

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 21, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 21, 2017. Ms. Tyler called the meeting to order at 7:40 p.m.

Those present:

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

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

PUBLIC COMMENT

Mr. Jeff Hirko, 1450 Dolington Road, stated six to seven weeks ago he had delivered his letter of intent and resume addressed to Mr. Fedorchak for a Board seat on HARB where there have been two vacancies for quite some time; however, he has never heard back. Ms. Tyler stated the Board is aware of the Application; but the concern that most of the Supervisors has is that two of the biggest historic projects are the Satterthwaite House on the Patterson Farm and the Ishmael/Quill house on the triangle at Edgewood, and Mr. Hirko has proposed to be the contractor for those properties. Ms. Tyler stated she feels that this would place Mr. Hirko in a very significant conflict if he were on HARB. Mr. Hirko stated he would recuse himself from voting on something like that. Ms. Tyler stated they need people on that Board to help the Township make decisions. Ms. Tyler stated Mr. Hirko is welcome to attend the HARB meetings.

Mr. Benedetto stated all of the Supervisors had issues with conflicts where they have had to recuse themselves, and he feels Mr. Hirko could recuse himself from voting on the Ishmael house if it were to come before HARB. He stated this is only one issue among dozens of issues that come before HARB. He stated with regard to the Satterthwaite House, HARB does not have jurisdiction over that property. Ms. Tyler stated issues with regard to Patterson Farm have gone before HARB. Mr. Benedetto stated it is not within the Edgewood Village Historic District.

Ms. Tyler stated they do ask HARB's opinion. Mr. Benedetto stated Mr. Hirko could recuse himself from that property as well. Mr. Benedetto stated there have been two vacancies on HARB for quite some time; and he would be willing to make a Motion to have Mr. Hirko appointed, or at the very least to have Mr. Hirko scheduled to come in for an interview.

Mr. Lewis stated he does not have a problem interviewing Mr. Hirko; and with regard to potential conflicts of interest, Mr. Hirko could in the future choose a different line of work or may not bid on the project.

Ms. Tyler stated Mr. Hirko was just before HARB with regard to the Ishmael house with the potential to work on it; and while the Board of Supervisors was all in agreement that there was a potential conflict when they discussed this in Executive Session, now publically they are not in agreement. Mr. Lewis stated he was in agreement that Mr. Hirko would have to recuse himself from voting on that particular property.

Ms. Tyler stated they will contact Mr. Hirko to schedule a time for him to come in for an interview.

Mr. Richard Adams, 221 Taylorsville Road, expressed concern about the speeding between the Yardley Borough line and I-95 where everyone is traveling over the 35 mile per hour speed limit; and he asked that there be patrols at that location. Chief Coluzzi stated the speed machine can be placed there as it has in the past. He also stated the Police Officers have been there and several citations and warnings were issued, but he added it is a difficult location to patrol and enforce. He stated it is also one of many in the Township where they need to patrol, and they rotate the Officers as often as they can in the problem areas. He stated he will make sure that they get rotated back there again although he cannot guarantee how often.

Mr. Adams asked if they will paint the two white lines at the north entrance to Maplevale Drive and the south entrance so that if there are sufficient Officers they could sit back in Maplevale and run speed traps rather than parallel to the double yellow line on peoples properties where they can be seen and the drivers then slow down. Chief Coluzzi stated what Mr. Adams is describing is VASCAR enforcement which they still do use; however, they have other methods of enforcement which are not as visible.

Mr. Adams stated when they are doing the truck inspection at the Visitor's Center, there is a steady stream of owner/operator eighteen-wheelers getting off the highway and going underneath I-95 down Taylorsville Road; and they are all over the speed limit. Chief Coluzzi stated when they have the truck inspections, trucks do

try to avoid that when they know that they are there. He stated there is monitoring done ahead, and the trucks that are going past Mr. Adams' location are stopped further on where they can be pulled over safely; and there is another team of inspectors to catch them. Mr. Adams stated he feels there should be a sign on the Interstate that says they are not allowed to leave the Interstate when the inspection sign is on.

Mr. Adams stated Prospect Drive has a cluster of signage including a speed limit sign, a private drive sign, and an "end construction sign" at 219 Taylorsville Road which is six homes past the end of the construction; and he asked if that sign could be moved back up to where the construction will be ending. He also asked that the signs be measured off to make sure the signs are in the proper place. He also stated some of the signs are twisted. Chief Coluzzi agreed to look into the signs.

Ms. Lisa Huchler-Smith, stated she is the Chair of the Disabled Persons Advisory Board. She stated they would like to change the name of their group to something that more accurately describes what their group does and the people they serve. She stated the name the group is considering is Committee for Inclusion of People with Disabilities. Ms. Smith read their Mission Statement. Ms. Tyler stated she would like to consider this change further, and to see what other similar Committees are called in other Municipalities. Ms. Smith stated one of their new Board members proposed the name change to be more inclusive and to take away putting their "disability" first rather than the "person." It was agreed this would be considered further, and the matter will be put on the next Agenda. Ms. Smith stated those with suggestions can contact her through the Township.

Mr. Benedetto stated he feels if the Committee wants to change their name, he would be comfortable with whatever the Committee recommends. Mr. Fritchey stated he would be in favor of changing the name to what the Committee wants; however, he feels this group has done a great job over the years, and he asked if the name change would impact how they operate; and Ms. Smith stated it would have no impact. Mr. Fritchey stated he feels there are always going to be people who have some dissatisfaction with anything; and if this was only one or two people who had a problem with the name, he does not feel it is necessary to overact about what the name of the group should be as they have been doing a tremendous amount of good in the community for many years. Mr. Fritchey stated this group has an identity in the community; and if they change their name to something else, people may not know that this is the same group that spearheaded the Secret Garden and curb cuts throughout the Township. It was agreed to consider this at the next meeting.

Ms. Smith stated this year they are going to have a "Roll and Stroll" event on October 14 at Memorial Park on the new 1K path and will bring together people of all abilities to take a self-timed walk. She stated the YMS Special Stars will be there

as well as vendors. She stated Representative Warren's office will also be participating. She stated it is a free event. She stated she will put a Registration document on the Township Website. She stated the Registration is just so that they can have t-shirts made for all people walking who are special needs or eighteen and younger.

APPROVAL OF MINUTES OF MAY 30, 2017 AND JUNE 7, 2017

Mr. Lewis moved, Ms. Reiss seconded and it was unanimously carried to approve the Minutes of May 30, 2017 and June 7, 2017 as written.

APPROVAL OF JUNE 5, 2017 AND JUNE 19, 2017 WARRANT LISTS AND MAY, 2017 PAYROLL

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to approve the June 5, 2017 and June 19, 2017 Warrant Lists, and May, 2017 Payroll as attached to the Minutes.

DISCUSSION AND MOTION TO AUTHORIZE EXECUTION OF CONTRACTS FOR RED LIGHT ENFORCEMENT GRANTS

Mr. Phil Wursta, TPD, was present and stated they learned on June 9 that the Township was awarded an ARLE Grant (Automated Red Light Enforcement Grant). He stated Lower Makefield was one of twenty-one Municipalities Statewide to win, and the Township actually won two Grants. He stated this is one of many Grants that his firm looks into for the Township. He stated this Grant is geared toward safety and intersection improvements. He stated the first Grant is for the intersection of Big Oak Road and Makefield Road, and the second is the Yardley-Newtown, Mirror Lake, Creamery Road intersection.

Mr. Wursta stated the funding is through red light camera fines, and the funds received are distributed throughout the State for safety improvements. He stated it is a 100% State-funded Grant although local match is encouraged. He stated you are required to design the project yourself; and for the Lower Makefield Grant it was indicated that the design of the project would be the local match. He stated this was 20% for one project and 11.9% for the other. He stated the goal is to improve intersection mobility and safety. He stated you do not have to the red light cameras in order to qualify, and Lower Makefield does not have any of those types of cameras.

Mr. Wursta stated the Big Oak Road/Makefield Road project is \$295,000, and the local match is \$35,000 which is 11.9% and includes full modernization of the intersection. He stated it also includes updated pedestrian facilities – ADA ramps, pedestrian indication, and push buttons. He stated this is a project they would have had to do anyway even without the Grant.

Ms. Tyler asked if they are installing red light cameras for ticketing; and Mr. Wursta stated they are not, and that is just where the funding comes from. He stated what they are doing is modernizing the intersection as this is an old intersection which needs to be replaced. He stated they looked at the Township needs and submitted for a Grant Application to pay for this improvement. It was reiterated that no red light cameras will be installed in Lower Makefield Township.

Mr. Benedetto stated he is opposed to these red light cameras; and he questions if they are taking money from this program would they at some point be asked to put these in the Township, and how they could justify taking the money when they do not believe they should be put in Lower Makefield. Mr. Wursta reviewed why red light cameras are installed in certain areas because of safety concerns.

Chief Coluzzi stated he does not believe they could get a red light camera in Lower Makefield because of the way the Law is written at the current time. He stated this money would need to be spent anyway by the Township to improve these intersections. He stated earlier in the year they had sent out Armour, the signal maintenance company, to start to make some of the improvements; and it was then learned that there may be the possibility they could get the ARLE Grant, and Mr. Wursta felt there was a good possibility that the Township would get approved for it so they called Armour and advised them not to do any of the work. He stated they now have the Grant to do these improvements.

Mr. Wursta discussed the work to be done at the Creamery intersection which includes new controllers and fiber optic interconnections between the two intersections. He stated at Big Oak and Makefield they will see ADA improvements and a pedestrian signal which will help because there is a School in proximity. He stated it will be a much more efficient intersection. He stated at Creamery the interconnection between Creamery and Mirror Lake is problematic and the intersections will “talk” better than they do now. Ms. Tyler asked about the timing. Mr. Wursta stated they are waiting for official notification from PennDOT. He stated he feels the Township could use their money to start the design as that is the Township’s match, and they would then be reimbursed for the construction portion. Mr. Wursta stated they do not have to go through the PennDOT steps with regard to design and bidding.

Mr. Fritchey moved and Mr. Lewis seconded to authorize Mr. Fedorchak to execute the Contracts to do the improvements with the Grant paperwork for Big Oak and Makefield and Creamery and Mirror Lake Road.

Mr. Benedetto asked for an explanation between the different match amounts, and Mr. Wursta stated they are two separate Contracts with different requirements and they are based upon the specific design and engineering for each one. He stated the total to be paid by the Township will be \$55,000.

Motion carried unanimously.

Mr. Lewis asked the status of the chicanes for Edgewood Road. Mr. Wursta stated they are preparing the Bidding documents at this time, and they should be advertising it shortly. Mr. Benedetto asked about the report that was supposed to be issued by Ms. Kaminski on Sandy Run Road. Chief Coluzzi stated he spoke to her today, and she is almost done her report; and he expects that there will be a finalized report in the next two to three weeks.

Mr. Richard Adams asked if the signals will be “smart” such that if there is a lot of traffic coming in one direction and nothing from the side that the signal will automatically sense this and change to favor the one side. Mr. Wursta stated this is how they design every intersection now, and the adaptive systems change based on traffic volume. Mr. Adams asked going westbound on Yardley-Newtown Road will there be an additional lane and take a little bit away from the farmer’s field so that people wanting to go west can go around those wanting to go left but cannot because of the amount of traffic coming east; and Mr. Wursta stated they are not going to do that. He stated this Grant is just for electronics and computers, etc. Mr. Adams stated he feels it would improve traffic flow if they had that additional lane.

PROCLAMATION HONORING PENNSBURY HIGH SCHOOL BASEBALL TEAM

Coach Joe Pesci was present with the Pennsbury High School Baseball Team. He stated they were the first team in twenty-four years to win the District Team 1 Title, and first Pennsbury Baseball Team to win a State Title. Coach Pesci gave credit to the players, the former Coach, and his Assistant Coaches.

Ms. Tyler read the Proclamation honoring the Pennsbury High School Baseball Team into the Record.

AWARD OF CONTRACT FOR DOG PARK

Mr. Eisold stated they received five Bids on June 7 ranging from \$313,000 to \$421,000. He stated he and Mr. Fedorchak have discussed the Bids and Issued a Notice of Intent to Award letter to get the Responsible Contractor's Ordinance procedure underway. Mr. Eisold stated this project started with a Grant from DCNR for a project cost of \$15,000. After that was obtained, the project expanded with the inclusion of additional land from the adjacent Homeowners' Association. He stated there were also improvements made that expanded the fencing and parking. He stated there were a number of items in the low bidders' tabulation involving items with regard to the parking lot which had not been initially intended, and removal of those items would reduce the cost by quite a bit. Mr. Eisold stated there were also some items with regard to trees, signage, and other miscellaneous items which involved substantial cost which could be done at a later date or potentially by Township forces; and they feel they could reduce the cost to \$212,000. He stated they discussed this with the Contractor who has worked with the Township previously at Veterans Square and one other project, and they had a good experience working with them. Mr. Eisold stated the Contractor indicated a willingness to work with the Township to get the project into a position where it could be completed within the Township's budget.

Mr. Eisold stated if the Board is so inclined, they are looking to award the Contract for the Dog Park based on the adjustments which have been detailed in the letter date June 20, which will bring the cost to \$211,723.05.

Mr. Benedetto stated the initial amount they discussed from the Grant was \$150,000 with a \$75,000 Township match; and he understands that the Township will now be paying \$136,000. Mr. Benedetto stated the cost will now be approximately \$212,000 taking out some items that had been in the Base Bid. Mr. Benedetto stated there will now not be a paved parking lot initially, and Mr. Eisold stated it would be a stone parking lot. Mr. Eisold stated the entrance drive off of the main road would be paved with a base that is included in the \$212,000. He stated the internal parking lot would be stone at this point. Mr. Benedetto stated he feels the Township has been discussing this since 1999, and he is proud to support this project. He stated sometimes the Bids do come in higher than they originally anticipate, and he appreciates Boucher & James working to reduce the cost as much as possible. He stated they also have a Grant of \$75,000, and the Dog Park Committee continues to work on fundraising.

Mr. Fritchey stated they planned for this in the Budget, and they have gone through the planning process. He stated part of the reason why they are at \$212,000 rather than the \$150,000 is because they expanded the size because of the interest and support of the neighboring community. He thanked Mr. Zachary Rubin for his assistance in this matter. Mr. Fritchey stated there is an active fundraising group

which has already been involved in raising funds, and there are subscriptions that can be made and different contributions at different levels. He stated Guru, an Indian restaurant in Newtown, is giving all of the profits from Monday to Thursday on take-out orders and contributing it to the Dog Park for the period from Memorial Day to Labor Day which is a significant contribution; and they are attempting to contribute \$25,000 which would give them a Platinum subscription. He stated there are also other businesses that have expressed interest in contributing. He stated there is also discussion of potentially having an auction for naming rights as at least one individual has expressed an interest in having the Dog Park named in a way to memorialize his dog, and they would want to make that open to everyone to bid on. Mr. Fritchey stated he feels there will be a successful fundraising effort that will defray a substantial portion of the overage beyond the \$75,000 that the Township receives from the Grant from Pennsylvania. He stated he has been a long-time advocate of the Dog Park and would enthusiastically support it.

Ms. Reiss stated she is in favor of the dog Park, but she is concerned that they are also going to have to do signage; and she does not know where they are at with the fundraising. She stated if the fundraising comes in as it appears it will, she would not have a problem at all.

Mr. Lewis stated they have had a 41% increase in the project cost although he agrees that some of it was scope related; however, they did make some significant cutbacks. He stated he would be more comfortable if they went out to Bid again since they have done the “rescope” to see if they could get better pricing. He stated he is concerned about the funds raised to date, and would like to know what funds are coming in. He stated he feels once they break ground the impetus for fundraising will decline. He suggested that they re-bid as this was partially successful with the Community Center.

Ms. Tyler asked what they would re-bid as she understood that when they Bid it, it was done with Bid Alternates. Mr. Lewis stated they would do it the same way they did with the Community Center. Ms. Tyler stated when they re-bid the Community Center it came in the same; however, Mr. Lewis stated at that time it was a whole year between Bids, and in this case they would do it right away. He stated if the vendor in this case wants to earn the businesses, and realizes they may not get it a second time around, they may be more inclined to deliver a better Bid. He stated in the interim this would give the Township time to continue the fundraising effort. He stated his family has already contributed to the cause. Ms. Tyler stated she does not feel there is any way to think the Bids could come in any lower when you look at the comparison between the companies that bid on it.

Mr. Fritchey stated in speaking to the members of the Dog Park Committee, they did not expect that there would be any slow down in contributions because the Township committed to go ahead; and they indicated that they feel the demonstration of firmness on the part of the Board of Supervisors to go ahead with this process will “bring it home.” He stated he feels if they re-bid it, it could suggest that the Township has some vacillation about going through with the project which would have a depressing effect on contributions.

Mr. Benedetto stated if they delay this, he is not sure whether it could jeopardize the Grant. Mr. Eisold stated he could look into that as he does not know that answer right now. Mr. Eisold stated when the adjacent property was obtained, there were some comments from the public about expanding the area for the dogs, and this was done. He stated initially it was also going along the wood line, and they pushed it almost to the creek which goes into the woodlands. He stated while everyone felt that was a positive, it did involve more cost. He stated they did cut back on the paved parking and some of the amenities.

Mr. Lewis asked if they know how much has been raised to date. Mr. Benedetto stated the Committee had worked with the Park & Recreation Board to fine tune the language in the solicitation letters, and they are just now doing a lot of the work as they had to wait for approvals to proceed with the fundraising letters. He stated now they are strongly soliciting area businesses, and there are fundraisers through restaurants and sponsorships which could not happen until they had approval from the Township. Mr. Fritchey stated he understands that they have promises of getting at least \$50,000. Mr. Fritchey stated if they approve this tonight, they have a good chance of being able to open the Dog Park in October; and he believes people are really looking forward to being able to use this facility.

Mr. Benedetto moved and Mr. Fritchey seconded to award the Contact for the Dog Park to Premier Builders in the amount of \$211,723.05 subject to meeting all the requirements of the Responsible Contractor’s Ordinance.

Mr. Zachary Rubin, 1661 Covington Road, asked if Premier Builders has a Class A Apprenticeship Program; and Mr. Eisold stated he is not aware that they do, but he believes that requirement is no longer part of the Responsible Contractor’s Ordinance. Mr. Rubin stated while he understands that, he would be opposed to any large construction project that does not have Union labor.

Mr. Mike Brody, 509 Brookbend Court, stated he supports the project; but he feels if they want to use Grants for these projects, they should go to Bid before they get the Grant as he feels the contractors bidding on the projects know what they are getting from the Grant.

Mr. Dave Kelliher, 591 Aspen Woods Drive, asked if they still have the 125' area for the local children to use; and Mr. Eisold agreed that was kept in.

Motion carried with Mr. Lewis opposed.

AWARD OF CONTRACT FOR MEMORIAL PARK EAST EXPANSION PROJECT

Mr. Eisold stated on June 14 they opened Bids for the expansion to Memorial Park. He stated they received seven Bids ranging from \$470,000 to \$900,000. He stated A. H. Cornell is a qualified contractor, and they were the contractor who built the original Memorial Park. Mr. Eisold stated he and Mr. Fedorchak met on a number of occasions to review the numbers. He stated the work includes the expansion of the east side of the Park for the basic infrastructure as well as an expansion of the parking lot on the west side of the Park which was originally not a part of this project but was added in. He stated they backed out the number for the parking lot expansion on the west side which was approximately \$65,000, so that the amount for the east side, which was what was originally discussed, would be \$405,000.

Mr. Eisold stated the east side portion includes the stormwater system including the piping over the wetlands, the entrance drive, and the parking. The base Bid includes about half the parking in that location, and there is a Bid Alternate for \$11,000 that includes the remainder of that parking. Ms. Tyler stated this would be \$405,000 plus the \$11,000 to bring it to \$416,000 of which \$400,000 was Budgeted; and Mr. Fedorchak agreed.

Mr. Fritchey stated when they added the west side parking lot, that was originally conceptualized as part of the Road Program. Mr. Fritchey stated it was then put into this project so that when they originally budgeted this for \$400,000, they were not thinking of doing that as part of the Park & Rec Budget but as part of Public Works.

Ms. Reiss stated she is concerned whether or not the Memorial area will be buffered well, and she is also concerned about the timeline so it does not impact 9/11. Mr. Eisold stated he met with the contractor, A. H. Cornell & Son, earlier this week; and that was a specific question he spoke to them about. Mr. Eisold stated it is a sixty day completion time which would go from July 1 through September 1; and he met with them with the intent of understanding what their resources were and their schedule with other projects to determine if it was realistic for them to complete the work in that timeframe. Mr. Eisold stated they have assured him that they are willing to start right away, and they will do the work. Mr. Eisold stated this included the west parking lot; and if that side is not done, he feels there is a higher chance that they can do the work even quicker recognizing that weather and other factors

sometimes come into play. Mr. Eisold stated at a minimum they would make sure that the area is well protected if it was not fully completed. He stated a lot of the work on the east side is going to come off of Woodside so that they will not be going through the center part of the Park. He stated if there is a delay, they could mark or fence this area off; and they could advise the contractor that they would have to leave for a few weeks so that they can have the 9/11 ceremonies, and the contractor can come back in after that time.

Mr. Fritchey stated he feels they should move ahead with this so that they can make sure it is done before 9/11; since if it is not done, there will be a serious parking problem for those attending the ceremonies since areas where people could previously park are no longer available. He stated they need the road and the bridge built across so that cars can park in the east side of the Park. Mr. Fritchey stated he also felt that this contractor was anxious to get started by the end of June, and Mr. Eisold stated he indicated he wanted to get started right away but he had advised the contractor he could not start until they had Board approval. Mr. Fritchey stated they Budgeted \$400,000 for this project, and they have come close to Budget. He stated by building this road, the Township shows seriousness of purpose with the State as there is a pending Grant Application where the Township would get \$250,000 from the State to proceed with the rest of the east side of the Park. He stated if there were to be a delay, it would probably result in cars parking up and down Woodside Road for the 9/11 ceremonies as they could not park on the west side.

Mr. Benedetto moved and Mr. Fritchey seconded to award the Contract for Memorial Park East expansion project to A. H. Cornell & Son.

Mr. Benedetto stated he feels this will improve the parking situation for 9/11 and increase the usage of the Park. He stated this project has been planned for some time.

Ms. Tyler stated they need to have the Police Department make sure 9/11 goes off smoothly as there will be a completely different traffic pattern, and they should work together with Mr. Eisold.

Mr. Lewis asked if they are waiving the Responsible Contractor's Ordinance in this case, and Mr. Eisold stated he believes the Board voted for that previously; and that helps them get started quicker. Mr. Lewis stated he still has concerns about the number of projects they are involved in; and he does not see a reason to rush this before September 11, and they could start it after September 11.

Mr. Mike Brody asked what construction equipment will take up parking spaces for 9/11 if they miss the timeline. Mr. Eisold stated they would have them remove all their construction vehicles from the site for the 9/11 ceremonies; and they will find some other site for them to relocate. Mr. Brody stated he previously discussed the lack of parking stall lines, and he asked if that will be addressed. Mr. Eisold stated what they are looking at for both parking lots is to have short lines at the top of the parking stall spaces.

Mr. Benedetto moved, and Mr. Fritchey seconded to amend the Motion to include the amount of \$416,000.

Motion as amended carried with Mr. Lewis and Ms. Reiss opposed.

Mr. Truelove stated the Board met in Executive Session beginning at 7:00 p.m. and items of litigation involving the Airport expansion, personnel items involving Administrative staff, and several informational items were discussed.

DISCUSSION AND APPROVAL OF KAPLAN TRACT PRELIMINARY/FINAL MINOR SUBDIVISION

Mr. Sacco, attorney, and Mr. Hintenlang, engineer, were present. Mr. Truelove stated this matter has been before the Board on several occasions, and the Applicants have also met with the professional staff.

Mr. Sacco stated they were present in March. He stated Mr. and Mrs. Kaplan who are present this evening have resided at the property at 1561 Dolington Road for seventeen years. He stated they are proposing to subdivide off a one-acre lot from the four-acre site. This will be a flag lot which they propose to eventually sell off to construct a single-family home.

Mr. Sacco stated when they discussed this project in March, the Supervisors has some trepidation regarding some of the Waivers. He stated since that time they met with the Township administration to review those Waivers, and they feel they have identified the relief they are looking for.

Mr. Hintenlang stated the first Waiver they are requesting is to not be required to show significant manmade features within 200' of the site. He stated they did provide an aerial photograph of the site which is a four-acre farm, and it does not really effect any neighboring properties. Mr. Hintenlang stated the next Waiver is to not be required to provide a landscape plan. He stated the property has an 18th Century farmhouse, and some of the trees and vegetation on the property are

probably almost that old. He stated it is a very wooded site. He stated there are two open areas, the one in the back of Lot #1 which will remain the farmhouse property, and the other is in the back of Lot #2 which will be the yard for the proposed new house. He stated for this reason, they do not see a need to have a landscape plan prepared. Mr. Hintenlang stated Waiver #3 is not to be required to widen or reconstruct Dolington Road as that was done recently by PennDOT. He stated Waiver #4 is not to be required to provide a reverse frontage lot which would mean bringing in a new road in the back to serve one lot, and the Subdivision is not set up that way. Mr. Hintenlang stated Waiver #5 is to not be required to provide a sidewalk and bike and hike trail along Dolington Road. He stated there is sufficient shoulder along Dolington Road for a future bike/hike trail if desired. He stated Waiver #6 is to not be required to provide street trees, but to accept the existing street trees as they are. He stated he does have pictures of the site and noted there are a lot of trees in front of the property. He stated there are some issues with the trees and the power lines in the vicinity, so they did not want to plant any additional street trees because of this and because of the desire not to block the view of the farm.

Mr. Hintenlang stated Waiver #7 is to not be required to provide replacement trees, and there would be a Fee offered in lieu of the trees. Mr. Truelove stated they discussed eight trees, and Mr. Hintenlang agreed. Mr. Eisold stated that would be \$315 per tree. Mr. Hintenlang stated Waiver #8 is permit a minimum storm pipe of 12”.

Mr. Hintenlang stated they did revise the Plans to address some of the comments in the Boucher & James letter. He stated they are also moving ahead with their septic system design and Permitting. Mr. Eisold stated the Applicant had requested some other Waivers which the Township engineer had indicated would not be recommended for approval including waiving payment of Traffic Impact and Park & Rec Fees. Mr. Truelove stated originally there had been eleven or twelve Waivers requested which have been reduced to the eight that have been discussed this evening. Mr. Hintenlang stated there was also a requirement that they get a Bucks County Conservation District Permit which they have done. He stated they also have received the Permit for the driveway.

Mr. Eisold stated with regard to the first Waiver, he does not feel there is a problem with allowing the Applicant to submit an aerial to show what is around the property; and this is done quite frequently. He stated with regard to the landscape plan, Ms. Liggett from his office who is an arborist was at the property a few times with staff to evaluate the trees; and they determined that the trees were as the Applicant had indicated. Mr. Eisold stated there are quite a few trees on the site, and provided they are willing donate a fee-in-lie of the replacement trees, this would be acceptable. Mr. Eisold stated with regard to the request not to be required

to widen or reconstruct Dolington Road, there have been other developments on that road which were not required to widen the Road. He added the road has also recently been paved and is adequate. He stated they are only adding one lot with this Subdivision. Mr. Eisold stated with regard to reverse frontage lots, when there is a major subdivision with internal streets, they do not want you to take access to the main streets, rather you should go through the internal street. He stated this development does not have any streets, so it is not applicable to this situation.

Mr. Eisold stated with regard to Waiver #5 regarding the sidewalk/bike/hike trail, they looked at the Township's Plan which calls for a bikeway in this area; and there is a very wide shoulder there. He stated the Township could install this bikeway through the whole area as the land is available to install that today. Mr. Hintenlang stated the existing right-of-way actually goes back to the existing barn wall. Mr. Eisold stated the Township could have the bikeway whenever they saw fit. Mr. Tyler asked if they should not pay a fee-in-lieu, and Mr. Truelove stated he is not aware of this. Mr. Eisold stated in this case it would just be stripping because the shoulder is already paved and nothing needs to be constructed.

Mr. Eisold stated Waiver #6 has to do with street trees, and when Ms. Liggett was on the site, many pictures were taken. Mr. Eisold stated she evaluated the size and number of trees in place and did not feel there was any need to add additional trees.

Ms. Reiss stated since they have a barn, she asked if they would be willing to give access to have a barn quilt on their barn. Ms. Reiss stated it is just a decoration. Mr. Hintenlang stated part of the reason for doing this Subdivision is because Mr. and Mrs. Kaplan may be moving so it would be up to the new homeowners. Ms. Tyler stated she feels while it is not related to this approval process, they could have this discussion in the future.

With regard to Waiver #7 to not provide replacement trees, Mr. Eisold stated originally they did not want to provide the trees or pay a fee-in-lieu; but they have agreed to pay a fee-in-lieu for eight trees. With regard to Waiver #8 regarding the pipe size, Mr. Eisold stated they are proposing a 12" pipe as opposed to the required 18" pipe. Mr. Eisold stated he has had discussions with Mr. Majewski about this requirement for an 18" pipe as that was the standard thirty to forty years ago, and it is not really applicable to today's construction methods. Mr. Eisold stated this is one of the items that Mr. Majewski stated he was going to review. Mr. Eisold stated this is not a dedicated road, and it will be on their site. Mr. Eisold stated the pipe size is actually determined by the stormwater requirements, and 12" matches their stormwater design. Mr. Hintenlang stated originally it was proposed to be 8", and they increased it to 12" which was as much as they could increase it because of the cover requirements since the land is fairly flat. He stated 12" is on the current Plan.

Mr. Benedetto asked if they are still planning on constructing the septic system, and Mr. Hintenlang stated it will be an on-lot septic system. Mr. Benedetto stated he feels they should hold to the Ordinance that requires that if they are within 1500' they are required to tie into a current sanitary sewer system. Mr. Hintenlang stated he would not be able to get a Permit from DEP to tie into a private system. Mr. Benedetto stated Mr. Wilson had agreed to dedicate the line. Mr. Benedetto stated it has also been in the record that many Municipalities permit developers to collect connection fees for reimbursement of costs when there are tie ins. Mr. Benedetto stated the Township Ordinance indicates that they need to tie in since they are within 1500' of that line, and the only caveat is that it is not a dedicated line.

Mr. Sacco stated they discussed in March that the problem is that the line has been in place for over twenty years, and it still has not been dedicated. He stated it would make financial sense for his client to tie into a public line. He stated the problem may be resolved since his client has no immediate plans to build on this lot; and hopefully at the time they are ready to build, the line will be dedicated, and the owner of the new lot will tie into the publically-dedicated line as is typically done, and they will pay the Township the connection fee. He stated the problem now is that they are asking his client to go into business with Mr. Wilson to connect to a line that Mr. Wilson privately owns and has not been dedicated or inspected for over twenty years. Mr. Sacco stated they have no idea when it will be dedicated. He stated the question becomes what happens if that line would fail after they have connected to it as the Township is not responsible to fix it, and it would be the responsibility of the private owners who have tied into it. Mr. Sacco stated if the line is dedicated within the next couple of years, that would probably be within the timeline of when this lot will be developed; and they would connect it to the public line.

Mr. Benedetto stated Mr. Wilson has agreed to dedicate the line although it has not been done yet, and he stated Mr. Wilson could clarify why it has not been dedicated. Mr. Benedetto stated he understands that the Ordinance does not require that it be a public system and only requires that it be within 1500' to compel the Applicant to tie into that system – public, dedicated, or not. He stated he does understand Mr. Sacco's concern for his client about the system not having been inspected and that they would be at the mercy of Mr. Wilson; however, there are seven homeowners within Mr. Wilson's development, two of which are currently tied into the system. Mr. Benedetto stated he feels the purpose of the Ordinance is to prevent exactly what the Applicant's plans are which is to create a separate, on-site septic system.

Ms. Reiss asked for clarification of the Ordinance from Mr. Truelove. Mr. Truelove stated he has done research on this which they shared with Mr. Wilson a few weeks ago. Mr. Truelove stated 178.103B 1 and 2 have to be read together and 2 talks about public sewer facilities not being available, and they use the word “public” specifically. He stated that is also consistent with the Second Class Township Code Section 2502 which talks about hooking up to public facilities. He stated the local Ordinance cannot be in variation of the Second Class Township Code for this, and his firms’ position is based on the Second Class Township Code that requires a public hook up and does not allow for hook up to a private facility; and it should be either septic or a public facility. He stated it is their understanding that this is the way the Ordinance has been implemented for decades, and this is consistent with what they discussed with Mr. Sacco’s office.

Mr. Sacco stated he disagrees with Mr. Benedetto’s interpretation, and his review of the Ordinance is that it must be a “public system.” He added that as Mr. Hintenlang indicated they would not even be able to receive a Permit to tie into a private system Mr. Hintenlang stated he would need to know where he could go to get such a Permit to tie into a private system since he usually goes to DEP for a Permit, and questions whether DEP would give him a Permit to tie into a private system. Mr. Benedetto stated there are two people currently tied into it, and he assumes they received a Permit to do so.

Mr. Lewis moved and Mr. Fritchey seconded to approve the Kaplan Tract Preliminary/Final Minor Subdivision as outlined by the engineer with the eight Waivers with fees to be paid for both Preliminary and Final, and the Tree Replacement Fee added.

Mr. Merrick Wilson, 1332 Moon Drive, provided information to the Board with regard to this matter. Ms. Reiss stated he has only provided information on one of the two properties that are hooked up to the sewer system which is Mr. Wilson’s daughter’s property. Mr. Wilson stated he was given access to her bill, and she is paying Lower Makefield Township Sewer Authority which he feels makes it very clear that this is a public system. Ms. Tyler stated she is paying Lower Makefield Township for transmission of sewage.

Mr. Wilson noted item #1 in 178 which he stated does not specifically indicate it must be a public system and it says “sanitary sewer system” which his system clearly is. Mr. Wilson stated with regard to getting the Permit, this has never been an issue; and it was not a question when his daughter hooked in, and it was not a question when the person at 1574 Dolington Road hooked in which is the property just north of Mr. Wilson’s Subdivision. Mr. Wilson stated it was never a question from the Bucks County Health Department which issued the Permit for the tie-in. Mr. Wilson stated he provided the Board a copy of the Township Ordinance as well as the Bucks

County Board of Health rules and regulations. He noted specific Sections regarding sewers. Mr. Wilson stated he discussed this with the individual in charge of this for the Bucks County Department of Health who indicated that as long as Lower Makefield Township will allow the connection, the Bucks County Department of Health would be in sync with that. Mr. Wilson stated there is no question that not only does the Township Ordinance require that the Applicant tie into the sanitary sewer system, but also Bucks Health Department 11.1 specifically requires that if there is a sanitary sewer system accessible to the property, they must tie in.

Ms. Tyler asked Mr. Wilson why he has not dedicated the sewer line. Mr. Wilson stated the first time this had come up as a question was two to three months ago at the Board of Supervisors' meeting. He stated at that time Mr. Fedorchak had brought up that they had done this with developers in the past and have made separate Agreements. Mr. Wilson stated he reached out to Mr. Fedorchak and advised him that he would dedicate it now before the Application comes before the Board. Mr. Wilson stated he was specifically told prior to that time that the Township had done this in the past and could do it for Mr. Wilson; and they could also make it a Condition of the Dedication that if in fact there were costs involved in him having installed the system, that could be part and parcel of the Agreement for Dedicating it to the Township and that it would be reimbursed to the developer.

Mr. Fedorchak stated he disagrees with most of what Mr. Wilson has indicated, and he did not say anything that Mr. Wilson indicated at the end of his comments. Ms. Tyler asked if the situation with Mr. Wilson is unusual, and Mr. Fedorchak stated it is very unusual.

Mr. Benedetto asked if either our Township or other Municipalities permit developers to collect connection fees for reimbursement of costs when neighbors tie in. Mr. Fedorchak stated setting up an arrangement for surcharging with the developer is not necessarily uncommon, but it is an item that it worked out at the time the Land Development Plan is approved. Mr. Fedorchak stated there was a line that Mr. Wilson had to run to service just for his development. He stated typically what would happen is the Board would ask the developer to extend the line a certain amount of feet to service other lots. He stated at that point in time the Board could consider a surcharge arrangement with the developer. Ms. Tyler stated she recalls another developer where they did have them extend the sewer line so that they could potentially tie in other homes. Mr. Fedorchak agreed; however, he stated there was not a surcharge consideration in that instance, and they told the developer they would not reimburse the developer for those additional costs.

Mr. Benedetto asked if Mr. Wilson had dedicated the sewer line at the time he built his development in 2009, this Applicant would be required to tie into this line as it would be a public sewer system; and he asked what would have been done to make

Mr. Wilson whole. Mr. Benedetto stated Mr. Wilson obviously expended a significant amount of money to build the sewer system; and this is why Mr. Wilson is questioning why they are allowing an on-site septic system when he paid for a sewer system within 1500' feet. Mr. Benedetto stated he does not feel this is remotely fair since Mr. Wilson put the money out, and now the Township is saying they are not requiring the connection even though the Township has the ability to require this of the Applicant. Ms. Tyler stated they would be requiring Mr. Kaplan to make a deal with an individual and not a Municipality. Mr. Benedetto stated he is trying to understand how Mr. Wilson becomes whole.

Mr. Fedorchak stated Mr. Wilson did not spend any more money than what he had to in order to service just his development. He stated he had to run the line from where Brookfield Development is and it went directly up to Susan Lane where Mr. Wilson's homes were to be built. Mr. Fedorchak stated the sizing of the pipe and the length of the pipe was precisely what was the minimum to service just his development. Mr. Fedorchak stated if there had been direction from the Sewer Authority to increase the pipe size in order to accommodate a particular service area, Mr. Wilson would then have the start of an argument that he needed to be reimbursed; however, he did not do that. Mr. Benedetto stated if Mr. Wilson had dedicated it in 2009 and turned it over to the Township, he would not have received anything from the Township or anything retroactively from anyone who then tied into this line; and Mr. Fedorchak agreed adding this is also very consistent with the way the Township handles all developments.

Ms. Reiss asked how many homes were originally on the Plan, and Mr. Wilson stated there were seven homes. He stated he was asked by the Board at the time of his development to do the sewer for ten homes. Mr. Wilson stated he could have put all seven of his homes on a septic system because he was more than 1500' away from the sanitary system. Ms. Reiss advised Mr. Wilson that he chose not to do that; and Mr. Wilson agreed. Ms. Reiss stated there are still five homes in his development that have not been built, and she asked if Mr. Wilson is going to tell those who buy a lot from him that they are going to have to pay him an extra fee over and above their lot just to get into the sewer system. Mr. Wilson stated he is being asked to have his seven homeowners bear the burden of providing three additional sewer connections for free to someone else. Mr. Benedetto stated Mr. Wilson is saying that he was told by the Board to provide for three additional lots. Mr. Benedetto stated he assumes one of the three additional lots included Mr. Kaplan's lot; and Mr. Wilson stated they did not specify which neighbor, but it was specifically noted that there would be three neighbor tie ins available.

Mr. Lewis stated he feels the onus is on Mr. Wilson; and if he had deeded over the pipes to the Township, he would have received the benefit of an inspection and service and removed himself from a contingent liability. Mr. Lewis stated the fact that Mr. Wilson chose not to do that in 2009 is where he is of the mind that he cannot now extract rents when he has not deeded it over to the Township. Mr. Lewis stated he does not understand why Mr. Wilson did not take advantage of the opportunity to extricate himself from the contingent liability in 2009. He stated he does not feel they should give Mr. Wilson the power to compel another property owner to hook in. Mr. Wilson stated Mr. Kaplan has already testified that it is not his intention to stay here, but he is contemplating moving and selling the lot to someone else who will then be coming to him and want to tie into his sewer system.

Mr. Fritchey asked Mr. Wilson why he chose not to dedicate it, and Mr. Wilson stated at the time it never even came up from him or the Township. He stated it never came up as an option, and the requirements he had at the time before he could tie his daughter's house into the system was that he had to do the pressure testing of the system, and it had to pass muster with the Department of Public Works. He stated he brought in his own engineer, and they did all the testing. He stated from that point on, there was never a question. Mr. Fritchey asked Mr. Wilson if he is saying that it never occurred to him to dedicate the system, and Mr. Wilson agreed adding there was nothing for him to be gained by doing that. Mr. Lewis advised Mr. Wilson he did have something to be gained which was removal of contingent liability; and he feels it is a novel approach to wait a long time with the hope that he could get someone else to want to tie in and use his ability to leverage it. Mr. Lewis stated he does not feel they should force another property owner to tie in.

Mr. Benedetto stated he feels the Township Ordinance requires Mr. Kaplan to tie into the system. Ms. Tyler stated she disagrees. Mr. Benedetto stated that is a legal definition which is open to interpretation, and the Township Solicitor may read it one way, but the way he reads B1 specifically says nothing about public systems; and he also feels that B2 is totally irrelevant to B1. Mr. Benedetto stated a Court could agree with Mr. Truelove or agree with Mr. Wilson. Mr. Benedetto stated he feels the reason the Ordinance was written was to prevent exactly what Mr. Kaplan is trying to do which is to create an on-site sewer system. Mr. Benedetto stated he feels the Ordinance clearly states that Mr. Kaplan has to tie into Mr. Wilson's system. Ms. Tyler disagreed. Mr. Benedetto stated he feels the Township is holding itself out to potential litigation because Mr. Wilson has spent significant amounts of money to do this; and this Ordinance was specifically put in place to say it does not make sense to create an on-site sanitary system when a sewer system is already there within 1500' which it clearly is.

Mr. Benedetto stated Mr. Kaplan has already indicated they are more than willing to tie in, they just do not want to pay the fee. Mr. Kaplan stated they do not want to pay the fee to Mr. Wilson. He stated at the end of the meeting in January, Mr. Wilson approached him and told him that unless he paid him \$25,000 to hook up to his system at some time in the future, he would do everything in his power to disrupt his ability to get approval for development of the lot. Mr. Kaplan stated Mr. Wilson does not care about public safety or anything to do with the health and well being of the community, and he just wants \$25,000. Mr. Kaplan stated this \$25,000 would be for Mr. Wilson's promise to allow him to hook up to his system at some time in the future when the property was developed and available to be hooked up. Mr. Kaplan stated Mr. Wilson may not honor that promise or be bankrupt, and Mr. Kaplan might then have to deal with a bankruptcy Judge who may disavow that promise. Mr. Kaplan asked why he should pay Mr. Wilson \$25,000 for something that may never happen.

Motion carried with Mr. Benedetto opposed.

APPROVE EXTENSION REQUEST OF CAPSTONE TERRACE

Mr. Fritchey moved, and Mr. Benedetto seconded to grant the extension request of Capstone Terrace to December 31, 2017.

Mr. Benedetto stated this property is across the street from Shady Brook Farm, and Mr. Dwyer has been coming to the Planning Commission meetings. Mr. Benedetto stated he hopes that they can have the updated Comprehensive Master Plan on a future Planning Commission Agenda. Mr. Benedetto stated the Master Plan was recommended by the Planning Commission in March, 2015, and Mr. Dwyer has been waiting for a change to this Master Plan. He stated the current Planning Commission has discussed the change around the O/R District.

Motion carried unanimously.

APPROVE EXTENSION REQUEST OF FIELDSTONE AT LOWER MAKEFIELD AND ARIA HEALTH

Mr. Benedetto moved, Mr. Lewis seconded and it was unanimously carried to grant the Extension requests for Fieldstone at Lower Makefield and Aria Health to December 31, 2017.

APPROVE CERTIFICATE OF APPROPRIATENESS FOR 635-677 HEACOCK ROAD
(EDGEWOOD VILLAGE SHOPPING CENTER) - SIDING REPLACEMENT

Ms. Reiss stated HARB reviewed this matter as well as the next matter on the Agenda, and they were in favor of both.

Ms. Reiss moved, Mr. Benedetto seconded and it was unanimously carried to approve the Certificate of Appropriateness for 635-677 Heacock Road (Edgewood Village Shopping Center) siding replacement.

APPROVE CERTIFICATE OF APPROPRIATENESS FOR 677 HEACOCK ROAD
(GINGER WOK) – SIGN

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to approve the Certificate of Appropriateness for 677 Heacock Road (Ginger Wok) signage.

QUIET ZONE UPDATE

Mr. Eisold stated they received an email from CSX over the last two weeks that they had completed their installation of the power off lights on their facilities at each of the three crossings. Based on that he prepared the Notice of Establishment which was sent to all stakeholders on June 16. Based on that letter, the Quiet Zones are scheduled to go into effect on July 8 which is twenty-one days from the date the letter was sent out.

Ms. Tyler stated there is signage on the roadways to alert drivers that there are no train horns at these crossings, but she asked how the train engineers are notified of the Quiet Zones. Mr. Eisold stated the twenty-one day notice is for the railroads to incorporate this requirements into their logbooks that they need to follow this requirement. He stated SEPTA also indicated that they may put some signage up along their tracks to remind their engineers of the situation even though this is not a requirement. Ms. Tyler asked how they will notify the residents of the change, and she asked Chief Coluzzi if they will do a press release. She also stated it should be posted on the Website so that the residents realize the train horns will not be blowing anymore. Chief Coluzzi stated a press release will go out, and they will also put it on the Township and Police Department Websites. He stated they could also send it out on the ReadyNotify system.

Mr. Fedorchak stated he believes that they reported to the Board of Supervisors previously that the Township did receive the \$350,000 Multi-Modal Transportation Grant. He stated he believes SEPTA had committed to helping the Township pay for

the re-shaping of Edgewood Road, and he asked Mr. Eisold if he had followed up on this or if he could provide him the name of someone as he would be willing to follow up on it. Mr. Eisold stated originally when Edgewood Road became a situation, they had a discussion with SEPTA who had committed to \$75,000 to assist the Township in addressing this situation as part of the work SEPTA did on the third rail.

Mr. Eisold stated later he went back to Mr. Steve Thompson, a consultant to SEPTA, and indicated that it would probably need to be more than \$75,000; and at some point they would have to meet to review this. Mr. Eisold stated Mr. Thompson indicated that he would be willing to do this; and that he had spoken to his boss, Mr. Jeff Knueppel, and made him aware that there would be additional costs.

Mr. Eisold stated there were some costs by SEPTA for flagging during the construction work which could come out of the amount they would give to the Township as well as their costs for the power off lights which will be a lot less than what CSX has requested from the Township for their lights. Mr. Eisold stated he feels they now need to have a meeting with SEPTA to work out an agreement.

Ms. Tyler stated they made two payments to CSX the first for \$50,000 and the second for \$53,000; and she asked if they have been credited back for any of those expenses. Mr. Eisold stated the first payment was for work at each of the crossings; and while that has not been totaled yet, he believes they were up to \$10,000 to \$12,000 out of the \$50,000, and the Township should get the remainder from the \$50,000 back. He stated the second payment was for the power off lights; and while he does not feel the Township will get a lot back from them for that, he will review their numbers. Ms. Tyler asked if you can compare the costs for the SEPTA power off lights and the CSX power off lights; and while Mr. Eisold stated they should be comparable, they do not yet know an exact number from SEPTA. He stated CSX had indicated that they had to do some additional internal work in their structures to make this work.

Mr. Benedetto asked with regard to the \$75,000 that SEPTA had agreed to originally, was that specific to the sight issue at Sandy Run with the addition of the third rail. Mr. Eisold stated when they had built the third rail, they expected them to correct the hump in Edgewood Road which they did not correct; and in fact, they made it worse. Mr. Eisold stated in response to that, SEPTA advised the Township to do the work, and they would pay the Township \$75,000. Mr. Benedetto stated it was actually more expensive, and Mr. Eisold agreed.

Ms. Tyler asked that they keep Mr. Truelove advised as they proceed with the negotiations. Chief Coluzzi stated if there are any releases that have to be signed with regard to the \$75,000 coming to the Township for the third rail, he would suggest that Mr. Truelove look at it; and not sign any releases until there is a finalized letter of investigation from Ms. Kaminski.

Mr. David White, Gayle Drive, thanked the Township for working on the Quiet Zones.

Mr. Richard Adams asked about the power off lights. Ms. Tyler stated with the Quiet Zones, the trains will no longer blow their horns at the crossings; and the conductors would need to know if for some reason the power was off at the crossing such that the gates would not come down so that they will know to sound the horn.

UPDATE ON DWIGHT PROPERTY TREE BUFFER AT SCAMMELLS CORNER

Mr. Eisold stated Mr. Majewski has scheduled a meeting tomorrow morning with Ms. Tentilucci and Ms. Liggett, the arborist from his office, as Ms. Tentilucci had questions about the additional plantings to be installed in the buffer. Mr. Eisold stated he understands that the landscape contractor will be doing the installation on Friday. Mr. Eisold stated while the buffer will not be what it was before, it does follow the requirements on the Plan to install a Type II buffer if the buffer was damaged or removed. He agrees that it will not be what it was before from a height or depth standpoint, but Ms. Liggett has designed it to meet the Type II buffer requirements. Ms. Tyler stated they should continue to keep Ms. Tentilucci involved so that she understands what is happening. Mr. Fedorchak stated Mr. Majewski will be meeting with her and Ms. Liggett on site.

ZONING HEARING BOARD MATTERS

With regard to the Luigi Pompili Variance for the property located at 300 Cinnabar Lane in order to permit construction of a fence in the front yard resulting in greater than permitted height, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Gilberto Bosque Variance request for the property located at 570 Heritage Oak Drive in order to permit construction of a fence in the front yard resulting in greater than permitted height, it was agreed to leave this matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Ms. Tyler stated she and the Chair of the Electric Reliability Committee and one other member of that Committee, met with PECO about a week ago to get an update on the \$10 million Bucks County ongoing improvements which includes tree trimming. She stated they want to maintain constant communication with PECO as far as what they are placing in the infrastructure, and PECO provided them with

information that the Committee will be report on to the Board of Supervisors including the numbers showing the effectiveness of the work that PECO has done such as reclosers, tree removal, etc. Ms. Tyler stated they have not suffered a severe storm recently to know if these improvements will have a positive impact.

Mr. Adams asked when he could get information on what Ms. Tyler discussed with PECO; and Ms. Tyler again stated they discussed the amount of money that PECO put into Lower Makefield and the work PECO has done. Ms. Tyler stated the reports PECO provided them are going to be reviewed by the Electric Reliability Committee, and they will then report their findings. Mr. Adams asked how he could get educated on the reclosers as he is an electrician. He stated what had happened with the line he is concerned about in the past was one of the wires on the top with no insulation fell down on the wires below; and all of his surge protectors were destroyed and blew out light bulbs in his home. He stated his neighbors all lost their televisions, microwaves, etc. Mr. Adams stated he wants to know how the reclosers get the signal to open and how they get the signal to close so that this situation will not happen again.

Ms. Tyler asked Mr. Adams if PECO contacted, and Mr. Adams stated they did and gave him the failure reports. Ms. Tyler asked Mr. Adams if they called him to discuss the work done, and Mr. Adams stated they did not. Ms. Tyler stated Mr. Durand of PECO had told her that he would be reaching out specifically to Mr. Adams to discuss the work in his area and to explain the upgrades he should expect to see. Mr. Adams stated he does not want to hear the word “trim” anymore, and he wants to hear that they are going to remove the trees.

Mr. Adams stated the problems he is having are all related to vegetation. He stated the problems for the sixteen houses on the west side of Taylorsville are all due to vegetation.

Ms. Tyler asked Mr. Fedorchak to contact Mr. Durand to have him reach out to Mr. Adams. Mr. Adams stated he feels all his neighbors would like to hear about this too. Ms. Tyler stated the Electric Reliability Committee will be coming to the Board of Supervisors to give a presentation probably over the summer once they review the reports they received. Mr. Adams stated he did speak to Mr. Kirlin from the Electric Reliability Committee after the last Board of Supervisors meeting, and he also spoke to Mr. Hucklebridge, the Public Works Director, about the trees. Mr. Fedorchak asked Mr. Adams his address, and he stated it is 221 Taylorsville Road.

Mr. Adams stated the Township was deeded land by DeLuca Homes in back of his property as well as five more homes, and the trees are huge and hang over; and when there was a storm, they bent the poles and one of the trees came down. He stated if PECO refuses to take those trees down, he hopes the Township will take them down.

Mr. Fritchey stated the Park & Recreation Board met and discussed the fundraising activities of the Dog Park Committee as discussed earlier. He stated the Seniors came to that meeting as well, and they discussed their usage of the Community Center for Senior activities. He stated the Fathers Day Softball Tournament was held over the weekend, and there were over one hundred teams from all over the Country. He stated there were 280 college coaches present, and it was a great success. Mr. Fritchey stated the Park & Rec Board will next meet on August 1 when they will have their Annual Road Tour.

Ms. Reiss stated she lives near the softball fields, and it was nice to see Ms. Liney throw out the first pitch and be recognized. She stated despite the large numbers of people present, there were no traffic issues. Ms. Reiss stated the Citizens Budget Commission has been changed to the Financial Advisory Committee; and Ms. Gladwell, the Finance Director, has requested that the sitting members of the old Committee submit a resume since the focus of this new Committee will be a lot different. Ms. Tyler asked Mr. Adrian Costello to send an email to his prior Board members to ask them if they wish to be considered to send in a letter of interest and resume once again. Ms. Reiss stated Farmland Preservation is still working with ameliorating bamboo issues, and they also dealt with some fallen trees that fell on private property. Ms. Reiss stated they will call a meeting of Special Events in July to discuss Community Pride Day.

Mr. Benedetto stated there are certain areas where there are serious issues with bamboo and residents who may not be aware of the Bamboo Ordinance. Ms. Reiss stated she has heard that there are several places where people have put in running bamboo; and when she is advised of problems with this, she refers them to the Township. Mr. Benedetto asked if letters could be sent to residents if there has been a complaint raised about their property. Ms. Tyler stated if there has been a complaint, there should be a complaint form. Mr. Benedetto stated he feels there are some places where they could proactively send a letter to residents who have running bamboo on their property that has already encroached into neighboring properties. Mr. Fedorchak stated he would like to have Mr. Majewski come in at some point to discuss this issue with the Board.

Mr. Lewis stated the Environmental Advisory Council met on June 14 and discussed basin naturalization which would save taxpayer dollars if they maintain more natural basins.

Mr. Benedetto stated Citizens Traffic Commission met and discussed their concerns with the Dunkin Donuts project on Big Oak Road. Chief Coluzzi stated Mr. Roach is reviewing that Sketch Plan with Mr. Wursta, and they are trying to work out the entrances and how it will come out onto the roadway as well as the configuration of the parking lot.

APPROVE CONSULTANT AGREEMENT WITH DONNA LINEY

Mr. Fedorchak stated after twenty-three years Ms. Liney, the current Director of Park & Rec is retiring; and they all wish her well. He stated her retirement is scheduled for July 1. Mr. Fedorchak stated he has been interviewing a number of candidates for that position, and next week the Board of Supervisors will be interviewing a short list of candidates and possibly thereafter, they can bring the new Director of Park & Rec on board. He stated Ms. Liney offered to stay on until December 20, 2017 in a consulting capacity which he feels is vital for a smooth transition as there are a number of very important events that are on the immediate horizon including the three 9/11 programs over the course of two days that the Park & Rec Board and Ms. Liney are very much involved in assisting as well as Community Pride Day which Ms. Liney handles, and the Budget starting in September. He stated having her continue in a consulting capacity will benefit the Township and the new Director greatly.

Mr. Fedorchak stated the Consulting Agreement will run from July 1 through December 20, 2017. He stated the hourly rate is \$50 which he feels is very reasonable, and they did agree she would continue under the health care program for that period of time and there are conversations about other ways of dealing with that beyond December 20. Mr. Truelove stated she would be limited to eighty hours a month and she will be a 1099 independent contractor. Mr. Truelove stated after December 20 there may be some other arrangements as well going forward, and they will continue to work with the Supervisors on that.

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to approve the Agreement as drafted.

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

Respectfully Submitted,

John B. Lewis, Secretary