

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - MAY 2, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 2, 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

Ms. Casey Shaeffer, 2327 Lakeview Drive, stated Full Heart is the charity she started to promote community involvement by kids and to raise funds to benefit those in need. She stated they will be starting the paperwork to become a non-profit organization later this year. She reviewed the activities they have done over the years. She stated their third Full Heart Carnival will be held Saturday May 5 from 11 a.m. to 3 p.m. at Chester Meadow on Lakeview Drive, and she reviewed the activities to take place that day. She stated they have already raised \$4,000 towards this year's goal of \$5,000. She stated this year's Carnival will benefit number of organizations including a Soldier's Hands which provides products for 3,200 troops. Ms. Shaeffer thanked her sponsors for their help. She stated to help, make a donation, or find out more about Full Heart, information is available on Facebook and Instagram.

Ms. Marianne Carroll, 13 E. School Lane, asked if the formal communication from the Supervisors was sent to the Pennsbury Superintendent with regard to the cost sharing for additional traffic calming on Makefield Road. Chief Coluzzi stated there has not been a formal written communication, but they are verbally discussing it with the Superintendent. Mr. Carroll stated she was advised that a similar communication was sent by another party for a cost-sharing project with the School District, and there was an issue about the way it was drafted, and that it needed to be in compliance with School Codes. She stated she feels there should be some

urgency since we are heading toward the end of the fiscal year. Chief Coluzzi stated he does not know what the issue could be with regard to School Codes and a letter, and he asked that Ms. Carroll provide him with any information she has about that. Ms. Carroll stated two days ago when the School Zone lights were on requiring a speed of 15 miles per hour, one of her neighbors observed a car passing another car in front of Makefield Elementary School. She stated this morning her husband observed speeding cars not stopping at the crosswalk as children were waiting at 7:30 a.m. trying to cross. Ms. Carroll asked if there is a free Patrolman at 7:30 a.m. she would like them to start ticketing people for not observing the crosswalk.

Ms. Carroll stated she was a member of the public who had to sit in the audience at the last meeting for three and a half hours waiting to make comments on Agenda items that were of concern to the public related to quality of life issues and public safety; and in the future she asked that when issues like that come up, that they be moved to the front of the Agenda before matters that might be more bureaucratic, which could wait until the later part of the meeting.

Mr. Harold Kupersmit, 612 B. Wren Song Road, provided information on eliminating “super bugs.”

Mr. Robert Abrams, 652 Teich Drive, stated at the last meeting he learned that some people on the Board are in the green/environmental industry; and if they are passing Ordinances requiring the taxpayers to pay to “line their or their friends’ pockets,” he feels that is a conflict of interest. He stated he feels anyone involved in the green industry should not vote on any projects because they will be “taking care of themselves or taking care of their friends” which will not make the community any better. He asked anyone on the Board who is there for that purpose, to resign.

Mr. Abrams stated at the last meeting Mr. Fedorchak had asked him to forward his sewer analysis which he did. Mr. Fedorchak stated he agreed to look into the numbers Mr. Abrams provided, and his numbers were correct. Mr. Fedorchak stated as Mr. Abrams had indicated at the meeting, his water consumption is low at 4,600 gallons; and Mr. Abrams had compared his bill to select communities based on that 4,600 number which was a fair analysis. Mr. Fedorchak stated the Township broadened the analysis; and with the assistance of Mr. Hucklebridge and Adrienne who handles Sewer billing, they looked at the Township sewer rates and developed a report which is a comparison of Lower Makefield Township sewer rates to other communities. He stated Lower Makefield’s average usage, based on the last quarter, is over 14,000 gallons so Mr. Abrams is very much below that usage. Mr. Fedorchak asked Mr. Hucklebridge to provide information on the comparison which was done.

Mr. Abrams stated he has found out that there are other options besides Morrisville. He stated they are putting \$18 million into a bad pump next to the Railroad tracks which is a bad location to put a pump because of the continuous vibration going by. He stated he feels we are just doing what Morrisville is telling us to do, and they are asking Lower Makefield to put up \$45 million or \$70 million; and Morrisville is going to run it, and Lower Makefield will have no say in it and have to keep paying the bills for "mismanagement."

Mr. Fedorchak stated as he reported previously at a Board of Supervisors' meeting, the Board of Supervisors is not going to take a "back seat" on a going-forward basis on this issue. He stated Morrisville has presented to Lower Makefield and Yardley Borough their vision which is to build a new sewage treatment plant to be located on U. S. Steel property at a cost of \$155 million. Mr. Fedorchak stated the Lower Makefield Board of Supervisors and our Sewer Authority have been actively engaged in trying to understand what is going on; and they had tasked the Township's sewer engineer, Fred Ebert, to analyze what Morrisville is doing as well as looking at options. Mr. Fedorchak stated one of the options was whether it was possible to upgrade the existing Morrisville plant within the property area; and Mr. Ebert's opinion was that was possible, and the cost could be approximately \$70 million, and while that is still a lot of money, it is better than \$155 million.

Mr. Fedorchak stated Lower Makefield is also looking into other options, and last year he and Mr. Hucklebridge had two meetings with the CEO of the Lower Bucks Authority. Mr. Fedorchak stated he told them that we were interested in finding out if the Township flows could go in that direction. He stated Lower Bucks analyzed the data and reported back to the Township that they are interested. Mr. Fedorchak stated therefore one of the options that will be costed out in the future is what would it take and how much it will cost to disconnect from the existing Morrisville plant and take it directly to Lower Bucks. Mr. Fedorchak stated they are looking at every possibility and will do their due diligence in this matter.

Mr. Hucklebridge provided a sewer rate comparison of the 2018 quarterly sewer charges. He stated they used figures of 6,000 gallons usage in a quarter as well as 14,000 usage, which is more comparable to the average usage in Lower Makefield. He stated Lower Makefield's rate is structured more toward the average user so that when you look at the lower usage, Lower Makefield would be the second highest out of the list of ten area Municipalities although even that is actually close to the average within that list. Mr. Hucklebridge stated for 6,000 gallons, Buckingham Township is \$175 .85 per household with Lower Makefield at \$109.01. He reviewed the remainder of the rates which included five Municipalities at \$100.83 per quarter. He stated the lowest is Morrisville Borough at \$36.96.

Mr. Hucklebridge stated looking at 14,000 gallons, Lower Makefield is in the middle. Mr. Hucklebridge stated he also showed approximately how many total customers each of the Authorities have. He stated approximately 50,000 residents from other Authorities have higher bills than in Lower Makefield with Yardley Borough being the most expensive at \$215 per quarter for the 14,000 gallon use, but they only have 950 customers so there is an order of magnitude. He stated Lower Makefield has approximately 10,500 customers and are at about \$130 per quarter for the average use. He stated the least expensive is Morrisville which has 3,161 customers at \$86.24 per quarter.

Mr. Lewis stated 70% of Lower Makefield Township is serviced by Morrisville Municipal Authority and the other 30% are through Bucks County Water and Sewer, and both of those have increased rates with Bucks County Water and Sewer actually being much higher on a cost per gallon basis than MMA.

Mr. Fedorchak stated he had reported that 80% of our Sewer Operating Budget is fixed costs, and most of those costs are either in transmission fees to the Authorities or in the form of Debt Service, with most of the Debt Service being paid going towards Capital improvements to those Authorities. Mr. Fedorchak stated once Mr. Hucklebridge has completed his analysis, they will post it on the Township Website; and this was acceptable to the Board.

Ms. Tyler stated Bucks County Water and Sewer handles the Township's billing, but this is a totally separate issue from sewer service.

Mr. Grenier stated one of the things the Sewer Authority is discussing is doing a five-year "look back" at the projects we have had to pay for with the different Authorities and determine what has been budgeted for versus what was paid as well as what we may be looking at in the future. Mr. Fedorchak stated they have been putting together a minimum of three-year Capital Budgets; however, they are not seeing where the Authorities who have proposed certain Capital improvements are following through on the schedule that they gave Lower Makefield so it is getting more difficult for Lower Makefield to forecast our Capital needs at any given time.

Mr. Fedorchak stated we hope that DEP will shortly approve our 537 Plan, and there may be items in there that had not been anticipated last year in the way of Capital improvements, as well as further I & I reductions, and DEP may come back and advise them that they need to increase the amount of inflow we are removing from the system which may have a significant impact on the Capital bottom line. Mr. Fedorchak stated he would like to bring Mr. Ebert back before the Board at some point to discuss the sewer situation.

Mr. Abrams stated in reviewing the analysis that was just provided it shows that as the gallon usage goes up so does the spread between Lower Makefield and Morrisville; and he has a problem as it seems we are only a customer and being “double dipped.” Mr. Fedorchak stated there are more things that go into our rate structure which are Capital improvements that Lower Makefield is financing that are unique to Lower Makefield’s system. He stated we also have Falls Township and Bucks County Water and Sewer Authority so our total rate is more than just based on Morrisville.

#### APPROVAL OF MINUTES

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of April 18, 2018 as written.

#### PARK AND RECREATION REPORT

Ms. Monica Tierney was present. She stated the Pool will open May 26, and the staff is working hard. She added that last year there was a lot of feedback about the entry system, the length of time it was taking, and the paperwork required if you are buying a Pool pass. Ms. Tierney stated they will be utilizing the Community Pass Program which has a Point of Sale system that will be tapped into. She stated they will now be able to take credit cards and print receipts so it will be a lot easier when you enter the Pool. Ms. Tierney stated if you have a guest or have forgotten your Pool pass, you will have to enter through the front gates so your information can be looked up or use the Point of Sale system. She stated for everyone else, provided you have your key tag, you can scan in at any gate. Ms. Tierney stated they have a new food vendor as well this year. She stated to date there are 1,361 total registrants with total revenue of \$458,995. She stated that is a little behind this same point last year, and she attributes it to the weather. Ms. Tierney stated they are doing pool painting, line painting, and replacing fixtures, some chairs, signs, etc.

Mr. Lewis asked if people will be able to use the fob to pay for food; and Ms. Tierney stated you cannot, but you can use a credit card.

Ms. Tierney stated with regard to the Community Center they offered forty-seven classes in the spring offering, and they only had to cancel twelve due to low registration. She stated they had fifty-seven registrants for the spring classes. Ms. Tierney stated based on feedback, they will be offering sixty-seven classes in the summer; and since the Program Guide was put on-line two weeks ago, they have had twenty people register for summer classes with very little promotion.

Ms. Tierney stated total revenue they have generated so far from rentals is \$1,350 and total revenue generated from programs so far is \$4,530. Ms. Tierney stated long-term planning would be to send out a mailer once they have generated some more revenue. Ms. Tierney stated they have programs and rentals for programs approximately forty hours a week. She stated the busiest times are 9 a.m. to 1 p.m. Monday through Saturday, and there are some evening classes and programming. She stated they have finalized an Agreement with the Quilter's Guild who will be using the facility once a month, and they have paid for the whole year. Ms. Tierney showed a copy of the Program Guide which is available at the Township.

Ms. Tyler asked how the Seniors are adjusting, and Ms. Tierney stated they are doing great. Ms. Tierney stated their Membership is growing since the start of the year. Ms. Tierney stated there is also some cross over between the Seniors and the other programs. She stated there are different ages making use of the Community Center particularly on Tuesday when there are three year olds through ninety-two year olds in the building.

Ms. Tierney stated with regard to the Dog Park, there was a meeting two weeks ago with the contractor and Boucher & James; and they did a walk through of the Dog Park. She stated some of the things that were not getting completed are now going to be finished by the Township. She stated there are some things that the contractor does owe the Township, and they are now working on that. Ms. Tierney stated the gate scan needs to be completed, and they also need the water fountain and some benches, as well as signage including the sponsorship signage. She stated they will be working on this in the coming weeks. Ms. Tierney stated they anticipate that it will take up to six weeks to get everything installed, and they are anticipating a June 12 soft opening. She stated all of the cards of people that have registered will start on June 12, and they should be able to access the Park on that day. Ms. Tierney stated she plans to send out an e-mail out to everyone who has registered so that they know. She stated currently there are 268 dogs registered for the Park, and 454 people have completed the orientation class. She stated revenue generated so far is \$4,600.

Mr. Grenier stated he would like to see an "after-the-fact" analysis to see what they could have done better. He stated last year when the Board of Supervisors approved this, the Budget was approximately \$212,000 just for the contractor; and to date the contractor has billed the Township \$230,000. He stated he knows that the Township is taking over some of the things that the contractor was supposed to do so he is concerned about that. He stated Boucher & James has also billed the Township approximately \$125,000 for engineering on the Dog Park. He stated the Dog Park was supposed to cost \$212,000, and Boucher & James' original estimate was \$150,000. Ms. Tyler stated when we put the Grant Application in, they estimated the total cost of the project to be \$150,000. Mr. Grenier stated he

is concerned that there are engineering costs that are almost as much as their original estimate for the Park. He stated he would like to see what Boucher & James' involvement was since it seems the cost is excessive.

Ms. Tyler stated the entrance fob for the Dog Park is the same system as the entrance system for the Pool so you will have one fob; and if you belong to both you would have that singular card to use. Ms. Tierney agreed that there is one fob for both only if you are registered. She stated if you only have a Pool membership and try to use it at the Dog Park and you are not registered at the Dog Park, it will not work.

Ms. Tierney stated Community Pass is the on-line registration system, and it is linked to LMT.org. She stated she was receiving a lot of complaints about how long it took to register, so she contacted Community Pass advising them that this was unacceptable; and they have come through, and it is now very easy to use with just a few clicks to sign up for anything. She stated you do have to register for an account. She stated there is an interactive link to all the Township Parks so anyone in the Township can click on it and check out the Parks. She stated this is also on the LMT.org Website. She stated it lists the amenities at all the Parks.

Ms. Tierney stated they have had a number of requests for company picnics and to reserve the volleyball courts for the entire day, and the Park & Recreation Board is recommending that we charge a \$10 per hour fee per court if someone wants exclusive use for the day. Ms. Tyler asked what is the fee to reserve a pavilion, and Ms. Tierney stated it is \$10.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve the \$10 per our rental fee for a volleyball court.

Ms. Tierney stated the Park & Recreation Board has also recommended a bench donation proposal. Ms. Tierney stated she has been with the Township since last summer, and she has had five requests to donate benches. She stated she feels that there should be a standard bench so that it is consistent throughout the Parks, and there are other Townships that have a similar program. Ms. Tierney stated they reviewed a number of options, and she showed a picture of the bench that the Park & Recreation Board decided that they liked the best. She noted the Fee structure provided. She stated the break even cost for the bench itself is \$1117.00.

Ms. Tierney stated they came up with a number of sites where benches could be placed. She stated people have requested to have benches at Veterans Park around the playground, and they could put them along the walking path there as well.

Ms. Tierney stated they could also put benches at Memorial Park along the walking path as well as six benches at the Community Center. She stated she is looking for approval from the Board to start this program and use this particular bench.

Ms. Tyler asked if Township employees will be doing the installation, and Ms. Tierney agreed. Dr. Weiss asked if there is a minimum donation price in mind, and Ms. Tierney stated they were looking to break even on the bench.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve the Bench Program as outlined by Ms. Tierney.

Ms. Tierney reviewed what they have been doing for the Park spring prep including water being restored to all restroom facilities which are now open and mulch added to all the playgrounds and seating areas. She stated diamond dirt has been delivered to the ball fields, and all the fields have been seeded. She stated regular trash maintenance has been restored as has mowing and trail maintenance. She stated Kids Kingdom will be painted in mid-May, so there will be four days of closure at Kids Kingdom; and this will be posted on the Website. She stated this is the only Park that will be closed.

#### ENGINEER'S REPORT

Mr. Pockl stated they have been working on several Capital projects including the Snipes athletic fields where they engaged with a consultant to complete a balloon test, and they will be flying balloons at the height of the light towers and taking photographs from surrounding neighborhoods to observe the balloons to see what is visible. He stated the test is weather dependent, and last week there was poor weather. He stated they attempted to do the test this Tuesday; however, the wind above the trees was higher than what was felt on the ground, and they could not complete the test. He stated they anticipate doing the test early next week. Mr. Pockl stated they also completed a walk through with the Building and Planning Department and the Parks & Recreation Department on Tuesday.

Mr. Pockl stated they have visited Memorial Park and received the executed Agreement from DCED for the Grant and provided qualifications to Mr. Fedorchak for this work.

Mr. Pockl stated they have completed the nine bridge inspections, and they anticipate the draft report to be issued to the Township by the end of the week.

Mr. Pockl stated with regard to the Township Road Program, they have taken core samples and surveyed the handicap ramps. He stated they are including the bike path along Covington Road within the scope of work for the Road Program. He stated they anticipate the draft Bid package to be completed before the next Board of Supervisors meeting with the Bid in late May. He stated they anticipate the award of the Bid in June with construction to take place in July and August. He stated the goal is to have the Road Program completed before School starts.

Mr. Pockl stated the Satterthwaite House environmental assessment was completed on April 13, and the information has been sent to the lab. He stated they are waiting on soil sample results. He stated asbestos was found in various locations throughout the house, and lead was found in the paint.

Mr. Pockl stated they will bid Woodside Road bike path separate from the Road Program, and they have reached out to the Joint Toll Bridge Commission to get the CAD files as they do not want to survey again if they already have the information.

Mr. Pockl stated they inspected the paving at the Schuyler Park tennis courts on April 23, and they have noted the serious cracking throughout. He stated they are preparing a report on their findings and recommended repairs/costs for various repairs. He stated they anticipate completing that report by mid-May.

Mr. Pockl stated they have reviewed the Preliminary Plan submission for Caddis Healthcare at 1667 Dobry Road. He stated they also held a Technical Review Committee with TPD, Ebert Engineering, the Building and Planning Department, the Police Department, and the EAC so that they can provide a “unified voice” to the developer in their review of that project. He stated he issued the review letter today.

Mr. Pockl stated they are in the process of meeting with the developer of the Dobry Road townhomes to clarify comments and discuss the required Variances.

Mr. Pockl stated they plan to meet with Public Works and the EAC on Monday, May 14 concerning the ongoing maintenance of stormwater management facilities and the naturalization of the existing and future stormwater management basins.

Mr. Pockl stated Grading Permits they reviewed include 404 Big Oak Road and Lots 132-134 Regency Carriage homes.

Mr. Pockl stated at Regency at Yardley North Phases Four through Seven, they have inspected some tree damage concerns from adjacent neighbors and have reviewed it with the Building and Planning Department. He stated he has sent his recommendations to Toll Bros. who seemed amenable to help resolve this issue.

Mr. Pockl stated with regard to Regency at Yardley South Carriage Homes, a pre-construction meeting was held on April 30; and work is permitted to proceed on those Phases.

Mr. Pockl stated they completed the walk through with the developer of Brookshire Estates and Township staff for the punch list. He stated they still need to document the outstanding landscaping requirements. He stated they are awaiting a meeting with the Homeowners Association and their engineer.

Mr. Pockl stated Oakmont (Moon Nurseries) has ongoing construction, and there are no concerns. Mr. Pockl stated there is also ongoing construction at Estates at Sandy Run with no concerns.

Mr. Pockl stated with regard to Scammel's Corner, he attended a meeting with the property owner of Lot 1 along with Township staff, the developer, and their engineer concerning a schedule to address punch list items and resolution of homeowners' concerns. He stated he is waiting for the developer to provide an As-Built survey of the Plan to proceed.

Mr. Lewis stated with regard to the Schuyler Road tennis courts, he thanked Park & Recreation for fixing the nets quickly. Mr. Lewis stated with regard to the courts, he understands that there is a potential that some of the recent fixes were not done correctly in terms of sinkhole management. Mr. Pockl stated he was able to look at almost a cross section of the paving by looking at the edge; and he saw the original asphalt that was laid down with the coating on top of it, and then another layer of asphalt and the new coating on top of that. He stated it seems that instead of going in and repairing any cracks that were in the original asphalt area, they just laid down new asphalt on top. Mr. Pockl stated when you do that what tends to happen is that the cracks from below mitigate to the top, and it provides a less stable base for the asphalt that is on top; and the asphalt on top will deteriorate at a quicker rate. Mr. Lewis stated Mr. Pockl is looking at that to provide a cost estimate, but the lifespan is also not what it should have been; and Mr. Pockl agreed.

Mr. Lewis asked if there would be a warranty on this adding that this project was overseen by a prior engineer. Mr. Fedorchak stated they should look into what kind of maintenance contract there was on that. Ms. Tyler asked when this was done, and Mr. Fedorchak stated it was around the same time they did the Revere courts.

Mr. Grenier asked if there was a spec that was written up, and Mr. Fedorchak stated typically the protocol is to first take care of the cracking. He stated what they have done with other tennis surfaces has been that if there is a 1" crack, they widen it out, back fill it, and tamp it down to upgrade the existing wearing surface to the extent possible before they put in the new surface. Mr. Pockl stated he is not sure that was

not done from his observation as he was not able to see down to the original surface. He stated he was just basing his assessment off of an observation of the cross section at the edges of the perimeter of the tennis courts.

#### REAUTHORIZATION OF ORDINANCE AMENDING THE SALDO NOTICE REQUIREMENTS BASED ON PLANNING COMMISSION RECOMMENDATIONS

Mr. Majewski stated in April there was a discussion on Ordinance amendments to the Public Notice section of the Subdivision and Land Development Ordinance in order to provide a more thorough notice to the Township residents. He stated at that time the Board authorized to advertise it. Mr. Majewski stated he went to the Planning Commission meeting with the Amendments where they discussed it and heard comments from a number of residents. Mr. Majewski stated the Planning Commission unanimously recommended that the proposed changes be adopted with the exception of certain items.

Mr. Majewski stated the Planning Commission recommended that for the mailing that is done at the start of a project the current 1000' radius should be kept as opposed to the 500' that had been recommended. He stated they also recommended that in the subsequent Notice that is done, which is above and beyond what is required by the Municipalities Planning Code and beyond what most other Townships do, that there be a reference included as to the size and scope of the project. Mr. Majewski stated the advertisement to be done by the Township would have had that anyway; however, the Planning Commission wanted it quantified in the Ordinance.

Mr. Majewski stated he is now back before the Board of Supervisors to request re-authorization to advertise the Ordinance amending the Township's Code related to Subdivision and Land Development Notice requirements.

Mr. Grenier moved and Ms. Tyler seconded to amend the proposed Ordinance to incorporate the Planning Commission's recommended changes.

Mr. Truelove stated the Motion would also be to authorize advertisement.

Mr. Lewis stated he is in favor of the amendments and endorses the 1000' radius and also believes the Certified Mail structure improves notice. Mr. Lewis stated he feels this will be one of the most rigorous Notice requirements of any Municipality in Bucks County, and Mr. Majewski stated he feels that based on his review of twenty Municipalities, Lower Makefield's is the most thorough and encompassing.

Mr. Grenier stated he agrees with Mr. Lewis; and at first his only concern with regard to the radius was to make sure that it did not put too much of a burden on the Township staff, but after speaking to them he understands that going from 500' to 1000' would not effect that much.

There was no public comment and the Motion carried unanimously.

Dr. Weiss moved, Ms. Tyler seconded and it was unanimously carried to publish the proposed Ordinance changes.

#### AUTHORIZE AMENDMENTS TO BAMBOO ORDINANCE

Mr. Majewski stated last year they discussed some of the issues they had with bamboo. He stated he has reviewed this with the solicitor, the Planning Commission, and members of the public. He stated based on those discussions, before the Board is a request to authorize advertising an Ordinance amending the Township Code related to bamboo which is Chapter 84. He noted some minor changes that need to be made. He stated a change needs to be made as to the method of removing bamboo and they have come up with wording as follows: "It should be in accordance with the recommendations of an independent, qualified expert familiar with the growth, removal and/or eradication of bamboo."

Mr. Grenier stated he did advise the EAC of the proposed changes, and they felt these were very practical changes which improved the Ordinance.

Mr. Grenier moved and Ms. Blundi seconded to authorize amendments as described by Mr. Majewski to the Bamboo Ordinance and publishing them.

Ms. Phyllis Maguire, 1100 Buckingham Way, stated she feels this is a great addition adding she feels there are a lot of landscapers who do not have the expertise or the equipment to do this. Ms. Maguire stated she is confused about some of the language in this Section as earlier in the Ordinance there is very specific language about the type of barrier and the material. She asked because there are two different Sections that talk about the barrier one of which is very specific and the other much more vague if that will lead to confusion when the Township is trying to enforce it. Mr. Truelove stated his partner, Ms. Kirk, has been doing most of the work on this; and he has not heard that is an issue in the litigation that has ensued so far, and if it does, they will re-visit it. Mr. Truelove asked Mr. Majewski if he has heard whether that was an issue so far, and Mr. Majewski stated he has not heard that specific item was an issue.

Ms. Maguire asked for an update on what is happening as no remediation has happened so far. She stated the Ordinance was passed in July, 2016, and the complaint came in during 2016. Mr. Truelove stated he believes that there has been some litigation, but there have also been some discussions about a resolution. He stated he is not aware that there has been an agreement that eradication was not appropriate and should not be pursued. Mr. Majewski stated he understands that the one property owner did engage the services of someone qualified to remove bamboo, and he understands there is a signed Contract. Mr. Truelove stated he believes that might be Ms. Maguire's neighbor.

Ms. Nancy Hamill, 207 Garber Drive, thanked the Township for their work on the Bamboo Ordinance. She stated she and her husband filed a complaint in November, 2016 against the same property owner that Ms. Maguire referred to. She stated it is a very large infestation of the most aggressive species of bamboo, and there has been no remediation. She stated there is finally a Contract in place after eighteen months. She stated she wants to make sure that changing the Ordinance will not have any adverse impact on that Contract. Mr. Truelove stated it will not; and in fact, it may be more helpful. Ms. Hamill asked if the new Ordinance would require her to have to file another complaint, and Mr. Truelove stated it would not. Ms. Hamill stated they had to file a Freedom of Information Act request every time they wanted a update, and she asked if that is appropriate. She stated she felt that they could just be given courtesy copies of correspondence over time. Mr. Truelove stated the issue is because it involved other Parties, and there is a process. He stated with the Right-To-Know Act, she actually has more access now than she would have had ten years ago before it was passed.

Ms. Hamill stated this is how she learned about the Contract being in place; however, they did not actually get the Contract, and they just got a cover letter from the bamboo owner's attorney to Lower Makefield. Ms. Hamill asked if she would be allowed to see the Contract. Mr. Truelove stated she could request it; however, he is not sure that it would be considered a Record of the Township per se. He stated she could request it, and he would then look into it. He stated if the Case were to go to Court, they would have to produce it as part of their Case to prove that they satisfied the Ordinance. Ms. Hamill asked if she can assume that someone in the Township has reviewed the Contract to make sure that there are standard items in it such as milestones, start dates, completion dates, etc.; and Mr. Truelove stated he would have to discuss this with Ms. Kirk from his office as she is the one who has been involved in this with the counsel for the property owner who has the bamboo issue. Ms. Hamill asked if she will be told the answer to this or does she have to do a formal request for that information. Mr. Truelove stated he was not sure, and she could contact him.

Ms. Hamill asked how will the Township ensure that this will actually happen as they have been waiting patiently for eighteen months. She stated she has a 200' wall of 40' to 60' bamboo "coming over." Mr. Truelove stated this was a "test case," and it will take a little while although it is progressing in the right direction.

Motion carried with Ms. Tyler opposed.

#### APPROVAL OF MATRIX RESIDENTIAL DEVELOPMENT AGREEMENT

Mr. Truelove stated this has been through discussions with the counsel for Matrix, and it has been reviewed by Mr. Majewski, Mr. Fedorchak, and his office. He stated there have been some modifications to the standard Agreement, but it is in order. He stated there is a benefit to the Township once some of these units are built.

Ms. Tyler moved and Ms. Blundi seconded to approve the Matrix Residential Development Agreement as outlined by the Township solicitor.

Mr. Zachary Rubin, 1661 Covington Road, asked what this will bring the total number of residential units with Toll Bros. plus the Matrix Residential to; however, Mr. Truelove stated he did not know, although this one is 62 single-family detached units in lieu of the 165 multi-family condominium units proposed on the original Plan. Mr. Rubin stated if you take the number of Regency of Toll Bros. plus these 62, it comes under what was agreed to in the "Court Amendment Resolution," and Mr. Truelove agreed. Mr. Rubin asked if these are age-restricted, and Mr. Majewski stated they are.

Mr. Rubin asked what is the progress of the Dunkin' Donuts which would be next to these units. Mr. Truelove stated it is in the vicinity. Mr. Rubin stated he knows that it is a separate development, but it is still owned by Matrix. Mr. Truelove stated it is still in the review phase. Mr. Majewski stated that property is not owned by Matrix, and it is owned by a subsequent property owner. He stated they have gone to the Planning Commission who recommended approval, and it should be coming to the Board of Supervisors soon. He stated the time to act on the Plan expires June 1, and it is incumbent on the Applicant to make sure that they have all the necessary information to allow the Board to make a decision either at the May 16 meeting or at a subsequent meeting. Mr. Rubin stated he was not implying that the Dunkin' Donuts was owned by Matrix, but the land that the Dunkin' Donuts is being built on is part of the original Court Agreement, and Mr. Truelove agreed. Mr. Rubin asked if there is relief involved in the recommendation, and Mr. Majewski stated there are a number of Waivers to the Plan. Mr. Grenier stated he believes it is Conditioned upon responding to the engineer's letter. Mr. Grenier asked if they have received any traffic information yet since that was the "big outstanding item." Mr. Majewski

stated we do have some traffic information; however, they are compiling that into something more useful. He stated if they can get it to the Township by next week, it is possible that they could be at the May 16 Board of Supervisors meeting or, if not, it will be a subsequent meeting.

Mr. Lewis stated they will make sure that the developer is in compliance with the Residents Against Matrix Final Agreement as approved by the Court, and that analysis is being done by the solicitor's office.

Motion carried unanimously.

#### COMPREHENSIVE MASTER PLAN DISCUSSION

Mr. Grenier stated at the last Planning Commission meeting, they voted on three items within the Comprehensive Plan since technically that last meeting was the deadline that the Board of Supervisors had given them. He stated the areas voted on were Transportation, Sewer, and removal of some language from the Land Use Section. Mr. Grenier asked for Mr. Majewski to discuss the schedule going forward for the Board of Supervisors to look at the Comprehensive Plan updates.

Mr. Majewski stated he has not had a chance to get a detailed schedule together on that, but it may come before the Board of Supervisors in July.

#### CADDIS ASSISTED LIVING PLAN UPDATE

Mr. Majewski stated the Caddis Assisted Living Plans have been submitted, and they are scheduled for the Planning Commission meeting on May 14 at 7:30 p.m. He stated the review letters and Agenda should be posted on-line shortly, and letters have been mailed out to residents within 1000'.

Mr. Grenier stated our professionals, staff, and others had a Technical Review Committee meeting specific to Caddis; and he was pleased with that process which should be good for both the Township and the Applicants in the future going through that process.

#### PROJECT UPDATES

Mr. Lewis stated the Township and Mr. Majewski have been doing a good job on giving updates on the status of projects within the SALDO process. He stated the Planning and Zoning Section of LMT.org provides an update of all pending projects

and where they stand with details on each project. He stated Mr. Majewski has done an excellent job of keeping people up to date on this and it helps reduce the number of questions the Supervisors get.

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m. and items of personnel, Collective Bargaining, Real Estate, litigation, and informational items were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the James J. Petroff Variance request for the property located at 404 Big Oak Road in order to permit construction of driveway and in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Grenier stated impervious surface Variance requests come up frequently, and he asked what they can do to address this. Mr. Truelove stated they have had discussions about amending the Ordinance to reflect some of the more updated approaches to this, change some of the existing ratios, and have required mitigation measures as part of this process. Ms. Tyler stated Mr. Majewski has been working on this. Mr. Truelove stated he feels they will be addressing this to minimize the Variance Applications for that as well as some other issues such as fences in the right-of-way, etc.

#### SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board met and reviewed a request for Variances for deck construction and there was a discussion of impervious surface and best practices in terms of mitigating increases in impervious surface, and this has been a consistent theme of the Zoning Hearing Board as they review Applications and finding ways to make it work for the residents and also protect the community.

Mr. Grenier stated on May 5 from 9 a.m. to Noon, there will be an electronic waste recycling collection at William Penn Middle School. He stated there is a \$25 charge for televisions and monitors. Mr. Grenier stated the EAC will be holding a special meeting on May 14 at 6 p.m. to discuss the stormwater management basin program.

Ms. Tyler stated letters have been sent to PECO on the storm review, and they are also following up with some gas line requests with PECO.

Ms. Blundi stated on May 7 the Special Events Committee will meet at the Community Center, and they would welcome anyone who like to help with some of the upcoming activities such as the Dog Park opening and starting to work on the end of summer celebration.

#### OTHER BUSINESS

Ms. Tyler stated she is unable to attend the next meeting of the Board of Supervisors as her daughter is being inducted into the Junior National Honor Society that evening. Mr. Lewis stated that if there are particular items on the Agenda she wishes to comment on, Ms. Tyler could contact him in advance of the meeting.

Ms. Blundi stated the YMS Epic Soccer Tournament will take place May 11 to May 13, and this is the 30<sup>th</sup> year that YMS and Lower Makefield is sponsoring one of the largest, all women's soccer tournaments on the East Coast.

Mr. Fedorchak stated Mr. Grenier had asked him to look at where we stood with respect to the 2018 Snow Budget, and he stated he is pleased to report that we are under Budget on all of our categories. Mr. Fedorchak stated one of the reasons, is that they did increase some of the Budget numbers for 2018 based on revisions for the previous five-year rolling averages. He stated the Salt Budget was \$98,000; and we are currently at \$67,000. He stated for Personnel Services, which is primarily overtime, etc., they are at 67 versus 82, and Contracted Services is 67 versus 73. He stated it is important to keep in mind that there could be winter storms later in the year. Mr. Grenier stated he feels this also has something to do with our staff being efficient in managing resources. Mr. Fedorchak stated while that was one of the factors, they should not judge Public Works performance based on the fact that they could be over Budget at some point.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved and Mr. Grenier seconded to appoint Michael Brody to the Park & Recreation Board.

Ms. Tyler stated there were two people who have not yet been interviewed, and this is also the position that Mr. David Fritchey held for over twenty years. Ms. Tyler stated Mr. Lewis had indicated that Mr. Fritchey would be required to be re-interviewed, and that interview has not been scheduled nor has Mr. O'Hara's interview been scheduled. She stated she feels they are doing an extreme disservice despite the fact that she is very fond of Mr. Brody. Ms. Tyler stated Mr. Fritchey had

three years left on his term on the Park & Recreation Board when he stepped aside and helped the Township on the Board of Supervisors. Ms. Tyler stated Mr. Fritchey wanted to go back onto the Park & Recreation Board. Ms. Tyler stated she feels Mr. Fritchey should be re-appointed, and she also does not understand why they are not interviewing Mr. O'Hara and Mr. Fritchey as Mr. Lewis had indicated he would.

Motion carried with Ms. Tyler opposed and Ms. Blundi abstained.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to appoint Barbara Baus to the EAC.

Dr. Weiss moved, Ms. Tyler seconded and it was unanimously carried to reappoint the following:

Jill Laurinaitis – EMAC  
Helen Heinz - Historic Commission  
Matthew Connors – Zoning Hearing Board Alternate

There being no further business, Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary