

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – NOVEMBER 15, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 15, 2017.  
Ms. Tyler called the meeting to order at 7:30 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. Harold Kupersmit, 612 B Wren Song Road, asked if Ms. Reiss will be resigning after her recent election to another office; and Ms. Reiss stated she will follow the law. Mr. Truelove stated the prevailing wisdom is that Ms. Reiss will have to resign when she is sworn in as Prothonotary, but there is still some discussion as to whether that applies and there may be a conflict between the Second Class Township Code and some other codes.

Mr. Tom Will, 389 Trend Road, stated he feels the Quiet Zones were approved almost two years ago by the Supervisors; and a single Bid was received of \$497,000. He stated many things have happened and there are things still going on, and they do not have a completed Quiet Zone and Sandy Run Road is still closed and will be closed for some time. He asked what is the real schedule to completion and what will be the total cost of the Quiet Zone project which includes the opening of Sandy Run Road. Ms. Tyler stated the Quiet Zone project is a separate project from Sandy Run Road so they would not be calculated the same. She stated the Quiet Zone project is done and paid for.

Ms. Reiss stated the Sandy Run issue was caused by SEPTA putting in the third rail. She stated the prevailing wisdom is had they put the third rail on the other side, there would not be any issue; but by putting the third rail where they did, they caused a line of sight problem. She stated the Quiet Zone did not cause the problem.

Mr. Will asked who has the responsibility for resolving that. Ms. Tyler stated the Township will resolve the Sandy Run issue. Mr. Will stated that cost will be paid for by the Lower Makefield residents; however, Ms. Tyler stated that is an unresolved issue.

Mr. Will asked where they stand on the Snipes project, what is the expected path forward, what will the expected cost be, and what is the timeframe associated with it. Mr. Truelove stated the Court-issued Order remanded the matter back to the Township, and the Township is looking at all the options available to the Township in terms of the process. He stated there will be a Hearing of some type, and how they proceed will depend on the decision of the Board and what parts are or are not approved. He stated they cannot give a cost because it depends on what will occur. Mr. Truelove stated something will come to the Township fairly soon, and Mr. Will asked if “fairly soon” means in a month or two; and Mr. Truelove stated that would depend as they are seeking clarification from the Court on some issues.

Mr. Will stated he now understands the Community Center is open; however, Ms. Tyler stated it is not open yet. Mr. Will stated when it was approved, it was estimated to take nine months; however, it took fifteen to sixteen months. He stated it also was quite expensive, and he asked the final costs for the Community Center, and when it will be opened. Ms. Tyler stated they are working through the Budget so those numbers will be coming out. Mr. Fedorchak stated he should have that information in the next thirty days. Ms. Tyler stated final payments have not yet been made. Ms. Tyler stated the Seniors are slated to start occupying the Community Center in November/December. Mr. Will asked if people have been through it and are satisfied with it. Mr. Truelove stated one Senior who he knows very well is very happy with it.

Mr. Will stated there is a contract out with a Committee to determine the successor to the Township Manager, and he asked if there is an idea as to timing of this and the cost associated with it. Chief Coluzzi stated the job announcement went out last week, and the deadline for applicants is January 10, 2018. He stated the cost for the search committee was \$13,500 plus advertising costs. Chief Coluzzi stated he feels someone new will be on board by the first quarter of next year. Mr. Will asked if there is an anticipated overlap with Mr. Fedorchak, and Chief Coluzzi stated he would anticipate that there has to be some overlap as a transition.

Ms. Lisa Gage, 117 Glen Oak Drive, invited the community to the Sixth Annual Interfaith Pot Luck which is presented by the ICLB Interfaith Community of Lower Bucks and the Peace Center. She stated this year the United Methodist Church will be hosting it this Sunday from 4 to 6. She stated it is free and people are requested to bring a dish.

Mr. Jeff Hirko, 1450 Dolington Road, asked the status of the Satterthwaite property. Mr. Truelove stated there is a Resolution on the Agenda tonight for the Conservation Easement and to execute the Agreement of Sale. He stated the Settlement for that conveyance will occur within the sixty to ninety days. He stated with regard to the litigation before the Supreme Court, that is in the Supreme Court's hands, and he could not hazard a guess as to when that may be decided and come back to the Township.

Mr. Scott Burgess, 15 Glen Drive, stated they had the Opioid Town Hall last month with approximately 140 attendees; and he has received great feedback from people that they had received a lot of good information. He thanked all those who attended particularly Chief Coluzzi for participating in the panel. Mr. Burgess stated he was concerned that there were not more parents in attendance since most of the people in the audience were from the recovery community or politicians. He stated a few days after the Opioid Town Hall, Pennsbury Task Force had their first public forum; and again there were few parents in attendance. He stated the parents need to know that this is a huge problem as the odds of dying from an overdose in the United States is one in 5,000. He stated Pennsbury in particular has been hit hard, and he has seen statistics that the Class of 2007 has over 100 deaths out of 890 Graduates that year while not all of them were due to overdose. He stated the Pennsbury Task Force deals with addiction, mental health, suicide, bullying, and probably transgender issues as well; and they already have thirty-four Sub-Committees, and he does not know how they will get anything accomplished with thirty-four Sub-Committees. Mr. Burgess stated he understands that what they want to do with the Pennsbury Task Force is to identify the high-risk students for drug abuse, but he feels everyone is at high risk because of the pathway from prescription drugs to heroin. Mr. Burgess stated that everyone in the community should lock up all prescription opioids. He stated statistics show that three out of five heroin users start with prescription opioids.

Mr. Fritchey stated the Pennsbury numbers are alarming. Ms. Tyler stated Mr. Burgess has a forum at the Supervisors meetings every two weeks during Public Comment. She stated they also have a Community Center coming on line and a fantastic Police Department who are aware of these opioid issues, and she hopes they can find a way to engage the parents and the young people. Mr. Lewis stated when you are done with any of your prescription drugs, if there are extras, they should be disposed of; and there is secure disposal at the Township Police Department. He stated they also need to keep reminding people that drugs should not be flushed or put in the trash which will then go to the landfill; and they should all be brought to the Police Department where they can be disposed of properly. The Board members thanked Mr. Burgess for all his efforts.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, stated people should check their elderly relatives medicine cabinets as well. Ms. Doan invited the public to an event at Patterson Farm this Saturday at 9 a.m., and the Lower Makefield Township Farmland Preservation Corporation has commissioned a sign in honor of her father's work, Buster Doan, for the support and preservation of farming in the Township. She stated the sign will be unveiled on Saturday at 332. Ms. Tyler asked Ms. Doan if she has old photographs that might be suitable for the Community Center, and Ms. Doan agreed to meet with Ms. Tyler.

Mr. David White, Gale Drive, stated he had a discussion with Mr. Fedorchak and Mr. Eisold regarding the Quiet Zones. He stated while the effect of the Quiet Zone is "wonderful," they have a long way to go; and there are still a lot of complaints regarding violations. He stated the Quiet Zone is law; and when the Railroad is in violation of the Quiet Zone for no particular reason, they are in violation of the law and subject to fines. He stated it is important that the Railroads be notified that they are monitoring this, and they should also talk to the FRA and let them know as well.

Mr. Benedetto stated he feels there is confusion; and if you go on the Township Website, there is a form for Quiet Zone violations. He stated there are some people who have had other concerns with the crossings particularly Edgewood. He asked if the form that is on the Township Website is strictly for Quiet Zone violations and not for gate malfunctions, and Mr. White stated that is what the form says. Mr. Benedetto stated it says on the form that if the gate malfunctions contact 911 so it is confusing. Chief Coluzzi stated a gate malfunction is a dire emergency whether the gate is down and cars are going around it or whether it is up and cars are going through the crossing. He stated as discussed at the previous meeting the Quiet Zone is handled differently; and once a Quiet Zone complaint form is filled out, it is forwarded to Mr. Eisold who forwards them to his contact at SEPTA and CSX. He stated for gate malfunctions, the Police Department keeps a spreadsheet, and they do a Police Incident Report, and they do the best they can to follow up with the Railroad to find out why the gate malfunctioned. He stated sometimes it is a work crew on the line, sometimes it is a slow freight, and sometimes it is an electrical issue. Mr. Benedetto stated it seems that the gate malfunctions are happening more often, and they are being tied by residents to the Quiet Zones. Mr. Benedetto stated there have been a multitude of gate malfunctions based anecdotally on social media. He stated he feels the Quiet Zone issue has greatly improved; and he is not as worried about a horn blowing a few times when it should not have as much as he is concerned about why the gates are malfunctioning and what is being done about it. He stated someone could be killed if a gate malfunctions and they get hit by a train.

Ms. Tyler asked Chief Coluzzi if he maintains regular communication with CSX; and Chief Coluzzi stated he does, and most of what they are calling malfunctions are caused by the Railroad themselves. He stated if the gate is down for a long period of time, there is a reason behind it such as work along the line, electrical issues, a very long freight train, or multiple trains coming down the tracks. He stated while it is an inconvenience, cars are going around the gates and it causes a very dangerous situation. He stated most times there are legitimate reasons for why the gates are down. He stated there has never been an occasion when the gate has been up and a train flew by.

Mr. Benedetto stated the standard operating procedure if someone sees a gate malfunction either up or down is to contact 911. Chief Coluzzi stated they should contact 911 immediately and a Police Officer will be dispatched to determine what is happening and provide the proper protection at the crossing. Mr. Benedetto stated there is a CSX number that people have posted. Chief Coluzzi stated each crossing has an identifier and number which people can call in and identify the crossing where something is occurring. He stated people can call CSX on their own, and the Police Department will also do that once they are on the scene. Mr. Fritchey stated if he feels it would be more effective for people to call 911 rather than CSX, and Chief Coluzzi stated 911 is the first call that should be made.

Ms. Reiss stated there are times when the Railroad is working on the tracks; and they are using a train car which people are seeing when they go over the crossing and people are indicating that this is a train coming toward them and the gate is not down, however, they are incorrect.

Ms. Tyler asked that CSX be asked to provide the Township a report identifying all the reported malfunctions for the past three to six months which the Township should monitor and verify. Chief Coluzzi stated they will pursue this and keep a record of their responses. Mr. Lewis stated they could also consider video monitoring of the crossings which would provide information on the horns being blown and the gate malfunctions. He noted that if there is work being done on the track, that is not a gate malfunction. He stated this would provide a report for each crossing, and they could store that for a period of time and disprove some peoples' concerns that the gate was malfunctioning and was up as this has never happened.

Mr. Fedorchak asked Chief Coluzzi if there is one crossing that is more problematic than the others, and Chief Coluzzi stated it would be the Edgewood and Stony Hill Road crossings as they do not have many problems at Heacock. Mr. Fedorchak stated he lives near the Heacock crossing, where the gate is down a lot; and it is not a situation where they are working on the track. He stated people are going around the gates at that location. He stated he would like to work with Chief Coluzzi on this problem.

Ms. Tyler stated when you go through a Railroad crossing, you are not to proceed until the lights stop flashing. She stated people are trying to go through as soon as the arms come up; however, you have to wait until the lights stop flashing because the gate can come back down if another train is coming.

Mr. Fedorchak stated he will meet with Mr. Eisold to discuss CSX, and he feels that Mr. Truelove should assist them in this effort with regard to any violations and it would also go to the FRA as well.

Mr. Lewis asked if they would have to amend the 2018 Budget if they were to have video as he suggested. Chief Coluzzi stated he does not know how expensive it could be and whether it would be permanent or temporary. Mr. Lewis stated if they were to do this, they would not be using it for violations; however Chief Coluzzi stated he would like to use it for violations for cars going around the crossing, and Mr. Lewis agreed. Chief Coluzzi agreed to do research on the video cameras.

Mr. White stated with regard to the comment about the gates going up and people going across before the lights have stopped, he knows that there are a couple of times during the day when the SEPTA northbound and southbound trains pass each other between the two crossings; and so if the gate goes up and people feel it is safe to go, within thirty seconds a train could be coming from the other direction.

Mr. White stated in late August he raised concern about the road paving schedule; but the project was done in his development, and he is pleased with the job that was done.

Mr. Mike Brody, 509 Brookbend Court, asked if CSX could have a sign that could be put up that indicates a crew is working so that people would know that there is work being done on the track. Mr. Eisold was asked to discuss this with CSX. Mr. Brody also thanked Mr. Hucklebridge and Public Works for resolving issues he had raised previously.

Mr. Tim Collins, Jenny Drive, stated train signals activate based on locomotives passing over a shunt system; and based on how far away they are from the crossing and the speed, it tells the gates to come down. Mr. Benedetto stated he felt there was a change to the signaling based on the PTC; but Mr. Collins stated PTC has nothing to do with gates being activated, and it is only to identify collision avoidance. Mr. Benedetto asked if the installation of the third track would result in more gate malfunctions, and Mr. Collins stated it would not. Mr. Collins stated each track runs independently; and if someone is on track one, track two can still run at normal speed. He stated if track one has a delay for any reason, they will delay track two if it is a safety issue.

Mr. Joe Menard stated the Township is in the Budget process, and the first announcement for the Budget Hearings was in the newspaper on Friday. He stated the Township Building was closed that Friday, and the meeting was scheduled for last evening; however, there were no Budget documents put on the Website nor was the meeting notice put on the Township calendar, and he does not believe it was on the electronic Website. He stated the announcement was made last evening that the next Budget Workshop would be on Tuesday, November 21, and as of 6:46 p.m. this evening there were no additional Budget documents on the Website and the meeting notice was not listed. He stated one document did get posted on Monday which was the Sewer Budget. He stated at last night's Hearing there were several other components of the Budget including some Capital Budgets; however, only one document had been posted. Mr. Menard asked that the Administration be directed to get the proper notification and proper documents posted so that the public can have access, and Ms. Tyler agreed.

Mr. Benedetto stated he feels the Budget Workshops should be televised; and although they have not done this in the past, he does not feel that they should not be doing it. He stated there were a lot of people who were not able to attend who were attending other meetings who would have liked to at least been able to review the tape as opposed to just the Minutes. He stated it is not a great cost to televise the meetings, and it does a great service to the residents. Mr. Menard agreed. Mr. Benedetto stated it is not possible for everyone to attend at 6:00 p.m. since it is not an easy time for people to get home from work and show up at a 6:00 meeting. Mr. Menard stated it is important for people to have it available on demand whenever they can look at the video.

Mr. Benedetto moved to televise the Budget Workshop to take place Tuesday, November 21 at 6:00 p.m. The Motion died for lack of a Second.

#### APPROVAL OF MINUTES OF NOVEMBER 1, 2017

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to approve the Minutes of November 1, 2017 as written.

#### APPROVAL OF NOVEMBER 6, 2017 WARRANT LIST, AND OCTOBER, 2017 PAYROLL

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to approve the November 6, 2017 Warrant List and October, 2017 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF PATTERSON FARM PRESERVATION EASEMENT AND RESOLUTION

Mr. Truelove stated before the Board this evening is a Resolution which, if approved, should be signed by the Supervisors. He stated they also have an Agreement of Sale supplied to the Township by the County which two Supervisors will be asked to sign and Mr. Fedorchak to attest as Secretary that they will then send back to the County who will then schedule their signature and approval at a Commissioner's meeting probably on December 6. Mr. Truelove stated thereafter the Settlement will occur, and hopefully within two to three months, the Conservation Easement will be finalized and imposed on the Patterson Farm.

Mr. Truelove stated the amount of land that will be subject to the Easement is 183.3 acres which comprises the entirety of the property other than the area of the barn and other areas which are subject to litigation before the Supreme Court and another piece adjacent to that which is where the leaf collection process occurs. He stated in the last few days they received the legal description and the survey information, both of which have been integrated into the Deed and will be attached to the Resolution which will be returned to the County and become part of their Record.

Mr. Truelove read the Resolution into the Record.

Mr. Lewis moved and Ms. Reiss seconded to approve the Patterson Farm Preservation Easement and Resolution as outlined by Mr. Truelove.

Ms. Reiss stated she and Mr. Benedetto had gone to Doylestown when he was the Chair of the Board of Supervisors. She stated the entire Board was extraordinarily supportive. She stated this means that the only thing on Patterson Farm will be vegetables and not houses.

Mr. Benedetto stated this will be approximately 183 acres that will be part of this Easement and it incorporates the initial Easement from 1999 so this is approximately 110 additional acres. He stated the Farm is approximately 220 to 225 acres so there are 35 to 40 acres that are still not preserved under the Easement.

Ms. Donna Doan stated approximately 33.5 acres will not be preserved. Ms. Tyler stated it is still functionally preserved by the Township although not the same as what they are doing with the rest of the acreage. Ms. Doan thanked the Board for what is going into the Easement. She stated she still feels 33 acres is a lot to leave unattended to as far as preservation goes as she feels there will always be someone

who wants just a few acres to do something with, and she is opposed to leaving those 33.5 acres out especially because those acres include the barns and the homes. Ms. Reiss stated the house and the driveways were not eligible for Agricultural Conservancy nor was the leaf-mulching area according to Bucks County.

Ms. Doan stated this is a National Register-eligible property and the work has been done to lay the groundwork. She asked what are the chances that the Township would proceed with the National Register designation. She stated this would be for the cottage, the barns, and Satterthwaite. Mr. Benedetto stated they have discussed this for many years, and there is a new Board coming in; and he feels it is incumbent on the new Board to look at this. Ms. Doan stated the barn is significant to the Township's history, and it is the gateway of the community; and she would not want to see a thirty-acre parking lot in the middle of a productive farm field.

Ms. Reiss stated she is working with the Artists of Yardley to have a barn quilt on the barn, and she asked Ms. Doan to look at the blocks.

Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF YARDLEY BOROUGH ACT 537 SEWAGE FACILITIES PLAN

Mr. Fred Ebert was present and showed the Yardley Borough Act 537 Plan. He stated this involves upgrades of the conveyance system through Yardley Borough where the majority of the flows are emanating from Lower Makefield Township. He stated the Act 537 Plan is the Pennsylvania Department of Environmental Protection Sewage Facilities Plan, and they require each Township to adopt a Plan that describes how the entire Township or sections of the Township are sewered. He stated in this case, it is the portions of Lower Makefield Township that flow through Yardley Borough to the Morrisville Sewer Authority's Wastewater Treatment Plant for treatment. He stated this is only a section of Lower Makefield Township's sewer. Mr. Ebert stated over time they will be discussing three different Act 537 Plans – the Yardley conveyance, a separate 537 for the treatment capacity at the Morrisville Plant, and another for a different portion of the Township that flows to the Neshaminy Interceptor that gets treated by Bucks County Water & Sewer Authority and ultimately ends up at the City of Philadelphia.

Mr. Ebert stated the area being discussed this evening is the area being shown in pink on the Plan. He stated it enters into Yardley at five different areas. He stated there are three sewer mains that are at their capacity – the Brock Creek Interceptor, the Buck Creek Interceptor, and the Longshore sewer. He stated Lower Makefield

contributes almost 80% of the flows going through those lines, and they are at capacity. He stated this will implement an existing Inter-Municipal Agreement that Lower Makefield entered into with Yardley Borough Sewer Authority on November 20, 2015 to fund it. He stated based upon that, Yardley Borough proceeded and did an Act 537 Plan and submitted it to DEP. He stated DEP is coming back to Lower Makefield and asking the Township to adopt it in order to verify the flows. He stated this project is going to cost approximately \$2.96 million, and Lower Makefield's share of that is \$2.5 million so DEP wants to have Lower Makefield re-affirm their commitment in the Inter-Municipal Agreement for this, and they also want to verify that the flows have not changed.

At this point Mr. Harold Kupersmit interrupted Mr. Ebert's presentation indicating he feels what is being done is illegal. Ms. Tyler asked that Mr. Kupersmit sit down and not interrupt the presentation and was advised that he was out of order.

Mr. Ebert stated DEP also wanted this to go through the Lower Makefield Township Planning Commission and provide for a public comment period so that the public could review the Plan. Mr. Ebert stated this public comment period ended on November 10 after having been advertised twice, and there were no comments. He stated DEP did not want to approve something in Yardley that Lower Makefield was going to pay for without Lower Makefield having a say. Mr. Ebert stated they are now at a point where it is ready for adoption by Resolution by the Board.

Mr. Ebert stated in the pink service area as part of the Municipal Agreement, it provides for a twenty-year planning horizon; and there are an additional 882 EDUs that are reserved for Lower Makefield so there will be capacity for the next twenty years for almost one third of the Township public sewer service area. Mr. Ebert stated once Lower Makefield approves this by Resolution and it is approved by DEP, this will allow Yardley Borough engineers to complete their design, put it out to Bid, and to construct. Mr. Ebert stated this will provide for twenty years of conveyance capacity. He stated in the future, they will be discussing the Morrisville Municipal Sewer Authority's Treatment Plant upgrade which is the second phase to this.

Ms. Tyler asked when it is anticipated they will need to pay their share of \$2.5 million. Mr. Fedorchak asked Mr. Ebert where Yardley Borough is at this time, and Mr. Ebert stated they are at the end of the planning phase. He stated they have started their design phase and may be 30% to 40% through that. He stated they will have to complete the design and submit for a Water Quality Management Permit Approval to construct; and in the interim they are doing their wetland delineation and their wetland crossings. He stated they probably have an additional six months of design and approvals once the 537 Plan is approved. He stated they will then Bid the project, and it would be a nine month to one year construction. Mr. Ebert stated

he does not feel it would be ready to be bid until mid to late summer of 2018; and depending on the contractor, he may not want to start it in the winter and work through the winter.

Mr. Fedorchak stated there were three different projects that were part of this Plan, and he asked Mr. Ebert to review those three projects. Mr. Ebert stated the first is the Brock Creek Interceptor. He stated the existing pipe is 10" to 12" and is galvanized steel, and that will be replaced with 15" PVC. He stated at the Buck Creek Interceptor, the existing is 12" to 20"; and this goes to the Yardley Pump Station. He stated there will be a parallel 15" PVC pipe put in so there will be two pipes in the same trench. He stated the third is the Longshore sewer which is an existing 10", and they will put in a parallel 8" pipe. He stated Lower Makefield also has to re-locate three metering locations.

Mr. Fedorchak stated he feels the Buck Creek Interceptor is the most challenging of the three, and he asked if there is any thought on the part of the Yardley Borough Sewer Authority to break these into two different projects and do the two other projects first since Brock Creek and Longshore might be easier. Mr. Ebert stated they would be easier, and they could be Bid separately; although he does not know how they are planning on Bidding it. Mr. Fedorchak asked that Mr. Ebert discuss this with Yardley since they may be able to get those pieces moving sooner, unless they are trying to Bid all three projects together. Mr. Ebert stated there is a little bit of economy of scale; but once you get \$1 million of pipe work, you lose that economy of scale since that is a significant job.

Ms. Tyler asked why Yardley Borough is in control of the Bid, and Mr. Fedorchak stated it is entirely in the Borough.

Mr. Lewis stated that despite Mr. Kupersmit's comments, there are no illegal injunctions or Court cases, and no planned Filing related to this Act 537 Plan; and Mr. Ebert agreed. Mr. Lewis stated they also received no comments on this Plan from the public, and Mr. Ebert agreed.

Mr. Lewis stated the Township is considering future options as it relates to sewage treatment and part of that may consist of moving flows. He asked if any of the work will be wasted if the Township were to choose another strategy with respect to sewage treatment. Mr. Ebert stated it would all depend if Yardley were to participate with Lower Makefield in going to another location; and if Yardley were to participate with Lower Makefield, which makes the most sense, it would not be wasted because it would be logical to have all the flows go to the Yardley Pump Station, and then re-direct that Pump Station to another location if that were the direction of the Board. He stated it would be very challenging to re-direct the flows that go into Yardley because they go in at five locations.

Mr. Lewis noted the yellow portion on the Plan goes to Bucks County Water and Sewer through the Neshaminy Interceptor. Mr. Ebert stated the light blue on the Plan goes through Middletown Township to Neshaminy, and the purple section goes through Falls to Neshaminy. He stated everything besides pink and green on the Plan goes to Bucks County Water and Sewer Authority through the Neshaminy Interceptor and then to the City of Philadelphia. Mr. Lewis asked about the salmon color, and Mr. Ebert stated that is Falls Township service area so they are customers of Falls.

Ms. Tyler asked what are the implications should the Board approve the 537 Plan on Lower Makefield's future ability to re-direct flows. Mr. Ebert stated it will not hinder it. He stated if Lower Makefield were to pull their flows out and not go with Yardley, then there would be an asset that would be wasted; however, he believes the most feasible way would be to go with Yardley someplace else, so they would need this irrespective. He stated because there are five different locations that go into Yardley, it would be very hard to re-direct those flows without Yardley being an active participant with Lower Makefield. He stated provided Lower Makefield would be a partner with Yardley, it is money well spent because Lower Makefield needs the capacity. He stated currently the ability to develop in the pink area on the Plan is limited by a Connection Management Plan that Yardley Borough is self imposing because of their concern about capacity. He stated this will eliminate that and allow additional connections if approved by the Board of Supervisors to flow through there.

Mr. Lewis asked Mr. Ebert if he would adjust the 2018 Budget, and Mr. Ebert stated he feels what they have Budgeted is a good number. He stated there are approximately \$500,000 of design costs that they will be incurring along with the Bidding process and the contractor possibly starting some work so he feels \$800,000 is a good number. Mr. Lewis asked about disruption for the Yardley and Lower Makefield residents during the project such as road closures and inability to use facilities, and Mr. Ebert stated it would be managed in real time. He noted a few areas which are not major thoroughfares, but added the vast majority of the work is in the right-of-way, and disruptions should be minimal.

Ms. Tyler asked Mr. Ebert if he recommends the Board adopt the Plan, and Mr. Ebert stated he does. He stated the Board has already committed itself with the Inter-Municipal Agreement, and it is good, proper planning for the next twenty years to be able to sewer the Township. He stated it is also responsible environmentally. He stated he sees all positives to the Board adopting this Plan. Ms. Tyler asked if there is an alternative to this, and Mr. Ebert stated he does not believe so.

Mr. Benedetto stated this has been discussed for two years, and Mr. Ebert stated a year prior to November, 2015 they were developing the Inter-Municipal Agreement. Mr. Benedetto asked why has this been delayed so long as it was anticipated that it would have been completed December, 2017. Mr. Ebert stated that would be a question to ask Yardley Borough, but it has taken that long to get through the Act 537 Planning process. Mr. Ebert stated he is anticipating that it will be eighteen months until the construction is completed. Mr. Ebert stated they have a Connection Management Plan, and as they hit milestones they release EDUs which has allowed some of our developments to move forward. He stated they did this proactively so that there would not be overflows. Mr. Ebert stated because our sewage flows through their system, which they own, the Township only leases conveyance through there; and they can control all new connections although they cannot stop existing flows. He stated this is why the timing is important. Mr. Benedetto stated the overall estimated construction cost is \$2.5 million of which Lower Makefield will be responsible for \$2.28 million; however, stated Mr. Ebert stated his understanding was the overall cost was \$2.9 million, and Mr. Benedetto stated that includes design and engineering. Mr. Ebert stated Lower Makefield is also paying its fair share of that. He stated Lower Makefield is paying approximately \$2.5 million of which Lower Makefield has paid \$75,000 so far which shows how far they are along in their design if they are going to spend \$500,000 on their design so they have a ways to go yet. Mr. Ebert stated they properly should not have done design until the 537 Plan is approved since if DEP does not approve it, and it requires a different route, all of the engineering dollars would have been wasted.

Mr. Benedetto stated it appears that it is a two year project from design to completion of the construction, and Mr. Ebert stated he feels it should be completed the summer of 2019 depending on when it is Bid and when the contractor wants to begin. He stated they would not start the project in the spring or the fall, and they would wait until it freezes or until it is dry. Mr. Benedetto stated based on the timeline, they could have to pay \$2 million in 2019, and Mr. Ebert stated that is what he is anticipating. He stated they Budgeted \$800,000 and some of that would slide over so that they would have \$1.7 million in 2019. Mr. Ebert stated he feels the costs are good, but they were 2016 costs. He stated those costs also included a 20% contingency. He stated they are in the right-of-way and not a roadway so the chance for Change Orders are less than if it was in a road. He stated those numbers were done in 2015 when the economy was not very robust; and currently they could Bid this and get great prices, although they do not know what it will be like in 2018 when this is Bid.

Mr. Benedetto discussed the potential of selling public systems, and he asked Mr. Ebert what he feels about Lower Makefield selling its system. Mr. Ebert stated if Lower Makefield were to sell their system, the residents would have to pay the same sewer rental charges that they pay today plus the \$22 million on top of that so

ultimately the costs are borne by the Township residents. He stated whoever would buy the system would want to make money and they would have the same operating costs that Lower Makefield has plus they would have to pay the Debt Service back. Mr. Ebert stated Lower Makefield does not own a treatment plant, and Lower Makefield pays a fixed fee for treatment. Mr. Ebert stated anyone who would buy the system would not be buying the infrastructure, they would be buying customers and the ability to have that profit margin over time. Mr. Ebert stated while there are some pros to selling the system and getting out of the sewer business and not having to deal with the costs, you then also lose control over your options going forward. He stated currently the Township has a little control since they control the 537 Plan. He stated they would lose control over the rates if the Township were to sell the system.

Mr. Fedorchak stated he does not feel Lower Makefield can really control the rates since currently about 80% of our Operating Expenses are fixed costs which are items out of the Township's control. He stated they have zero control over the transmission fees, and the remaining 15% is Debt Service. Mr. Fedorchak stated he does not really feel the Township has much flexibility in managing rates as they are dictated to the Township. Mr. Ebert stated the Township has very little labor costs, but he agrees with Mr. Fedorchak that there are certain fixed costs.

Mr. Fedorchak asked Mr. Ebert if Aqua, Pennsylvania American Water, or some other Authority would view Lower Makefield as an attractive purchase. Mr. Ebert stated Lower Makefield would be very attractive to Bucks County Water and Sewer Authority and Aqua because they would want to get into the Franchise strategically. He stated the only concern they would have is that it is very hard for the buyer to control the end costs because they do not own the treatment facility. He stated Morrisville would be the logical entity to buy it, but the concern when you are a third party buying a facility is that you do not know what the costs are going to be in the future.

Mr. Lewis stated another option is to have a Joint Authority that would give Lower Makefield control over both the sewer system and the wastewater treatment, and potentially this would be the best option. He stated he feels there are a number of options that are plausible. He stated a Joint Authority would have the ability to have scale, and be capable, and deliver decent rates. Mr. Ebert stated Regional Authorities usually are the best provided that everyone has a proportional share on the Board. Mr. Lewis stated it also has to be valued properly. Mr. Ebert stated if Lower Makefield were to sell their system owning the treatment side as well and having a say on it goes a long way. Mr. Ebert stated Lower Makefield has maintained its system relatively well although Lower Makefield has a huge amount of money for treatment coming up. Mr. Lewis stated he feels that prior Boards did deal with

I & I and were aggressive about it, and Mr. Ebert stated Lower Makefield is probably in the second best position out of all the Authorities second only to Newtown; and is close to compliance in the Neshaminy Interceptor. He stated Lower Makefield also knows where a lot of the I & I problems are. He stated Lower Makefield was also one of the first Townships to get their Correction Action Plan approved by DEP. He stated you want to get the Plan approved first and then do the I & I work so that you can get credit for the I & I removal.

Mr. Lewis moved and Mr. Fritchey seconded to approve the Yardley Borough Act 537 Sewage Facilities Plan as outlined by Mr. Ebert.

Mr. Mike Brody stated it is obvious that they are going to spend millions of dollars, and the number one priority should be Joint Commissions with many seats at the table since Lower Makefield seems to be the biggest payer for all these issues with the least official opinion.

Motion carried unanimously.

Ms. Tyler stated she sent an e-mail to Mr. Fedorchak today regarding Grant money for small projects, and she asked that he and Mr. Ebert pursue this for some of the projects such as Stackhouse. Mr. Ebert stated they did apply for Grant money in the first round; and while they were not successful, they have the vast majority of it ready although they may change the priority to Stackhouse and the I & I work. Mr. Ebert stated the deadline is February 28, 2018.

#### UPDATE ON DOG PARK

Mr. Eisold stated the work on the Dog Park is progressing. He stated the concrete work and a lot of the site grading has been completed. He stated the water connection and the parking lot driveway are in the process of being completed. He stated the fencing is scheduled to begin on Monday, and will take two to three weeks to complete. He stated he expects by the beginning of December the project will be completed. Ms. Tyler stated construction would be complete, but the Dog Park would not be occupied by that time.

#### SUPERVISORS REPORTS

Mr. Fritchey stated Park & Rec met last evening and made recommendations for Rules and Regulations for the Dog Park which have been submitted to the Township

Manager along with a proposed schedule of Fees for use of various venues within the Community Center which will be on a future Board of Supervisors' Agenda for review and approval.

Ms. Reiss stated they had a successful Veterans Day Parade, and she thanked all of those who helped put it together. She stated it was well attended, but she would suggest that they get the word out earlier next year about having the children participate. Ms. Tyler thanked the Police Department and Fire Department for their help along with all of the Township employees and volunteers. She stated it was a wonderful first showing for the new Youth Committee who were collecting items for Veterans which was successful as well. She also commended the VFW and the American Legion for their participation.

Mr. Lewis stated the Environmental Advisory Council will be taking a tour of the Morrisville Municipal Authority Plant on Saturday, and those interested in attending should reach out to Mr. Lewis. Mr. Lewis stated they also plan to meet with Mr. Hucklebridge to address a number of issues within the community regarding management of the basins. Mr. Lewis stated the Golf Committee will meet Thursday, and they are reviewing the Business Plan for 2018 with specific emphasis on Food and Beverage.

Mr. Benedetto stated with regard to the Trenton Mercer Airport, he believes that the Third Circuit decided not to hear Oral Argument. Mr. Fritchey stated he feels this means that they understand the issue and do not need to hear Oral Argument, and they are probably close to making a Decision.

Mr. Truelove stated the Board met in Executive Session beginning at 7:00 p.m., and items of litigation and personnel were discussed.

#### APPROVAL OF RESOLUTION NO. 2347 ADOPTING EMERGENCY OPERATIONS PLAN

Chief Coluzzi stated he is required by Law to maintain and keep current an Emergency Operations Plan, and Resolution No. 2347 verifies that we have complied with that requirement and submitted an updated Plan.

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to approve Resolution No. 2347 adopting the Emergency Operations Plan.

#### APPROVING HIRING OF POLICE OFFICER

Chief Coluzzi asked the Board to approve the hiring of Michael Fisbach contingent upon his successful completion of medical, psychological, and drug screening. Chief Coluzzi reviewed Mr. Fisbach's education and experience. He stated this is the last of the authorized hires approved for 2017.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to approve hiring Michael Fisbach as discussed by Chief Coluzzi.

#### OTHER BUSINESS

Ms. Tyler stated the Scudders Falls Bridge Project is moving along, and the Board has been receiving phone calls and e-mails from residents concerned about the noise taking place in the late night hours. She asked that Mr. Fedorchak set up a meeting with Perry Warren's office with Mr. Grenier, herself, and anyone else who wishes to attend to discuss what can be done to work with the Bridge Commission asking for consideration for our residents. Mr. Fedorchak stated he and Mr. Lewis had discussed this matter, and at that time he reached out to one of the engineers at the Joint Bridge Commission asking for a meeting on a number of issues. He stated he will continue to pursue this. Mr. Lewis stated the noise is very disruptive late in the night.

Mr. Lewis stated there was a water main break on Sunday. Ms. Tyler thanked everyone for all the work they did on this. Mr. Fedorchak stated he, Mr. Hucklebridge, and Chief Coluzzi were there; and to the credit of the Water Company they were there very quickly to assess the situation. Mr. Fedorchak stated it was a substantial break located on Lakeview close to Oxford Valley Road. He stated the water went to a creek and not in peoples' basements. He stated the Water Company called out their contractors, and he had been advised that it would be corrected within six to eight hours, and it was.

Ms. Reiss stated she was without water, and when she had water again, it was cloudy. She contacted the Water Company who explained that she should let it run for four to five minutes. Mr. Lewis stated there are still some people from Hidden Oaks that have a greenish tint to their water. Mr. Fedorchak stated they should follow up on this if they still have that issue.

Mr. Tim Collins stated the water main break was reported on the new at 11:00 at night, and when you wake up the next morning you are not sure whether you are required to boil your water. He stated there was nothing put out by Lower Makefield addressing this issue; and when he called the Township office, it was

recommended that they call Pennsylvania American Water. He stated when they called Pennsylvania American Water, they did not know about the Water main break, and had no idea what to tell the residents. He asked if the Township should have put something out on the Township TV Channel that there was no need to boil the water. Chief Coluzzi stated usually to be proactive if there is an issue or a problem with the water, something would have been put out immediately. He stated Pennsylvania American assured the Police Department that there were no issues, and when they received calls they told people to run the water a little bit if it was cloudy and that they had been told there were no issues.

Mr. Lewis stated the constantly market Ready Bucks; and when the water main break occurred, he did receive notice. He stated if there had been the need to boil water if you are on Ready Bucks, you would have received that notification. Chief Coluzzi stated they did not send out a message that you did not have to boil the water; but if there was a need to boil it, they would have sent out that message. Mr. Lewis stated everyone should sign up for Ready Bucks. Ms. Tyler stated they need to get more households to sign up since there are 12,000 households in the Township, and they probably have 1,700 signed up. Ms. Tyler stated residents can also follow the Township Police Department on Twitter.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Benedetto moved, Ms. Tyler seconded and it was unanimously carried to appoint David Sabogal to the Financial Advisory Board.

There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

John B. Lewis, Secretary