewood Road, stated he is a member of the Environmental Advisory Council. He stated the nitrogen and phosphorus from the fertilizer application on all the private properties in the Township are significant pollution sources which had a negative impact on Makefield Lake and Lake Afton. He stated if there is concern about the minor quantity from Bright Farms, there should be a major concern about the application of fertilizers in the rest of the Township.

Mr. Jim Wilson, 2111 Yardley Road, stated he understands the challenges as they attempt to find healthy food without harm to the environment and without preservatives. He stated in Europe the number of greenhouses is immense, and the technology being used here comes from Europe. He stated they should not be looking at the financial return for Lower Makefield, rather they should consider the volume of healthy produce being grown per acre compared to the rest of the Patterson Farm which uses sprayed-on herbicides and fertilizers. Mr. Wilson stated none of that is occurring at Bright Farms. He stated Bright Farms is also providing work for people in the community, and they need to stand up for sustainability. He stated they are trying to maximize the benefits of locally-grown produce with no transportation costs. He stated he recognizes that they are having to deal with some light pollution, and whatever they can do to minimize that is important. He stated he feels this use of Patterson Farm is part of the intention of the 21<sup>st</sup> Century method of producing foodstuffs for America, and they need to have more of these.

Ms. Reiss discussed the importance of having locally-grown food.

Mr. Wilson discussed an article which appeared in USA Today about the importance of sustainability; and he added that when it comes in sustainable agriculture everyone has to do their part. He stated Bright Farms should have visitations for Elementary Schools and Scouts. He stated he attended the Open House with his grandson and his friend, and it was a great experience. He asked that the Board be part of the solution for sustainability.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated he feels it is beside the point as to what they do for the community and the marketing. He stated when this first started it was a different approach, and there were a lot of people upset about it. He stated the Township is not making a lot of money from it for something a lot of people feel is an eyesore. He stated he understands that when it was built a road was cut and trees were cut down which were not supposed to be cut down. He stated they have water with chemicals in it being discharged with no notification that this was going on. He stated they also have light issues they are trying to get rid of, but the Township is supposed to be sensitive to the fact that it is too expensive to really take care of that. He stated there were also dumpsters where they were not supposed to be. He stated they say that they want to be partners, but he wants to see action that they are trying to be a partner.

Mr. Thompson stated he is a member of the Bristol Township Senior Center, and they should come during the summer to see what they do with the produce from Rolling Harvest. He stated between Bristol Township and Bensalem Township there are approximately thirty pantries that attend their distribution, and it is invaluable what they are producing. He stated the Seniors really appreciate it. He stated it seems that there is a NIMBY attitude here as people are indicating it is a great idea but not in their back yard, and that does not help the surrounding communities.

Ms. Katie Heaton, 1248 Madison Drive, stated she has been a marketing contractor with Bright Farms for over a year. She stated she works from her home but has gotten to know many of the people who work at Bright Farms, and they are filled with passion for what they do and the work that Bright Farms does. Ms. Heaton stated they grow healthy produce and sell it in local supermarkets minutes from where it is grown. She stated an important element is the fact that the produce is grown in a sustainable way, and as a resident of Lower Makefield she feels this is very important. She stated it is a benefit to the community to have fresh produce year round. She stated she believes in their mission.

Mr. Kyle Barnett, Account Manager for Bright Farms, stated they service two stores in Lower Makefield – McCaffrey's and Shop Rite. He stated they are supplying 500 clamshells weekly to the community. He stated what brought him to Bright Farms is the sustainability as we are living in a World that is constantly expanding. He stated 80% of the agriculture land is being used for housing and current agriculture operations, and he feels Bright Farms is about working toward the future.

Ms. Abby Pryor stated she is involved in Sales and Marketing at Bright Farms, and they would love to have more Scout Troops and School classes through their Farm. She stated it is a point of pride for them to show people what they do. She stated she joined Bright Farms in 2015 because she believes in what they are doing, and

she cares about the food she serves her family and the condition of the planet. She stated often the loudest voices are from those who have something negative to say. She shared some of the positive feedback that they received from the over 100 people who attended the Open House last week. She stated none of the people on the anonymous survey indicated that they had a concern about Bright Farms being in the community. Ms. Pryor stated those at Bright Farms learned that they need to have more of these tours.

Ms. Pryor stated this evening there was discussion about some of the products that they have been quietly donating. She stated she has now been asked to join the Food Advisory Council with Philabundance which has been designed to get fresh, healthy food to those who cannot afford it. She read into the record at their request a letter she received today from Philabundance thanking Bright Farms for their donations.

Mr. Benedetto noted a number of employees from Bright Farms were present this evening, and he asked them to stand and thanked them for the work they do. Mr. Benedetto stated they are happy to have Bright Farms in the Township, but he reminded them to be a good neighbor; and he asked to continue to do whatever they can to alleviate some of the concerns.

Ms. Tyler advised Mr. Lightfoot that she supported them in the past, and she continues to support them now; and she does feel it is important for sustainability to grow the type of produce that they grow, but she does acknowledge that there are some difficulties for their residents. She asked that the Township be provided with DEP's findings when they receive them. She thanked Mr. Lightfoot for bringing his staff to the meeting this evening. She asked that they continue to provide community access to the greenhouse regularly since sometimes the lack of communication results in unintended consequences.

Ms. Kuhn asked if they are going to have a timetable for compliance with the shades. Ms. Tyler stated they are not in violation of the Ordinances; and anything that they have been able to get Bright Farms to do, has been a voluntary act by Bright Farms. She stated Mr. Lightfoot indicated that they will be mindful of the shades. Ms. Kuhn stated the Zoning does not allow for the type of lights they are using; however, Ms. Tyler stated the Township engineer has indicated that they are not in violation of the Ordinance. Mr. Benedetto stated he feels they are going to try to be a good neighbor, and they should continue to work together to try to resolve these problems.

A short recess was taken at this time. The meeting was re-convened at 10:45 p.m.

### APPROVAL OF ARBORETUM PHASE 3 SIGNAGE

Mr. Eisold stated the signage was included in the Board's packet, and this is consistent with what was done in Phase 1 and Phase 2.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve the Arboretum Phase 3 signage as provided to the Board and discussed by Mr. Eisold.

Me. Benedetto stated what has been done is a great addition to Memorial Park.

### 2016 ROAD PAVING PROGRAM SUMMATION

Mr. Eisold stated the work was completed a couple of months ago, but he wanted to wait until he had all the numbers for the work. He stated they had included two collector roads as well as fifteen local roads; and they had very good numbers when the Bids came in, and they were able to get quite a bit done. He stated they also did some bike path connections and redid some bike paths. He stated the general contractor, James D. Morrissey, did a good job with the project.

Mr. Eisold stated with regard to costs the initial Bid came in under the Budget by \$75,000; however, there were some things that were dealt with through the project that took it a little above the Budget, and they also paved the trail in Memorial Park which accounted for a portion of that money. He stated there was also some additional work at the Lindenhurst path connection where they had to do some landscaping, buffering, and fencing to address some of the neighbors' concerns.

Mr. Eisold stated they are putting together the 2017 roads at this point, and he has been working with Mr. Fedorchak on this. He stated they will have a final meeting next week so that they can go out to bid early next year and hopefully get good prices.

Ms. Reiss asked if they could look at some of the places where the bike paths just stop and provide more connectivity. Mr. Eisold stated they are looking at that as far as the 2017 numbers, and they are going to discuss this with the Park & Rec Board at their December meeting to get guidance from them on what areas make sense especially around the Schools where there are pedestrians.

Mr. Lewis stated the Bid Alternates allowed them to capture more roadway in 2016 mainly because of the decline in asphalt prices; and he stated he feels of the most recent road work they have done, this was probably one of the more successful years. He stated he feels they need to continue to have a significant portion of

additional Bid Alternates. He stated he feels they could get a lot more done in 2017 if there are good asphalt prices. Mr. Lewis stated they never heard any negative comments about the work this year.

Mr. Fritchey asked when construction would begin on the 2017 road projects, and Mr. Eisold stated typically they would not start much before June since they want to make sure Schools are out.

Ms. Reiss stated with the new Community Center, the softball fields have a partial bike/walk path; and it might be a good idea to continue that down to the fields at Stoddard. Ms. Tyler stated part of the vision for the Community Center was to circle the baseball fields, Community Center, and softball fields all the way around. She stated she would like to see that come into fruition.

Mr. Eisold stated they had felt that once the Community Center was in place and they knew exactly where everything was, it would be good to connect it all; and they could discuss this with the Park & Rec Board as he feels they are interested in that as well.

#### EDGEWOOD ROAD RAILROAD CROSSING UPDATE

Mr. Benedetto asked Mr. Eisold to provide an update on the Edgewood Road Railroad crossing. Mr. Eisold stated the work that was bid out was completed, but what came about were some technical things involving the Railroad. He stated when they adjusted the road at Edgewood, the gate was not centered properly and it actually touched the road where they had built the road up. He stated this was not a simple matter to correct, and they had to take the whole gate down, reconstruct a new foundation which was poured this morning, and now they will reconstruct the gate in the next few days. Mr. Eisold stated he is hoping that by early next week, Edgewood Road will be open. He stated they could not open the road until the gate was in compliance. He stated SEPTA stepped up and did it as quickly as they could as it could have dragged on.

Mr. Fedorchak asked if CSX has signed off on everything; and Mr. Eisold stated they signed the Agreement, and they have been involved in the process. Mr. Eisold stated here is another technical issue they are working on at Heacock, and they will have a meeting next week to discuss the gate alignment; and he is hoping that they will be able to deal with that fairly quickly.

Mr. Eisold stated a letter will then go out to all the Parties which is the Notice of the Quiet Zone establishment, and it indicates that twenty-two days from the letter going out, the Quiet Zone is established. He stated they are then required by law to comply with that, and there will be a learning curve so that they know not to blow the horns.

Ms. Tyler asked if they should notify the residents about this change. Mr. Eisold stated there are standard signs they have to post. He stated they may want to put something on the Township Website to let people know.

Mr. Benedetto asked if the cost of the additional work at Edgewood is going to be an increased cost. Mr. Eisold stated SEPTA made the situation worse; and while they have not talked final numbers, SEPTA indicated that they would make a substantial donation with regard to the work on the road although it would not be the work for the Quiet Zones.

Mr. Tim Collins stated he does not know what the requirements are as to the signage location, but where the signs are located with are now covered by the plastic bags which read “No horns sounded – look both ways” you are on top of the tracks when you see that sign; and he feels they should be moved back from the tracks a little more. Mr. Eisold stated he feels the Railroad consultant they were working with sited those signs, and he is not sure how specific those locations are; but they could look at that to see if they can adjust them. Mr. Fedorchak stated they could also add more signs.

#### ROAD PAVING PROGRAM ADDITIONAL DISCUSSION

Mr. Zachary Rubin, 1661 Covington Road, stated with regard to the paving program, he had previously asked about repairs on the bike paths on Heacock Road that abut Makefield Glen and Covington Road that goes through Makefield Glen; and Mr. Eisold had indicated he was going to look into that. Mr. Eisold stated it was not included in the 2016 Program, and they have a list of all the things they are putting together for 2017. He stated working with Mr. Fedorchak and based on the Budget, they will determine what is the most pressing. He stated there are a lot of bike paths that need work.

Mr. Brody stated while he knows that the bridge on Oxford Valley that is under construction is not in Lower Makefield, they have turned a four lane road with two left turning lanes into two lanes and they have left the lights as originally configured and it is very dangerous. Chief Coluzzi stated they did contact PennDOT about the lights not being in synch. He stated they will also look at the problems with the left hand turn. He stated traffic is backing up in both directions, and they are going to

ask PennDOT to look at this again. Mr. Benedetto stated there is a problem when you get stuck in the left hand turn lane, and you cannot get over. Mr. Brody stated they need to have a sign that the left hand lane is for left turns only. Ms. Tyler asked if they know the completion date for this work, and Chief Coluzzi stated they do not.

#### APPROVAL OF EXTENSIONS FOR DOGWOOD DRIVE, CAPSTONE TERRACE, FIELDSTONE AT MAKEFIELD, AND ARIA HEALTH

Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to grant the following Extensions:

Dogwood Drive to March 31, 2017  
Capstone Terrace to March 31, 2017

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to grant the following Extensions:

Fieldstone at Makefield to June 30, 2017  
Aria Health to June 30, 2017

#### SUPERVISORS REPORTS

Mr. Benedetto stated the Zoning Hearing Board members requested that they be provided updated Zoning Code books since their last copies were from 2006. He stated the Zoning Hearing Board Solicitor also pointed out that there is a discrepancy between his rate and the rate paid to the Township Solicitor, and they should be at the same hourly rate. Mr. Truelove stated Mr. Flager did call him about that. Mr. Truelove stated his rate is \$145, and Mr. Flager indicated his rate is \$140. Mr. Benedetto stated the Zoning Hearing Board indicated that it is the Township that pays that bill so the Board of Supervisors should discuss it.

Mr. Fedorchak stated if that is what the Board wants to do on a going-forward basis, they should make a Motion to that effect. Ms. Tyler suggested that they address the legal fees and rates at the beginning of the year during the Re-Organization meeting.

Mr. Fedorchak stated that they will provide the Zoning Hearing Board members with updated Code Books, but asked that Mr. Benedetto remind them that they can access the up-to-day information on-line.

Mr. Lewis stated last week the Board had their last Budget Workshop going through the proposed 2017 Budget.

Mr. Lewis stated Mr. Tom Conoscenti who was Chairman of the Economic Development Commission, is moving out of the Township to be closer to family, and he has been a tremendous public servant working selflessly for the Township and earned the respect of everyone he has worked with. Mr. Lewis stated the Economic Development Commission has accessed additional data to uncover additional businesses in Lower Makefield so that they can build out the database. He stated the EDC is also working on their mapping project, and it is near its final stages. He stated the ad sales that fund its production were far superior to what the company had expected, and the maps will be coming out very soon at no cost to taxpayers. He stated this is a chance to showcase businesses within the community. He stated they are also putting together additional copy work being put together as far as resources for those thinking about bringing their business to Lower Makefield Township.

Ms. Reiss stated with regard to what took place at the Planning Commission last Monday she feels people need to understand that when they come to public meetings while everyone wants to hear their comments, they have to identify themselves and cannot come up to those on the Commission shaking their fingers, etc. She stated there are Roberts Rules of Order as well as just being courteous and polite. She stated Public Comment is not debate. She stated they should come to the Planning Commission with the idea that you are going to make a brief comment. She stated the Planning Commission was an uncomfortable meeting, and the Chair, Mr. Tracey, did the absolute correct thing in adjourning the meeting; and she hopes this will not happen again.

Ms. Tyler stated she was also present for the beginning of that Planning Commission meeting when they were discussing the Tree Ordinance. Ms. Tyler stated they had asked the Planning Commission to look at the Tree Ordinance and compare it to other like Ordinances and make recommendations as to whether there should be any changes to the existing Tree Ordinance. She stated there was no substantive discussion about that, and they just voted thumbs up or thumbs down. Ms. Tyler stated she had got up and explained to the Planning Commission why the Board had sent this to the Planning Commission. Ms. Tyler stated the EAC was also not present. Ms. Reiss stated she does not believe the EAC was contacted. Ms. Tyler stated she feels the Planning Commission needs to consider this matter again, and Ms. Reiss stated she agrees. Ms. Tyler stated the Board wanted the Planning Commission to do work to research this and provide the Board with informed recommendations. Ms. Reiss stated she does not believe the Planning Commission read the Tree Ordinance. Ms. Tyler stated she feels there may have been a failure in communication, and she does not feel the Planning Commission understood what their task was.

Ms. Tyler stated Ms. Goldstein made an excellent presentation at the Planning Commission, and she felt some members were rather combative with her. She asked the Board what they want to do going forward with this issue and whether they should deal directly with the EAC and leave the Planning Commission out of it or send it back to the Planning Commission to try again.

Mr. Fritchey stated they need to decide if they feel the Planning Commission really has any interest in having input in this and whether they have anything constructive to add. Ms. Tyler stated she feels the Planning Commission is there to look at the overall plan and ideals for the Township which means they would need to read and understand the Comprehensive Master Plan and to read the Ordinance that they asked them to discuss. Ms. Tyler stated she felt the Planning Commission would be a good place to have this reviewed. Ms. Reiss stated they may not have made it clear enough in their directive to the Planning Commission. She stated she will speak to Mr. Ware about this and have him send an e-mail that they need to read the Comprehensive Plan and the Tree Ordinance, and to literally tell them what the Board expects. Ms. Tyler also asked that Mr. Ware provide those documents to the Planning Commission. Ms. Tyler stated the EAC should also be invited to participate. Ms. Reiss stated she will also get from Ms. Goldstein a list of the Ordinances she compared ours to so at least the Planning Commission will have the links so that they can read them on-line; and if they need a hard copy, someone could get that to them. Ms. Tyler stated she is not sure that they were provided with the tools they needed, and Ms. Reiss agreed.

Ms. Reiss stated for many years there have been people on Planning who had been doing this long enough that the Board did not have to give them quite as much direction; but since the Planning Commission is mostly made up of new people, she feels they need more direction. Mr. Benedetto stated he has that same sentiment, and he would agree they could send it back to Planning Commission. He agreed Ms. Goldstein gave a great presentation, but the Planning Commission was confused about what the direction was and it should be explained better to them.

Ms. Reiss stated the Seniors will have their annual luncheon at the Washington Crossing In. She stated they are very excited about the Community Center. Ms. Reiss stated there is nothing on the Agenda for Special Events; however she would like to have an event in the spring at Memorial Park such as a ribbon cutting since so much has been done there recently. She stated she will discuss this with Park & Rec.

Mr. Benedetto recognized the passing of Mary Fazzalore, wife of former Supervisor Frank Fazzalore; and he stated this a loss to the community. He sent out condolences to her family. Mr. Truelove thanked that Board on behalf of the family.

APPROVAL OF RESOLUTION NO. 2321 OFFERING DEDICATION OF PORTION OF STOOPVILLE ROAD TO PENNDOT

Mr. Truelove stated at the last meeting this was discussed but it required some additional explanation, and the Board was provided a copy of an e-mail received from one of the local PennDOT officials which Mr. Truelove read which explains that there would be no remuneration for the transfer of right-of-way dedicated for transportation purposes in these cases. Mr. Truelove stated this will allow for roadway widening and the underlying right-of-way to become the responsibility of PennDOT in lieu of the Township.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution No. 2321 as described by Mr. Truelove.

APPROVAL OF RESOLUTION NO. 2324 ESTABLISHING THE 2017 PARK & RECREATION FEE-IN-LIEU

Mr. Eisold stated each year in December they establish a new Fee for the year moving forward. He stated it is based on the Consumer Price Index, and it will be an increase of 1.3% which sets the new amount to \$2,244 for the core recreation and \$2,068 for passive recreation for a total fee of \$4,312.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve Resolution No. 2324 as described by Mr. Eisold.

APPROVAL OF RESOLUTION NO. 2325 ESTABLISHING THE 2017 TRAFFIC IMPACT FEE

Mr. Eisold stated this Resolution establishes the 2017 Traffic Impact Fee, and this was based on the Engineering News Record Construction increase which is a 4.3% increase. He stated for Service Area 1 this will increase it to \$1,968, Service Area 2 will be \$2,701, and Service Area 3 will be \$971. He stated this will be effective January 1 for all future projects.

Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to approve Resolution No. 2325 as described by Mr. Eisold.

APPOINTMENTS

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to re-appoint Jack Kennedy to Emergency Management.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Liuba Lashchuk to the Historic Architectural Review Board.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Doug Riblet to the Farmland Preservation Corporation.

There being no further business, Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to adjourn the meeting at 11:25 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary