

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MAY 17, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 17, 2017. Ms. Tyler called the meeting to order at 7:35 p.m.

Those present:

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

Others:                                    Terry Fedorchak, Township Manager  
  David Truelove, Township Solicitor  
  Mark Eisold, Township Engineer  
  Captain Robert Lewis, Police Department

Absent:                                    Judi Reiss, Treasurer Board of Supervisors

**ANNOUNCEMENT OF POLICE WEEK**

Ms. Tyler stated this is Police Week, and she thanked the Lower Makefield Township Police Department. She stated Captain Lewis is present this evening, and she asked that he express their gratitude to the Police Department thanking them for all they do to keep the residents safe.

**PUBLIC COMMENT**

Ms. Tyler noted Item X. on the Agenda is a discussion of the Snipes Tract Planning Commission action. She stated that Agenda item is related to the Township process and procedures. Ms. Tyler stated they will hold a special meeting on the Snipes Tract on Tuesday, May 30 at 7:00 p.m. at the Township meeting room. She stated the purpose of that meeting at the moment will be exclusively a discussion of the Snipes Tract.

Ms. Kathleen Hirko, 1450 Dolington Road, stated on Sunday May 7 there was an article in the Bucks County Courier Times indicating that John Lewis had stated the officials will heed the EAC's advice and do an Environmental Impact Study. Ms. Hirko stated on May 3 they all came before the Board of Supervisors asking for the Environmental Impact Study, but the May 7<sup>th</sup> newspaper article indicated that

it had been ordered long before the May 3 meeting. Ms. Hirko stated at the May 8 Planning Commission meeting it was brought out that Mr. Fedorchak had ordered the Environmental Impact Study prior to the Board of Supervisors May 3 meeting, and she asked Mr. Fedorchak why they were not told at the May 3 meeting that it had been ordered already. Ms. Hirko also stated she is not aware that any of the Supervisors knew at the May 3 meeting that it had been ordered.

Mr. Fedorchak stated he does not recall what was stated at the meeting Ms. Hirko is referring to; however, he stated he did direct Mr. Eisold to do the Environmental Impact Assessment.

Ms. Hirko asked the Supervisors who were present at the May 3 meeting if they were aware that the Environmental Impact Study had been ordered prior to the May 3 meeting. Mr. Lewis stated on May 3 he did not either recall or know that it had been ordered. He stated the challenge is that he is not going to be able to recall everything in sequence. He stated the Supervisors read hundreds of pages of information prior to a meeting so it is possible he was told prior to May 3, but it is also possible that he was not. He stated after the May 3 meeting he did receive a Press inquiry about it, and he asked Mr. Fedorchak to confirm whether one was being done or not; and he did advise the Press individual that it had been ordered. Mr. Lewis stated he did not ask when it was ordered. Ms. Hirko stated residents asked at the Planning Commission meeting when it was ordered, and they were told it was ordered before the May 3 meeting. Mr. Lewis stated that is possible.

Ms. Hirko asked Mr. Benedetto if he was aware that it had been ordered. Mr. Benedetto stated the Environmental Impact Assessment was ordered to be done, and the fact that it will be done is all they should be expecting; and he is thrilled that it will be done. He stated there is a link to it on the Township Website, and everyone can review it. He stated the Board is not making a decision tonight on this, and the Planning Commission will have an opportunity to review it as well. Mr. Benedetto stated all that matters is that it was completed. He stated initially there was a request for a Waiver to not have an Environmental Impact Assessment which was of concern to a lot of the residents. Mr. Benedetto stated it is now being completed, so they are not seeking that Waiver.

Ms. Hirko asked Mr. Truelove which law, Ordinance, or rule was used to notify the residents in the area of Snipes. Ms. Tyler stated they will have a special meeting to discuss the Snipes Tract on May 30. Ms. Hirko stated everyone is here to talk about Snipes because they saw it on the Agenda. Mr. Truelove stated the discussion tonight is just about the process, and it is not to vote on the project. He stated the Chair has indicated that there will be a special meeting dedicated just to the Snipes project on May 30. He stated there will also be a Planning Commission meeting on May 22 so there are multiple opportunities, as there have been already, to weigh in on this.

Mr. Truelove stated in the SALDO Ordinance there is a Notice provision to notify people within 1000' of the property, and that was used as it is for every Land Development project in the Township. Ms. Hirko asked if that was done, and Mr. Fedorchak stated it was.

Ms. Hirko read from the March 2 Park & Recreation Board Minutes when Mr. Fritchey indicated the Board of Supervisors was planning to move ahead on all projects. Ms. Hirko stated in those Minutes it also indicated that Mr. Fedorchak had stated that they Budgeted some items dealing with Open Space; but it appears that actual Expenses will be approximately \$300,000 less so it is possible they could free up another \$300,000 if necessary for something that is not Open Space. Ms. Hirko stated as a resident she wants that \$300,000 for Open Space and not to go anywhere else as it was designated for Open Space.

Ms. Hirko provided a Petition to the Township Manager this evening.

Mr. James Kirlin, 723 Gordon Drive, stated he is a member of the Friends of Lake Afton Fundraising Committee was present. Also present was Ms. Michelle Sharer, President of Friends of Lake Afton, who resides in Yardley Borough. Mr. Kirlin stated there is a fundraising event being held this evening at Vince's Pizza on S. Main Street in Yardley Borough until 9 p.m. He stated they will donate 20% to the Friends of Lake Afton. Mr. Kirlin stated on May 23 at 7 p.m. at the Yardley Borough Hall there will be a presentation by a watershed specialist who will discuss the effects of chemicals on Lake Afton and other area waterways. Mr. Kirlin stated on June 11, they will have a fundraiser from 10 a.m. to 5 p.m. at Simply Stunning Hair Studio. He stated no appointment is needed. He stated the theme that day will be "A Day in Yardley," and there will be a gift basket raffle with all items centered on Yardley. Mr. Kirlin stated there will be players from Trenton Thunder at that event who will be getting their hair cut and signing autographs. Mr. Kirlin stated they just launched their Website which is LakeAfton.org. Mr. Kirlin stated the purpose of the fundraising is so that they can aggressively treat the algae problem at the Lake. He stated for safety purposes they strongly recommend that no one enter the Lake. He reviewed how they are planning on treating the problem. He asked that those interested in helping contact them if they wish to volunteer.

Ms. Linda Gordon, 111 Randolph, stated Yardley-Langhorne Road between Yardley Hunt and the Methodist Church is in terrible condition. Ms. Tyler stated that is a State road. Ms. Gordon stated when you go down that road and get to Langhorne, that part is entirely paved; and she asked why the State would stop at the border of Lower Makefield. Ms. Tyler asked that Ms. Gordon send an e-mail to the Township Public Works Director and also that she contact PennDOT herself. Ms. Tyler stated the Township will also contact PennDOT registering the complaint. Mr. Lewis stated he is not sure that this is on the list from the State for repaving this summer or not;

and it was noted that it was not. Mr. Lewis asked that they contact PennDOT about this road. Ms. Tyler asked that Ms. Gordon also get her neighbors to send e-mails to PennDOT about this problem. Ms. Tyler asked the Public Works Director to provide information to Ms. Gordon as to how to contact PennDOT.

Ms. Gordon also stated that there are two homes in disrepair in Edgewood, and she asked if anything is going to be done about them. Ms. Tyler stated they are owned by a private developer, and the Historic Architectural Review Board is going to try to move that forward. She stated the owner had come in previously for Demolition Permits on the houses which the Board of Supervisors denied.

Mr. Benedetto stated there was a presentation made to HARB which was a joint effort by the non-profit, Patterson Farm Preservation Group which is a 501C3, and the developer. He stated the proposal was to take the house on the point called the Ishmael House and have the 501C3 take that over for \$1. He stated the Danny Quill House which is the house that is closer to the Veterans Monument would come down. He stated this was rejected by HARB.

Mr. Tyler stated it was not rejected by HARB. She stated she is the Liaison to HARB, and they came in with a thumbnail sketch of their proposal; but HARB wanted more facts and details and to have them come back to HARB. She stated it was not rejected. She stated there was also not an Agreement between themselves. She stated even if there was an Agreement, the owner has an obligation; and if this goes through it would provide the opportunity to put a timeframe on it, and it is important that if the developer and the Patterson Farm Preservation group comes to an Agreement that the Township can review it in conjunction with the restoration plan.

Ms. Gordon stated with regard to Lake Afton she feels planting big trees would help the situation. Ms. Tyler suggested that she discuss this with Yardley Borough as Lake Afton is not in Lower Makefield Township.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated the Satterthwaite House went to the next level. Mr. Benedetto stated it is at the Pennsylvania Supreme Court. Mr. Costello stated for the last four years, they have been “held hostage,” not being able to do any rehabilitation to the House; and now it will be going through another round so they have no idea when it will end. He asked if the Township solicitor could put together information on what they can and cannot do to the House so that hopefully they can do some repairs.

Ms. Valerie Mihalek, 920 Quincy Drive, was present. Ms. Mihalek stated on May 15 the Nation honored Law Enforcement Officers, and Monday also commenced Police Week when the Nation recognizes and honors all Law Enforcement Officers. Ms. Mihalek stated as a spouse of a Law Enforcement Officer and one who works with the Lower Makefield Police Department every year, that day is especially meaningful. She stated our Police Department is professional, helpful, and responsive; and their dedication to the children is especially meaningful, and she specifically noted the DARE Program. She thanked all of those in the Police Department for what they do every day and keeping the Township and our families safe. Ms. Tyler thanked Ms. Mihalek for honoring the Police Department.

#### APPROVAL OF MINUTES

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to approve the Minutes of May 3, 2017 as written.

#### APPROVAL OF MAY 1, 2017 AND MAY 15, 2017 WARRANT LISTS AND APRIL, 2017 PAYROLL

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve the May 1, 2017 and May 15, 2017 Warrant Lists and April, 2017 as attached to the Minutes.

#### DISCUSSION AND APPROVAL OF ARTIS SENIOR LIVING LLC PRELIMINARY/FINAL LAND DEVELOPMENT PLAN

Mr. Edward Murphy, attorney, stated two years ago they first started the process when they introduced a Concept Plan for redevelopment of an eight-acre parcel near the edge of the Village of Edgewood on Stony Hill Road. He stated the Sketch was reviewed multiple times with the Board of Supervisors and the Planning Commission as well as the Zoning Hearing. Mr. Murphy stated most recently with the engineering of the Land Development Plan that followed, the Planning Commission recommended Approval. He stated they have also had multiple meetings with PennDOT and other outside agencies. He stated tonight they are seeking Preliminary/Final Land Development Approval subject to the review letters that have been issued most recently based on the latest revised set of Plans.

Mr. Murphy stated Mr. Truelove has shared with him a draft of an Approval letter listing the individual reviews to which any approval would be subject, and he has no issues with those.

Mr. Fritchey moved and Mr. Lewis seconded to approve the Preliminary/Final Plan prepared by Bohler Engineering, Inc. consisting of 21 sheets, dated December 29, 2016, last revised April 3, 2017 (hereinafter referred to as the Plan). The approval of the Plan is subject to all terms and conditions contained in the letter and subject to this Motion. They are required to comply in all respects with each and every requirement of the Lower Makefield Township Subdivision and Land Development Ordinance and the Township Zoning Ordinance, unless Variances have been granted which are noted in the review letters, and all other Municipal Ordinances and regulations, and with the laws and regulations of every level of Government having jurisdiction over any aspect of the property, including all review agencies and commissions. Without limiting the generality of the foregoing the Township Board of Supervisors will approve the Plan subject to compliance with the following terms:

- 1) If required, you must obtain, beyond Appeal, all necessary and/or required Variances from the Zoning Ordinance (which have already been obtained), or revise the Plan so that it is fully compliant with the Zoning Ordinance, specific Variances and Special Exceptions noted in the Boucher & James, Inc. Consulting Engineers review letter dated 4/20/17 (attached);
- 2) If applicable, you must obtain approval for your sanitary sewer facilities and design details from the applicable Water and Sewer Authority;
- 3) If applicable, you must obtain approval for your water facilities and design details from the Pennsylvania American Water Company;
- 4) Receipt of all Permits, authorizations, and approvals from all agencies with jurisdiction, including but not limited to Pennsylvania Department of Environmental Protection and the Bucks County Conservation District;
- 5) Compliance with the Boucher & James, Inc. Consulting Engineers April 20, 2017 review letter and any supplements to same;
- 6) Compliance with the May 3, 2017 Traffic Planning and Design, Inc. review letter and any supplements to same;

- 7) Waivers are granted as listed and enumerated in the applicable Boucher & James, Inc. Consulting Engineers review letter dated April 20;
- 8) Compliance with the April 5, 2017 Bucks County Conservation District review letter;
- 9) You must obtain any and all necessary approvals from the Pennsylvania Department of Transportation, including but not limited to a Highway Occupancy Permit for the Plan which is noted in the Traffic, Planning & Design report;
- 10) Where applicable, the client shall comply with all comments of the appropriate authorities responsible for the proposed utilities; and
- 11) Applicant shall pay all required and appropriate fees associated with this project.

Mr. Murphy agreed to the Conditions as listed.

Mr. Lewis asked if all Fees associated with Preliminary and Final would be paid, and Mr. Murphy stated they would. Mr. Lewis thanked the developer for revisions made which have been helpful to the community.

Motion carried unanimously.

#### PRESENTATION - HOW HOMEOWNERS CAN HELP PREVENT STORMWATER POLLUTION.

Mr. Mark Eisold was present with Ms. Sandra Flynn from Boucher & James. He stated 2003 was the first year they were required to prepare these reports. He stated most recently the requirements changed; and while previously it was recommended that they provide public outreach, it is now a requirement. He stated it is also required that they have the signature of those in attendance, and an attendance sheet was provided.

Ms. Flynn referred to the power point presentation which was provided previously to the Board of Supervisors. Ms. Flynn stated one of the requirements of the DEP is that the Township must maintain an NPDES (National Pollutant Discharge

Elimination System) Permit; and under this Permit, the Township must have an MS4 Program, and they are mandated to have a public program at least once a year. She stated tonight's topic is how homeowners can help prevent stormwater pollution.

Ms. Flynn described the incident which was a contributing factor in bringing environment issues to the forefront in America and led to environmental reform which included the first Each Day in 1970 and the Clean Water Act of 1972. Ms. Flynn stated a lot can still be done in the Township. Ms. Flynn stated in Pennsylvania, the regulations are managed for the EPA by Pennsylvania's Department of Environmental Protection. She stated Lower Makefield and surrounding Municipalities have been required to have the Permit since 2003, and each of the Permits have a five-year period. She stated this September, they will be submitting the Notice of Intent for the 2018 Permit. She stated for the MS4 Program there are six minimum control measures, and tonight they are focusing on the public education component by having this presentation to help educate Township residents as to how homeowners can help prevent stormwater pollution. She stated these small changes can make a huge impact if multiplied by every homeowner.

Ms. Flynn stated the main point to remember is that any substance that is discharged onto an impervious surface such as the driveway or the street can likely end up in the storm sewer system and ultimately into the waterways. She discussed what homeowners can do in the area of lawn care, swimming pool discharge, vehicle maintenance, winter maintenance, cleaning up after pets, and proper disposal of hazardous materials. She stated nothing should be dumped into the storm drains as only rainwater is supposed to go down there. Ms. Flynn stated Bucks County has various hazardous collection days, and she has a list available this evening of the collection dates. It was noted that Public Works and the Boy Scouts have marked the storm inlets in the Township with markers to remind everyone that nothing should be dumped into the storm inlets. Ms. Flynn discussed the problems with littering as well.

Ms. Flynn stated the information provided this evening can be found on the Township Website as well as the DEP and EPA Websites. She stated some of this information is geared specifically for children. Ms. Flynn stated the Township is fortunate to have an active Environmental Advisory Council, and she stated there is also information in the Township Municipal Building lobby.

Ms. Flynn stated when they do the Notice of Intent to submit for the Permit for 2018, they have to submit Pollution Reduction Plans (PRPs) for each impaired watershed; and these are Plans that will reduce a minimum of 10% in sediment runoff and/or a 5% reduction in phosphorous runoff for each individual watershed.

She stated an individual in their office is already working on these Plans for the watersheds in Lower Makefield Township, and the Township has already been working on some of the projects that will help with the reductions; and she noted the Long Range Tree Planting Plan, basin naturalizations, and some other retrofits and enhancements for basins and other stormwater facilities.

Ms. Flynn stated if anyone has questions, they can always contact them at the Boucher & James office or through the Township.

Ms. Tyler asked that this information be put on the Township Website. Ms. Flynn stated hard copies will also be left this evening.

Mr. Peter Solor, 28 Edgewood Road, stated he is co-Chair of the EAC; and he thanked them for the presentation. Mr. Solor stated there was a basin naturalization program in the Township; however it was relaxed the last few years, and the Township went back to mowing a lot of the basins. He stated this year they are attempting to return them to a naturalized state, and he hopes this presentation will help everyone understand why they are letting the grass grow longer in the basins as it helps reduce stormwater run off and improves quality.

Ms. Chris Gray-Faust, 1509 Dolington Road, stated she has a Township drainage culvert that goes into Brock Creek on her land; and she asked how often the water is monitored to make sure the pollution levels are going down. Mr. Eisold stated one of the requirements of the MS4 Program is to do dry weather investigations of culverts throughout the Township. He stated if they find something in the storm sewer that is not generated by a storm, they would sample it and trace it back out to determine where it comes from. He stated once every five years each outfall has to be monitored and checked. Ms. Faust asked how they could find out the last time the one on her property was checked, and she was advised she could contact the Township engineer.

Ms. Tyler stated she would also like to have the Hazardous Waste Collection dates put on the Website as well.

Mr. James Kirlin asked if there is an Ordinance that requires owners to pick up after their pets, and it was noted there is. Mr. Kirlin asked if this is posted anywhere so people are made aware of this as he often has to remind people. Ms. Tyler stated it is in the Township Code, and she feels a reminder about this should also be posted on the Township Website. Mr. Kirlin asked if there is still a fine for littering, and Ms. Tyler stated there is. Mr. Kirlin stated you do not often see signs about this as you did in the past. Ms. Tyler stated she is hopeful that the reason you do not see as many of those signs is because the residents now have a higher consciousness.

## QUIET ZONE UPDATE

Mr. Eisold stated they have been in contact with CSX trying to pin them down on a date, and they had indicated that they remain steadfast in their original statement that 90 days from the signed Agreement would be the date that the lights would be in place. Mr. Eisold stated based on that, they are looking at June 15. Ms. Tyler stated some residents had contacted the Township concerning the pace at which CSX is complying, and some letters are being written. Ms. Tyler stated the Township is doing everything they can to get CSX to get the installation completed so they can begin the implementation period for the Quiet Zones.

## TRENTON-MERCER AIRPORT UPDATE DISCUSSION AND MOTION

Ms. Joanne Guiniven and Mr. Richard Preston from the Trenton Mercer Airport Review Panel were present. Ms. Tyler stated there is an ongoing issue regarding the Trenton Mercer Airport and the direction of flights over Lower Makefield Township. Ms. Tyler stated they founded this task force with a group of talented people who are working on solutions to get a fairer distribution of flight paths and noise abatement. She stated the task force has been requested to look into all of the options available to Lower Makefield.

Ms. Guiniven thanked the Board for creating the task force, particularly Mr. Benedetto who is the Supervisor Liaison and has been very helpful and Mr. Truelove who has been helpful working through a lot of the legal issues. Ms. Guiniven stated their goals are essentially the same that BRRAM had been asking about for many years. She stated they want to minimize the impact that the Airport has on Lower Makefield in terms of quality of life, health and safety within the community, and the economic impact on the tax base. She stated they want to implement noise abatement procedures. She stated they also have to make sure that with any expansion, whether it is the expansion of airlines or the physical plant, the required FAA studies need to be implemented and they not be given Waivers from what is the law.

Ms. Guiniven stated they have taken a two-pronged approach – one political and the other is legal. She stated for the legal approach, they feel the best course of action is to try to get an independent law firm and/or consulting firm to look at the approach and advise them since there has been a lot of controversy as to what has taken place over the last three to four years. With regard to the political approach, they tried to set up a meeting with Mr. Brian Hughes, the Mercer County Executive, and Aaron Watson. She noted that when they met with Mr. Brian Fitzpatrick, he asked if they had met with them; and they had indicated that while they had not, others had tried to in the past, and he had refused to meet with them. She stated Mr. Fitzpatrick had

indicated that before he would go to the FAA or other entities, he wanted to be able to say that the Lower Makefield Review Panel tried to meet with them. Ms. Guiniven stated they did try; however, Mr. Hughes refused their Federal Express letter to him and returned it unopened. She stated this gives them proof that he refused to meet with them and refused the letter. Ms. Guiniven stated they will be meeting with Mr. Fitzpatrick again. She stated Senator Casey's staffer indicated a willingness to work as their interface with the FAA and to talk to the FAA about how best to approach them. She stated this staffer grew up on Edgewood Road, and her parents still live in the home and complain about the airplanes. Ms. Guiniven stated Mr. Perry Warren wanted to be present this evening and wants to meet with them before Trenton-Mercer Airport's presentation of the Plan next week. She stated he has also put it up on his Website that there will be a meeting. She stated they are also initiating contact with Senator Toomey.

Ms. Guiniven stated the second Trenton-Mercer Master Plan meeting will be held on May 24, and she encouraged everyone to attend. She stated it will be "poster format;" but the more presence they have the better. She stated they have learned through BRRAM that letters have been issued to some homeowners around the Airport that their homes are going to be taken by eminent domain, and hopefully they will find out more about this at the meeting on May 24.

Ms. Guiniven stated with regard to the legal approach, they met with Mr. Potter and BRRAM to discuss the litigation that was in force at the time. She stated initially the discussion was optimistic that there was negotiation in place with the Department of Justice attorney, and that the negotiation was likely to be completed. Ms. Guiniven stated they gave Mr. Potter and BRRAM their wish list which had been generated by Mr. Rob White, who is a pilot. Ms. Guiniven stated that avenue seems to have dried up and the only avenue was litigation. Ms. Guiniven stated if the task force did not recommend that the Board of Supervisors fund the ongoing litigation, BRRAM and Mr. Potter were going to withdraw because of lack of funds; and she understands that they had to withdraw. Ms. Guiniven stated the task force felt it may make sense to go forward with that suit; however, they wanted an independent look first. She stated what they are recommending is that the Township hire an independent law firm and consulting firm that will give the Township options which could include continuing on the track they were on, proceed in a different way, or that they do not have a case.

Ms. Guiniven stated the task force had conversations independent of BRRAM with the DOJ Attorney, Joan Pepin. She stated they also conducted the search for attorneys with aviation experience, and came across a consultant who they feel could be very helpful going forward. She stated timing is important, and they feel the Board should sign an agreement with an attorney. She stated she provided

information in the Board's packets on who they are recommending. She stated one individual is Mark Atwood from Cozen O'Conner's D.C. office, and the other is Barbara Lichman from the Buchalter firm's L.A. office who would be able to do the "front end piece," although she would not be able to litigate. Ms. Guiniven stated while there are a few consulting firms in the area, they have been used by Trenton-Mercer Airport; and the task force would recommend George Williams from Aviation Consultants in Phoenix.

Mr. Fritchey asked if the consultant has had experience with either of the two law firms they have recommended. Mr. Preston stated Mr. Williams was recommended by Barbara Lichman who indicated he had the technical expertise. Mr. Preston stated he did speak with him by phone and Mr. Williams researched the Airport while they were having their conversation, and he made some recommendations about things they could do. Mr. Preston stated Mr. Williams indicated that he would need time to develop his recommendations, and he also suggested that they have an attorney take his recommendations and write a letter to the FAA. Mr. Fritchey stated he feels collaboration between an expert consultant and an attorney with experience in these areas would be particularly effective.

Mr. Benedetto stated he appreciates the work the task force is doing. Mr. Benedetto stated he feels it is evident that Trenton Mercer wants to expand, and he feels what is most troubling is the issuance of letters to homeowners that they are going to take their properties by eminent domain. He stated timing is of the essence. He stated it is also extremely disappointing that Mr. Hughes returned their letter unopened.

Mr. Fritchey moved and Mr. Lewis seconded to direct the Township Manager and solicitor to interview the law firms and consultant recommended by the task force and request proposals for work to be performed so that they can be reviewed by the Board of Supervisors and go forward in a manner in which the task force has suggested.

Ms. Tyler asked for public comments, and there was no comment at this time; and the Motion carried unanimously.

Ms. Tyler thanked the task force for all the work they have done, and she stated they also appreciate the work of BRRAM.

Ms. Sue Herman, Residents for Regional Traffic Solutions, Inc. read her letter into the Record (attached to the Minutes.) Ms. Tyler stated she feels the Board is working on trying to minimize the negative impact on the Township. Ms. Herman stated the Township has not addressed the urgency as on May 24, they are going to tell what the final plan is for the Airport. Ms. Tyler asked what else they could do other than what has been discussed this evening as to how they should proceed.

Ms. Herman stated she feels they should work every political channel they can to stop the meeting next week. She stated they will publish a plan as a final plan, and she feels the meeting should be stopped although she does not know how that could be done; and she asked Mr. Truelove what channels they should take. Ms. Tyler stated she feels the task force has laid out a very comprehensive plan that addresses what Ms. Herman has identified. Ms. Tyler stated there is no mechanism by which Lower Makefield could stop their advertised, public meeting.

Mr. Truelove agreed that there is no mechanism he is aware of that could stop their meeting. He stated he feels the task force has identified some processes. He stated the Board and the task force could have a presence at the meeting and make comments into the Record. He stated it is not a regulatory-type meeting that would be subject to injunctive relief. He stated Ms. Herman could attend the meeting next week and be part of it if she wished. Ms. Herman stated she does not believe that there will be an opportunity to comment at the meeting. Ms. Herman stated she feels that there will be a published report that will be considered a final report and all the comments they have received to date will be attached as an appendix, and very likely none of the concerns will have been addressed. Ms. Herman asked what legal recourse they will have then. Mr. Truelove stated there may be a right to request to supplement the Record, and they could also ask for an extended period of time for public comment to provide additional information; although he is not sure that would be possible in this instance. Ms. Herman asked how they could find out about this, and Ms. Tyler stated they are going to hire professionals as they discussed this evening. Ms. Herman stated she feels it will be too late by that time. Ms. Tyler stated she feels the Board has set forth a very viable plan of how to move forward. Ms. Herman stated the FAA has failed to do the Environmental Impact Statement they are required to do by law for the two decades that BRRAM has been involved.

Ms. Holly Bussey, 20 Knoll Drive, stated all the Supervisors should attend the Hearing on May 24, and they should also ask Mr. Warren to attend as well as a representative from Congressman Fitzpatrick's office. She stated she agrees with Ms. Herman that this will be the final plan; and once that is achieved, they do not have to listen to us. She stated when they want to start implementing the Master Plan for the expansion that is when the Township needs to have its game plan in place and be ready to move. She stated if there is an eminent domain condemnation, Trenton Mercer will begin to move aggressively. She stated BRRAM is going to withdraw their suit. She stated Trenton Mercer will then change the traffic patterns so that planes will come over Lower Makefield and Yardley Borough all the time, as they know they do not need to appease us since there is nothing stopping them.

Ms. Tyler asked Ms. Bussey if they are voluntarily withdrawing litigation, and the Township has advised BRRAM's attorney that if he wants to withdraw as counsel because of lack of legal fees, that is one thing; but that he should not dismiss the underlying case, and that BRRAM should maintain that action pro se. Ms. Bussey stated they have no way to maintain it. Ms. Bussey stated they cannot pro se as they are an incorporation and cannot represent themselves. Ms. Tyler stated withdrawing at this junction is creating a problem. Ms. Bussey stated this should not be put on BRRAM, and the Township could still be added to the lawsuit. Ms. Bussey stated she feels the way to proceed is through Governmental pressure. She stated when they got Congressman Greenwood involved, he added the pressure to make sure that when flights were changing at that time, he stated they had to consider Pennsylvania. Ms. Bussey stated more residents coming to the meeting will show them that they are still on top of this and want to be included in the process going forward.

Ms. Herman asked who on the Board of Supervisors plans to attend the meeting on May 24. Mr. Benedetto stated he will be attending. Mr. Lewis and Ms. Tyler stated they were unavailable to attend. Mr. Fritchey stated he will try to attend. Ms. Herman asked if there will be someone there that the task force has identified. Ms. Tyler stated they first need to review them and get proposals from them; however the task force will be there, and there are attorneys on the task force who will be in attendance. She stated Mr. Benedetto is also an attorney. Ms. Herman stated she hopes they take every action possible to get higher-level politicians there too. She asked Mr. Truelove how they can best compel politicians to show up there on the Township's behalf. Mr. Truelove stated he has no legal means to compel politicians to show up at the meeting. He stated Mr. Warren has indicated that he will try to attend. Ms. Herman stated while the task force has done a great job, she feels the overtures should be made by the sitting politicians to the other politicians and express the urgency for them to go to the meeting on May 24. Mr. Benedetto agreed to contact Mr. Fitzpatrick's office. Mr. Preston stated they are in direct communication with Senator Warren, Senator Casey, and Mr. Fitzpatrick; and they are urging them to come or to have a staff member come to represent them.

Ms. Bussey stated there was a pending lawsuit against the FAA and Allegiant Airlines by BRRAM. She stated after several conversations they had with Lower Makefield Township, LMT decided not to participate in this process. Ms. Bussey stated once this suit is dismissed, as is likely to occur, there is nothing more that LMT or others can do in Court with respect to the current NEPA EIS cumulative impacts challenge. Ms. Bussey stated this dismissal will be with prejudice which means that LMT will need to wait until there is another high-frequency, low fare carrier seeking FAA approval for operations with unlimited number of flights into TTN. Ms. Bussey stated BRRAM will continue to be a "watchdog organization," but

they will no longer be a litigant. She thanked the task force for taking this on. She stated making sure the legal side is involved is what will hopefully make a successful outcome for all of the residents.

Mr. Benedetto asked if it is an option for Mr. Potter to withdraw without prejudice; and Mr. Truelove stated that would be Mr. Potters decision, and he could fashion it however he wants to do it with or without prejudice. Mr. Truelove stated if any of the other adverse Parties wanted to weigh in and challenge that, that would be up to them. Mr. Truelove stated that would prolong the litigation for some period of time. Mr. Truelove stated hopefully they will interview the individuals recommended by the task force in the next few days; and even if they are not engaged before the May 24<sup>th</sup> meeting, they may have some ideas as to how to approach that meeting. Ms. Bussey asked if she could have Mr. Potter call Mr. Truelove tomorrow to discuss that, and Mr. Benedetto stated that would be helpful.

Mr. Matt Bolger, 219 Taylorsville Road, thanked the Board of Supervisors for moving forward with recommendations. He stated he was at the first Trenton-Mercer Airport public meeting and spoke extensively to the engineers who were there, and they promised that everyone who submitted public comment at the time would receive notification of upcoming meetings; however, he was not notified. Mr. Bolger stated he had taken photographs of all the posters they had at that meeting, and there was no indication at that time that they were going to expand runways or taxiways; however, now they are looking to expand the footprint of the Airport. Ms. Tyler asked Mr. Bolger if he could get photographs of that slide presentation to the task force. Mr. Fritchey stated channeling everything through the task force will be more organized and provide a clear source for collection of information.

#### DISCUSSION OF SNIPES TRACT PLANNING COMMISSION ACTION

Mr. Truelove stated this process has been going on for some time. He stated the Environmental Impact Assessment was recently referenced, and Mr. Majewski prepared a history of the Snipes Tract itself as a Township asset. He stated they have been through the review process which included the Planning Commission, and they have been before the Planning Commission at least twice. He stated there were no decisions made, so it was decided to continue it to the Planning Commission meeting next Monday. Mr. Truelove stated by law it is not required by the Board of Supervisors to accept any recommendations from the Planning Commission. He stated the Planning Commission serves a very important purpose, and under the Municipalities Planning Code the Planning Commission has one mandatory task which is to do the Comprehensive Plan every ten years. He added that the Snipes project has been included as a concept in the Comprehensive Plan

since 2003. He stated the Planning Commission is also permitted to review Plans and projects and can make recommendations to the Board of Supervisors although sometimes they makes no recommendation. Mr. Truelove stated the Board of Supervisors can accept the recommendation of the Planning Commission or decide not to, and there is case law to support that.

Mr. Truelove stated the Planning Commission's role is advisory as is the Park & Rec Board which has weighed in from a different perspective for a number of years. He stated the ultimate responsibility belongs to the Board of Supervisors. He stated on May 30 the Board of Supervisors will have a hearing on the project; and there is also a Planning Commission meeting on Monday, May 22 where they will again review the Plans. Mr. Truelove stated generally speaking the Planning Commission's task is not to provide alternate Plans, although they can make comments on the Plans that are provided. Mr. Truelove stated tonight they are just discussing the process recognizing that there are other issues and concerns, and those are what will be heard at the Planning Commission meeting on May 22 and at the Board of Supervisors meeting on May 30.

Ms. Tyler asked if there was any public comment on the process and procedure – not the Plan itself.

Ms. Chris Gray-Faust, 1509 Dolington Road, stated her concern procedurally is that so far two Township Commissions have expressed concerns with the project as it currently stands. She stated the Environmental Advisory Council still has concerns with the stormwater drainage, and at the Planning Commission meeting on May 8 engineers who have been working with the Environmental Advisory Council noted that the system of drainage being proposed for the site is outdated. She stated others on the EAC have also pointed out that the site has bedrock underneath so an alternative drainage plan should be considered. Ms. Faust stated she and her husband live at the lowest point of where the stormwater drains, and there is a culvert from the Township that comes into Brock Creek on their land; and even in a very small rain, it floods so they are extremely concerned about making sure that any stormwater drainage from this project does not bring the stormwater there.

Ms. Faust stated the Citizens Traffic Commission discussed Snipes at their May 15 meeting, and they noted that for the traffic study conducted by TPD the models were not based on the Leagues data, not all the effected intersections were fully considered, and that the Dolington and Quarry Road intersection was problematic for this project; and that they would be sending a letter to the Board of Supervisors listing their concerns. Ms. Faust stated with regard to the Planning Commission meeting she understands that two members did ask for an independent demographics study to demonstrate need, but that Motion failed. Ms. Faust stated

according to the Township's own Ordinances on environmental impact assessments it states that the Planning Commission can request any additional information it deems necessary to adequately assess potential environmental impacts.

Ms. Faust stated with so many concerns being raised by the Township's own advisory commissions, she feels the project has numerous deficiencies that need to be addressed before any vote is made. She suggested that the Board of Supervisors look at what their own Commissions are saying and take that into account as the Plan goes forward.

Ms. Beth Cauley, 1355 James Court, stated she has a petition with over two hundred signatures regarding the Snipes parcel, and she read it into the Record requesting that the Board reject the use of the parcel for athletic or recreational purposes. Ms. Cauley stated while she is glad that there will be a meeting of the Board on May 30, she was at the Planning Commission meeting when Mr. Benedetto stated this was a "done deal." Ms. Cauley stated there will be 80' high lights, and "nobody is aware of what is going on." Ms. Cauley stated 200 taxpayers do not want \$3 million of their money spent financing 282 resident children and 247 non-resident children for football.

Ms. Tyler stated this evening they were just going to discuss the process and procedures.

Ms. Cauley stated she feels that any of the Supervisors that vote for this should be recalled for spending \$3 million of taxpayer money with negligible taxpayer input. She stated she hopes all who are watching this will call the Board of Supervisors and tell them to vote no.

Mr. Benedetto stated the Planning Commission is an advisory Board. He stated the Board of Supervisors are elected officials that can be voted out of office. He stated the Planning Commission's job is not to determine if they should do the project, rather their job is to determine how they should do the project; and they can make suggestions and recommendations. He stated as he indicated at the Planning Commission the policy decision was made about this project by the Board of Supervisors, it was publicized in the last Township Newsletter, and has been in the Master Plan since 2003. Mr. Benedetto stated it was also part of the discussion for the \$15 million Bond Issue when they discussed dedicating \$2 million of that Bond Issue toward the Snipes Tract. He stated he feels at some point there is a responsibility by the residents to inform themselves. He stated the Planning Commission, Park & Recreation Board, and the Board of Supervisors all had meetings about this project. Mr. Benedetto stated there is an opportunity to make suggestions to improve the Plan, and they can discuss that at the Planning Commission meeting on May 22 and the Board of Supervisors on May 30.

Ms. Cauley stated she feels it would have been incumbent upon the Board to inform every single person that is going to see the 80' light poles when the leaves are off the trees and not "shoving it through" in the middle of thousands of homes for the benefit of 47% non-residents. Mr. Benedetto stated football is only one aspect of the three fields. Ms. Cauley stated those others using the fields are also non-residents; however, Mr. Benedetto disagreed. Ms. Cauley stated the Board has been "very disingenuous with the process." She stated the 80' lights should be reconsidered.

Ms. Kathleen Hirko stated she also has an on-line petition with 100 votes so far in 72 hours. She read the Petition into the Record. She stated they are asking that they all work together with the sports people and the neighbors to build a Park that is more than just for athletic fields, and that will have amenities for other residents in the Township. Ms. Tyler asked that she come back when they are discussing this further as tonight they are only discussing the process and procedures.

Mr. Gerald Arth, Heller Drive, asked when they will have the Hearing regarding the merits of the project; and Ms. Tyler stated the Planning Commission will be held on May 22, and the Board of Supervisors will have a special meeting on May 30 at 7 p.m. Ms. Tyler stated the Board has received a number of letters, and residents can continue to send letters to the Board. Mr. Arth stated he is "appalled at Mr. Benedetto blaming the residents for not coming forward." Mr. Arth stated they have now come forward, and he requested that the Board pay attention to what the taxpaying residents have to say about this project. He stated the neighbors were not solicited in terms of their views. He stated he feels the lights have been "sneaked" into the project. He stated he was around in 2000 when the Snipes Tract was acquired by the Township, and the concern that was expressed at that time was that the property should not ever have lights on the property; and Board members at that time said to the residents that there would never be lights put on that property, and that is exactly what has been "sneaked" into this property. Mr. Benedetto asked if he has evidence as to that. Mr. Arth stated they could discuss this with Mr. Truelove, Mr. Fedorchak, and Mr. Ron Smith as they were around and representations were made that there would not be lights put on that property because the residents did not want a Macclesfield north there; and that is exactly what this property is becoming.

Mr. Arth stated he has seen changes in the character of the neighborhood since he has been in Makefield Chase adding he is not anti-development or anti-use of the Snipes Tract, but he is anti-turning it into a "round-the-clock, full-time Macclesfield north" which is what this will become. He stated he has taken a cursory look at the Environmental Impact Assessment that was just put on the Website, and he has seen the traffic counts which all project dramatic increases in traffic in their neighborhoods particularly on nights and on weekends when most people are home. He stated he does not want his neighborhood dramatically impacted by a lot

of traffic on “inadequate roads” which are Dolington, Creamery, and Quarry; and that is what will happen with this if they have round-the-clock use or morning to late night use. He stated he knows that Macclesfield is used until 9:30 p.m. or later virtually every night of the week, and that is what will happen if there are lights permitted there.

Mr. Arth stated the Plans that were originally drawn never conceived of having lights on the property, and now they are hearing they want to put in 80’ high light poles which people will see 24/7. He stated this will result in a dramatic increase in traffic and a dramatic change in the way of life in the northern part of the Township which has been one of the more bucolic parts of the Township, and they will turn it into “Bensalem” where there will be noise and traffic and strangers flowing in at all hours of the day.

Mr. Arth stated he has looked at the user counts, and it is important for the Board to actually consider these things and not “steamroll” the project which he feels is what is being set up to happen especially if he is hearing that the Board may actually vote after the meeting on May 30 for final approval of the project. Ms. Tyler stated that is possible. Mr. Arth stated it is very important that the residents have a full chance to be heard at the Planning Commission which would be a recommendation only. He stated the Board of Supervisors are the ones who will vote on this and should be accountable to the voters and taxpayers of the Township. He stated he personally is opposed to it, and he does not feel it is necessary, or a fiscally-responsible project. He stated he is most concerned that what it really represents is a breach of trust between the Township Government and its residents especially when they were assured that they would not have this type of project with the lights.

Mr. Arth stated he is not opposed to passive recreational use or to some type of fields, but he is opposed to the intensity of the proposed use and lighting of the fields.

Mr. Lewis stated if this were to come to a vote, it would be a vote to authorize a Bid with Bid Alternates; and then they would have the bidding process. He stated the Board of Supervisors does listen to their concerns, and some people have had good rationales for their opposition. He stated he has also received e-mails and calls from people in the area who are in favor of the project. He read some e-mails both pro and con. He stated even if the Board does not share the residents’ exact opinions, it does not mean they have not heard the comments from the residents. He stated if this had been a private developer, there could have been a deemed approval already as they have gone through the ninety-day period; however, the Board of Supervisors wanted to have the Planning Commission take their time and review it and made sure that there was an Environmental Impact Assessment.

He stated they are doing everything they can do to give the residents the opportunity to speak and to make sure they are doing this the best possible way that they can. He stated they are open to comments and suggestions; however, the Board is elected to make these tough decisions which they feel are best for the whole community.

Mr. Richard May, 1270 Creamery Road, stated he shares the culvert that was discussed earlier; and he is very concerned about the possibility of flooding on his property. He stated when the School has evening activities, he already has significant traffic and people parking in front of and around his driveway and other places where people are not supposed to be parking.

Ms. Tyler stated they were trying to limit discussion this evening to the process.

Mr. May stated they discussed the fact that all the residents effected were notified, and he does not feel there is anyone that is closer than he is; and he never received any notice. He stated he is also disturbed that he came this evening thinking they were going to talk about the project and not just the process, and they then find out that it is not on the Agenda. He stated they also scheduled this item as the tenth item so that anyone who might be discouraged by that would leave. Ms. Tyler stated nothing could be further from the truth. Mr. May stated he has lived here for thirty years, and he has seen projects “jammed through.” He specifically noted the Satterthwaite project. He stated there were six Variances requested for that, and they were turned down. He stated there are eighteen Variances requested for this project, and it seems that they are all acceptable; and he feels there is “something funny about that.” Ms. Tyler stated they can discuss this at the meeting on May 30.

Mr. Benedetto stated there is a difference between Variances and Waivers. He stated Satterthwaite was approved by the Supervisors by a vote of four to one, and then it went to the Zoning Hearing Board for Variance requests where it was turned down unanimously. He stated a Waiver is different and is specific to the Snipes Tract.

Mr. Tony Kehoe, 476 Liberty Drive, stated a resident biologist, Luke Butler, had a link that discussed a town in another State, and he will provide this link to the Board. Mr. Kehoe stated that town went “way out of the way” to make it known to their residents what they were going to do, and they put a billboard up on the site where they were going to have their proposed park to notify everyone and they also scheduled public workshops and took out ads. He stated the workshops were eight hours long. He stated for future efforts such as this which have the potential to create strife and discord, he would strongly encourage the Township to get out ahead of it, and to solicit input directly from the people and not just mail a letter.

Mr. Don Faust, 1509 Dolington Road, stated when this first started they had heard that some of the sports people had met with the Park & Recreation Board and they presented a need. Mr. Faust stated he believes that the data was wrong in terms of the need, and it is important to understand that you can interpret or misinterpret data depending upon which way you want to look at it.

Mr. Benedetto stated this came up at the Planning Commission but it is a National standard that indicated the amount of recreation land they should have based on the number of residents in Lower Makefield. Mr. Faust stated he is not disputing the need for recreation space, he is disputing the idea that sports are growing since they are not. He stated he will save this until the meeting on May 30. He stated they indicated that football is growing; however, he stated the reason football players need to go to this field is because they are sharing space with the other teams on the other fields. He stated he feels it would make sense to look at the use on the other fields to see if those using them are growing such as soccer, baseball, etc. He stated if new information comes out, they should look at it and continue the process as data can be interpreted differently; and the process needs to be refined and looked at.

Ms. Anita Grossman, 1368 Heller Drive, stated she has saved a lot of the correspondence going back and forth. She stated the Snipes Tract was purchased in 2000, and it came up several years later; and that is the first time the lights were ever mentioned, and the lights were rejected. Mr. Benedetto asked which meeting Minutes that was from, and Ms. Tyler asked that she send them to Mr. Fedorchak who will distribute them to the Board.

Mr. Todd May, 1242 Quarry Hill Court, stated they spent a lot of effort having a Secretary recording Minutes, and they vote on the Minutes every meeting. He asked the process for archiving Minutes from 2000, and Ms. Tyler stated they are kept forever. Mr. May asked that they look up all the data that was talked about with regard to lights, and Ms. Tyler stated it seems that Ms. Grossman has done that for them. Mr. May stated he feels the Board should officially look at the Minutes from their archives.

Ms. Marge Kehoe, 476 Liberty Drive, stated the last time she asked for a Right-To-Know item it took forty days. She stated someone wanted meeting Minutes from 2000, and she asked that they get a commitment from the Board to have the meeting Minutes available to the citizens. Mr. Benedetto stated the meeting Minutes are available from 1999 forward on the Township Website.

A short recess was taken at this time. The meeting was reconvened at 10:15 p.m.

## COMMUNITY CENTER UPDATE ON LEED - DISCUSSION AND MOTION

Mr. George Hibbs was present with Mr. Peter Solor, Environmental Advisory Council.

Ms. Tyler stated the Community Center is being constructed, and they looking forward to making it a home for not only the Seniors but also the Township youth and everyone in between. Ms. Tyler asked Mr. Hibbs to provide an update as to where they are with regard to LEED Certification.

Mr. Hibbs stated on March 4, 2015, the Lower Makefield Township Board of Supervisors approved the Community Center project to go out to Bid. As part of the presentation that evening, there was discussion regarding LEED. He stated the Township Ordinance states: "Any new Municipal construction should meet LEED Silver minimum requirement." He stated in addition the Township Green Building Ordinance States, "There is the potential that the Township does not need to submit for full Certification, that they could do an equivalency." Mr. Hibbs stated those two items were discussed with the Board of Supervisors that evening. Mr. Hibbs stated as part of that presentation, he also presented LEED options to the Board. He stated in terms of the different levels, there is LEED Certified which is the lowest level, Silver, Gold, and Platinum. He stated what he presented that evening was that the drawings as they existed were at a LEED Certified level which is the first rung; and if the Board wanted to meet the Ordinance, they would need to go to rung two, and his projection at that time was that it would be an additional \$125,000 to \$200,000 worth of construction costs to meet the LEED Silver equivalent. He stated as part of the discussion that evening, cost was paramount. He stated the conclusion of that was that Mr. Benedetto, Ms. Tyler, and Mr. Dobson all decided not to select the LEED Silver option, and to stick with the LEED Certified because they did not want to add any cost whatsoever to the project. He stated from that moment forward until today, the project has been the equivalent of LEED Certified and not LEED Silver.

Mr. Hibbs stated approximately one and a half months ago there was some discussion regarding LEED Silver, and what it would cost today if they did LEED Silver. Mr. Hibbs stated his first thought was that the building is already under construction; but they did reach out to the contractors and also met with Mr. Solor and went through a series of alternatives to look at the "low-hanging fruit," and where they could select some LEED Silver elements to get to that level. Mr. Hibbs stated Mr. Solor was very helpful in that process, and from there they have determined that the cost is approximately \$100,000 to meet LEED Silver today. He stated if the Board is interested in that option, he would request an authorization of up to \$100,000 for the requisite contractor Change Orders which would result.

He stated he would need an answer about that this evening because the contractors are only holding the pricing that they have given him for the next few days as they are trying to order their supplies and get their equipment in; and in addition there is the potential for delays if they do not give them answers in the next few days.

Mr. Fritchey noted the 4/5/17 memorandum from Mr. Hibbs talking about where they stand; and at that point in time Mr. Hibbs concluded that they had 44 points, a possible 14 points, and 52 points that they were not going to get. Mr. Fritchey stated he understands 44 points would be a LEED Certified level, and Mr. Hibbs agreed. Mr. Fritchey stated if they were to get 6 more points, they could get to LEED Silver. Mr. Fritchey stated from April 5 to May 16, Mr. Hibbs and Mr. Solor have been discussing this; but Mr. Solor has indicated that they have gone down 2 points, and they now have 42 points. Mr. Fritchey asked how they went from 44 to 42 if the discussions were constructive and positive for a month and a half.

Mr. Hibbs stated all they need is 40 to get to Certified, and they need 50 to get to Silver. Mr. Fritchey asked if the project was enhanced in the last month and a half or not. Mr. Hibbs stated he discussed this project with the Chair of the EAC at the request of the Board to see how they could get to LEED Silver. He stated as of today as it was two years ago, the project is LEED Certified equivalent. He stated the Board needs to decide if they want to get to LEED Silver.

Mr. Fritchey stated he is looking at the numbers, but he does not know what the numbers mean; and on one hand it appears objective since it is numerical, and there is a 110 point scale, but it also seems to be subjective. Mr. Fritchey asked Mr. Hibbs if he feels they are currently at 42, and Mr. Hibbs agreed that he feels currently they are at 42 points. Mr. Fritchey asked if Mr. Hibbs feels he overestimated or if things were taken out. Mr. Hibbs stated he is not sure what Mr. Fritchey is referring to with regard to the 44 points, and Mr. Fritchey referred to Mr. Hibbs 4/5/17 memo where a chart was attached showing 44 points. Mr. Fritchey stated he also has another memo from Mr. Solor dated yesterday that indicates they are at 42 points. Mr. Hibbs stated it is not about 44 or 42; and it would not matter if they were at 49 since if you are not at 50, you are not Silver.

Mr. Fritchey asked if there is anything else they could do within Budget to improve the score whether or not they get to 50. Mr. Hibbs stated anything that is a non-cost alternative is what they have looked at, and that is what is in the project and has been done. He stated anything that is a cost alternative is what needs to happen to get to Silver.

Mr. Solor stated they had some discussion prior to April 5 because it did not appear that the documents clearly suggested that they were getting to the Certified level. He stated he had provided information to some people that his initial estimate indicated that it was in the 30s range and not even Certified; however, Mr. Hibbs stated that is not accurate. Mr. Solor stated Mr. Hibbs has gone through and re-allocated it, and that is how they got to 44 at the time.

Mr. Fritchey asked Mr. Solor if he feels his participation in the process has raised the LEED score, and Mr. Solor stated it has helped to identify places where they could do it; and he has copied the Board on his suggestions and which would be the most cost-effective solutions.

Mr. Lewis stated on August 17, 2016 when the Board approved going out to Bid for 2016, the then Chair of the EAC asked if the building would be LEED Certified Silver as required by the Green Building Ordinance, and Mr. Hibbs had stated he believed the Ordinance requirements were that it was not Certified but the equivalent. Mr. Lewis asked Mr. Hibbs if he meant that it was not Silver, and Mr. Hibbs agreed. Mr. Hibbs stated it was LEED Certified equivalent. Mr. Lewis stated the equivalent is below Silver; however, Mr. Hibbs stated in terms of nomenclature, there are two kinds of Certified. He stated when you submit the paperwork to the U.S. Green Buildings Council for a formal submission and they formally provide you back written comments, that is one level of participation with LEED. He stated the level of participation that he is talking about here as part of this process is an equivalency. He stated what they are saying is what they are doing is equivalent, and they were to go through the process without the cost of all of the paperwork, submissions, the brass plaque, etc. He stated a lot of his clients are going through the equivalency process and not the formal submission. Mr. Lewis stated at this point they are LEED equivalent; however, Mr. Hibbs stated they are at LEED Certified level equivalent with 40 points minimum. Mr. Lewis stated they are not Certified Silver at this time. Mr. Solor stated the Ordinance allows for equivalence, and it allows for Silver equivalency; but they are not there.

Mr. Lewis stated he feels the options are to waive the Township Ordinance for this project only and a second option would be to spend \$100,000 additional which they would have to decide tonight. Mr. Lewis stated he had asked Mr. Solor what the benefit of expense would be of the \$100,000, and he had suggested what they would get back in potential savings. Mr. Solor stated Mr. Lewis had asked him if the only savings would be associated with lower energy use, but it is already a fairly efficient building so it would only be a couple thousand dollars per year. Mr. Lewis stated with a twenty-year lifespan for the building, they would be at a total net benefit of \$15,000 to \$20,000. Mr. Lewis stated if the Board elected to do this, they would probably not make it on cost benefit based on the assessment.

Mr. Lewis stated given the August 17 meeting Minutes the way it is stated is such that they were properly disclosed to in that they would not meet Silver so he does not feel they would have an errors and omissions claim on this. Mr. Truelove stated the Minutes would have to be very clear about that to even support a plausible claim for that.

Mr. Fritchey stated he feels they would like to complete the project and go into operation within Budget and make it as green as possible within that constraint. He stated he does not think there is sentiment to spend another \$100,000. He stated they do not know how close they are to the Budget line, and there could be some change orders. He stated he feels when this was voted on in the first instance, it was voted with the intention that they would go for LEED Certified; and they seem to have achieved that, and he would be satisfied with that. Mr. Fritchey stated if there is more that they can do to get a higher score whether they get to Silver or not, he would be in favor of doing this if they could do it within Budget. Mr. Truelove stated since the Ordinance requires LEED Silver or equivalent, the Board would have to have a Motion to waive that requirement.

Mr. Fritchey moved and Mr. Benedetto seconded to waive the LEED Silver requirement for this project.

Mr. Benedetto stated he feels this is consistent with what the Board discussed in 2015, and nothing has changed in that time. He stated they wanted to build an energy-efficient building as cost effectively as possible, and he feels that is what they are achieving here. He stated he feels this is consistent with what he and Ms. Tyler have indicated and what the prior Board indicated as well.

Mr. Lewis stated he is not particularly happy with how the EAC was brought into the process “late in the game.” He stated he feels they can use this as a learning experience to make sure that they are always following the Ordinance as it relates to LEED Certified Silver. He stated the Bid documents in 2015 actually had LEED Certified Silver; however, Mr. Hibbs stated they did not. Mr. Solor stated they were LEED Certified, but it was much more clearly marked out that way than the 2016 documents were. Mr. Hibbs stated it was never Silver. Ms. Tyler stated they never asked for Silver. Mr. Solar stated there was a meeting in 2015 with the EAC where there was discussion; and Ms. Tyler stated she agrees that the EAC did ask for LEED Silver. Mr. Solor stated there was a discussion at the EAC on Silver per the Township Ordinance between the EAC and CCH about what points were achievable and what points were not. Mr. Solor stated he does not agree with everything that was in the memorandum. Mr. Hibbs stated the EAC at that time was saying that they could do half credits and half points, and his firm advised them that was not allowable. Mr. Solor stated coming out of the January meeting, the agreement was to reach Silver. He stated Mr. Dresser asked his question in August of last year and

thought it was getting addressed that way but it had never been clearly stated that it would have been with a Waiver and that they were waiving the Ordinance; and now at this point they are formalizing it which is not the right way to go about it.

Mr. Zachary Rubin, 1661 Covington Road, stated he is opposed to the Motion to seek a Waiver. He stated he attended all the meetings in 2014/15, and he believes that Mr. Hibbs has misled the Board as to what Certified, Certified Silver, and Equivalence mean, and what seeking Silver Equivalence means. He stated the previous Board of Supervisors did not know the difference between the levels of Certified, Silver, Gold, and Platinum, or seeking Certification of Silver LEED. Mr. Rubin stated Mr. Hibbs told the Board that they would go for the Silver Equivalency but not the Certification of Silver because that is when you have to have inspectors, and bronze plaques, etc. Mr. Rubin stated the Board was under the impression that they were going to follow the Township Ordinance and get Silver Equivalency but not get the actual plaque for Certification. He stated now Mr. Hibbs is asserting that the Bids went out to get the Certified LEED Certification which is below Silver, and not the Silver Equivalency with the official Certification from the LEED Board. Mr. Rubin stated Mr. Hibbs is confusing the Board of Supervisors that this was always in accordance with the Ordinances to get the Silver Equivalency. Mr. Rubin stated Mr. Hibbs had stated that the \$100,000 to \$200,000 was not needed because they could get Silver Equivalency without the stamp of approval from the Governing Board.

Ms. Tyler stated she has never been misled by Mr. Hibbs, and she has had full understanding of LEED Equivalency Certification, etc.

Mr. Hibbs stated from the first day that he had his Contract signed there were discussions with Township representatives, and they asked him if he realized what the Township Ordinance required; and Mr. Hibbs stated he advised them it would be LEED Certified. He also asked the Board on the evening that the Board was discussing his Contract if they wanted to go for the Bronze plaque, and the Board at that time stated they did not, and they just wanted to be Certified. Mr. Hibbs stated he takes great umbrage with Mr. Rubin's comments.

Mr. Rubin stated he disagrees with Mr. Hibbs' remarks. He stated when they discussed the Bronze plaques, that is when Mr. Hibbs' stated it was going to cost an additional \$100,000; but he was confusing the Board, although maybe not Ms. Tyler. Ms. Tyler stated she does not feel any of the Board members are confused, and she added she does not feel Mr. Rubin has the right to speak for anyone on the Board. Mr. Rubin stated his impressions of former Board members, living and passed away, was that they never spoke about not following our Ordinance; and all they talked about was getting the Silver Equivalency without getting the official Certification from the Governing Board. Mr. Rubin stated, as he noted previously, the first time

this Township is building a project they are not following their own Ordinance; and he questions what kind of precedent this sets. Ms. Tyler stated while that is a good point, they are LEED Equivalency. Mr. Rubin stated they are not LEED Silver Equivalency which is what the Ordinance requires.

Mr. Benedetto asked Mr. Hibbs if he was ever asked the question by a Supervisor or member of the public regarding LEED Silver Certification; and Mr. Hibbs stated he feels that over the course of the last twenty years, he has had lots of questions about this topic. Mr. Hibbs stated they can read through the Minutes, and he read from portions of the March 4, 2015 meeting when this was discussed.

Mr. Rubin stated Mr. Lewis has read the Minutes, and he is confused over this. He stated Minutes are not transcripts of the meetings, and they are open to interpretation. Mr. Hibbs read from a portion of the September 2, 2015 Minutes where Mr. Lewis was involved in a discussion about this prior to joining the Board of Supervisors.

Mr. Alan Dresser, 105 E. Ferry Road, stated he could read from the Meeting Minutes of August 17, 2016. Ms. Tyler stated she has a very clear recollection of the project. Mr. Dresser read a portion of the August 17, 2017 Minutes.

Mr. Mike Brody, 509 Brookbend Court, stated if this information was provided sooner, they would have been able to address this sooner.

Motion carried with Mr. Lewis opposed.

Mr. Fritchey stated he feels Mr. Rubin raised a good point about whether or not we are following our own Ordinances, and as a general proposition, he feels we should be following our own Ordinances. He stated if we do not intend to follow them, we should modify them so that we are consistent. He stated they have had this discussion in the context of the Tree Ordinance and a variety of things. He stated he believes there is a consensus that the Board favors LEED Certification as opposed to LEED Silver.

Mr. Fritchey moved and Mr. Benedetto seconded to authorize advertisement of an amendment to Chapter 88 Building Construction Green to change “LEED Silver” to “LEED Certified” throughout the Ordinance.

Mr. Lewis stated he would strongly disagree with this. He stated at present there is a situation where they have come across something that is not in compliance with the Law, and the Board made a decision to Waive it for this particular case. He stated he does not feel the Board should re-open the policy now without hearing from the EAC and the Planning Commission and taking the appropriate time.

Mr. Lewis asked that Mr. Benedetto withdraw the Motion and come back and provide something more comprehensive. Ms. Tyler stated she does not feel there is any time better than today since they all now have an understanding of what that Ordinance means and its impact on development in the Township. Mr. Benedetto stated at this time they are only going out for advertisement, and everyone will have an opportunity to consider it before the Board votes on it. He stated he feels that this project has shown that the Ordinance does not work. He stated he knows of projects in other Townships where they are LEED Gold Certified, but they do not have an energy-efficient building. Mr. Benedetto stated they should be trying to achieve as efficient of a building as possible as opposed to chasing a name in LEED for Silver, Gold, etc. He stated he feels similarly about the Tree Bank Ordinance where they just have numbers with “no rhyme or reason.” He stated they should be doing things that make sense and are logical. Mr. Benedetto stated this project has shown that they have put an Ordinance in place that is not working practically.

Mr. Lewis stated he has no problem with making a revision to the Ordinance with respect to the Tree Bank Ordinance that was thought through by people who have experience and skill and who proposed reasonable recommendations that the Board has yet to put on an Agenda. He stated with regard to the LEED requirements, Supervisor Reiss is not present, and he does not see an immediate need for this to be discussed. He stated in terms of Agenda management and public dialogue, if Supervisor Fritchey feels strongly about this, he could provide marked up Ordinances at a future Township meeting and present them for advertisement and refer them to the associated Advisory Committees so that they can review the process. He stated he does not want to do that Ad Hoc now, and it would not be in the best interest of the Township.

Mr. Fritchey stated it appears that there are three places where this would be changed in the Ordinance, and they would not be rejecting LEED out of hand; but would still be giving a nod to the Green Building Code and striving for ecological savings. He stated he feels at some point in time the Ordinance which was adopted was probably aspirational, and he is not sure that those who adopted it understood exactly what they were buying into. He stated in this case, they have decided that they are not interested in doing LEED Silver on this particular project; and if they are going to be consistent with the Code, it seems that this is a minor clarification. He stated they are also not voting it into effect tonight, rather they are voting to advertise it which will give people the opportunity to comment on it. He stated if they decide to change the Ordinance, that would not be voted on until a subsequent meeting.

Mr. Lewis asked if the Township is planning any additional buildings that would be subject to this Ordinance in the next three years. He stated if there is not an immediate building that is being planned, they have sufficient time to have staff

input and input from other groups; and they can take a more holistic approach to this Ordinance. He stated he does not want to start that process now, and he does not feel this rises to the level where it needs to be addressed immediately since the Board has already taken the action to Waive this particular project from that Ordinance. Mr. Lewis stated if they have plans for a future building then they should say that they should either follow the Ordinance or amend the Ordinance, and be up front about it. Ms. Tyler stated that is where they are right now.

Mr. Lewis stated if they are going to go this route, he could start bringing in things in New Business to change other Ordinances as well. Ms. Tyler stated this is not New Business, and they are discussing the Agenda item of the Community Center with regard to LEED Certification. She stated at this point all they are doing is making a Motion to advertise. Mr. Lewis stated he has been diligent about the process and making sure that they are staying on topic. He stated he feels he could have taken the discussion this evening about abandoned buildings, and used that to introduce a proposal to change the Ordinance in that regard. He stated with regard to LEED, he feels they should direct the staff to review the Ordinance and propose Ordinance changes, and then advertise those and take comments.

Mr. Joe Menard, 917 Putnam Drive, stated he feels the process is very efficient. He stated this is the first time the Ordinance was tested, and the Ordinance did not meet a good test; and a pay back of 50% after twenty years means it is “out of whack.” He stated they have identified it is not reasonable from a taxpayer point of view. Mr. Menard stated when they find something that does not fit the rules and then change it at that time, that is the correct process.

Mr. Peter Solor, 28 Edgewood Road, stated he feels there is a rush to judgment here; and he feels the original estimate for the cost difference of \$200,000 is “way out of whack,” as he has been involved with other LEED projects including some substantially larger ones than this. He stated getting the LEED Silver is not that expensive, although the prices do increase when you are trying to get to Gold. Mr. Solor stated there do tend to be paybacks on the mechanical systems; but they are trying to do a change late in the process, when a lot of things are committed to. He stated some of these items would have probably been zero cost if they had been addressed earlier.

Mr. Benedetto stated the cost estimate two years ago was \$125,000 to \$200,000; and Mr. Hibbs just indicated that it would be \$100,000 so the cost has actually gone down. Mr. Solor stated he feels some of those items would have been zero cost changes if they had been addressed in the August documents.

Mr. Lewis stated if they had brought the Silver LEED process in from the beginning the cost differential would not have been as it is now; and potentially, it could have paid for itself.

Mr. Benedetto stated he was a member of the Board, and it was clear that the Board did not want to seek LEED Silver Certification because of the increased costs.

Mr. Lewis stated he agrees that in 2015 that was the Board's position; however, when it was brought up in August of 2016, the Board was confused. Mr. Benedetto stated he was not confused. Mr. Benedetto stated he feels the Board at that time would have voted exactly same as they did tonight which would have been not to seek LEED Silver Certification.

Mr. Solor stated his point is that the cost difference for LEED Silver is not that large. Mr. Benedetto stated it is \$100,000; however, Mr. Solor stated it would have been less than that if it had been addressed earlier.

Mr. Rubin asked Mr. Truelove if he is familiar with the building at 777 Township Line Road, and Mr. Truelove stated he is. Mr. Rubin asked what LEED Certification that building has, and Mr. Truelove stated it is LEED Silver. Mr. Rubin stated they voluntarily did LEED Silver since the Township Ordinance only discusses public buildings, and Mr. Truelove agreed. Mr. Rubin stated he feels they probably came within their Budget costs, and private enterprises confirmed to a Green LEED Silver Certification in our Township. He stated the first time it comes to a public building, the Board is going to Waive the Ordinances. Mr. Rubin stated the existing Municipal Building is approximately forty-three years old so he questions where they have come up with a twenty-year life of a new building. He stated they were talking about a return of investment in twenty years, and he feels the Community Center will be around longer than twenty years. He stated he also feels that energy costs will not be going down in the years ahead, and he feels what they are proposing is short sighted. He stated he agrees with Mr. Lewis that there is no hurry to change the Ordinances, and they should have adequate due diligence.

Motion carried with Mr. Lewis opposed.

Ms. Tyler thanked Mr. Solor for his assistance and the time and effort he put into this matter.

## MEMORIAL PARK EAST EXPANSION DISCUSSION AND MOTION

Mr. Eisold showed the original 2005 approved Site Plan for Memorial Park. He reviewed the areas which have been constructed adding much of what has been constructed on the west side is different from what was shown on the original Plan.

Mr. Eisold stated for the east side they are discussing construction of the culvert over the narrow wetlands, extension of the drive, and additional parking at a location he showed on the Plan. Mr. Eisold stated the original Plan called for four tennis courts, a gazebo, and two volleyball courts.

Mr. Eisold showed a Plan of what they are looking at currently for Phase I of the east side development. He stated this will include the road and parking lot he discussed, a short extension of the walking trail, and additional stormwater management facilities that are required by the current NPDES requirements. He stated when the Plan was originally approved, those requirements were not in place as they are today. He stated the stormwater requirements were in place, and they still meet those; but the NPDES requirements were not in place at that time so there are some stormwater management facilities that need to be constructed as part of this. Mr. Eisold stated also as part of the project they have shown a second tier to the parking lot across from the inclusive playground as there are a lot of people using that playground; and there have been times when that parking lot is filled, and people are parking on the grass. Mr. Eisold stated they have also shown a playground on the east side which will be a smaller playground than the existing playground, and this new playground will be suited more to older children.

Mr. Eisold showed a Plan for a third portion which would include the remainder of the amenities which were included in the DCNR Grant. He stated this would include the continuation of the walking trail around the east side, construction and installation of the life fitness facilities along the trail, a gazebo, bocce, and horseshoe pits. He stated the tennis courts were also part of the Grant. He stated the Grant is for \$500,000; and it is a 50/50 match with \$250,000 from the Grant and \$250,000 from the Township. Mr. Eisold stated the Grant was submitted in early April. Mr. Eisold stated one of the components that will give the Township additional scoring is that the Township would make an initial investment in Part A of the project. He stated there is no guarantee that the Township will get the Grant, but Ms. Goldstein was optimistic that the Township could get the Grant.

Mr. Eisold stated the original Plan in 2005 included total impervious surface coverage of 11.24% which included the additional drives and parking lots which probably cannot be constructed at this point due to the arboretum and the path on the west side which has been installed. He stated with all the proposed

improvements on the east side and the parking lot he showed on the Plan, both Phase I and the DCNR Grant improvements would result in impervious surface of 9.25% if the east side is completed as is currently shown.

Mr. Eisold stated he and Mr. Fedorchak met on a number of occasions and reviewed the costs; for the first Phase and the Base Bid was \$400,000, and he believes that this is what has been Budgeted. Mr. Eisold stated they did include a number of alternatives; and depending on the Base Bid and the costs, the alternatives may or may not be constructed at this point. He particularly noted the playground as it may be more cost effective to have that playground constructed under the Pennsylvania COSTARS Program and they could negotiate prices down, and they are currently looking into this. Mr. Eisold stated the contractor who would be doing the work proposed in Phase 1 – the road and the parking – would probably not be interested in the playground; and if the contractor had to Bid that out as part of the Base Bid, they would probably get higher numbers.

Mr. Lewis stated they are therefore not in a position to Bid at this time since the final specs have not been determined. Mr. Eisold stated the specs are close to final; and if there are any changes to be made, they should make them now. Mr. Lewis stated there would be no need to go out to Bid now until it is confirmed that they have received the Grant from DCNR. Mr. Eisold stated it is actually the opposite as the Grant is contingent on starting the project for Phase 1 which included the road and the parking lot. He stated the Township has already committed to that work, and they are using those points to say that the Township is on board with this project. He stated if they change it, it could jeopardize the Grant. Mr. Lewis stated Mr. Eisold has indicated the Township would have to do at least the starting point of the road to be eligible for the Grant, and Mr. Eisold stated the Township has to show a commitment. Mr. Lewis asked how much would be from the State if they did get the Grant. Mr. Eisold stated there is nothing in the \$400,00 that has been proposed this year that would be coming from the Grant. Mr. Lewis stated the Township would be spending \$400,000 this year in the hope that they will get a Grant next year, and Mr. Eisold agreed. Mr. Eisold stated they will probably not hear anything until December or January whether or not they receive the Grant.

Mr. Lewis stated when they did the Dog Park, the Township did not go out to Bid until they knew they had the Grant from the State. Mr. Eisold stated that was true for that project. Mr. Eisold stated for the Memorial Park project, they would not go out to Bid for the amenities until they knew they had the Grant. Mr. Fritchey stated there is no reason why they cannot go out to Bid on the road and the parking lot, and Mr. Eisold agreed. Mr. Fritchey asked how long it would take to do this work. Mr. Eisold stated they have to go through the Bidding process which is four to six weeks; and after that they do have the Responsible Contractor's Ordinance which could be waived if the Board decided to do so. He stated Mr. Majewski had indicated

that in the past that had been customarily waived. Mr. Eisold stated if the same contractor got the Bid who did the Road Program, there is a chance they would not have to go through that process if he has already been vetted out over the last three to four months, although this would be a decision to be made by Mr. Truelove if that contractor was the low bidder. Mr. Eisold reminded the Board that part of the Road Paving Project included paving all the existing paving surfaces in the current Park as it stands today so that contractor would be in the Park anyway doing that work, and he feels the contractor would give the Township a good number to do this additional work.

Mr. Fritchey stated if they were to build the road and the additional parking it would provide parking for the 9/11 Memorial Services which are upcoming that they would not otherwise have; and Mr. Eisold stated that could happen depending on who the contractor is and whether they could waive the Responsible Contractor's Ordinance. Mr. Eisold showed the area on the Plan where he feels they should build the parking lot first so that it would be place, and then do as much as they could on the other side before 9/11. He stated if they did not have to go through the full thirty days required by the Responsible Contractor's Ordinance, he feels they would have a good chance to do it all provided it all works out. Mr. Fritchey asked if anyone recalls a situation where they had a report about a Contractor under this Ordinance, and Mr. Eisold stated he has not received any comments over the five years he has been involved.

Mr. Fritchey moved and Mr. Benedetto seconded to put out to Bid Phase I infrastructure portion of Memorial Park East.

Mr. Fritchey stated this would include the two parking lots and the road, and Mr. Eisold agreed along with the storm drainage facility as required by the NPDES Permit. Mr. Fritchey stated there is \$400,000 Budgeted for this project, and Mr. Eisold agreed.

Mr. Lewis stated he is generally supportive of improving Memorial Park but the challenge he has is with the number of projects they have going on at this time and making sure that projects are on time, on Budget, and on scope. He stated currently the Quiet Zones are not completed, they are finishing up the Community Center, they still have the 2017 Road Paving Project that needs to be overseen this summer, they are potentially going out to Bid for the Snipes Tract, and they have the Dog Park; and this is a significant number of projects taking up a significant amount of oversight. Mr. Lewis stated he has been a long-time proponent of better management of the Capital projects and providing better information; and he feels that there are already a significant number of projects. He questions the ability to manage all of these and provide oversight and deal with the legitimate concerns of taxpayers who ask if they are wisely investing their money and making the right choices.

Mr. Lewis stated other Board members may feel that they can handle all of these projects; however, he stated two of those Board members will likely be gone and will not have to have residents come before them and call them asking about the status of these projects. Mr. Lewis stated he is generally in support of these enhancements and wants to make prudent investments in the community; however, he has a responsibility to the taxpayers to have a balance. He stated he feels if they were in better shape to manage all of the existing projects, he would not have a problem with this. He stated he does not see an immediate need why this has to go out to Bid.

Mr. Benedetto stated they have \$400,000 in the Budget for this in 2017, and Mr. Fedorchak agreed.

Mr. Mike Brody asked the chance that this will not be ready in time for 9/11 and if they could be doing construction at that time. Mr. Eisold stated the thirty-day Responsible Contractor's Ordinance is the unknown right now; and if they did not have that, he feels they would have a good chance of completion, but if they have to do the thirty days, it will be tight. He stated if the contractor who has the Road Project is the low bidder for this project, there would be a much better chance of getting the work done because he will already be on the site paving the internal roads. Ms. Tyler stated that contractor also has already been approved through the Responsible Contractor's Ordinance.

Mr. Fritchey stated in the past people have parked all over the grass on the side where they now have the running track and the arboretum, and that is no longer available. He stated the bridge is very important for them to build so that people can have access.

Mr. Brody stated with the exception of handicap parking, there are really no parking spots now; and people take up a significant amount of space with their mini-vans. He stated even if they do not proceed with the new project, he feels they should paint spots in the existing lots, and to make sure the new lots have parking spots painted as well. Ms. Tyler stated at Makefield Glen they do not run the whole line, and they just do markers at the top so it shows the confines of the parking space.

Mr. Lewis asked Mr. Eisold if they followed the Ordinances, what is the percentage likelihood that the project would be completed by 9/11 or the week before so that they can do preparations for 9/11. Mr. Eisold stated they would want to get everything done by September 1. He stated if they follow the Responsible Contractor's Ordinance it could be nine weeks before they could begin the work. Mr. Lewis asked if there would be synergies if they took this project and rolled it into the 2018 Road Resurfacing Project; and hopefully the winning Bidder from 2017 would have a great experience and would want to Bid aggressively again.

Mr. Lewis stated the trade off with that would be that they do not know that asphalt prices six months from now will stay as favorable as they are now. He stated typically they get better Bids if they are doing it in the winter. Mr. Eisold stated that is typically true; however, the one thing that would make some difference would be the fact that this does include some earth work and stormwater basin work.

There was discussion about a hedge Mr. Benedetto noted on the Plan, and Mr. Eisold stated there does have to be some grading for the tennis courts; but they could do something to keep 80% to 90% of the hedge if that was a priority.

Mr. Alan Dresser, 105 E. Ferry, stated at the January 31 Park & Rec meeting the Minutes indicate that Mr. Eisold estimated the construction costs alone would be \$2 million to \$2.4 million and this would not include the engineering costs, Permitting costs, or the maintenance costs for cutting all of this grass. Ms. Tyler stated she feels he was referring to the full build-out Plan. Mr. Eisold stated the section they are discussing this evening would not be \$2.4 million. Mr. Dresser asked why they need so much lawn. He asked why they cannot be creative and have a wildflower meadow similar to what they have at Bowman's Wild Flower Preserve. He stated he feels what is proposed is "boring," and they should have something unique. Mr. Dresser asked if they could change this since he was told by Mr. Majewski that they cannot make comments on this Plan since it is "locked down." Mr. Dresser stated since it is already approved, he questions what is the point. He stated he would also like to see the stormwater management report since after seeing the one at Snipes he does not have a "lot of faith" in the stormwater management for these projects. Mr. Dresser stated the buffers on the new Plan violate the Buffer Ordinance since there is a stream there plus wetlands, and the buffer for that when you have vegetation between 12" and 20' is a 75' buffer; and they have a 50' buffer in most of the places. He asked that they look at this in terms of environmental regulations since that is what their Charter says. He stated they are to look at all Land Developments to insure that they comply with the Township's Environmental Ordinances, and this is a Land Development.

Mr. Eisold stated it is a matter of cost; and a wildflower field at some places may not be that much more cost, but at others it could be more costly. Mr. Fritchey stated the problem with a wildflower field is they have inadequate active recreation facilities under the National Standards, and that is a problem. Mr. Dresser stated that is incorrect. He stated in 2015 according to the U.S. Census there were 32,755 residents in Lower Makefield Township so they would need 314 acres of Park/ Recreation to comply with the requirements shown on the National Recreation and Park Association Website. Mr. Fritchey stated they do not have that. Mr. Dresser stated this is land where you can do outdoor activities. He stated he looked at Table 7 in the update of the Open Space 2009 Report, and it lists all the Parks; and if you add those up you get 253 acres without Snipes and 289 with Snipes.

Mr. Dresser stated there is also another Park in the Township where you can bike, hike, and jog. Mr. Benedetto stated the reality of the numbers is that they are to have 314 acres, and they do not meet the standards. Mr. Dresser stated he is telling the Board how they do meet the standards. He stated there are 289 acres of Municipal park land including the Snipes Tract. Mr. Benedetto stated they are 61 acres behind without the Snipes Tract, and he asked Mr. Dresser if he is in support of the Snipes Tract. Mr. Dresser stated the Delaware Canal State Park is a recreational park where you can fish, kayak, have a picnic, jog, and bike; and if that is added in it adds 57 acres; and with Snipes they would then have 346 acres versus the 314 needed to meet the goal so they are above. He stated if you take out the Snipes Tract, they would be at 310 which is 4 acres below the National Standard.

Mr. Benedetto moved and Mr. Fritchey seconded to amend the Motion to waive the Responsible Contractor's Ordinance.

Mr. Lewis stated he finds this to be troubling as now they are waiving another Ordinance. He stated what they are talking about is an initial expenditure of \$400,000 with no guarantee that they will get a State Grant, and the potential that they will have something that is a multi-million dollar project. Mr. Lewis stated a great many people were present an hour and a half ago, and they will be back and state that they never saw this. Mr. Lewis stated the Supervisors who will no longer be here have a duty to future Boards to manage their Capital projects in a better manner; and he has been pushing for this for a long period of time. Mr. Lewis stated he will vote "no" on this Motion as he is opposed to the timing and the process of the project. He stated he has previously asked that they take their time with these projects.

Mr. Fritchey asked if he is voting no because of the Amendment to Waive the Responsible Contractor's Ordinance, and Mr. Lewis stated he is voting no because of the timing since he does not feel they have the capability to manage existing Capital projects. Ms. Tyler stated they are managing their projects quite well and the engineering firm is capable of handling these projects. She stated they also have Mr. Majewski and Ms. Liney who have a long history of knowledge on these projects. She stated she disagrees completely with Mr. Lewis' assessment that they are unable to manage the existing projects. Mr. Lewis stated he has full faith and confidence in Ms. Liney and Mr. Majewski who are excellent employees, and Mr. Majewski has done a tremendous service to the community in terms of improving the process around Land Development; but he still feels that they are not where they need to be in managing their projects.

Mr. Lewis asked if any of the existing projects are on time, and Ms. Tyler asked which projects are behind time. Mr. Lewis noted the Quiet Zones, and Ms. Tyler stated that is not because of the Township professionals or failures of Township process and staff, rather it is due to CSX. Mr. Lewis stated there are also the secondary effects of Sandy Run Road. Mr. Lewis stated he feels they are okay with the Community Center, but he questions how many projects the Board can adequately oversee; and Ms. Tyler stated it would be all the ones they Budgeted for this year.

Mr. Rubin stated he is in support of the project, but opposed to the Amendment. He stated this is the second time tonight the Board is the Applicant to a SALDO Development; and every time they are not meeting the Ordinance, they want to Waive it. He stated the last time they made an Amendment to the Responsible Contractor Ordinance was when they got rid of the Class A Apprenticeship requirement, and there were two Public Hearings for that. He stated there is a difference between Amending an Ordinance and Waiving an Ordinance; but he does not feel they should get in the habit that every time the Board wants to do a project that does not conform to the Ordinance, they immediately waive the Ordinance. He feels they can proceed with the project without Amending it, and Mr. Eisold has indicated that if they follow the Responsible Contractor's Ordinance, they will probably have it done before 9/11. Ms. Tyler stated the issue is the timeliness. She stated with all the improvements they have done at Memorial Park, they do not have ample parking for the 9/11 evening ceremony. Mr. Rubin stated Mr. Eisold stated that without the Waiver there is a good possibility it can still be built in time.

Motion carried with Mr. Lewis opposed.

Mr. Truelove stated the Board met in Executive Session starting at 7 p.m. and items of litigation involving the Trenton-Mercer Airport, personnel involving a soon to be retiring staff member and Consultant Agreement possibly after that, and informational items were discussed.

#### APPROVAL OF SNACK BAR AGREEMENT WITH MC CAFFREY'S

Mr. Truelove stated he and Mr. Fedorchak worked on an Agreement using the old Agreement that had been used for Marsha Klayman with some updates and revisions to reflect some of the standards of today, and the Board has seen this Agreement. Mr. Truelove stated McCaffrey's has agreed to sign the Agreement.

He stated originally it was proposed it would be a two-year Agreement; however, McCaffrey's has determined that they would like to have a one-year Agreement and decide what will happen after this year.

Mr. Fedorchak stated he his thankful that they are in this position tonight. Mr. Fritchey stated this is a good development and everyone on the Park & Rec Board reviewed the menu and approved it which is what is typically done.

Mr. Mike Brody stated with regard to the Pool someone on Facebook indicated that on Sandy Run Road you are not able to walk or bike through the barriers, and they are asking if that can be opened up enough so that people can get to the Pool. Ms. Tyler asked that Captain Lewis look into this, and report back to the Board of Supervisors on this. Mr. Benedetto stated he does not believe it is the barrier at the intersection but the one that is further down the road. Mr. Brody stated it is in between Reading and Edgewood and not the one that is on Edgewood.

Mr. Benedetto moved, Mr. Fritchey seconded and it was unanimously carried to approve the Snack Bar Agreement with McCaffrey's as indicated by Mr. Truelove

#### APPROVAL OF KAPLAN SUBDIVISION EXTENSION REQUEST

Mr. Truelove stated the Kaplan matter was on the Agenda tonight but moved to June, and the Extension was only until May 30. The attorney for Mr. Kaplan has agreed to extend the review period to June 30.

Mr. Benedetto moved, Mr. Fritchey seconded and it was unanimously carried to approve the Kaplan Extension until June 30, 2017.

#### ZONING HEARING BOARD MATTERS

With regard to the Thomas and Jen Szymanik Variance request for the property located at 922 Hamilton Drive in order to permit construction of an in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Orum D. Stringer Variance request for the property located at 1109 Gloria Lane in order to permit a garage addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

Ms. Tyler asked that Mr. Truelove verify that neither of these Applicant properties are within the flood zone that would require the participation of the Township engineers. Mr. Truelove agreed to do so. Ms. Tyler stated if either are in the flood zone, the engineers would be authorized to appear.

#### SUPERVISORS REPORTS

Mr. Fritchey stated the Park & Rec Board unanimously moved to convey to the Board of Supervisors that the Park Board is aware of the many comments made by residents, the LMT EAC, and others at the LMT Planning Commission meeting on May 8, 2017. It is the unanimous position of the Park Board that most of the comments made are either inaccurate or not persuasive enough for the Park & Recreation Board to consider revising the Snipes Plan as presented. The Park Board wants to clearly state to the Board of Supervisors that the Park & Recreation Board still unanimously approves the Snipes Tract Development Plan as submitted to them and the Planning Commission.

Ms. Tyler stated with respect to the special meeting to be held on May 30, she asked Mr. Fedorchak to extend an invitation to the Planning Commission and the Park & Recreation Board so that they are aware that the meeting is on and their attendance is requested. Mr. Rubin asked if it will be televised, and Mr. Fedorchak agreed it will be.

Mr. Benedetto stated the Citizens Traffic Commission weighed in on the Snipes Tract at their meeting, and he feels an invitation should be extended to them as well to attend the special meeting.

#### APPROVAL OF REQUEST FOR USE OF JANNEY BROWN HOUSE FOR A WEDDING

Mr. Truelove stated there has been a request for a wedding at the Janney-Brown House by Dana Matas on Saturday, September 30, 2017 and they need to know by May 29 if this would be approved because of the invitation deadline.

Mr. Benedetto moved, Mr. Fritchey seconded and it was unanimously carried to approve the request of Ms. Matas to use the Janney Brown House on September 30, 2017 for a wedding ceremony subject to entering into an acceptable Lease and Agreement with the Township.

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APPOINTMENTS TO BOARD AND COMMISSIONS

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to appoint Eric Yeager to the Farmland Preservation Corporation.

Mr. Fritchey moved, Mr. Benedetto seconded and it was unanimously carried to appoint Rebecca Diamond to the Historic Commission.

There being no further business, Mr. Fritchey moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 11:55 p.m.

Respectfully Submitted,

John B. Lewis, Secretary