

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 18, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 18, 2018. Mr. Lewis called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors: John B. Lewis, Chairman
 Fredric K. Weiss, Vice Chair
 Kristin Tyler, Secretary
 Daniel Grenier, Treasurer
 Suzanne S. Blundi, Supervisor

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

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, stated the Supervisors try to solve problems that come up as best they can, and he does not believe any money has changed hands between any people having an agenda with the Township and the Board of Supervisors. He stated on April 4 Mr. Fedorchak discussed the sewer facilities which are very expensive, and the Township does not have the money. Mr. Kupersmit stated Mr. Abrams spoke at a previous meeting concerned about the increase in the sewer bills over the last few years. Mr. Kupersmit stated he feels there is a problem with treatment facilities all over the World. He stated this issue should be addressed by people who have the authority to do so like the CDC and the FDA. He stated he feels they are ignoring the problem. He stated the Board of Supervisors is in charge of Lower Makefield Township; and he does not want there to be an outbreak at the sewer treatment facility, while the Board is “sweeping the whole thing under the rug.” He stated they do not have the money to address this because of the “misallocation” of resources in the Country. He discussed the Federal tax bill passed in December.

Ms. Ellie Bortman, Pennsbury High School, stated she is working with the Township EAC organizing the e-waste collection which will be held on May 5 at the Charles Boehm/William Penn parking lots from 9 to 12. The electronics which can be brought were reviewed noting that they do not accept batteries. She stated there is a \$25 charge for tube televisions but no charge for flat screen televisions.

Mr. Robert Abrams, 652 Teich Drive, stated looking at his Tax Bill, Park & Recreation taxes have gone up 47% over the last two years; and no one has seen their paycheck go up 47% over the last two years. He stated he understands some of that has to do with the Community Center; however that is being paid off in the Bond which is over twenty to thirty years. He stated a 47% increase in Park & Recreation is an “insult” to the taxpayers. Mr. Abrams stated this is also true with regard to the General Fund which is up 14.9%. He stated at some point they have to say “stop” and that there are enough parks and enough recreation. He stated they cannot put \$1 million into the General Fund every year because they want to re-do the roads, and then have Reserve at Yardley thirty days after they repaved Big Oak Road, dig it up because they want to hook into the sewer line. He reviewed issues with Big Oak Road from Stony Hill to Oxford Valley which is a “disgrace.” It was noted that is a State road. Mr. Abrams asked why the State is not fixing it, and Mr. Fedorchak stated he could not answer that.

Mr. Abrams stated the Township allocated an additional \$1 million for the roads last year, and he asked if that was taken out of the Budget and put somewhere else, or did they leave it there since that is where most of the problems happen. He stated they put it in a line item in the Budget; and after they finish doing the project, that line item does not get decreased, and the money just stays there and gets spent somewhere else. He stated there is a lack of control when there are two items that have gone up 47% and 14% over a two-year period. He stated they have 10% to 13% of the residents that are Senior citizens. He stated he also understands that the increase they have already received for the sewer is minor compared to what is coming. Mr. Abrams stated he gets bills with no back-up documentation; and he asked if he put in a Right-to-Know of what Morrisville bills Lower Makefield Township could he get back-up documentation; and Mr. Fedorchak stated he could get that through a Right-to-Know request.

Mr. Gordon Workman, 1152 Kenneth Lane, stated he is part of the Lower Makefield Football Association; and he asked for an update on the timing for having Snipes come back on the Agenda. Mr. Grenier stated they do not have a set date yet; however, they are going through a process doing some background work. He stated Mr. Fedorchak has had the Township engineers complete some additional studies to improve the package; and in the not too distant future, they will be presenting a formalized process at a future Board of Supervisors meeting.

Mr. Workman stated his understanding was the Judge’s ruling was clear that letters had to be re-sent, and in ninety days it could go back on the Agenda. Mr. Grenier stated at the last meeting the Board of Supervisors voted to advertise a revised Public Notification Ordinance, and that is being advertised now. He stated they are

also looking into some additional items in the field and having the new Township engineer look at the old design to see what it may or may not be suitable and see if they need to make any changes.

Mr. Workman stated he understands that this will have to be an Agenda item, and he asked if the Board could vote on it that night or would it have to go back through other Commissions. Mr. Lewis stated they want to make sure that they take every step possible to avoid future litigation; and as a consequence they have gone back trying to reduce the amount of Variances and exceptions if possible. He stated he feels they will have a timeline relatively shortly. He stated he does not anticipate a final vote in the next sixty days. He stated they should also consider the growing season. He noted that if they are in continuous litigation, it would be a difficult process.

Mr. Workman stated there was a contentious Budget meeting in November/December when a certain portion of the Budget was allotted for Snipes for this year, and given the timing now it is doubtful anything will happen this year. He asked if that money would carry over, and Mr. Lewis stated the money would definitely carry over. He stated he would not want to pre judge an outcome considering that this is part of ongoing litigation; but should the Board vote to approve, it is likely a significant portion of what was budgeted this year would be spent this year.

Ms. Tyler stated not all of the Board is in agreement with what has been stated tonight. She stated it is the end of April, and they have not engaged a professional engineering firm to review the Plan; and she feels the Board should do that now. She stated the engineers should look at the Plan, and they should move this on a forward direction. Ms. Tyler stated she personally did not know much about the process until today.

Mr. Workman stated he thought that it was just indicated that the new engineer did have it as a “to-do” item. Mr. Grenier stated the Township engineer has been given the documents to start that process, and they are currently working at the Snipes parcel. Ms. Tyler asked if Remington Vernick has the Approved Plans, and Mr. Grenier stated they do. Ms. Tyler asked if there is a report from them, and Mr. Pockl stated they have not completed their review. Mr. Workman asked if they have a date on when their review will be completed, and Mr. Pockl stated they do not.

Mr. Lewis asked if they have completed the tree count study. Mr. Grenier stated one of the potential issues was there was not a tree survey done originally, and there are some Ordinances that relate to trees and woodlands that were not covered last time. He stated they have asked Remington Vernick to do that tree survey. Mr. Pockl stated they did that this week, and they were on the site measuring any trees that

would be removed as part of the construction which would need to be replaced per the Ordinance. Mr. Grenier stated they are then going to take that information along with the previous information that was collected including the groundwater, geo-technical information, and topographic information and use that to see if there need to be changes or where they could have improvements.

APPROVAL OF MINUTES

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of March 28, 2018 as written.

Ms. Tyler moved, Dr. Grenier seconded and it was unanimously carried to approve the Minutes of April 4, 2018 as written.

APPROVAL OF APRIL 2, 2018 AND APRIL 16, 2018 WARRANT LISTS AND MARCH, 2018 PAYROLL

Mr. Grenier moved, Ms. Tyler seconded and it was unanimously carried to approve the April 2, 2018 and April 16, 2018 Warrant Lists and March, 2018 Payroll as attached to the Minutes.

DISCUSSION OF \$300,000 KEYSTONE GRANT

Representative Perry Warren was present, and Mr. Lewis stated the Board is very appreciative of the work he did on this particular Grant. Mr. Lewis stated the Township received the Grant for \$300,000. Representative Warren stated the Grant is a Keystone Community Grant which he started working on with Ms. Tyler and Mr. Lewis this year, and through the work of the rest of the Board, Mr. Pockl, and Mr. Fedorchak they worked on the 96-page Application.

Mr. Pockl stated the Grant will be used for the reconstruction of Oxford Valley Road from the intersection of Mill Road up to Edgewood Road including four handicap ramp improvements, and adding concrete curb where there is none along Oxford Valley Road. He stated it is a pilot program they are starting in the Township where they are doing a full reclamation which involves recycling the pavement in place, and he explained the process that they follow. He stated it is a new technology which is being used in other parts of the Country. Ms. Tyler asked if this method improves upon the longevity of the road, and Mr. Pockl stated it improves the longevity of the road from a cost benefit analysis. He stated a true fix for that roadway in order to make it last another twenty-five to thirty years would

require taking out the entire asphalt section, removing the stone base underneath the asphalt section, and placing down all new materials. He stated this new method provides the same longevity as that at about half the cost.

DISCUSSION AND AUTHORIZING THE ADVERTISING OF AN ORDINANCE AMENDING THE TOWNSHIP CODE REGARDING BROADBAND PRIVACY

Mr. Lewis stated last year he brought before the Board a draft Ordinance that would require any of the broadband providers who have a Franchise Agreement with the Township to allow customers the right to opt out of information sharing. He noted there are private solutions; however, increasingly privacy is a concern for many and it is an area where the Telecommunications Act does grant Municipalities the ability to oversee and regulate. Mr. Lewis stated the Ordinance has been modified from last year's Ordinance and is being brought before the Board this evening.

Mr. Truelove stated the Ordinance calls for opt-out provisions, and there are also a number of definitions. He stated this would not apply to the existing Agreements. He stated this Ordinance is similar to one that Falls Township recently enacted. He stated there will probably be questions about the interplay between local, State and Federal law. He stated one of the challenges to be faced is that since the time the Ordinance was proposed last year, the control has been transferred from one agency to another. He stated they do know that the public is concerned about the protection of privacy and concerns as to whether the Federal government is going to "punt" the question, and whether State or Local Governments are entitled to or will provide some type of protection in the privacy realm to their citizens. He stated he cannot state tonight that this is an "iron-clad, bullet-proof Ordinance" that will not be challenged; however, other Ordinances in other places that have similar provisions have not been challenged although it does not mean they will not be challenged. He stated while they are in a state of uncertainty, this is an attempt by the Local Government to provide something to residents with respect to privacy protection.

Mr. Lewis stated tonight is only a vote to advertise the Ordinance. He stated over the last seven to eight months he has had the chance to talk to both of the broadband providers that service Lower Makefield Township, and this is not a reflection on them as companies. He stated he believes both companies significantly try to improve their customer service, and they were particularly helpful during the storms. He stated the Municipality is still responsible for the health, safety, and welfare of the community; and he feels this is a chance to begin a process to protect the privacy of the residents. He stated Seattle had much more restrictive policies that they enacted last year that has gone unchallenged, and there are many more Municipalities that are looking at this as well.

Ms. Tyler asked Mr. Lewis to explain in layman's terms what he feels the Ordinance does. Mr. Lewis stated there is data that a broadband provider collects about the uses which include all Website traffic and apps downloaded. He stated while they currently do not use most of that data, this Ordinance would require the providers to allow the users the ability to opt out of information sharing so that the data they collect about the user is not used to target the user with ads. He stated there are some unintended consequences of the misuse of data, and he is not suggesting that the broadband providers engage in this; but he wants the consumers to have the right to opt out of information sharing. He stated there is nothing in the Ordinance that would prohibit the providers from using information for Law enforcement purposes, billing purposes, or service purposes. He stated this will provide the right to opt out of information sharing. He stated data can be misused and some people do not want their information shared.

Ms. Tyler asked when the existing Agreements with the providers expire. She also asked if the information sharing is taking place currently, and Mr. Lewis stated it is. He stated the providers do have circumstances when they offer certain items to users if they agree to provide all of their browsing history. He stated in that case, that would be an opt-in. Mr. Lewis stated this Ordinance is designed to take effect at the next Franchise Agreement. Mr. Truelove stated Verizon's expires November, 2018 and the Comcast Agreement has three years more.

Mr. Lewis stated if the Board votes to publish the Ordinance this evening, and if it is then passed, the Ordinance would take effect on the next Franchise Agreement. He stated nothing would change now. Ms. Tyler asked if this would be negotiated within the context of the Franchise Agreement, and Mr. Lewis stated it will be a requirement of the Franchise Agreement. Ms. Tyler asked if this is approved and we enter into a new Franchise Agreement what will the residents have to do and what will the providers have to do. Mr. Lewis stated the residents can choose not to do anything and remain opted in. He stated the providers would have to provide each resident with the ability to opt out of information sharing. Ms. Tyler asked when the providers would have to get the opt out letter out to their customers. Ms. Tyler asked why would they not consider requiring the residents to opt in. Mr. Lewis stated he feels there is a balance. He stated Seattle chose the opt-in approach. He stated the opt-out approach gives people the ability to choose their preference anytime. He stated he was also not seeking to limit broadband providers' ability to earn additional revenue or monetize their database; but he does want to give people choice. Mr. Lewis described what Seattle did which required the broadband providers to require people to opt in for any information sharing. Ms. Tyler asked if litigation ensued, and Mr. Lewis stated it did not. Ms. Tyler asked who are the providers in Seattle, and Mr. Lewis stated he believes Comcast is but he does not believe Verizon FIOS is there. Ms. Tyler asked if this proposed Ordinance mirrors

the Seattle Ordinance, and Mr. Lewis stated it started with that and was changed to adapt some of the concerns that were expressed by Verizon and Comcast. He stated last year when it was presented, the broadband providers had some concerns; and they are proposing to address some of those concerns. He stated rather than making it effective immediately, it was made effective on the next Franchise Agreement.

Mr. Grenier stated he feels it is unfortunate that we have to do this at the local level, and it should have been done at the Federal level. He stated he has had his identity stolen, and he feels identity protection is very important. Mr. Grenier stated he would recommend changing it from an opt out to an opt-in approach similar to Seattle. He stated he feels people may not be able to figure out how to opt out or forget about it even if they want to, and he would prefer the opt in approach. He stated the providers may want to consider giving an incentive for people to opt in.

Ms. Sara Farneth, 1589 Willow Pond Drive, stated she was pleased to see that they were putting forth this Ordinance as it is not going to happen at the Federal level. She stated she feels they should do anything they can to move this forward and get other nearby communities to join us. Mr. Lewis stated they do speak to Supervisors in the other communities and share ideas. He stated some nearby communities have looked at this as well. He stated there are also a number of privacy Bills that are being considered at the State level that would give the residents of Pennsylvania that protection, and hopes Legislation like that might be passed in the interim. Ms. Farneth asked that this information be provided on the Township Website on ways residents can help protect their privacy.

Mr. Robert Abrams stated possibly the providers may want to give a credit to those who are willing to accept advertisements.

Ms. Catherine Calabria, 1500 Miller Place, stated she agrees with Mr. Grenier that this should be an opt in and not an opt out.

Mr. Doug Smith, Vice President State Government Affairs for Verizon, was present. He stated Verizon is fully committed to the privacy of its customers and has strong and meaningful privacy protections for their customers. He stated they comply with privacy protections established by Federal law and their existing Cable Franchise Agreement with Lower Makefield incorporates the Federal law protection. He stated Verizon also clearly lays out their privacy policy and practices which are readily available to the public. He stated Verizon believes that the Ordinance being proposed for advertisement is unnecessary not only because of the existing privacy policies but also because such changes contemplated in the Ordinance should be negotiated in the upcoming video franchise renewal discussions. Mr. Smith stated

there are nuances to the requirements Lower Makefield is proposing that would vary from the existing policy; and even a slight change in definitions, reporting, or even a font requirement in a Notice can create unique application of the policy solely to Lower Makefield residents. He stated if such changes occurred in every Township, it would be an impossible and onerous task to comply with a different set of rules in each of the 2,500 Townships and Municipalities in Pennsylvania multiplied across all the States in the Country. Mr. Smith Verizon believes that the privacy Ordinance proposed tonight violates the principles of Federal preemption which would invalidate the Ordinance if ultimately adopted. He stated while the Telecom Act permits Lower Makefield to enact and enforce laws that protect subscriber privacy, they must be consistent with the Telecom Act; and if the Ordinance is inconsistent with the Act, which it is, the Ordinance is expressly preempted by the Act. He will provide tonight to Mr. Truelove a letter from Verizon's legal counsel outlining their concerns and detailing how and where the Ordinance is in conflict with the Telecom Act and therefore preempted. He stated the place for discussion on privacy is the negotiating table where together they can assure Lower Makefield residents that they get the privacy protections the Board is seeking. He asked that the advertisement of the Ordinance be Tabled, and the topic of privacy be moved to their upcoming franchise renewal negotiations. He stated he also has an electronic copy of a letter from the State Privacy and Security Coalition addressing their concerns with the proposed privacy Ordinance which he will forward to Mr. Fedorchak to distribute to the Board and the Township solicitor.

Ms. Tyler asked Mr. Smith to provide more information as to how they are violating Federal Law and how the Township is preempted. Mr. Smith stated that information is included in the letter he is providing, and he particularly noted examples listed in paragraph #3 of the letter. Mr. Smith stated the Federal Government is moving these rules back to the FCC which is where they were historically, and this should be effective shortly. Ms. Tyler stated once that happens, this Ordinance would be meaningless; and we would be governed by them again. Mr. Smith stated there are still privacy conditions, rules, and regulations still in force in the Telecom Act.

Ms. Tyler asked Mr. Truelove when this would be effective if it were advertised and passed, and Mr. Truelove stated for Verizon it would be November of this year. Ms. Tyler stated she would like to have a written report from Mr. Truelove's office explaining the information that they are being provided tonight from Mr. Smith, as well as the potential peril. She stated she would like to review this information and see Case Law so that the Board can make an educated decision.

Ms. Blundi stated Mr. Smith has indicated that it is preempted but he also indicated that it should be negotiated. Mr. Smith stated it is preempted; however, in a negotiation there is an ability to discuss the Township's concern and how they can be or how they are currently being addressed by the FCC or the FTC. Ms. Blundi

stated they have heard already from residents expressing concerns about their privacy, and she asked what Verizon and others would be willing to give them without negotiation in terms of protecting privacy. Mr. Smith stated Verizon models their privacy after the requirements of Federal law which are the guidelines put out by the FCC/FTC. He stated the Township is trying to regulate Verizon's broadband service which is not supposed to be something that Local and State Governments can touch. He stated they can impact and negotiate on the video service but not broadband, and Mr. Truelove should explore that.

Mr. Grenier stated from his perspective Verizon and Comcast are the only ones they can talk to about this. Ms. Tyler asked what other options would Lower Makefield residents have for this type of service, and Mr. Smith stated there is satellite broadband and probably some smaller third party re-sellers available.

Ms. Tyler asked if they consider themselves a utility, and Mr. Smith stated when you talk on the phone over copper or fiber you are regulated by the PUC. He stated when you do broadband, that is a completely different, non-regulated entity of telecommunications. Mr. Grenier stated that is legally versus philosophically. Ms. Tyler stated she understands that they deliver the signal over wires, and Mr. Smith stated it is over fiber optics. Ms. Tyler stated the fiber optics are hanging from the utility poles in the right-of-ways, and Mr. Smith agreed. Mr. Grenier stated that is a debate which is building over what is considered a regulated utility versus what is not. Mr. Grenier stated he is disappointed in the Federal Government for not being more proactive, and he would encourage lobbying Congress to do something so that there is consistency.

Mr. Zachary Rubin, 1661 Covington Road, Chair of the Lower Makefield Township Electronic Media Advisory Council, was present. He stated the Franchise Agreement with Verizon expires this year in November, but the Franchise Agreement only covers video; and Verizon and Comcast are ISP providers. He stated Mr. Smith had indicated that they could discuss this when the Franchise Agreement is negotiated; however, they cannot because that only covers video. Mr. Smith agreed that the Franchise Agreement covers video. Mr. Rubin stated when the Franchise Agreement for video comes up for discussion in November, they opted to go into a consortium with most of the Municipalities in Lower Bucks County which they feel is in their best interest.

Mr. Ed Gavin, 904 Sensor Road, asked if this Ordinance only covers video; and Mr. Lewis stated this Ordinance covers all personally identifiable information. Mr. Gavin stated it would cover broadband as well, and Mr. Lewis agreed. There was discussion about cell phones; and Mr. Lewis stated that is separate, and we do not have any authority over the cell carrier providers. Ms. Tyler asked about the Internet connection, and Mr. Lewis stated we have fiber optic cable from

FIOS. Mr. Grenier stated this Ordinance would not apply to cell phones unless you are on Wi-Fi. Mr. Grenier stated it would also not cover the various Websites that may be collecting information. Mr. Gavin stated he understands that you would not be protected except from the data that Verizon and Comcast would gather. Mr. Gavin stated he feels that is a very valuable commodity, and he feels if they can collect and sell the data, the Township should do whatever they can as soon as they can to protect that data. Mr. Gavin stated he does not feel that it would be difficult to require Comcast and Verizon to send their customers a piece of paper once a year asking them to opt in or opt out. He encouraged the Board to vote for the Ordinance.

Mr. Lewis stated tonight it is only a Motion to authorize advertisement. Ms. Tyler stated in the interim Mr. Truelove could get the Board a written report so that they will have a full understanding. Mr. Truelove state that if there are changes they want to make that would be considered substantial, they would have to re-advertise. Ms. Tyler stated they have to determine whether they want it to be opt in or opt out.

Mr. Grenier noted the Definition Section, and he asked if they are definitions that are tied back to the Federal Regulatory definitions; and Mr. Truelove stated he believes that these originated with the Seattle Ordinance, and Mr. Lewis agreed. Mr. Truelove stated he believes at that time they may have been borrowed from either Federal or some other regulatory framework and the definitions may have been modified since them. He stated they may want to make it “more organic.”

Mr. Lewis stated this is something they have been considering for awhile, and publishing it is a step to continue on in the process and it would be at least two meetings before it would go for a vote which would provide more time for dialogue with respect to the providers and potential compromises.

Ms. Tyler asked Mr. Smith from Verizon how his company was addressing Seattle, and Mr. Smith stated they are not as active in the Seattle market. He stated they previously had a FIOS market there, but it was sold to another provider. He stated he believes there may have been discussions between the local officials from Seattle and the carriers about their concerns. Ms. Tyler asked why Verizon left Seattle; however, Mr. Smith stated he did not know.

Mr. Grenier moved and Ms. Tyler seconded to amend Exhibit B, Sub-Section D Disclosure of Personally Identifiable Information to go from an opt out to an opt in disclosure.

Mr. Lewis stated he does not have a problem with them monetizing data responsibly provided people have choice. He stated if they make it an opt-in provision, odds are they will not do any information sharing since the cost to require the opt in

would be too high. He stated he was more for the opt-out approach, and he feels this is a big first step. Mr. Grenier stated his foremost concern is protection of citizens data, and his own experience with opt out of any type is that it can be a “hassle.” He stated he also knows how much he is paying every month for their services so he knows that they are well compensated. He stated from a negotiation standpoint, he would prefer to start with an opt in as opposed to an opt out.

Mr. Truelove stated he understands that the Motion would be to authorize the advertisement of the Ordinance as presented tonight with the change to Exhibit B Sub Section D to modify it from an opt out to an opt in.

Ms. Tyler stated she is conflicted as to whether or not people should be responsible for their own privacy. Mr. Grenier stated everyone is personally responsible; however, when it comes to technology people are unsure if what they are doing is personally responsible. He stated he would like to start with the “higher bar” to try to help insure privacy. Mr. Lewis stated depending on how this Section is written, a provider could require an opt in as a condition of starting the service. Mr. Grenier stated he feels that would be a major risk on their part.

There was discussion about what changes to the Ordinance as published would require re-advertisement, and Mr. Lewis stated Mr. Truelove would make that determination. Ms. Tyler asked if they could advertise it as opt in and opt out and make that decision after they get legal research from Mr. Truelove or would that be too ambiguous; and Mr. Truelove stated he would suggest that they advertise it one way or the other so that there is more clarity. He stated they could also advertise two Ordinances.

Mr. Gavin stated while he understands this is not a utility anymore, it is like a utility; and they should be able to make a decision at the beginning of the year whether you want to opt in or opt out. He stated if Verizon and Comcast have to send a letter once a year asking their customers to opt in or opt out and have something on their Website where they could opt out at all times, he feels that would provide a lot of protection. He stated they are in the business of selling things and to just say “the door is shut” unless someone says “yes,” he does not feel anyone will say “yes.” Ms. Blundi stated their service is not inexpensive; and Mr. Gavin stated while he agrees, he feels the Township is trying to make it too onerous.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to authorize for advertisement the Ordinance as presented tonight with the modification to Exhibit B Subsection D regarding opting in and opting out where it would be opting in.

DISCUSSION OF RESOLUTION NO. 2364 IN SUPPORT OF A FREE AND OPEN INTERNET

Mr. Lewis stated this is a separate issue from privacy and relates to Net neutrality and making sure Internet traffic is treated freely and similarly between different providers. He read the Ordinance into the Record. He stated the reason this is separate from the Ordinance on privacy is because these are two separate issues.

Ms. Tyler stated while this sounds good in theory it goes back to the utility issue and also goes back to the fact that there are not a lot of other providers; and if Verizon and Comcast indicate they cannot do business with us, she questions who we would do business with. Mr. Lewis stated this is similar to what New Jersey passed early in the year; and if we cannot find a provider, we would have to reconsider this. He stated absent that, we still have to push back and protect our residents. He stated he feels this is a reasonable approach indicating that as long as they abide by Net neutrality it is not a problem; but when they do not, we will seek out new providers that do; and it is a market signal. Ms. Tyler stated while it sounds good, she does not feel it has any practicality or teeth to it.

Mr. Grenier stated again he is disappointed in the Federal Government for changing their rules and regulations and how they see Net neutrality because it can negatively impact all of us. He stated he understands that Comcast and Verizon when it comes to broadband will never consider themselves a utility; but when you consider that a utility is something that everyone relies on to survive, we have moved to that point in our lives where Internet/broadband is in a sense a utility so it is important that we maintain access.

Mr. Lewis stated last year's Board had an excellent track record of Resolutions having a positive impact, and he noted particularly the gerrymandering issue last year when we were one of many Municipalities that spoke out on this issue; and in the State of Pennsylvania there are now new Congressional Districts. He stated this is another case where we should push an issue forward. Mr. Lewis added that both broadband providers have indicated that they do not intend to violate Net neutrality so if they do not change policy, this will not be an issue.

Ms. Tyler stated while she does not feel this means much given how preemption work, she feels there are other issues further on the Agenda that they should be discussing and they should be considering things that actually matter on a daily basis for the residents as there are people present this evening wishing to hear about Sandy Run and Makefield Roads.

Mr. Joe Menard asked if this is just for the purposes of the Township buying the service, and Mr. Lewis agreed. Mr. Menard asked what evidence they have that there has been a degradation in service over the last ten years. Mr. Lewis stated there is none to the Township. Mr. Menard stated the Resolution Mr. Lewis read was very difficult to follow unless you are in IT. He stated if there is no current problem, he does not see the purpose of doing it.

Ms. Tyler asked Mr. Lewis where the format of the language came from, and Mr. Lewis stated it started with the State of New Jersey.

Ms. Sally Farneth stated she is glad they have put this forward since so far Net neutrality at the Federal level has been disbanded or cut back, and she feels we should take a stand.

Mr. Doug Smith, Vice President for Verizon, stated Verizon believes in an open Internet which is good for consumers and good for business which is why Verizon has publicly made binding commitments to their broadband customers that they will not block any legal Internet content, applications, or services based on their source or content. He stated they will not throttle or slow down any Internet traffic based on its source or content. He stated they will not accept payments from any companies to deliver traffic faster or sooner than any other traffic on their consumer broadband services nor deliver their affiliates Internet traffic faster or sooner than third parties traffic. He stated they will not prioritize traffic in a way that harms competition or consumers. He stated they will describe their Internet access services and plans in plain language so customers can make informed choices, and their overriding commitment is to provide consumers with high-quality service. He stated they feel that maintaining and protecting the open Internet is vitally important. He stated their commitments are binding under FCC and FTC oversight, and the FCC can investigate and take enforcement action against Verizon for any failures. He stated the FCC will also review complaints and take enforcement action as needed. He stated similar to the concerns about the Privacy Ordinance, a “patchwork” of rules is unmanageable. He stated the FCC expressly preempts State and Local efforts to impose their own Internet requirements.

Mr. Smith stated Mr. Lewis just shared this draft Resolution with them on Monday; and it was the first time the issue had ever been addressed by Verizon with Lower Makefield, and two days is not enough time for Verizon to absorb the draft Resolution which is complex and prepare detailed responses tonight. He added they would ask for an informal discussion between Lower Makefield officials and the carriers so that they can understand the intent and try to come to some agreement. He stated Verizon asks that the Resolution be Tabled so they can meet with Lower Makefield officials and explore the issue before the Resolution is considered.

Ms. Tyler asked Mr. Smith what binding commitments he is referring to, and Mr. Smith stated toward the end of the Resolution there are binding commitments such that if there is any violation of the Net neutrality parameters as outlined in the Resolution, the provider to the Township would lose the Contract and could not bid on it. He stated the Resolution is very complex, and he is not an attorney. He stated Verizon may very well be in compliance with what it is asking, but the team had only two days to look at this so they do not know. Ms. Tyler asked if his team works in New Jersey, and he stated his team does not. Ms. Tyler stated Mr. Smith has advised that Verizon cannot throttle Internet because of binding commitments they have already extended, and Ms. Tyler asked Mr. Smith what binding commitments he was referring to. Mr. Smith stated they are Verizon's commitments to their broadband consumers, and it is their Contract with their consumers.

Mr. Grenier stated he recognizes that Mr. Smith has only had this for two days, but it seems to be the intent of what is being proposed is in line with how Verizon does business; and Mr. Smith stated it may well be. Mr. Grenier stated Lower Makefield is a customer of Verizon, and Mr. Smith is saying that there are specific terms and conditions where they are making promises not to throttle, etc. Mr. Smith stated they have both privacy and Net neutrality provisions that they provide to their consumers, and it outlines what they will do; and they stand by that. He stated once they have the chance to review this Resolution, they may find that they are in compliance.

Mr. Lewis stated if Mr. Smith would like to take some time to see if they are in compliance or if there are some changes that could be made that would place them in compliance, he would be agreeable to Tabling it until the time that they consider the Ordinance that was just discussed.

Mr. Truelove stated since there is not a Motion on the floor, they would not need to Table; and they would just be deferring it to a future meeting.

Ms. Tyler stated for this and the prior Ordinance, she needs the Solicitor's firm to advise the Board so that they know what they are doing. Mr. Truelove stated they would be happy to talk to both Verizon and Comcast. He noted this is a Resolution and not an Ordinance so it has less impact as opposed to an Ordinance which is official Legislation that has to go through a specific process. Ms. Tyler stated she is interested in there being a dialogue with the Township solicitor and the providers, but she is also interested in what the Law is as this is not an easy situation. Mr. Truelove agreed with Ms. Tyler adding this is because the Federal Government abdicated responsibility in this area. He stated his firm would be willing to engage in this discussion including any Board members who wish to participate if they want to defer this matter to a later meeting. Mr. Lewis advised that an individual in Mr. Truelove's office is aware of the issues. Ms. Tyler stated she

would like to see written reports, briefs, and Case Law as well as history so that the Board can educate itself especially since this is not an item that is typically legislated by Municipal Government. Mr. Grenier asked Mr. Lewis if Mr. Truelove or someone else from the Solicitor's office came up with the language being presented in the Ordinance and if they did a side-by-side comparison with our current Contracts with the providers. Mr. Truelove stated they did not do that, but they could do so.

No action was taken this evening, and it will be brought back at some point in the future.

DISCUSSION AND APPROVAL OF ORDINANCE NO. 408 AMENDING CHAPTER 88 SECTIONS REGARDING LEED CERTIFICATION LEVEL

Mr. Lewis stated this was previously published before the Board, and tonight would be a vote on the Ordinance and its enactment. Mr. Truelove stated it was advertised in the Bucks County Courier Times in a timely manner. He stated there are three main changes one of which is to designate the Director of Zoning, Planning, and Inspections as the Green Building Administrator. The second is to change the Ordinance as it currently stands from LEED Standard to LEED Gold where applicable and indicated in the Ordinance; and finally to incorporate the Design Construction Standards used for Certification by USGBC as opposed to a specific designation, and this will allow flexibility within the Ordinance so that as the Standards change, the Ordinance will automatically adopt those changes.

Dr. Weiss moved and Mr. Grenier seconded to approve Ordinance No. 408 Amending Chapter 88 Sections regarding LEED Certification Level.

Ms. Tyler stated they have had this discussion before, and they have already built the Community Center being good stewards of tax dollars. She stated she feels the Ordinance they have on the books is sufficient, and she also feels that every Board of Supervisors should have the leeway to make their discretionary decisions and weigh the balance. She stated while they would like everything to be Platinum Certified, it costs a lot of money to get there. Ms. Tyler stated the Community Center has already been built, and they need to discuss whether this will now apply to the Satterthwaite House and Patterson Farm Preservation and what impact that will have. Mr. Truelove stated he feels it would apply to the Satterthwaite House renovation. Ms. Tyler stated they are proposing to go from Standard, skip over Silver, and go to Gold, which she does not feel is practical. She feels this will impact the ability of Satterthwaite to move forward. Ms. Tyler stated she also does not feel it is practical in the realm of taxpayer dollars.

Mr. Grenier stated he is a LEED AP. He stated at this point in time there have been over 30,000 LEED Certified projects at various levels done across the Country. He stated the Community Center was completed in the “realm and spirit” of LEED. He stated when members of the EAC who are LEED APs did an analysis of the Community Center, we found that with proper planning LEED Silver could have been met at no additional cost by picking proper materials, planning ahead, and implementing LEED Silver ideas. He stated he feels the length of the time it took to complete the project led to some inefficiencies in terms of procurement of product, and a more detailed review of what options there were for specific products would have allowed for a higher-level Certification. Mr. Grenier stated they went through the specs item by item, and they were able to locate where they could have gone from Certified to Silver without spending any additional dollars.

Ms. Tyler asked for some examples of that since the Board did want to reach that level, and it was \$110,000 more to get to Silver. Mr. Grenier stated that is what the architect told the Board, but he and others who do this work and sat on the EAC did a similar review. Mr. Grenier stated Mr. Peter Solor who serves on the EAC is very active in building these types of projects, and he had identified several items. Mr. Grenier stated one very simple one was picking alternative products such as paint type which would have not involved increased cost. Mr. Grenier stated points are also earned with regard to how you procure products and where the products come from since locally-sourced products, which is usually a 500-mile radius. He stated that was not completed as part of the Community Center so points were lost there. Ms. Tyler stated she does not agree with the math, and she does not agree that they could have gotten nine more points on the Community Center for free. Mr. Grenier stated he does this for a living, and he did the math.

Mr. Grenier stated they are not proposing to go for Platinum because you get points for a location close to public transportation and for walkability; and because the Township is a bedroom community, you have to drive a lot. Ms. Tyler asked Mr. Grenier if he is saying that for each step up, there is no cost difference between Standard, Silver, and Gold; and Mr. Grenier stated it is within a percent. \He stated back in 2004 there was a 3% to 5% difference between Certified and Gold. He stated since then because of green building, efficiencies, and Building Codes have improved so much and products are more readily available, the percentage premium on the upfront cost has come down to very low single digits and to tenths of a percent sometimes depending on the specific project. He stated you also get more savings on the long-term operations and maintenance of the building so that your cost-benefit analysis over the long term is a gain to the entity that builds it. He stated those are the tangible, economic benefits to the process; but there are also benefits to having better air quality for those using the building. He stated there is also better lighting and better flow that lead to better productivity. He stated he believes that there is a net benefit to the taxpayers.

Ms. Tyler asked Mr. Grenier what he sees this Ordinance change would apply to. Mr. Grenier stated currently the way the Ordinance reads, it would apply to a Township project that is greater than 2,500 square feet; and they would look at projects they are looking at in the future. He stated if there is a major building renovation that would be 2,500 square feet or more, it would also apply there. He stated he could see that it would apply to Satterthwaite because it is a approximately a 5,000 square foot building, and they could do this at Satterthwaite because there are many buildings across the Country that are historic buildings that have undertaken these procedures and choose the right products in a historic manner at no additional cost. He stated mostly it is just the products you pick and the methods you use.

Mr. Grenier stated he is an environmental scientist and works in these areas, and he has been a LEED AP since 2009 and has dozens of these projects across the Country. Ms. Tyler asked if Mr. Grenier would run the project. Mr. Grenier stated LEED projects like any building project, takes a team; and the Township would have a Green Building Administrator. Mr. Grenier stated they do not know when the next project will take place; and if he is here, he would help. He stated they would therefore put it on the Planning and Zoning person like Jim Majewski who typically has a skill set that meshes well with these types of projects and is a PE, or they could designate someone at the time who would be more appropriate if we have a Planning Director who is a planner and not an engineer and may not understand everything. He stated they could chose their Township engineer who may have that background or someone from the EAC who may be a LEED AP as well. He stated if they were planning on getting the plaque, they would have to assign a LEED AP, and they would get a point for that. Ms. Tyler stated that would come with a significant cost; however, Mr. Grenier stated it is not as much as it used to be. He stated it could be as little as \$2,000 based on the square footage of the building, but the main cost is sign-up fees and other administrative costs; and he does not always suggest getting the plaque as it is more of a selling point for those who make money on rents. He stated usually you have a couple LEED APs to look over it to make sure you are looking at all the categories since no one person can be an expert on all the various categories. He stated they would get an air quality expert, a mechanical expert, plumbing expert, a Site Plan person for the outside items, those who look at the building envelope, and people who do materials management; and that would be the team looking at all these items and then put it together as one project which is how you get the points.

Ms. Tyler asked when the LEEDs program began, and Mr. Grenier stated it officially began in 2004. He stated in High School he was a Certified Energy Auditor which pre-dated the U.S. Green Building Council and LEED so the concept has been around for some time.

Ms. Tyler asked Mr. Grenier if he knows the breakdown for the 30,000 LEED projects he noted earlier; and Mr. Grenier stated Standard, Silver, and Gold are approximately evenly spread, and Platinum would be 10% or less.

Mr. Lewis stated he was present last year when the Community Center was finalized and they realized that they did not meet the Ordinance, and Waived the Ordinance. He stated they then reduced the Certification level. He stated they want to improve operations and build on behalf of the taxpayers the lowest total cost of ownership, and he wants to make sure that they learn from history going forward. He stated there are other Agenda items where process and outcome were not what he would have liked so he is in strong support of this Ordinance not only for its benefit to taxpayers and the global environment but in terms of the Township getting better at executing the process. He stated while they may not have a large building in the future other than Satterthwaite, he strongly supports this.

Ms. Tyler asked the size of the proposed building on the Snipes Tract, and Mr. Grenier stated it is smaller than 2,500 square feet.

Ms. Tyler stated if the Township did not have a LEED Ordinance, she would agree with Mr. Lewis' comments; however, the Township has a LEED Ordinance, and we are achieving a high standard although it is not the Gold standard. She stated they did reach LEED level, and the Township is responsible in their building and also responsible to keep the costs down. She stated she does not feel that it would only be a 1% increase in cost between Standard and Gold. Mr. Grenier stated he can provide data on that.

Mr. Robert Abrams stated he has not been to many Township meetings in the past because he was very satisfied over the thirty-four years he has lived here; however, now he is hearing that everything is a regulation or an Ordinance, and the Township taxpayers are going to be "locked into something." He stated if there is an existing Ordinance that puts the LEED level at one point, it does not mean that they could not build something to the Gold level if it makes sense. He stated what they are doing now is taking the option out of it and are locking the taxpayers into something that could potentially be "devastating." He stated they should leave the level where it is and look at each item; and if they can move the level up if it is reasonable to the taxpayers and the Township as a whole they can do it. He asked what would happen if the rule costs the taxpayers \$4 million to \$5 million.

Mr. Lewis stated they had a rule of Silver, but the Community Center was not built to Silver; and the Board at that time waived the rule, and then lowered the Certification level. Ms. Tyler stated it was still LEED. Mr. Lewis stated with regard to Mr. Abram's comment about locking us in, when the process was not followed a prior Board said to "forget the process," and they waived themselves out of the process and then

weakened it. Mr. Abrams stated they should make it a minimum level. Mr. Lewis stated the question is about total cost of ownership. Mr. Abrams stated it is return on investment; and if they are putting the money up front and the return on investment is fifty years on a project that has a thirty-year life, he questions what they have done. Mr. Lewis stated in Lower Makefield we keep our buildings a long time. Mr. Fedorchak stated the Township Building was constructed over the course of the last forty years in different pieces, with the most recent in 1976; but the original goes back at least forty years. Ms. Tyler stated they may need to do a renovation of this building soon, and they will then have to rebuild it to LEED Gold.

Dr. Weiss stated Mr. Grenier had stated that moving from Standard Certified to Gold Certified would probably not have cost the Township any money. Mr. Grenier stated when they did the analysis for the Community Center, going from Certified to Silver they were able to identify processes, procedures, and materials that could have replaced what was used and gone from Certified to Silver at no cost. Dr. Weiss stated last year the architect indicated it was going to cost \$200,000 to \$250,000 to retrofit the Community Center to Silver after “we made the mistake.” Dr. Weiss stated he also remembers the Board asking how much money it would save them in heating costs had they been a Silver, and it was thousands of dollars over the course of a year so that it would have saved hundreds of thousands of dollars over the course of the life of the building. He stated the total cost of investment over the fifty years of the life of the average building in Lower Makefield would have been a significant savings to the taxpayers. He stated he understands that going from Certified to Gold would not only not increase the cost of construction or renovation but it would save significant tax dollars over the course of ten to fifty years.

Dr. Weiss stated if someone is saying to the Board that they are just making regulations that cost the taxpayers money, he would like to see proof tonight that making it Gold would cost taxpayers more money over the life of a structure since the Board is going to vote on it now. He stated what he has seen and heard over the last year, gives him no pause to vote in favor of this Ordinance.

Mr. Grenier stated Mr. Lewis made a good point about the importance of process. He stated while he does not know who was the responsible party from a process perspective, one of the issues with the Community Center that was “especially frustrating” was that once it was actually built, it was built without actual communication wires in the building; and they had to retrofit the building so they could put in phone lines and Wi-Fi as that was not part of the actual design. He stated there were also other basic necessities/amenities that go into any occupied building that were not included, and he feels that is a concern about process that they have to be very careful about when they do build something; and they should follow a process well so that they are not spending money after the fact on things that should have been done in the first place.

Ms. Tyler stated with regard to this Ordinance, she does not believe they can say that it will not cost more to get it to Gold. She stated it is very hard to have this discussion when they are not talking about a particular building. She stated she feels if they have the ability and funds to make it Gold, they can still make it Gold. She stated they are in LEED, and whatever level they are able to reach, they should have that flexibility.

Mr. Zachary Rubin stated he is in support of this Ordinance because the Township should be a model for not only public, but also private development. He stated we have a Low-Impact Development Ordinance which is for public use, and we try to set that as an example “for voluntary for private.” He stated we also have a Native Plant Ordinance which we try to make as an “exemplary example” so that private developers can follow it. He stated there is no reason why this Board should not set examples through their public works. He stated a 2,500 square foot or larger structure is going to last more than twenty to fifty years; and at the return of investment it is “so obvious” that if you spend the money now, in the long term you will save money as Dr. Weiss noted. He stated this is in the interest of the taxpayers and the environment, and it is a good example for private development to follow this Board.

Motion carried with Ms. Tyler opposed.

APPROVAL OF RESOLUTION NO. 2363 ADOPTING LOWER MAKEFIELD TOWNSHIP 537 PLAN

Mr. Fred Ebert, sewer engineer, was present. Mr. Ebert stated he is here for the Board’s consideration of the Act 537 Plan Special Study for the Neshaminy Interceptor. He stated what the Act 537 Plan does is to provide the sewage facilities planning for conveyance, treatment, and disposal. He stated this is not the entire Township; and is only for the area that flows to the Neshaminy Interceptor and then ultimately for treatment by the City of Philadelphia. Mr. Ebert stated this 537 Plan was a requirement of the DEP for us to update in order for the release of future EDUs and manage the capacity in the Neshaminy Interceptor. He stated it provides flow projections for the next twenty years in this sewer service area, and it provides for the means and identification that our flows will be conveyed through Lower Makefield Township, through the Neshaminy Interceptor owned by Bucks County Water and Sewer Authority, and the Totem Road pump station for treatment at the City of Philadelphia Treatment Plant. He stated this was a requirement of the Settlement Agreement in order to provide additional capacity between Bucks County Water and Sewer Authority, the City of Philadelphia, and PADEP.

Mr. Ebert stated the Plan before the Board and the Executive Summary serves four main functions and it is the incorporation of what was previously described in the Correction Plan which is how we are going to reduce the Inflow and Infiltration into the existing sewer lines so we can most efficiently utilize the available capacity. He stated rather than build bigger pipes, we are going to try to go back in and remove any additional water from entering in; although in the future we will have to build bigger pipes as we grow. Mr. Ebert stated the second thing it does is incorporate the Pennsylvania Department of Environmental Protection requirement of Bucks County Water and Sewer Authority to do an extensive evaluation of options for the Neshaminy Interceptor, and Lower Makefield has to adopt those; and it is basically the lining of the existing Interceptor and costs approximately \$18 million of which Lower Makefield will pay its proportionate cost. He stated it also incorporates all the requirements of the Agreement that we signed with Bucks County Water and Sewer Authority on February 7.

Mr. Ebert showed on a Plan the three areas that go to the Neshaminy Interceptor. He reviewed the upgrades, including the estimated costs, that need to be done by the Township some of which they will work on with the developers. He also discussed future allocation of flows. He stated the Township is committed to upgrading two pump stations, implementing the Corrective Action Plan, and it will cost approximately \$50,000 a year for the reduction of I and I.

Mr. Ebert stated the Act 537 Plan was reviewed by the Township Planning Commission and received their approval. He stated it also went to the Bucks County Planning Commission who had some minor comments and they have been made. He stated the 537 Plan went out for public comment, and they received public comment from the Morrisville Municipal Authority; and most of their comments were actually relative to the next 537 Plan that they will be discussing to see what are the options to divert flows from the Neshaminy, and he received direction on February 7 to do that study. Mr. Ebert stated if this Plan is recommended for adoption, it will be forwarded to DEP which will review it. He stated many Townships are going through three or four reviews; however, DEP has already received the draft of this, and they have provided some minor comments back that have been incorporated. Mr. Ebert stated once it is approved by DEP, they will then release the EDUs. Mr. Ebert stated they have changed their policy as previously the “deal” was that if the Plan was submitted, we would get the EDUs; however, that has been changed and now the requirement is that it needs approval by DEP.

Mr. Ebert stated this process is very similar to what the Board did recently with regard to the Yardley Plan, and he advised the Board that Plan was received without any additional comments.

Dr. Weiss moved and Ms. Blundi seconded to approve Resolution No. 2363 Adopting the Lower Makefield Township 537 Plan.

Ms. Tyler thanked Mr. Ebert for the “incredible” job he has done with a huge scope of work, and she thanked him for the clarity of the reports that he provides them and the dedication he has shown to our community helping them consider the most possible options and stay in compliance with the State.

Mr. Grenier stated he is the Sewer Authority liaison, and Mr. Ebert has been a great resource for this issue and other issues that they are looking at.

Mr. Fedorchak stated with respect to the Capital Improvements that Mr. Ebert has identified as part of the Plan, he would recommend to the Board that they finance those on a pay-as-you-go basis and incorporate them as part of the Operating Budget. Mr. Fedorchak stated they did receive notice that the Yardley Borough 537 Plan was approved. He stated the Township has an Agreement in place with Yardley Borough, and the Township is Party to three major capital improvement projects as part of the Transmission Agreement and it is also part of this 537 Plan.

Mr. Fedorchak asked Mr. Ebert if any of those projects have been let out to Bid at this point, and Mr. Ebert stated they have not.

Mr. Harold Kupersmit stated at the last meeting he made the Board aware of potential dangers; and he asked if they have done any testing to find out if there are any “super bugs” in the by-products from the process in Lower Makefield, Morrisville, Bensalem, the Interceptor, etc. Mr. Ebert stated they have not done that. Mr. Kupersmit asked Mr. Ebert why he has not done any testing; and Mr. Ebert stated stated all Lower Makefield provides is conveyance, and the treatment responsibilities reside with the Morrisville Municipal Authority and the City of Philadelphia.

Mr. Grenier stated Morrisville Municipal Authority has Conditions in their DEP Permit for discharges; and in order for them to be compliant with that Permit, they have a series of testing to do which is mostly related to the “bugs” essentially. Mr. Grenier stated he did a tour at Morrisville a few months ago, and he asked them that question asking if they have had any violations and what they were seeing of concern; and their concerns were not necessarily around bacteria and “bugs,” and most treatment facilities now are moving more toward concerns with plastics because they do not treat for plastics which is why there are plastics in the oceans as well as pharmaceuticals. He stated because people are taking more pharmaceuticals, they are getting more into our systems; and if they are not treated at the treatment plant, they end up in our systems. He stated they are testing for those, and they have not had any major issues with bacteria and other living organisms to date.

Mr. Kupersmit asked if Mr. Grenier is giving no credence to the what he is reading; and Mr. Grenier stated that is not true, but at the Morrisville Municipal Plant they do testing, and they have to provide the results of their testing, and they have not seen that particular issue at the Morrisville Plant. Mr. Kupersmit asked Mr. Grenier if he is saying that in all of Lower Bucks County, the Interceptor, and Bucks County Water and Sewer Mr. Grenier is certifying to all the residents that there are no “super bugs” in the treatment facilities in Lower Bucks County. He stated Mr. Grenier is making a blanket certification and is impugning his integrity by what he just said. Mr. Greiner stated he is advising about the data that Morrisville provides them from their scientists who test the water and their effluent. Mr. Kupersmit stated Mr. Grenier is certifying that there are no “bugs” in Lower Makefield Township treatment facilities and all the Township residents can rest. Mr. Kupersmit stated there are 23,000 people every year in the Country that die from infections related to bacteria and 2 million are sickened which he does not feel is insignificant. He stated this is an issue that has to be addressed, and the Board should address it. He added his Motion is now with the Supreme Court in Washington because his Motion with the Supreme Court in Pennsylvania was dismissed because they have a personal vendetta against him, and the Police Chief is aware of that because he is the one who had him arrested.

Mr. Abrams stated based on his bill, he feels that Lower Makefield is paying between 20% and 40% more than Morrisville, Yardley, and Newtown Borough. Mr. Fedorchak stated Mr. Ebert was not tasked to do a rate study. Mr. Abrams stated it has been indicated that our investment will be another \$18 million; and Mr. Ebert stated that will not just be Lower Makefield, rather it will be spread out across all the customers of the Neshaminy Interceptor which is approximately thirteen Municipalities plus Parx Casino, the George School, and Korman Commercial. He stated it will be spread out over a thirty year bond. He stated he believes Lower Makefield is responsible for its proportionate cost which he believes is approximately 12% of that total cost over thirty years.

Mr. Abrams stated there needs to be a justification as to why Lower Makefield residents are paying between 20% and 40% more as far as their water and sewer expenses than everyone else in the surrounding area. He stated this Interceptor will also be part of our costs. Mr. Abrams asked why Lower Makefield is so disproportionate to everyone else around us. Mr. Fedorchak stated he does not necessarily agree with Mr. Abrams analysis; and while he has not done a rate analysis recently comparing Lower Makefield to other communities, when they had done one a few years ago, the conclusion was not anywhere close to what Mr. Abrams is indicating this evening. He asked Mr. Abrams to send him his calculations, and he would be willing to look into this; and he feels the comparison will be far more favorable than what Mr. Abrams is suggesting tonight.

Mr. Joe Menard asked Mr. Ebert if our 12% share of the \$18 million is going to be included in our annual treatment costs or will this be an additional capital contribution. Mr. Ebert stated that is part of sewer rental charges for conveyance and treatment that Bucks County charges Lower Makefield as a bulk customer. Mr. Menard stated we can then expect an increase in our rates; and Mr. Ebert stated he believes that when we do our Budget, Bucks County provides us an estimated increase. Mr. Ebert stated he believes that there is also an increase from the City of Philadelphia to Bucks County which they pass on to us. He stated Bucks County also has to include their Debt Service for this to us which leads to the overall rate increase that gets passed on to the customers.

Mr. Menard stated Mr. Fedorchak just talked about costs to be paid to Yardley. Mr. Ebert stated he has estimated approximately \$50,000 a year for the removal of inflow and infiltration, lining, etc.; and because that is not a capital job, that is an ongoing cost that we will have every year. He stated he agrees with Mr. Fedorchak's recommendation that this not be capitalized, and that would become an operating cost. Mr. Menard asked Mr. Fedorchak which line item in the Budget is that \$50,000 provided; however, Mr. Fedorchak stated he is not sure that they put anything in for 2018. Mr. Menard asked if there will be any costs in 2018 for this, and Mr. Ebert stated while there will be some, this 537 Plan is just being considered by DEP now which is after the Budget. He stated they will have to pay a portion of it this year.

Mr. Menard stated with regard to capital they know there are additional costs that will be coming from Yardley although they do not know the amount because they have not gone out for a Contract. Mr. Ebert stated that was in the 2015 Agreement and there was a cost-sharing allocation, and he believes monies may have already been borrowed as part of the Bond Issue last year. Mr. Menard asked if those monies have been spent, and Mr. Fedorchak stated they have not. Mr. Menard stated when you look at the Capital Projects Budget for the sewer, we are ending 2018 with a \$646,000 deficit, and he asked where the money would come from to pay the additional costs that have not yet been spent. Mr. Fedorchak stated it will come from the Sewer Operating Budget. Mr. Menard asked where the money will come from to cover the \$646,000 deficit, and Mr. Fedorchak stated moving forward it will come from the Bond Fund; and we will take some from the Bond Fund, and moving forward he had recommended that they look at an additional sewer rental rate increase in 2019. Mr. Menard stated there is a \$646,000 deficit in the Sewer Capital Budget, and he asked where is the money to pay for that. Mr. Fedorchak stated that will all ultimately be covered by the 2016 Bond issue. Mr. Menard stated there are unspent monies that are not reflected in this Budget. Mr. Fedorchak stated it is "a snapshot in time." Mr. Menard stated what he is saying is that there is "another pile of money" that we are not seeing in the Budget, and Mr. Fedorchak agreed that it is not in the Sewer Budget. Mr. Menard asked where in the Municipal

Budget have they disclosed the funds that are remaining from the 2016 Bond Issue, and Mr. Fedorchak stated it is in the Bond Fund. Mr. Menard disagreed with Mr. Fedorchak and stated that it is not there.

Mr. Menard stated people have been voicing concerns about the rate increases; and there is really nothing that can be done about it overall because the costs are assigned to us. He stated the transmission costs and the treatment account for approximately 80% of the Budget, and the Township has very little control over what those costs are.

Mr. Menard stated when he looked at the Operating Budget for the Sewer, it is projected that we will end 2018 with a \$766,000 deficit. He stated there is a rate increase for 2018 of which about 9.91% is projected to be realized in 2018 which means that there is an additional 4.95% that will be realized in 2019. He stated they will end 2019 with a \$1.258 million deficit, and he asked how they will pay for that. Mr. Fedorchak stated he had recommended at the end of last year going into this Budget season a 25% rate increase to cover all of our costs; but he also recommended that it be phased in and to not do it all at one time to make it easy on the ratepayers. He recommended that we do 14 ½% for this year, which was implemented, and a 10% plus or minus rate increase going into 2019. Mr. Fedorchak stated while he is not certain what will happen by the end of this year given that Mr. Ebert had added a few extra items to include in the 2019, he still feels that he will be right, and they will have to increase the rates by at least 10% and perhaps more going into 2019. He stated that will depend on a number of variables.

Mr. Menard stated just to cover the \$1.258 million projected deficit for 2019, they are going to need a 19% increase in 2019. Mr. Fedorchak stated they are going to look at it over a multi-year period as he just discussed. Mr. Menard stated he does not feel that Mr. Fedorchak let everyone know we were running a \$1 million deficit.

Motion carried unanimously.

UPDATE AND MOTION ON MAKEFIELD ROAD

Mr. Phil Wursta was present with a power point presentation as to how they are moving forward. He stated they have met with Chief Coluzzi and Mr. Hucklebridge on a number of occasions. He stated they determined that it would be best to coordinate all of their improvements in the area of Makefield Elementary at least for now given the \$30,000 constraint the Board had given them. He stated they are using this as a pilot program for Makefield, and it is to heighten the awareness of drivers' proximity to Makefield Elementary as the School really blends in with the

neighborhood; and adding what they discussed at the last meeting will make a nice improvement to the area. He stated these immediate improvements would include upgrading the warning signs which would fall under Mr. Hucklebridge's responsibility. He stated it would also include center line rumble strips with the yellow reflectors, and edge line rumble strips with white reflectors which will also act as a narrowing as they are going to move that white line toward the center line to narrow the lanes. He stated they will also provide a raised crosswalk which will be an asphalt "speed hump" but it will be flat on the top for pedestrians to cross, and it will include two new ramps on each side of that crosswalk. Mr. Grenier asked if that is similar to a speed table, and Mr. Wursta agreed.

Mr. Wursta stated they have already reached out to PennDOT regarding increasing the time of operation of the existing flashers so Pennwood Middle School and Makefield will both be increased as to the time for approximately one half hour before and after School. He stated they have also included warning School Zone pavement markings which will be painted on the street. Mr. Wursta stated this will all take place in the vicinity of Makefield School. He stated he believes as part of the process, they will be slowly moving the School Zone for a longer stretch.

Mr. Wursta stated a letter was submitted to PennDOT regarding the flashing timer adjustments, and they are working with Public Works and Chief Coluzzi to prepare Bids along with the prices for the work. He stated currently cost estimates are that the signing will be done by Public Works for approximately \$500, the center line markings are \$5,200, edge lines \$12,400, pedestrian crossing \$12,600, timing is a small amount that the Township contractor will handle, and the pavement markings are \$2,100. He stated when they did the original estimates, they were considering that it would be the whole road; and when you take the quantities to a smaller level, you have to pay a higher price per linear foot than you would if you were doing a mile of road.

Mr. Wursta stated the total cost is estimated to be \$31,200, and some things that are unavoidable as far as budgeting include the construction activities which include the mobilization stake out for the contractor, contingencies, and construction inspection. He stated there is probably no erosion control for this project as there is a very small amount of paving that is going over the top of existing asphalt so that cost should be minimal. He stated they also have to account for the possibility of something being discovered once they begin work. He stated the contingencies are not within the \$30,000 and come to a total of \$17,000 or \$17,500. He added they do not have the specific Bids yet, and these are just estimates.

Mr. Wursta stated once all of these improvements are put in, they are recommending that they evaluate the effectiveness of those improvement; and they will do speed studies to see if this specific area of Makefield Road is working.

Mr. Wursta stated they will also talk to the constituents and the Board to find out what everyone thinks about driving this section of road. He stated depending on that evaluation, the next step could possibly be upgrading the Elementary School flashers which would extend the speed limit to the School Zone recognizing that PennDOT is the approving authority for this even though it is not a State road. He stated they would have to coordinate that with the School District. He stated with Design, Permit, and construction it would cost approximately \$75,000 to move one flasher. He stated these would have mast arms with the flasher over the middle of the lane rather than on the side. He stated the Chief is working on a potential cost sharing with the School District adding it is not uncommon for many Municipalities to do this and even to have the School District bear the cost of School Zones.

Mr. Wursta stated if everything seems to be working, the next step would be planning to extend those same improvements for the length of Makefield Road in an organized fashion. He stated this could set a precedent for the rest of the Township if something comes up elsewhere. Mr. Wursta stated he would ask that the Board relax the \$30,000 standard to include the contingencies, etc. that he had discussed. Mr. Truelove asked how much additional would be needed. Mr. Wursta stated total was estimated to be about \$48,000 so he would ask for a not to exceed of \$50,000. Chief Coluzzi stated that would be an additional \$20,000 over what the Board previously approved.

Mr. Lewis asked the likelihood of the contingencies and whether that would be a worst-case scenario. Mr. Wursta stated there are contingencies just for that reason. He stated construction inspection estimated at 15% may not be that high, but it would depend; and they like to have that cushion, and if it is not used it could be applied to the next project. Chief Coluzzi stated it is important to have that when you are seeking proposals or going out to Bid so that you do not have to do it over again if it comes in over the cost. Mr. Grenier stated for construction projects, a 15% contingency is not huge in his experience. Mr. Wursta stated it also gives a cushion as to material costs, etc. He stated this is a relatively small paving and improvement project so it is not something a large paving company would go after; and if they do, they would be charging a high price. Mr. Grenier stated contingencies for projects like this is more for labor than materials. Mr. Wursta stated part of that is traffic control and whether or not they will need flagmen, etc.

Mr. Grenier asked the overall number of days they feel it would take to get done. Mr. Wursta stated he feels if they get good weather, it would be a week of work. Chief Coluzzi stated it depends on how fast they can get started on the proposal. Mr. Wursta stated they would like to split the project up with regard to each contractor. He stated pavement markings would be handled by a separate contractor, and the paving would be handled by a paving contractor who will

also most likely be the one who is installing the rumble strips and reflectors as well. He stated he feels that this is a maintenance operation so that there is some leeway as to how it is Bid out. Mr. Grenier asked if he does not believe that there is one contractor that could do it all; and Mr. Wursta stated when you put out for specifically for pavement markings and reflectors, they charge a premium for that since they just sub it out. He stated they have a good relationship with some pavement marking companies that would like to have this work.

Chief Coluzzi asked Mr. Wursta to discuss in more detail the lane narrowing and how far in either direction of the existing School Zone they will go. Mr. Wursta stated he feels they will extend the School Zone area approximately 300' in each directions. He stated when they narrow the road, they will take the white line and move it in one foot closer to the center line. He stated you will feel it as the driver and you will see it approaching from the normal lane because of the reflectors especially in the evening and rainy weather. He stated it will provide some amount of traffic calming but it will not be a major speed reducer although they believe that it will help and will bring an awareness to this different situation right at the School.

Mr. Grenier asked if the lengthening will extend in either direction to the major crossing intersections, and Mr. Wursta stated it will go Homestead and 200' to the other side of W. School Lane. He stated the next time he comes, he can circulate a map which shows the location of the new signs, the lights, the reflectors, etc. Mr. Grenier asked with regard to the timing of the School Zones, did they check to make sure that it matches up with the other Schools in the Township, and Mr. Wursta stated they only looked at these two Schools. Chief Coluzzi stated there are different situations for the Schools in different areas of the Township and different requirements for the timing and Permits for those. Mr. Grenier stated they do not want to confuse drivers on the same road with regard to the speed they are to travel.

Ms. Tyler asked for a further description of the proposed raised crosswalk; and Mr. Wursta stated it is like a speed hump, and it will be 10' to 12' wide across the road. He stated they want to put a ramp in at certain spots and they will go out to determine the exact location. He stated it will be painted with School Zone pavement markings in front of it as you approach the crosswalk from the north going south. He stated it will also have signs on it saying crosswalk. He stated it will look like a normal crosswalk, but it will be "kind of a speed hump." Chief Coluzzi asked how high it will be off the ground, and Mr. Wursta stated it would be 4" to 6". Ms. Tyler asked what would a driver have to reduce their speed in order to be able to get over the hump, and Mr. Wursta stated you can probably go over it at 20 to 25 miles an hour. Ms. Tyler stated this would be a lower speed than the speed limit which is 35 mile per hours, and then there will be a speed hump across the road that you need to go 20 miles per hour to get over.

Ms. Tyler stated with regard to the increase in funds, the Township needs a partner in the Pennsbury School District as the Township does not have extra money; and we need Pennsbury to step up. Chief Coluzzi stated he has opened discussions with the School District and he will take the Superintendent up on his comment that there is no price on safety; and since there are two Schools on Makefield Road, the School Board should have input both with the design and the cost.

Ms. Tyler stated she is concerned about putting a speed hump across Makefield Road. Chief Coluzzi stated it is not the type of speed hump that cars will be bouncing over. He stated it is a 15 mile per hour Zone when the School Zone is in effect, and cars can go over it easily. He stated it is really a platform for pedestrians to be more visible when crossing during School and after School. He feels this will make them more noticeable, and this is a safety issue. He added if he felt it would harm traffic or cars if they were going over too fast and became out of control, he would not have agreed to it. Mr. Wursta stated he should not have described it as a speed hump and was only trying to provide a description of something they may have seen before. Ms. Tyler stated apart from School hours, this road has a 35 mile per hour speed limit, and without flashing lights people going 35 miles per hour on Makefield Road are going to come upon a speed hump that they cannot travel over at 35 miles per hour. Mr. Wursta stated they are going to see warning signs that say “raised crosswalk.” He stated the top will be flat. Mr. Truelove stated there are similar ones in Doylestown Borough.

Ms. Tyler stated they have had requests for speed humps in a lot of different places in the Township, but they have never been approved. She asked if this is appropriate on a 35 mile per hour road. Mr. Wursta stated he will check to see if the figure of going 20 miles per hour over the crosswalk is correct; and he agrees they would not just want to have an obstacle in the road that you have to go over 20 miles per hour; however, they are going to be signing it and tying it in smoothly. Mr. Lewis stated the impact of a raised crosswalk on a car depends on the type of car going over it. Mr. Wursta stated the design is not yet done for the raised crosswalk.

Ms. Tyler stated there is another issue at Sandy Run where they have an actual speed problem because of sight distance. She stated if a speed table is appropriate anywhere, it would be Sandy Run; and she asked why if they are not considering it there, they are considering it for Makefield Road. Ms. Tyler stated she feels that once they put a speed table on Makefield Road, they will get requests for numerous speed tables so they need a consistent policy with regard to speed tables. She stated they had a number of engineering reports none of which have supported that there is a speed problem on Makefield Road. She stated she recognizes that they are trying to keep pedestrians safe and make it easier to cross, but employing a speed hump is something they have never done in the Township, and they need to consider where this is going to take them. She stated Makefield Road is not a side

street, rather it is a main thoroughfare in the Township. She stated she feels they should consider this further. Mr. Wursta stated this is not a speed hump – it is a raised crosswalk, and it would be done according to regular design standards and will pose no safety issue associated with driving over it at the prevailing speeds. Chief Coluzzi stated he understands Ms. Tyler’s concern, and Mr. Wursta can address this with the design of the crosswalk and the grade going over.

Chief Coluzzi added that when they did the evaluation of Edgewood Road prior to the installation of the chicanes, they did talk about the possibility of having three raised crosswalks across Edgewood Road to get from the Township Building to the ball fields, etc. He stated when you are discussing speed humps, you usually talk about a series of them one after another for speed on side streets which usually are not ever approved by the residents because of the noise and the wear and tear on vehicles. He stated this is not a hump – it is a raised crosswalk. He stated Mr. Wursta should go back and look at the speed to go over the raised crosswalk and design it for the ramp, plateau, and ramp going down to see what the grade is and the impact that would have on a vehicle going over it. He stated raised crosswalks can be designed many different ways at many different heights.

Mr. Grenier stated speed tables impact driving similar to driving over train tracks. Ms. Tyler stated while she understands this, it is a 35 mile per hour road; and she asked if that is permissible. Mr. Wursta stated it is not a speed control device. Ms. Blundi stated she feels they need more information on this as she is not sure what they are actually going to do. Chief Coluzzi stated the reason for the raised crosswalk was not really to slow speeds down, rather it was to make the crosswalk more visible from a distance as it is slightly elevated and marked. He stated they are trying to temper driving speed by narrowing the lanes further in advance on either side of the actual crosswalk. Mr. Wursta stated they also want to raise the awareness of the School with all these improvements. He stated he misspoke using the term “speed hump.”

Mr. Lewis stated he is in support of the raised crosswalk as he has driven that road at night and the crosswalk is difficult to see. He stated all the techniques they are considering are designed to engage drivers in safer driving behavior. Mr. Lewis stated if they choose to do more after they have done this initial amount of work, that is when he would go to the School Board aggressively. Chief Coluzzi stated he would like to advise the School Board of what they have determined needs to be in place and the final cost and see what they say with regard to their financial contribution. He stated if they intend to move further with other improvements, they should be involved in that as well.

Ms. Tyler asked for more information about the rumble strips. Mr. Wursta stated they had discussed lane rumble strips which are similar to those that are prior to a toll booth; however, they discounted those since they make a lot of noise. He stated a lot of streets have the rumble strips on the side which is what they are proposing.

Dr. Weiss moved and Mr. Grenier seconded to accept Mr. Wursta's contingencies not to exceed a total amount of \$50,000 which includes the originally authorized \$30,000.

Ms. Mariann Carroll, 13 E. School Lane, asked about the timeframe for extending the School Zone lights. She stated at Pennwood it is posted on the sign from 7 a.m. to 9 a.m. so it is a two hour period, but at Makefield it is only a forty-five minute period. She stated if they can make it a two-hour period at Makefield it would be helpful since there is a group of Middle School students who cross Makefield to get to William Penn, and this usually occurs at 7:30 a.m. She stated she would actually like it to begin at 6:30 a.m. since High School students stand on Makefield, and you cannot see them. Ms. Carroll asked that they do whatever the maximum amount of time that they are allowed to do in order to accommodate those going across at 7:30 a.m. and then coming back between 3:00 p.m. to 3:15 p.m. Ms. Carroll asked if there are specified maximum time limits set by PennDOT. Mr. Wursta stated they base it specifically on the start and stop times of the School, and they have found that a half hour on each side is the most. He stated currently they have 20 minutes on one side and a half hour on the other, so they are going to even that up. Ms. Carroll stated there is a pre-existing condition at Pennwood. She stated the Middle School starts at 8:00 a.m., and the timing at Pennwood currently is 7:00 a.m. and she would like to keep that and move it over to Makefield as well. She stated if they say the time "for School" and not "the School," we could incorporate William Penn and Makefield in terms of the hours. She stated she would like to see them have the absolute maximums that they can.

Chief Coluzzi asked Mr. Wursta if they could try to make Makefield equal to Pennwood since that is what the Board had requested earlier, and they would not want to confuse the drivers with different School times. He stated whatever Pennwood is, if PennDOT would approve that for Makefield as well, they should try to do that.

Ms. Carroll asked about the extension of the length of the School Zone. She stated she believes it was represented that the current School Zone is between 400' and 500', and Chief Coluzzi stated it is 600'. Ms. Carroll stated they are adding 600', and she asked if that is the maximum that is allowed. Chief Coluzzi stated they are adding on the south side 205' and on the north side 320' in addition to the existing 600'. Chief Coluzzi stated TPD took into consideration the side streets and went as

far out as they could without being obvious to PennDOT since what they are doing is actually extending the School Zone without “officially extending the School Zone.” He stated the only thing they are not doing is moving the lights which would be a major project to do without PennDOT’s approval.

Ms. Carroll stated she is confused about the cost if they are not purchasing new lights; however, Chief Coluzzi stated they would be purchasing new lights because they would be updating the lights and putting on the mast arm. He stated moving lights is very expensive because of the electricity, underground conduit, new fixtures, etc. He stated putting the mast arm on substantially increases the costs. Ms. Carroll stated the \$75,000 would be putting the overhead in, and Chief Coluzzi agreed. Ms. Carroll stated if they were just to extend the current lights they have, that would not cost \$75,000 since that would just be the foundation and electricity. Chief Coluzzi stated it would be slightly less. Ms. Tyler stated the point is that if they are going to go to the trouble of doing that extension, they should go all the way.

Ms. Carroll asked if it is reasonable to say that if it is a week’s worth of work by the time they put together plans and consider the weather, it could be done in two months; however, Chief Coluzzi stated he does not believe so. Mr. Wursta stated while they will try to get this done as soon as possible, it would be a much easier project to do while School is not in session. He stated this would also depend on the Bids they get and the contractors’ availability.

Ms. Carroll noted the importance of the Police being on Makefield Road for traffic calming. She stated she feels many of the speeding offenders are locals. Ms. Carroll stated all the surrounding communities around Lower Makefield are not afraid to embrace speed humps and it has improved their quality of life. Ms. Tyler stated while she does not disagree, she feels that if they are going to adopt a speed table here, it will not be the only one so it bears further consideration. Ms. Carroll stated as they are embracing change on Makefield Road, she feels they need to think of it more broadly for the whole community as there is a systemic traffic problem across the Township. She stated a number of people on her street were in favor of speed humps on their street. She stated they also need to address the problems on E. School and W. School as well.

Ms. Tyler asked if they would entertain an Amendment to the Motion that it be subject to the School District’s contribution. Mr. Lewis stated the Board did publically state that they would spend \$30,000 and the contingencies might not be used. He stated he would rather move forward and then get a cost-sharing arrangement with the School District for the larger items. He stated the Township could easily say “no” to a number of de minimous items that the School District has been asking the Township for if we are willing to make investments for them here.

Chief Coluzzi stated they will only pay the amount of the proposals that come in that the Board approves; and they would not want to have to reject proposals because they are over \$30,000.

Motion carried unanimously.

UPDATE ON SANDY RUN ROAD

Mr. Wursta stated he was unsure why this was on the Agenda for this evening. He stated he met with Amy Kaminski of Gilmore who did a report and she agreed with what he had originally proposed as options to fix the situation which were to move the road approximately 100' to 114', put in the chicanes, or cul-de-sac the road. He stated this would now be a decision for the Board; and other than that, anything else would probably be an Executive Session item.

Chief Coluzzi stated he has a meeting scheduled with counsel tomorrow at 1 p.m. with Mr. Wursta present to discuss options. He stated counsel will then brief the Board very soon and a determination will be made on what to do. Chief Coluzzi stated the only options being considered to fix the situation are what Mr. Wursta originally presented as he just noted.

Mr. Lewis stated they have gone through over thirty different options. Mr. Lewis stated the chicanes did prove to reduce speeds which means they will probably need to move the road less and potentially save money that way. Mr. Wursta stated they still feel that if it can be done for relatively the same cost, they should move it as far away as they can which is why they were looking at 100' to 114'. He stated they would have the chicanes but they would be landscaped and nicer looking.

Mr. Grenier asked that when they look at moving the road, they should pay special consideration to proximity to the one hundred year floodplain and wetlands as that would involve more Permits, more money, and more time.

Dr. Weiss asked if it would be feasible at the second May meeting to see a final solution, Sketch Plan, and cost estimates if they take the cul-de-sac off the table. Mr. Wursta stated he can have sketches and estimates at that meeting.

Ms. Tyler asked why they would not consider speed tables here. Mr. Wursta stated they could not put them close to the tracks. He stated with regard to Edgewood in front of the Municipal Complex and the other end, the raised crosswalks may be suitable and that could start to slow the traffic. He stated speed tables are viable traffic calming but it depends on the number and their placement whether they will work.

A woman residing on Fairway Drive, stated she feels they have basically been told nothing about Sandy Run. She stated if they were not going to discuss this, she wishes they would have been told this three hours ago as she and a number of her neighbors came here for an update, and now they have heard that maybe by May they will know something. She stated they were told nothing tonight that they did not already know.

Mr. Chris Yasinac, 252 Reading Avenue, stated the last time this was discussed he brought in photographs of suggestions on how to raise Sandy Run; and he provided them to the Chief who gave them to Mr. Wursta who spoke to him by phone a few weeks later. Mr. Yasinac stated they have already tried the chicanes, and he asked if there is a way to get temporary speed tables to see if that would make sense. Mr. Wursta stated the chicanes worked and the speeds are where they want them to be but they still need to move Sandy Run as far as they can move it, stay out of the floodplain, and not have to replace the bridge. He stated speed tables will work in a series along Edgewood further down to the east; but for this area, that would not be pertinent. Mr. Yasinac asked if Sandy Run and Edgewood could be raised to mitigate the concern with regard to the floodplain. Mr. Wursta stated the chicane worked and reduced the speeds so they can move Sandy Run. He stated once they would start to raise Sandy Run, that would involve the profile of Edgewood Road; and when that happens they would use a substandard vertical curve that is not in accordance with the Township standards. He stated if they remove some of the hill, they will have a steeper slope which will not meet the standards; and if they raise it, they would flatten out the curve which would take the approach onto the bridge. Mr. Yasinac asked if they could not raise the approach from the bridge eastbound; and Mr. Wursta stated while you could, you would not meet the design standards of the curve. He stated the Township has a set of design standards in their Ordinance and there are other Highway Design criteria. He stated the problem at Sandy Run Road was created in some fashion, and they cannot correct that problem by adding a substandard curve as that would be a liability if we were to ignore our own standards.

Dr. Weiss stated TPD and Gilmore determined the best options to fix the situation at Sandy Run, and Mr. Wursta agreed. Dr. Weiss stated there are two options – move the road and have permanent chicanes or a cul-de-sac; and he believes it is the consensus of the Township that a cul-de-sac is “off the board” so that leaves them with moving the road and having the permanent chicanes. He stated Mr. Wursta has already indicated by the second May meeting he can have the details to the Board. He stated he feels they should consider this at that time.

Ms. Tyler stated if they have to move Sandy Run Road down toward the bridge, land will need to be condemned which is a legal process; and this could take additional time. Mr. Truelove discussed which area would need to be taken and advised that he had been asked to investigate who were the property owners. Mr. Truelove stated it is owned by a number of people from the same family; and he had been advised by one family member that there is another family member who would be opposed to any type of condemnation although that property may not need to be condemned depending on which side of the road they would need to condemn. Mr. Truelove stated he agrees with Ms. Tyler that a condemnation process would be required; and even if it is a friendly condemnation, it will take a few months to accomplish. Ms. Tyler stated it would also involve additional costs which she does not believe Mr. Wursta has factored into this.

Mr. Yasinac asked if the previous engineer who created this problem will be held responsible, and Chief Coluzzi stated they cannot speak to that situation at this time. He stated he has indicated earlier that they are meeting with counsel in regard to that tomorrow, and counsel will then brief the Board of Supervisors privately on any matter that is potential litigation.

Mr. Yasinac stated he appreciates Dr. Weiss' candor in terms of getting this done the right way; and he feels the last thing most of them want would be a cul-de-sac. He stated they also do not want emergency services to be delayed, and they like the convenience of the road.

Mr. Lewis stated when they seek damages from the responsible party, they will consider the fact that there is an inherent social cost they have experienced by having the road closed. He stated there are approximately 2,000 people who use that road every day, and he feels it is probably \$500,000 in economic loss for the community because it takes more time. He stated he appreciates the frustration of the community which is why they want to go after the responsible party or parties and seek not just a reconstruction but also economic damages as well.

Ms. Kim Nacewicz, 252 Reading Avenue, stated many people walk and bike on the road and children use that road to get to the Pool; and there is a lot of glass on it, and it is not well maintained. She stated if that could be addressed, it would be helpful.

PRESENTATION OF 2017 BUSINESS SURVEY RESULTS

Mr. Dan Compain was present on behalf of the Economic Development Commission to discuss the key findings of the 2017 Business Survey results. He stated they had 83 out of 395 mailed responses which is a 21% response rate which is down slightly

from the 26% they had in 2016. He stated of those who did respond, 94% of respondents live in Lower Makefield or Bucks County which is higher than the prior two years. He stated 90% of the respondents in the 2017 survey rated the business climate in Lower Makefield Township as good to excellent which is up slightly from 88% in 2016. He stated that 90% would recommend Lower Makefield as a great place to do business, and that is up from 84% in 2016 and 81% in 2015. He stated as in prior years enthusiasm for the Lower Makefield Business Association was half in favor and half against.

Mr. Compain stated there is a page in the report which describes the results of the survey based on the different types of businesses in Lower Makefield, and the composition of the businesses that respond to the Survey are largely unchanged with the majority being medical and dental. He stated a third of the respondents have been located in the Township for over twenty years; however, 28% of the respondents are new to the Township having opened their business within the last year to five years. He stated the report also shows the business respondents by location with office parks and condos being the most favored location. He stated on average each business employs eleven full-time and part-time staff. He stated they found that on average businesses plan to increase their hiring by about three full-time or part-time employees over the coming years.

Mr. Compain stated the next set of questions in the survey talked about why businesses choose to do business in Lower Makefield; and for the second year overall the quality of life and the community feel was the reason for most businesses to have their business in Lower Makefield. He stated the top three reasons are unchanged from the prior year's survey. He stated they found it surprising that cost was not one of the top reasons for locating in Lower Makefield nor was the skilled workforce. He stated the overall business climate was noted, and Mr. Compain stated 90% indicated that Lower Makefield was good to excellent. He stated 33% plan to either expand their businesses or add new products and services over the coming years which is up slightly from 28% last year. Mr. Compain stated no respondents indicated that they plan to reduce their business.

Mr. Compain stated the final page shows a ranking of the business attributes with the key item to note being that as prior surveys have indicated, the top attributes ranked as most important are access to roadways, low crime, parking, and the tax climate and the fact that the Township has no earned income tax.

Mr. Compain stated the survey provides for responders to indicate what the Township could do better to enhance the business climate and other open-ended questions, and low taxes and no earned income tax were noted and that there is a

customer base that is generally affluent. He stated another key recurring theme for those choosing to locate their business here was the ability to avoid having a long commute. He stated the key areas to improve were road quality, signage, and the conditions of the roads during the winter. He stated one business noted that they found some difficulty with the Permit process in order to expand their business.

Ms. Tyler stated this is a helpful snapshot of the businesses; and it will be interesting to see the impact once Flowers Field is built out. Mr. Lewis stated the intensity of some of the open-ended questions was less this year than in past years which is a positive element. Ms. Tyler asked when the survey went out, and Mr. Compain stated it was in the summer.

APPROVAL OF WIDENMEYER LOT LINE CHANGE

Mr. Truelove stated this matter was reviewed by the Planning Commission which recommended approval.

Mr. Robert Snider, professional land surveyor, was present and stated he was responsible for the survey and preparing the Plan. He stated they attended the Planning Commission meeting in February, and they granted approval. He stated they did not have the County Planning Commission letter at that time, so there were a few items in that letter that they have to address.

Mr. Snider stated Ms. Widenmeyer has owned the two parcels for thirty years, and there is a kennel and a house on the property. He stated she found out late last year after having a survey done, that one of the parcel lines goes through the kennel office building. He stated she would like to clear this up so that at some point if it is transferred to her son or daughter, there would be a line that is not going through a building.

Mr. Snider stated the Township engineer reviewed the Plan, and they will comply with all items. He specifically noted Item #3 with regard to utilities, and Mr. Snider stated they did an extensive utility investigation and did find out recently that there is one small water line going from a well to the house that they would encompass with an Easement as per the review letter. Mr. Snider noted the Bucks County Planning Commission letter which brought up the issue of the shared driveway, and there is a regulation that the property line has to be 5' away from a driveway. He stated with the shared driveway now, they were going to have the property line essentially go down the middle of the driveway and have an Easement on it. He stated they will add a Note regarding maintenance on the Plan and the new Deeds so that will be clarified. He stated a Waiver would need to be granted from the requirement to be 5' away.

Mr. Snider stated this is not a standard Subdivision, and no new Lots are being created. Mr. Truelove stated he understands that Mr. Pockl's office had no problem with the request, and Mr. Pockl agreed.

Mr. Truelove stated the Applicant would be looking for Board action to grant the Lot Line change subject to the comments in the engineering review letter, approval by the Lower Makefield Planning Commission, and asking for a Waiver of the driveway location as noted in the Bucks County Planning report; and Mr. Snider agreed.

Mr. Snider stated the only other item that came up in the Bucks County Planning Commission letter is that they did not show an ultimate right-of-way line since this is an existing Lot, and they are not creating any new Lots. He stated the Bucks County Planning Commission brought up that it is in Subdivision Ordinance that they should create the ultimate right-of-way along the road. He stated if the Board feels that is necessary for this Application, they will do that; however, he felt a Waiver would be more appropriate.

Mr. Pockl asked if there is any physical utility, monument, or something that would be within the area between the existing right-of-way and the ultimate right-of-way, and Mr. Snider stated there is a utility pole, a sewer clean out, and some vegetation. Mr. Snider added putting the ultimate right-of-way on there would not create any setback hardships or area problems.

Mr. Grenier asked if there are easements associated with the utility pole and the clean out, and Mr. Snider stated the utility pole is almost right at the legal right-of-way line. He stated PECO is the owner, and it is the overhead wires that run along Reading Avenue. He stated the sewer clean out is for the sewer line going to the house. Mr. Grenier stated that would be private, and Mr. Snider agreed.

Ms. Tyler asked for further clarification with regard to the right-of-way issues. Mr. Snider stated the legal right-of-way for Reading Avenue is 16 ½' from the center of the road; and in the Ordinance it states that if you are doing a Minor Subdivision you have to offer the area to the ultimate right-of-way which is 28' from the center of the road. Mr. Snider stated they did not show that, and it came up in the Bucks County Planning Commission review letter that they felt that they should show it so they will either add it or request a Waiver.

Mr. Pockl stated they would be dedicating 12' along the frontage of their property to the Township. He stated it would be a relocation of the right-of-way.

Ms. Tyler asked Mr. Truelove to comment on what would be appropriate. Mr. Truelove stated he does not feel they should grant a Waiver, and they should adhere to the Ordinance to be the most safe.

Mr. Grenier stated he would agree with Mr. Truelove adding in the future it may be easier for Mr. Snider's client to deal with future issues if all of that is adhered to so that there is no question about right-of-way locations and it is just spelled out on the Plan. He stated he would be more in favor of going with the ultimate right-of-way and not granting the Waiver.

Mr. Snider agreed to change this on the Plan.

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to approve the Widenmeyer Lot Line change subject to the Applicant complying with all terms in the engineering report and to further grant a Waiver of the shared driveway requirement found within the Ordinance.

DEFERRAL OF MATRIX RESIDENTIAL DEVELOPMENT AGREEMENT

Mr. Truelove asked that this matter be deferred to another meeting. He stated they did receive some comments from council for Matrix a few days ago, and his office sent back their responses this morning; but did not hear back. It was agreed to defer this matter.

Mr. Truelove stated the Board met in Executive Session beginning at 6:55 p.m. and items of personnel, litigation, and informational items were discussed.

ZONING HEARING BOARD MATTERS

With regard to the Chris and Melissa Haley Variance request for property located at 1172 University Drive in order to permit construction of a screened porch and patio resulting in greater than the permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board met last evening and a pool request was approved. He stated the Golf Committee met last week to review revenue and expenses year to date and discussed improvements including beverage revenue.

Mr. Grenier stated the EAC met and discussed the electronic recycling coming up. He stated Park & Rec Board also met and they discussed the number of proposals going on at the Community Center and parks and the possibility of some new camp programs. He stated the Planning Commission reviewed some potential Ordinances and the Octagon/Dunkin' Donuts project.

Ms. Tyler stated the Electric Reliability Committee met, and they will be sending a letter to PECO and do a storm response review with them. Ms. Tyler stated she has been receiving e-mails and phone calls from the community near Silver Lake who are looking to have gas lines which is a standard procedure for PECO; however, PECO charges the residents to run the infrastructure line and the residents have asked the Township to lobby on their behalf. Ms. Tyler asked Mr. Fedorchak to help her find the correct contact for this. Ms. Tyler stated the Martha Washington Garden Club has arranged for Comcast to do an Earth Day clean up at the Slate Hill Cemetery on April 21, and anyone interested in helping was advised to contact Ms. Tierney.

Ms. Blundi stated the Citizens Traffic Commission discussed the Dunkin' Donuts project. She stated the Financial Advisory Committee had their first meeting; and while not all of the members could be there, they did do some goal setting. Next month they will elect their Officers.

AWARD OF BID FOR SIGN MATERIALS

Mr. Hucklebridge stated the Board received the information on the Bids for sign materials for 2018/2019 and he reviewed the Bid results from the Bucks County Consortium Bid. He stated these Bids were in line with last year's costs. He stated there was a Budget of approximately \$40,000 for sign materials which includes a number of other items as well so he feels it will be well within that range.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to award the Bid for sign materials as outlined by Mr. Hucklebridge.

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

Respectfully Submitted,

Kristin Tyler, Secretary

