

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 16, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 16, 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 Chairman
 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

Absent: Kristin Tyler, Secretary, Board of Supervisors

PUBLIC COMMENT

Mr. Mike Brody, 509 Brookbend Court, announced the Slippery Silly String Sprint, a charity run, will be held on Friday, June 1 from 5 p.m. to 7:30 p.m. Children two to ten will be running an obstacle course in the field behind Kol Emet. Money is being raised to build a musical playground in memory of Josh Goldinger. Mr. Brody stated more information can be found about the event on his Facebook page and the Kol Emet Facebook page.

Ms. Julie Maguire, 2000 Makefield Road, asked for an update on Makefield Road. Chief Coluzzi stated they are continuing to work on this. He stated the Petition to PennDOT to change the timing of the lights has been submitted. Chief Coluzzi stated they have not yet received the RFPs back on the specific work that needs to be done, and this may take some time. He added he does not anticipate any of the work being completed until after the School year. Chief Coluzzi stated he did speak to the Pennsbury School District Superintendent, and Chief Coluzzi will send him a letter by next week.

Mr. Gordon Workman, 1152 Kenneth Lane, asked for an update on Snipes. Mr. Lewis stated Mr. Pockl will discuss this in his engineer's report.

APPROVAL OF MINUTES

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of May 2, 2018 as written.

APPROVAL OF MAY 7, 2018 WARRANT LIST AND APRIL, 2018 PAYROLL

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the May 7, 2018 Warrant List and April, 2018 Payroll as attached to the Minutes.

ANNOUNCEMENT OF \$700,000 GRANT AWARD UNDER THE PENNDOT TRANSPORTATION ALTERNATIVES PROGRAM FOR A BIKE PATH SYSTEM ALONG OXFORD VALLEY ROAD

Mr. Fedorchak stated last September the Township made application through our traffic engineers, TPD, for a Grant under the PennDOT Transportation Alternatives Set-Aside Program. The Grant was primarily for a new trail/bike path system in and along the Township athletic complex which involves the girls' softball fields, the new Community Center, and the baseball fields along Edgewood Road. Mr. Fedorchak stated the trail they received approval for is approximately 3500', and a rendering was shown with the trail identified in light brown which starts close to Mill Road. He stated the trail runs on the inside of the park system, and is on the same side as the ball fields and the Community Center all the way out to Edgewood Road. He noted that there is a stub that goes past the 90' field on Edgewood Road which ties to an existing pathway so you can go directly into the pathway system that has been established within the ball fields. He stated you can then continue out to Edgewood Road to the intersection. He stated in addition to the new trails, there will be improvements to the lighting and the configuration at the intersection included as part of the Grant. He stated there will also be a mid-block crossing on Oxford Valley Road with overhead rectangular, rapid-flashing beacons, and upgraded pedestrian facilities and pedestrian equipment at Edgewood Road and Oxford Valley Road. He stated continuing down Edgewood toward the Township Building there is a another section that was a "missing link" and that will tie to the existing bike paths. He stated what you will then be able to do is walk Mill Road, up Edgewood, all the way around Oxford Valley Road, and back down to Mill Road. He stated this will tie all these recreational facilities together.

Mr. Fedorchak stated the Grant covers 100% of the construction costs which were estimated to be approximately \$700,000. The Township is responsible for the soft costs, primarily engineering, project management, and a small amount of legal with the Township's share being \$148,000; and that amount has already been included as part of the Park & Recreation 2018 Budget.

Mr. Fedorchak stated they will be meeting with representatives of the Delaware Valley Regional Planning Commission in two weeks to go over the details of the protocols and get the Contracts, and hopefully in a month to forty-five days documents will be presented to the Board. Mr. Fedorchak stated he has heard that some people had indicated that while it is great that the Township received this Grant, they should have put bicycle paths at other locations; however, in order to be eligible for this Grant, the Township had to already own the rights-of-way or easements so that it was a “shovel-ready” project. He stated that many other areas that were mentioned as possibilities, the Township did not own the rights-of-way or easements in order to make those projects happen; and in this case the Township owned all the land.

Mr. Lewis stated this is exciting news for the Township and continues the work that they have been doing collectively to help improve the bike path system and make investments in infrastructure throughout the Township.

Ms. Judi Reis, 969 Princess Drive, thanked Phil Wursta for bringing this to her attention as this was very important to her. She thanked Mr. Fedorchak for writing the Grant and the Board for supporting it.

APPROVAL OF KEYSTONE COMMUNITIES PROGRAM GRANT IN THE AMOUNT OF \$300,000 FOR RECONSTRUCTION OF OXFORD VALLEY ROAD

Mr. Fedorchak stated Mr. Pockl had previously reported on this. He stated the Township was successful in securing this Grant, and they have received the Contracts which were forwarded to Mr. Pockl and the Township solicitor; and they are both comfortable with the document that will be presented to the Board this evening to sign.

Mr. Grenier moved and Ms. Blundi seconded to execute the Contract for the Keystone Community Program Grant in the amount of \$300,000 for the reconstruction of Oxford Valley Road.

Mr. Lewis thanked State Representative Perry Warren who worked hard on this Grant which they collectively have been working on for approximately a year.

Motion carried unanimously.

ENVIRONMENTAL STEWARDSHIP AWARD

Mr. Grenier stated historically the EAC has presented an award almost every year for environmental stewardship in the amount \$500 to a group or individual that has gone “above and beyond” for our community. He stated that this year the EAC has decided to present the award to the Pennsbury National Society for their work on the electronic recycling collection.

Mr. Grenier read the Proclamation into the Record. Those present this evening from the Pennsbury National Society were presented the Award.

2017-2018 DEER MANAGEMENT REPORT

Mr. Andrew Macan and Mr. Jeremy Rowbotham from BOWMA were present. Mr. Macan stated for the 2017/2018 season, they recorded their numbers in partnership with Upper Makefield Township; and between the two Townships and one additional property they removed 134 deer, 68 of which were from Lower Makefield Township. He stated Mr. Fedorchak has the spreadsheet of where those numbers came from. Mr. Macan stated one of the components of their program is the donation by each member of at least the first deer that they harvest to a local food bank through Hunters Sharing the Harvest. He stated this season resulted in 1,171 pounds of meat being donated to a local food bank which equates to approximately 4,700 servings to feed the hungry. He stated this was piloted with Lower Makefield Township, and they have now rolled it out to their entire program.

Mr. Macan stated Mr. Fedorchak has their proposal for the 2018/2019 season, and they are getting to the point where they need to start paying their insurance as well as make some other commitments in determining how many additional members they will take on so they are looking for the Board’s approval to work with Mr. Fedorchak to get the proposal signed.

Mr. Lewis stated he appreciates their work, and he has recommended them to Solebury Township. He stated it is an important part of keeping the Township a safe place.

Mr. Grenier noted a typo on Page 3 of the Contract.

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to go forward with the 2018/2019 program.

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

Mr. Lewis stated this Resolution was brought before the Board approximately one month ago and it states that Lower Makefield Township supports Net neutrality; and in the event that the providers in Lower Makefield that we use no longer support Net neutrality, the Township would select a new ISP that does. Mr. Lewis stated it is modeled after an Executive Order that was passed in New Jersey, and multiple States have enacted similar Executive Orders as well as 180 Municipalities including Bethlehem and Easton who passed a Resolution similar to what is being considered this evening.

Mr. Lewis stated at the last meeting the Board offered both broadband providers an opportunity to weigh in on it, and the Township received comments from Comcast but not Verizon. He stated the Township also received comments from the Pennsylvania Chamber of Commerce late this afternoon.

Dr. Weiss moved and Mr. Grenier seconded to approve Resolution No. 2364 in support of a free and open Internet.

Dr. Weiss stated the U. S. Senate just passed a Net Neutrality Law that will go to the House. He stated Lower Makefield is echoing sentiments throughout the Country that the Internet should be a place where everyone has equal access, and he feels this Resolution mirrors the sentiment of the community.

Ms. Blundi stated she fully supports the concept of Net Neutrality, but she will not support this Resolution.

Mr. Brian Barno from the Broadband Cable Association of Pennsylvania was present. He stated they represent fifteen-member companies that provide broadband services. He stated their members like to have regulatory certainty knowing what the rules are particularly when they are investing millions of dollars. Mr. Barno stated their members adhere to the policy of Net neutrality. He stated it is of concern if a number of Townships in a service area pass different Net neutrality regulations at the local level. He stated they feel that this is appropriately more of a State or Federal issue than a local issue. Mr. Barno read a statement from a legal scholar from Boston College regarding this issue. Mr. Barno stated the FCC's recent order restored the law that was in place as of 2015 adding that anti-trust laws protect consumers from the harms that Net neutrality advocates fear. He stated ISPs, like Comcast, are voluntarily adopting Net neutrality policies in their terms of service. He stated a Township Resolution requiring broadband providers to provide a no blocking, no throttling, no prioritization promise conflicts with the FCC deregulatory approach. He stated Resolution No. 2364 is unnecessary.

Mr. Lewis stated this would not necessarily be an issue where it would create regulatory uncertainty, and this only applies to the Township's purchase of its own Internet service; and it states that if those providers change their policies, the Township would change its policies with respect to procurement of service. He stated as long as their providers continue with their promise of Net neutrality, the providers would not need to worry about this Resolution impacting their business. He stated with regard to the comments made about the FCC and their 2015 Order, the Attorney General is currently in litigation with approximately twenty-five other States contesting the authority of the FCC. Mr. Lewis also stated that this is a Resolution and not an Ordinance. He stated it is not binding, and it has carve-outs for State law; and should State law prohibit the Township from using this in a procurement policy, it would automatically be null and void. Mr. Lewis stated as it relates to services such as Internet and broadband, in general Municipalities have an important role to play in the health, safety, and welfare of the community, and the Township is repeatedly brought into cases involving utilities, and he feels data is no different.

Mr. Barno stated their concern is about a variety of different Resolutions, and they feel things can work well the way they currently are.

Mr. Doug Smith, Vice President State Community Affairs for Verizon, stated they are committed to an open Internet, and they have publicly made binding commitments that they will not block any legal Internet content, applications, or services based on their source or content, they will not throttle or slow down any Internet traffic based on the source or content, and they will not accept payments from any company to deliver traffic faster or sooner than any other traffic. Mr. Smith stated they will also not deliver their affiliates Internet traffic faster or sooner than other parties' traffic. He stated they will describe their Internet access services in their Plans in plain language so customers can make informed choices. He stated they believe maintaining and protecting the open Internet is vitally important. He stated their commitments are binding under FCC and FTC oversight, and these agencies can investigate and enforce actions against Verizon for any failures. He stated Verizon supports the legal opinion that Comcast submitted to the Township in the last few days. He stated they also support the letter the Township received today from the Pennsylvania Chamber of Commerce which asked that the Township not pass the Resolution. Mr. Smith stated this is a Federal issue which should be decided through Federal legislation. He stated Municipal action would create a massive "patchwork" of requirements, but it is also preempted by the FCC. He stated the U.S. Senate just voted to approve a Congressional Review Act on Net neutrality; and while it still needs House and Presidential approval, it goes directly to his point that Net neutrality is a Federal issue. He stated Verizon supports a Nationwide, permanent and statutory way to address Open Internet issues.

Mr. Smith stated Congress needs to pass legislation that resolves the Net neutrality issue for all, setting out the appropriate framework in legislation. He stated Municipalities should not act with differing approaches to a National issue, and Verizon feels it is inappropriate for the Township to pass this Resolution to address the global Internet on a piecemeal, town-by-town basis. He stated Verizon requests that the Township not pass the Resolution tonight but wait for Federal action.

Mr. Robert Abrams, 652 Teich Drive, stated they have spent approximately an hour and a half during the last few meetings on this issue, and over an hour on the LEEDS issue; but they have not discussed the sewer issues. He stated the Federal Government is the body to consider this Internet issue, and he feels the time that is being spent by the Board on this should have been spent on issues that are directly effecting the constituency and not trying to circumvent everything that is under the jurisdiction of someone else. He stated what is really important to the Township taxpayers is not being addressed. Mr. Abrams stated once the Federal Government has done their job, the Township can construct an Ordinance that meets the regulations.

Mr. Zachary Rubin, 1661 Covington Road, stated this is a simple Resolution directing this Board and future Boards in terms of the buying of services. He stated this is not a law, and it is just a recommendation to buy certain services. Mr. Rubin stated if they pass this Resolution, he would like there to be an Amendment to it urging Mr. Fitzpatrick to vote in favor of maintaining Net neutrality. Mr. Rubin advised that Mr. Toomey voted against Net neutrality today, and everyone should voice their opinion to him as well.

Mr. Grenier asked if there is any reason not to Move this before January 1. Mr. Lewis stated there are existing Contracts that go for awhile. Mr. Grenier asked when they expire. Mr. Fedorchak stated he would have to check. Mr. Truelove stated June 11 would make sense. He stated his office did not have a chance to respond to the Comcast information which was submitted just yesterday; but since the FCC has set the date of June 11 for the Net neutrality repeal to take effect that date would make sense.

Mr. Grenier moved and Mr. Lewis seconded to amend the Motion that the effective date be June 11.

Dr. Weiss stated while he does not feel they need an Amendment, he would not have a problem as requested by Mr. Rubin to send copies of the Resolution to Congressman Fitzpatrick, Senator Toomey, Senator Casey, and the White House to show their support for continued Net neutrality.

Motion as Amended carried with Ms. Blundi opposed.

APPROVAL OF CONTRACT WITH NEW TOWNSHIP MANAGER, KURT FERGUSON

Mr. Lewis stated the Township's current Acting Township Manager, Terry Fedorchak, has been transitioning to retirement; and the Board, as previously stated, hired a search firm, JPM, to help the Board with the replacement process along with Chief Coluzzi. Mr. Lewis announced that they have a Contract signed by the proposed new Manager; and upon approval tonight, the Board will sign it, and the new Manager will be joining the Township on July 16. Mr. Lewis stated Mr. Fedorchak has agreed to stay on for a short time after that for transition.

Mr. Lewis stated the next Township Manager will be Kurt Ferguson who is joining Lower Makefield from Newtown Township. He has previously served as Township Manager in other Municipalities within Pennsylvania as well. Mr. Lewis stated his selection was the unanimous decision of all the Board members. Mr. Lewis stated while Ms. Tyler is not present this evening, she drafted a statement as follows:

“I would like to voice my enthusiastic support for Kurt Ferguson, who has been selected to replace our dear Terry Fedorchak as Township Manager. Mr. Ferguson comes to Lower Makefield with great experience in guiding the Administration of communities similar to Lower Makefield. I look forward to welcoming Kurt to our wonderful Township.”

Dr. Weiss moved and Mr. Grenier seconded to approve the appointment of Kurt Ferguson as Township Manager subject to the Conditions set forth in the Contract that was drafted and signed between Mr. Ferguson and the Township with an effective date of July 16, 2018 for a term of two years per the Second Class Township Code.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, asked what made Mr. Ferguson such an attractive candidate. Mr. Lewis reviewed Mr. Ferguson's resume and experience. Mr. Lewis stated they reviewed resumes of thirty-five candidates, and there was an initial sort process that led to an initial candidate selection. He stated each candidate was provided a series of questions and provided written responses, which the Board reviewed, and then narrowed it down to interview three candidates. Mr. Lewis stated each of the three candidates met with all the Supervisors as well as Chief Coluzzi and JPM for an initial interview. The three finalists were then provided the opportunity to meet with all the Department Heads in the Township one-on-one as well as Mr. Fedorchak. Mr. Lewis stated the Department Heads were offered the opportunity to rank and rate the candidates as well. Mr. Lewis stated throughout each of those stages, each Board member consistently thought that Mr. Ferguson was one of the strongest, if not the strongest,

throughout each of the stages of the process. Mr. Lewis stated each Board member ranked and rated the candidates, and JPM helped standardize the process so that each candidate received a fair review in terms of the interview questions being the same. Mr. Lewis stated the two candidates that were not selected were excellent candidates as well.

Dr. Weiss stated he agrees with Mr. Lewis, and they were looking for someone with the “best fit.” He stated Mr. Ferguson will move Mr. Fedorchak’s legacy forward in a seamless way because of his experience and personality as well as the way he works with others.

Mr. Grenier stated he felt Mr. Ferguson was the most detail oriented of the entire group, and he feels he will understand the details of the Budget and provide sound advice immediately. Mr. Grenier stated he is also very familiar with the area.

Ms. Blundi stated it was clear that Mr. Ferguson had experience with a Township similar to Lower Makefield as well as some of the issues Lower Makefield is facing such as the sewer issue. She feels he will be able to help the Township keep moving forward. She stated he understands our issues and brings a fresh perspective at the same time.

Mr. Fedorchak stated he has known Mr. Ferguson on a professional basis for several years, and he is exceptionally-well qualified to handle the affairs of Lower Makefield. Mr. Fedorchak stated Mr. Ferguson is especially skilled in the area of Township finances, and he feels that will be very important to the Township.

Motion carried unanimously.

APPROVAL OF PUBLISHING AN AMENDMENT TO THE TOWNSHIP MANAGER ORDINANCE

Mr. Truelove stated the current Township Manager Ordinance, which was enacted in 1993, includes a provision that requires the Township Manager to reside in the Township. Mr. Truelove stated Mr. Ferguson resides in Bucks County approximately sixteen miles away which is close enough to be able to commute on a regular basis and is well within the residency requirements for Police Officers. Mr. Truelove stated they are looking for a recommendation to authorize the advertisement of an Amendment to the Township Manager Ordinance to remove the requirement for living in the Township and provide a provision that within one year after his/her selection, the Township Manager shall reside at all times within a twenty mile radius as measured from the Lower Makefield Township Building. Mr. Truelove stated where Mr. Ferguson resides would be well within that radius.

Mr. Grenier stated this is in line with what they do with the Emergency Management personnel, and Mr. Truelove agreed adding this is a standard provisions for other locations as well.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to publish an Amendment to the Township Manager Ordinance as described by Mr. Truelove.

ENGINEER'S REPORT AND ACCEPT PROPOSAL BY REMINGTON & VERNICK REGARDING SNIPES

Mr. Pockl stated with regard to the Snipes athletic fields, they conducted a tree count on April 17 for all trees that are 10" or larger within the limits of disturbance shown on the proposed Development Plans. He stated the report was issued to the Township on May 4. He stated there were 88 trees within the limits that met that size. He stated the significance of 10" or larger is that qualifies for the requirement of replacement trees. Mr. Pockl stated a balloon test was completed on May 9 to assess the visibility of the light towers. He stated they set up balloons at the location of the light towers from the proposed Development Plan. He stated one balloon is set at 150' so that they can track the location, and the balloons below that are set at the level of where the light towers are proposed to be. He stated they then go around to the surrounding neighborhoods and roadways and take photographs to get a perspective of what would be visible from the different locations. Mr. Pockl stated they provided a draft report on that today to the Township. He stated of the fourteen locations surveyed, the balloons were visible from four locations, two of which were on Dolington Road abutting the tract, another location was at Quarry Hill Court, and the other was the Elementary School parking lot. Mr. Pockl stated at the remainder of the locations neither the light standard balloon which was flown at 70' or 80' depending on the location of the light standard or the 150' balloon was visible.

Mr. Grenier stated the other name for a balloon test is a view shed analysis and it is commonly done for cell phone towers to see where you could see the tower from.

Mr. Pockl stated they completed a walk through of Snipes with the Building and Planning Department and the Parks and Recreation Department on May 1. He stated they reviewed and commented on a timeline established for the Township to move the project forward. He stated they provided a proposal to review the current Development Plans and provide two Preliminary Sketch Plans for a revised lay out.

Mr. Pockl stated with regard to the Memorial Park Expansion Grant, they have visited the site, and they are working on a Sketch Plan showing the lay out of the fields, parking areas, and other amenities which they will present to the Township prior to the next Board of Supervisors' meeting.

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

Mr. Pockl stated with regard to the 2018 Township Road Program, they have completed core samples and have surveyed the ADA ramps that are required when roadways are reconstructed. He stated they are including the bike path along Covington Road and the traffic-calming items along Makefield Road within the scope of work for the 2018 Road Program. He stated they anticipate a draft Bid package by the end of this week. He stated they are still waiting on a handicap ramp and a raised crosswalk to be designed along Makefield Road; and once that is completed, they will be able to put the project on PennBid, the electronic bidding service, in early June. He stated they anticipate a potential award at the second meeting in June with construction in July and August.

Mr. Pockl stated with regard to the Satterthwaite House, the environmental assessment was completed. He stated asbestos was found in various locations and lead was found in both the interior and exterior paint and the soil around the perimeter of the structure. He stated mercury was found in one of the thermostats and mold was found throughout the structure. He stated a draft report was issued to the Township on May 14, and they expect to finalize it by the end of the week.

Mr. Pockl stated with regard to the Woodside Road bike path, they are waiting for additional CAD information from the roadway widening project.

Mr. Pockl stated with regard to the Schuyler Park tennis courts, they inspected the paving on April 23 and have noted serious cracking throughout. They prepared a draft letter to the Township of their review which was submitted today.

Mr. Pockl stated with regard to Planning projects, the Preliminary Plan for Caddis Healthcare was submitted. They held a technical review committee meeting with the other Township engineering consultants and the EAC on this Plan. He stated they issued their review letter on May 2. He stated Caddis met with the Planning Commission on May 14 so he expects this to be on the Board's Agenda soon.

Mr. Pockl stated there will be a meeting scheduled with the developer of Dobry Road townhomes to clarify comments and discuss required Variances.

Mr. Pockl stated with regard to Artis Senior Center, they have reviewed the latest Record Plan submission, and he has signed it. They will need signatures from the Board this evening.

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

Mr. Pockl stated four Grading Permits are under review as follows: the Master Grading Plan for Regency, 1135 Garey Drive, 1750 Tristen Drive, and 1326 Jacob Drive.

Mr. Pockl stated at the Regency at Yardley (North side) they have inspected tree damage concerns from the adjacent neighbors, and some trees have died and will be replaced. He stated for Regency Carriage Homes, they are processing Escrow Release No. 1 for Phase 3. He also attended a pre-construction meeting and work is permitted to proceed on Phases 4 and 5.

Mr. Pockl stated they completed a walkthrough at Brookshire Estates with the developer and Township staff for the punch list. They are still waiting for the design engineer and the Homeowners Association to schedule a landscaping walkthrough to address replacement trees.

Mr. Pockl stated Oakmont (Moon Nurseries) is ongoing construction, and there are no issues. Mr. Lewis asked for more information on Oakmont. Mr. Pockl stated there were two inlets that had sediment filter bags within them which were clogged with sediment. He stated he contacted Toll Bros. who claimed that it was not their responsibility, and that it was PECO's responsibility because they were replacing the gas line. Mr. Pockl stated he has since discussed with Toll Bros. that they have some responsibility because the gas line is being installed for their development, and Toll Bros. went out yesterday and removed the sediment bags and cleaned the inlets out. Mr. Pockl stated Mr. Majewski will be reaching out to PECO as there is still a portion of the edge of the roadway that needs more stabilization which PECO needs to complete.

Mr. Pockl stated Estates at Sandy Run Road is ongoing construction with no issues.

Mr. Pockl stated at Scammel's Corner the developer is to provide an As-Built Survey Plan and is to convert the stormwater systems to permanent from the temporary stormwater management system that was in place during construction. He also stated the developer will clean up areas throughout the development.

Mr. Grenier stated with regard to Snipes, the Board needs to address the proposal that Mr. Pockl provided the Board to move onto the next steps to do the review of the current Plan and the potential conflicts.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to accept the proposal provided by Remington Vernick Engineers dated 5/2/18 to allow them to initiate the proposal.

Mr. Gordon Workman stated he understands that with regard to the balloon test, the balloon was at 75', which is where the lights will be. Mr. Pockl stated there are a total of fourteen light standards in the proposed development at various heights, and the highest lights are around the middle field at 80'. Mr. Workman stated the highest balloon was at 150', and Mr. Pockl agreed. Mr. Workman stated he understood the Musco lighting is new technology, and you would not see anything that much further above. Mr. Grenier stated there is a difference between what the balloon study does and what the Musco lights do. He stated there are two different studies relative to the lighting and what you can and cannot see. He stated the view shed analysis is specific to the actual pole. Mr. Workman stated that does not have anything to do with the radiant light, and Mr. Grenier agreed. Mr. Grenier stated there is also another study done which shows what the actual light penetration is at the edge of the property. Mr. Grenier stated they did not previously have a view shed analysis.

Mr. Workman stated the Board just approved a proposal to take it to the next step; however he does not feel it was clear what that meant, and he asked what that means. He asked if the engineer will be coming in with changes, and he asked the timing for that. Mr. Grenier stated there is a new engineer who needs to put on "their stamp of approval," from an engineering perspective; and they need to review the Plans. He stated this would be "value engineering" to see where there may be deficiencies or where they may have better ideas from what was done before. He stated the Board would get a report that summarizes their findings on the previous Plan and may perhaps present one or two concepts based off their findings, and that would allow the Township to move onto the next steps. Mr. Workman asked if there is a date in the proposal as to when that will be delivered, and Mr. Grenier stated he believes it is by the end of June at the latest.

Mr. Pockl stated there are approximately 90 pieces of literature that were sent to the Township which were concerns from residents, and they will have to review and address those as well. Mr. Workman stated he understood that those concerns have been out there for two years and were addressed fairly often as well so he is hoping that they are not "starting from scratch." He stated he recognizes that there may be changes to address some of those concerns, but he hopes they are not going back

through two years worth of concerns if they have already been addressed multiple times at multiple meetings; and Mr. Pockl agreed they would not. Mr. Pockl stated they also have to review the Plan to determine if there are ways to reduce the number of Variances and Waivers that would be required from the Township Code.

Mr. Workman asked if all of that work is part of the proposal, and Mr. Grenier stated they will do the analysis to see where there may be shortcomings or improvements that could be made to reduce the cost, etc. which would be value engineering. He stated out of that they would have one or two concepts that they would consider, and those would be “concept plus.” He stated that could be taken to the next level to a more engineered plan that would go in for formal Land Use Planning review as part of the formal process with the Planning Commission and the Board of Supervisors voting on it, and it would then go for Permits. He stated before they can get there, they have to assess what has been done already, and that is what will take place over the course of the next month or so. Mr. Workman asked if this will be going in front of other Committees, and will that happen over the next month. Mr. Grenier stated what they are doing now is allowing the Township engineer the opportunity to review it. He stated once they review it they will come up with concepts. He stated it is possible they may say that the Plan does not need any changes, although he does not believe that will happen. He stated they will then start the process where their concepts go in front of Committees, etc.

Mr. Workman stated it seems that they are starting over. He stated his understanding in December was that they missed some notifications, and there was a ninety-day waiting period. Mr. Lewis stated he would not concede that they missed notifications. Mr. Workman stated there was a decision made that some people may or may not have been notified, and the Township needed to re-notify. He stated the Ruling was that they had to wait ninety days, and it was his understanding that the Board would vote on it after that time. He stated he agrees it should be well run with the lighting needed; however, he feels they are now losing a lot of time and the fields may have to sit for two more years to settle before they can play on them. He is concerned about this going back through the Committees with changes.

Mr. Grenier stated the reason they had to wait 90 days was because there was a lawsuit specific to the notification, and the Board has addressed that through changing Public Notification items. Mr. Grenier stated there were also several other items that were called out in the lawsuit although they were not ruled upon.

Mr. Truelove stated the substantive issues in terms of the Plan and some of the issues were not addressed. Mr. Truelove stated Mr. Pockl also referred earlier to some of the Variances and Waivers and they may consider those in order to avoid possibly having to litigate some issues. Mr. Workman asked if they could not have started

some of that work on December 5 while they waited for the 90 days versus waiting until April. Mr. Truelove stated there is a new Board and a new engineer which did not happen until January. Mr. Workman stated it is disappointing since it seems like they were very close to getting the fields, and now they are starting over again. He stated it seems that they will now lose two more seasons. He stated they will also have to push Lacrosse somewhere else and not be able to get the Field Hockey League started.

Mr. Truelove stated the Board met in Executive Session beginning at 6:50 p.m. and items of personnel and litigation were discussed.

APPROVE EXTENSION REQUEST FOR OCTAGON CENTER OFFICE CONDOMINIUM PHASE II (DUNKIN DONUTS/DAY CARE)

Dr. Weiss moved and Ms. Blundi seconded to approve the Extension of the Octagon Center Office Condominium Phase II (Dunkin Donuts/Day Care) to September 1, 2018.

Mr. Zachary Rubin reviewed the history of this tract as it relates to the name “Octagon Center” as there was a one-room octagonal School house foundation on the site. He stated that parcel is still privately owned.

Mr. Lewis advised Mr. Rubin that Township representatives met with representatives of Residents Against Matrix who have a signed Agreement which governs future development in this area. He stated he, the Township Manager, and the Township solicitor met with a member of that group; and there is a legal interpretation that member had which is now being reviewed by the Township solicitor and the original lawyer associated with that Agreement to make sure that any development is in compliance with that Agreement. Mr. Rubin stated he had a discussion yesterday with Mr. Cruzan and Ms. Weyrick who are part of the Court Settlement, and Mr. Cruzan does have some serious concerns about the Dunkin’ Donuts development. Mr. Lewis stated this is why they met with Mr. Cruzan and will seek a legal opinion on it.

Motion carried unanimously.

APPROVE GRANT OF EXTENSION TO ERIN DEVELOPMENT

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to approve grant of Extension to Erin Development to September 1, 2018.

APPROVE GRANT OF EXTENSION TO DOGWOOD DRIVE

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to approve grant of Extension to Dogwood Drive to September 1, 2018.

APPROVAL OF LAND DEVELOPMENT AND FINANCIAL SECURITY AGREEMENT FOR ARTIS SENIOR LIVING OF LOWER MAKEFIELD, LLC

Mr. Truelove stated this project is a memory care facility proposed for the triangular shaped property on Stony Hill Road across from the Children's World Day Care and adjacent to Flowers Field. He stated his office and the Township staff including Mr. Majewski have looked at the documents and believe that they are ready for approval.

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to approve the Land Development and Financial Security Agreement for Artis.

SUPERVISOR REPORTS

Mr. Lewis stated the Golf Committee is discussing enhancements being made to the dining facilities.

Dr. Weiss reminded the Township residents of the Memorial Day remembrance at the Yardley Memorial at 8:45 a.m. on Monday, Memorial Day; and there will also be the Memorial Day Parade, which will start at 11:00 at Maplevale and end up at the American Legion Post in Yardley.

Mr. Grenier stated the EAC held a special meeting this past Monday to discuss the stormwater basin program. He stated the EAC has been driving a basin naturalization program over the years, and they meet to come up with a program to do some functional assessments as to how well the basins are operating with respect to the MS4 Permit so that they can provide further recommendations moving forward. He stated the electronic recycling event occurred, and it was very well attended. Mr. Grenier stated with regard to Park & Rec, there will be a soft opening of the Dog Park on June 12. Mr. Grenier stated the Sewer Authority received a report from Mr. Ebert on his overall review of the sewer issues. He stated the Sewer Authority will be reviewing the Grease Trap Ordinance as there have been some issues lately. He stated the Planning Commission met and reviewed the Caddis Development. He stated that meeting was well attended, and ultimately the Planning Commission did recommend approval.

Ms. Blundi stated Special Events met and are looking for additional volunteers to help with the various programs they have coming up. She stated the official opening of the Dog Park is set for July 15. She stated they are looking for volunteers to help with Community Pride Day on September 2, and they are also starting to work on Veterans Day. She asked those interested in Special Events to contact Ms. Tierney. Ms. Blundi stated the Financial Advisory Committee had their first meeting on Monday night with all members present as well as Mr. Fedorchak and herself.

COMMUNITY PRIDE DAY SPONSORSHIPS/FEEES FOR VENDORS

Ms. Monica Tierney was present and stated the Park & Recreation Board has recommended to the Board of Supervisors a Fee of \$50 for the vendors/for-profit organizations for Community Pride Day, and they would also like to start a tiered Sponsorship Program to offset the costs so they can make it more of a sustainable event. Ms. Tierney stated information was provided to the Board on this in their packet. She stated Sponsorships have tiers going up to \$10,000.

Mr. Lewis stated this would be a good opportunity for those in the community to get their brand in front of the thousands of people who attend this event. He asked what the sponsors would receive at each of the levels.

Ms. Tierney stated for \$10,000 you would be a Title Sponsor for the fireworks. She stated this would be the highest sponsorship level, and the sponsor would get their logo on the t-shirt, promotional items throughout the event, and logo recognition throughout the event where they would make regular announcements. She stated a Gold Sponsor at \$5,000 would be the Hospitality Tent, the Celebrity Dunk Tank, or any other of the various rides that they could select. She stated they would get signage at the ride, logo recognition, logo on the t-shirt, and recognition in the Press Releases and promotional items. She stated a Silver Sponsor would be at \$2,500 and they could either sponsor the Show Mobile or the Classic Car Show with promotional recognition, and logo on the t-shirt. She stated a Bronze Sponsor would be \$1,000, and they would have their name on the t-shirt, and recognition on the Website which all Sponsors would receive. Ms. Tierney stated Community Partners would be those donating less than \$1,000 or gifts, prizes, or in-kind donations and they would get recognition at the event.

Mr. Lewis stated they should reach out to the various establishments in Lower Makefield.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve Ms. Tierney's recommendations with respect to Community Pride Day.

OTHER BUSINESS

Ms. Blundi stated this Saturday will be Zander Fest at Washington Crossing Park, and this event is in honor of the life of William Thomas; and it raises money to bring awareness to the effects of concussions.

APPROVE HIRING OF NEW POLICE OFFICER – BRITTANY PECK

Chief Coluzzi asked the Board to approve hiring Ms. Brittany Peck for the position of Police Officer. He reviewed her resume and experience. He stated her start date would be July 11 or thereafter depending upon her successful completion of a physical, psychological, and drug screening.

Mr. Grenier moved, Mr. Blundi seconded and it was unanimously carried to approve the hiring.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to appoint Lee Pedowicz to the Electricity Reliability Committee.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to appoint S. Douglas DeMuth to the Sewer Authority.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to re-appoint the following:

Virginia Torbert – Citizens Traffic Commission
Arthur Cohn - Citizens Traffic Commission
Peter Solor - Environmental Advisory Council
Michael Blank - Farmland Preservation, Inc.

There being no further business, Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

John B. Lewis, Chairman

