

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 20, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 20, 2018. Mr. Lewis called the meeting to order at 7:40 p.m. and called the Roll.

Those present:

Board of Supervisors: John B. Lewis, Chairman
 Fredric K. Weiss, Vice Chairman
 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. Zachary Rubin, 1661 Covington Road, discussed the benefits of community water fluoridation adding many in the Township do not know that we do not fluoridate our water. He read a statement regarding this issue from the Centers for Disease Control. Mr. Rubin stated both Middletown and Falls Township fluoridate their water. He stated in 1997 Pennsylvania American Water Company stated they would fluoridate our water if Yardley Borough and Lower Makefield Township agreed; and while Yardley Borough agreed, the Lower Makefield Township Board of Supervisors in 1997 voted it down. Mr. Rubin asked that this item be agendized in a future meeting to discuss the pros and cons of fluoridation.

Mr. Jerry Arth refused to provide his address when asked, but did indicate that he is a Lower Makefield Township resident. (At the meeting on July 18, 2018, the Board unanimously approved Amending the Minutes to include Mr. Arth's address as 1396 Heller Drive as he had previously appeared before the Board at a prior meeting and provided his address at that time.) Mr. Arth stated at the end of the last Board of Supervisors meeting, the Board approved \$13,920 for the Bucks County Planning Commission to conduct an Athletics Facilities Inventory and Needs Assessment Study. Mr. Arth stated Mr. Majewski, the Director of Planning & Zoning, had stated that this was to analyze existing and future facilities specifically with regard to the Snipes Tract "just to verify that what we all suspect that fields are needed is in fact true." Mr. Arth asked the Board why this was done as New

Business at the “tail end” of the Board of Supervisors meeting and was not put on the Agenda and no notice was given to the public. Mr. Arth stated he watched the video of the meeting and saw that Mr. Lewis asked if there was any public comment; however, there was not because at that point there were “two minutes left and nobody had known about this.” Mr. Arth stated he feels it should have been put on the Agenda so that others could attend and comment on it as it was not something that had just come up at the last moment that could not have been agendized.

Mr. Lewis stated he believes that they had just got the Agreement from the Bucks County Planning Commission that week. Mr. Fedorchak stated that was correct, and he also thought that it was part of the Engineer’s Report and not at the end of the meeting. Mr. Arth stated it was at the very end of the meeting, and they could review the video. Mr. Arth stated he is concerned that there was no notice given to the public that this was going to be considered and they did not have the opportunity to comment on it before the Board voted unanimously to do the study. Mr. Arth stated he feels this is the type of “material issue” that should be put on an Agenda and not just “tacked onto the end as Other Business.”

Mr. Arth stated he did not have an opportunity to ask questions at that time, and he asked who would be the field users who are going to be surveyed for this Study. Mr. Majewski stated in order to ascertain the need for additional fields, the Bucks County Planning Commission and the Park & Recreation planners need to know what are the uses of all the fields, and the field users would be all the user groups and any other groups that use the fields or want to use the fields. Mr. Majewski stated that would include soccer, football, baseball and other organizations including rugby, lacrosse, ultimate Frisbee, etc. Mr. Arth stated they will be including not only the current users of the fields but groups that do not use the fields “but somehow think that they might want to use the fields;” and Mr. Majewski agreed. Mr. Arth stated there are a number of groups Mr. Majewski mentioned that do not use the fields presently; however, Mr. Majewski stated he is not sure about rugby.

Mr. Lewis advised Mr. Arth that he had exceeded the three minute Public Comment time limit, and he asked that he complete his comments. Mr. Arth stated he has additional questions because this was not on the previous Agenda, and he asked that his time be extended since this was not brought up at the last meeting; and there was no opportunity of a meaningful nature for people to comment or ask questions which is why he is asking them now.

Mr. Lewis stated when they discussed the timeline process at a prior meeting, that was included in the timeline items as well as the balloon test and the tree test.

Mr. Lewis stated the Board indicated at a prior meeting that they were going to do all these, and they are now doing them; and he asked if it is problem that they authorized the Contract to do what they said they were going to do. Mr. Arth stated his issue is because it was not on the Agenda.

Mr. Arth stated he understands that there are all types of things being done preparatory to a possible development of the Snipes Tract for athletic fields including conceptual studies that are being done by an engineering firm. Mr. Lewis stated that was talked about publicly as well, and Mr. Arth agreed. Mr. Arth asked why they are doing all of that work without having done the Needs Study first. He feels they are spending lots of time and money doing all these studies, conceptual work, and engineering prep, etc. and the Board has never even conducted a Needs Analysis to see whether it is needed. Mr. Lewis stated that is exactly why the Board asked for a Needs Analysis, and he believes in the past Mr. Arth had suggested that was a flaw in the prior process. Mr. Lewis stated he feels the Board is meeting what the residents' concerns are. Mr. Arth asked why they are continuing to do all of these other engineering studies and spending time and money on those before they have done the Needs Analysis. Mr. Lewis asked if Mr. Arth is saying they should proceed without performing the analyses, and Mr. Arth stated he is not; however, he feels they should conduct the Needs Analysis first and have an understanding of whether there is a need to have these fields.

Mr. Arth stated it was also noted at the end of the last meeting that the Bucks County Planning Commission had suggested that they also do a survey of the Township households about the Park & Recreation needs and desires of the Township residents at a cost of \$26,000, and he feels that should all be done before they go ahead and do engineering for building fields. Mr. Lewis stated Mr. Arth is asking them to spend more money prior to doing what "he does not want them to do anyway." Mr. Arth stated he is asking them to do the Needs Analysis and to take the temperature of the Township to see whether they want or need this. Mr. Lewis stated they have indicated how they are going to review the process. Mr. Arth stated he is questioning why the Needs Assessment is being done after they have already begun all of the preliminary engineering work. He stated he is questioning why they are spending money on engineering work before they know what the Needs Assessment will show and before they know what the residents want and need themselves. He stated those things should precede the other work they are doing.

Mr. Harold Kupersmit, 612 B. Wren Song Road, stated at the last meeting he heard that there was going to be a meeting with Congressman Fitzpatrick and the Trenton Mercer Task Force, and he asked if that meeting took place. Dr. Weiss stated it did. Mr. Lewis stated Supervisor Weiss will have an extended discussion about the meeting when he gives his Supervisor report. Mr. Kupersmit asked the Chair to give him five to six minutes at their meeting on July 18 so that he can make a

presentation on Sandy Run and the situation with Trenton Mercer but added he cannot do that unless he knows what transpired at the meeting. Mr. Lewis stated when Supervisor Weiss gives his Supervisor report, he will provide a full report.

Mr. Kupersmit stated at the last meeting he asked the Board if they were going to get involved with the “super bugs;” and since he got the feeling that they were not, he contacted the “status quo” who are also not interested. Mr. Kupersmit asked if there will be any objection when he puts together a package for controlling the “super bugs at the filtration plants. Mr. Lewis stated Mr. Kupersmit is welcome to continue his efforts to educate the Board on these issues. Mr. Lewis stated the Township always meets the Laws of the State and will continue to do so.

Mr. Jeff Hirko, 1450 Dolington Road, stated on June 30 they will have the Patterson Farm Preservation Flea Market, and there are still spaces available. He stated those interested can go to the Patterson Farm Incorporated Website or Friends of the Patterson Farm on Facebook to sign up. Mr. Hirko asked for an update on the environmental study on Satterthwaite. Mr. Pockl stated they completed the study and provided their report to the Board. Mr. Hirko stated he did not get that response when he sent an e-mail. Mr. Grenier stated the draft report has been completed, and the Board has to review it to see what remedial actions need to be done and that involves discussions with legal counsel to determine what they can and cannot do.

Ms. Kathy Hirko, 1450 Dolington Road, read from the engineer’s report that was given at a prior meeting regarding the Snipes athletic fields. Ms. Hirko asked what the engineer reviewed in order to get comments from the neighbors. Mr. Lewis asked Mr. Truelove if they can discuss this given the litigation, and Mr. Truelove stated he feels it is best not to comment on this since this is a subject of litigation. Ms. Hirko stated she believes that Mr. Grenier had suggested that there be a workshop with the residents to get their feelings on what they would like to see at the Park, but that never happened. Ms. Hirko stated she has talked to at least two new residents who have moved to the area since May of 2017, and they knew nothing about the project and are very concerned about the stormwater run off. Mr. Grenier stated that meeting has not happened yet, and they are looking at some options to present in a forum so that they will have something to comment on.

Ms. Hirko stated the Township engineer indicated that he will present Plans as well as a budget cost estimate to the Township at a meeting on June 22. She stated this would be before the Needs Assessment is done, and she would like to know how the engineer can design concept plans without knowing the need. Ms. Tyler stated the fact that they are having Bucks do a Needs Assessment does not mean that a Needs Assessment was not done, and the need has been readily apparent to Park & Recreation based on recommendations over many years; and the Board is just taking this extra step to have a third party validate what they already know to be so

as to the need. Ms. Hirko stated many people she knows have looked for a Needs Assessment in Park & Rec Minutes and have not been able to find it. Mr. Lewis stated they were unhappy that the Needs Assessment was older and not up to date; and it was not a question that they could not find a Needs Assessment. Ms. Hirko stated she personally looked for a Needs Assessment and was unable to find it.

Ms. Hirko asked Mr. Pockl if the concept plans that he is bringing to the Board address the concerns of stormwater management and traffic issues. Mr. Pockl stated the concept plans he is coming up with are based off of the three and a half fields that were proposed in the previous Plan, and they are not changing any of that. He stated what he is doing is looking to see if there is a better way to reduce the cost to the Township and still maintain consistency with the Code, and also to see if there is a way to design the Plan so that there are less or no Waivers required. He stated they are also addressing stormwater and looking to see if they can reduce the impervious area on site through less lengths of driveways, smaller parking areas, and better ways to manage the stormwater and infiltrate it into the ground as opposed to collecting it in a large basin and running it off the property. Mr. Pockl stated they are not looking at it from a traffic standpoint, and that was the traffic engineer's responsibility. Mr. Pockl stated their Plan will not generate any more traffic than what was previously designed.

Ms. Hirko stated she was referring to the design of Dolington Road. Mr. Truelove stated he does not feel that this something that they can discuss. Mr. Grenier stated when Mr. Pockl is doing his review, he is taking into consideration all the comments that were made.

Ms. Hirko stated they are spending money on a concept plan for three fields, and she feels it is possible that the Needs Assessment could come back saying that they need less fields; and then they would have to pay the engineer again. Ms. Blundi stated it could come back that they need more fields, and they would then have to look for other park land.

Ms. Hirko thanked Chief Coluzzi for the 40 mile per hour signs being put on Dolington Road.

Mr. Robert Abrams, 652 Teich Drive, expressed concern with the high gas taxes in Pennsylvania yet the State still cannot take care of the roads or bridges. Mr. Abrams stated the Township had \$1 million in the Budget last year to pave the roads, but he feels the roads are "deplorable." Mr. Lewis stated they will be discussing the 2018 Road Paving Program later this evening. Mr. Abrams also expressed concern with the high salaries being paid to employees working for the Bucks County Water and Sewer Authority and the increase in rates the residents will have to pay. Mr. Lewis

stated he agrees with Mr. Abrams about the salaries being paid to Bucks County

Water and Sewer Authority but added that no one at the Morrisville Municipal Authority is making more than \$150,000. Mr. Lewis stated the Township does have to work with both those entities, and Mr. Abrams stated that means that we are paying those salaries which is what our rates are based on. He stated the Township does not control this or negotiate with them, and they just “hand over the taxpayers’ money.” Mr. Abrams stated 10% to 13% of the Township residents may be on fixed incomes because they are Senior citizens, and most of the housing being built is for Senior citizens. He stated there is an issue with the sewers, but the Township does not want to have any say in anything done, and they just pay “the exorbitant salaries and not do anything about it.”

Mr. Lewis stated he does not feel that is correct and many Board members have spoken out that they want a new Authority structure with Morrisville and a seat at the table since Lower Makefield makes up 43% of the flows going to Morrisville. Mr. Abrams stated it is not getting done; and if it is not going to get done at Morrisville, there needs to be a Plan B. Mr. Lewis stated the Township looked at the numbers Mr. Abrams had previously provided and looked at them further at various usage levels. He stated they are actively working on the issue; however, the challenge is that this is a multi-year process. Mr. Abrams stated he is not hearing what the Township is doing or what the alternatives are.

Mr. Grenier stated he is the Liaison to the Township Sewer Authority which meets every month, and they are actively discussing these issues with the sewer engineer, Fred Ebert, who has given presentations to the Board of Supervisors previously. Mr. Grenier stated they have also formed a Task Force comprised of Sewer Authority members, himself, Mr. Lewis, Mr. Hucklebridge, and Mr. Ebert; and they will be meeting in the next few weeks with Yardley Borough representatives. Mr. Grenier stated they have also toured Morrisville, and they will tour Lower Bucks so that they can do a comprehensive alternative analysis. Mr. Grenier stated as noted previously by Mr. Lewis, this is the Township’s largest contingent liability.

Mr. Peter Kakoyiannis, 1413 Silo Road, stated at the last Board of Supervisors meeting they discussed the issue of whether they were going to retain a consultant or not with regard to the Trenton Mercer Airport. Mr. Kakoyiannis stated since that meeting, there was a telephone conversation with Mr. Truelove and members of the Task Force with counsel and it appeared from that discussion that counsel was in favor of having a consultant. Mr. Lewis stated Supervisor Weiss will provide a detailed discussion about that later on the Agenda. Mr. Kakoyiannis stated if they are going to have a consultant it will be either the Township taking the lead or the Task Force, but the time is running; and decisions need to be made.

Mr. Grenier stated with respect to Mr. Williams, he has reached out to him specifically sending him several e-mails as have Mr. Truelove and Mr. Fedorchak, and they had requested specific information of him and also asked him to review the

Township's Professional Services Agreement for consultants. Mr. Grenier stated after approximately six e-mails, Mr. Williams has yet to provide the information that was requested. He has also marked up to a large extent the Professional Services Contract.

Mr. Kakoyiannis stated he feels Dr. Weiss would agree that the meeting with the Congressman was very productive.

Mr. Truelove stated the attorney that was retained has also made a Freedom of Information Act Request so there is a lot of activity taking place.

Mr. Jason Simon asked if he is required to provide an address, and Mr. Lewis stated he is. Mr. Simon stated it was not given earlier tonight by another resident, and Mr. Simon gave his address as the "Greg Caiola Baseball Park." He stated he is a representative of one of the sports organizations in the Township, and he feels that the Needs Assessment has been done for years both at the Park & Rec level and at multiple Board of Supervisors' meetings last year including a meeting that was held specifically to address the Snipes property a little over a year ago. Mr. Simon stated he is embracing the new study as a validation of all the information that has been presented to multiple Boards in the Township for many years. He stated there are signs all over the Township some of which are in support of the project and some opposed to it. He stated there has been discussion about components of the Park that include elements that other people are interested in besides the three and a half sports fields. Mr. Simon stated recently some signs have had an additional sign put on them that say, "No Snipes fields." Mr. Simon stated if people are not being transparent, it is difficult to understand where people really stand on this issue. He stated he applauds the Board of Supervisors' efforts to insure that when the project moves forward it is done in a way that is in accordance with the law, the Ordinances, and sound engineering so that they put this project to rest.

Mr. Simon stated it was frustrating to have Mr. Arth come up and refuse to give his address which would reveal potentially his residential location as it relates to the fields, when everyone else who comes up to speak in front of the Township is required to provide their address. Mr. Simon stated he will comply with that requirement, and he stated he lives at 514 S. Ridge Circle, and he wanted to make a point that everyone has to "play by the same rules." He stated he is tired of hearing misinformation that Needs Assessments were not done. He stated the Park & Rec meetings were on the Record, and they were sparsely attended for years by anyone. He stated they are now spending the money they are spending because there was litigation brought against the Township in 2017 that has forced the Board to behave in a certain way. He stated if people continue to complain about how much they are spending on this project, they should take some accountability for the fact that the

money is being spent in large part because of the situation we are in now. He stated there will now be another generation of children who will grow out of being able to play sports in the community and miss using these fields.

Mr. Simon stated he supports Mr. Rubin's position and feels they should re-visit the fluoride issue at some point.

Mr. Lewis thanked Mr. Simon for complying by providing his address.

Ms. Maryann Carrol, 13 E. School Lane, asked for a progress report on the public safety improvements along the Makefield corridor. She asked if they have heard from PennDOT regarding the Permits for the extension of the School Zone and the time of the School Zones. She asked if the Contracts have been issued for the physical improvements to the roadway; and if not are they close, and is there a projected timeline for the work to be executed. She also asked if they could keep the stanchions at the intersection of E. School and Makefield Road at the existing crosswalks since they are the only current traffic-calming measure even though they do get hit on a regular basis. Ms. Carrol also asked if they received a formal response from the School Board on the cost share for the traffic light improvements; and if not has a meeting been scheduled between the Township and the School Board to move this along. She also asked that even though School is ending this week, if they could continue some random speed enforcement through the summer since there are still people trying to cross Makefield Road.

Chief Coluzzi stated they have not heard back from PennDOT regarding the changing of the times of the flashing lights. He stated as to the timeline for work to be done on the road, they will discuss this later this evening when they discuss the Road Improvement Program as a lot of that work is included in those Bids; and they expect that work to be completed prior to the start of the next School year. Chief Coluzzi stated they will keep the signage up at the crosswalks; however, he added that is really not a crosswalk all year round, and it is only a School crossing designated by PennDOT. Chief Coluzzi stated as far as the School Board and their financial involvement with the program, he did write them a letter; but until they have exact costs when the Bids come in, he has nothing to go back to them with.

Ms. Carrol stated at the George School they have reflective, rectangular beacons at their crosswalks which are very successful at getting attention; and she asked if the lights we are considering could have those same qualities to capture attention. Chief Coluzzi stated moving the lights and the improved lights over top of the roadway are not in this particular work to be done although that may come at some point in the future. Ms. Carroll asked if the cost share they are requesting of the School Board is just the relocation of the existing lights, and Chief Coluzzi stated there is no relocation of lights at this time; and it would be costs for the lines, the

extension of the School Zone, the rumble strips, additional signage, and other road improvements but not the moving of the lights. He stated moving the lights was estimated to cost approximately \$70,000 to \$80,000, and that will be another portion of the work to be done if needed. He stated they had indicated they would do the other work first and then evaluate the effectiveness of the improvements before they move on to additional work.

Chief Coluzzi stated they will continue with speed enforcement.

Ms. Lisa Huchler-Smith stated she is present on behalf of the Disability Advisory Board, and she announced they will have the Second Annual Roll and Stroll event on September 29 from 10:00 to 11:30 at Memorial Park. She stated they are still working on getting vendors to attend. She stated they will partner with the Park & Rec Walking Group for a 2K walk.

Ms. Smith stated their campaign for this year is responsible parking as people are parking in the striped areas next to the handicap parking spaces. She stated they are not for parking in, but rather that area is space to deploy a wheelchair ramp from a van. She stated people are also leaving shopping carts in these areas. Ms. Smith stated they have flyers which they will be handing out at their community events, and she also left some in the Township Building. Ms. Smith stated their group is in the community and sees businesses that might have issues with handicap accessibility. She stated at the Pretty Bird Café there was an issue with their front porch; and when she approached them and explained the situation, they made accommodations for ADA access through a side door with a door bell. She stated they also want to make sure that the Township considers accessibility when they are planning Parks. Ms. Smith advised that two of their members will be leaving Lower Makefield Township so there will be two openings, and they are looking for volunteers to join their group.

Ms. Grace Godshalk, 608 Countess Drive and 301 Oxford Valley Road, stated she has been very involved with the land on Oxford Valley Road and Dobry Road as she was the person responsible twenty-five years ago for saving that piece of land. She stated it was acquired by the Township for improvements to Oxford Valley Road which included widening and the bike path. She stated at times over the years different people who owned property on Dobry would put a sign on this Township property, and Ms. Frick, the former Planning employee, was very helpful in having those signs removed. Ms. Godshalk stated now a nursing home developer has submitted a Plan crossing this Lower Makefield Township-owned property. Ms. Godshalk stated she is the owner of an office condo at 301 Oxford Valley Road and received a letter from the Township which stated this development would have a right-turn entrance onto Oxford Valley Road. Ms. Godshalk stated that is not the developer's property, but it did not say that in the letter; and she feels the letter was

misleading. Ms. Godshalk stated the Planning Commission approved this Plan, and she had asked at that meeting who owned the land or if it was up for sale; however, no one knew anything about that. Ms. Godshalk stated public land would have to go to Bid. Ms. Godshalk stated the taxpayers of Lower Makefield are the owners of this land. She stated the reason it was saved was so that a major developer behind there would not have access to Oxford Valley Road which is already a “throughway.” She stated now the developer is getting access to Oxford Valley Road with a major sign. She stated Dobry Road should be improved since there is a half mile of open land on Dobry Road that will eventually be developed. She stated there is already one Plan in for many houses. Ms. Godshalk stated the Board should not allow any more entrances onto Oxford Valley Road because it is a very dangerous situation.

Ms. Tyler announced that tonight is Mr. Fedorchak’s last meeting, and the new Township Manager will be in place at the next scheduled Board of Supervisors meeting. Ms. Godshalk stated it was a pleasure working with Mr. Fedorchak for more than twenty-five years, and she wished him well. Mr. Fedorchak offered special thanks to Ms. Godshalk, Mr. Hackman, and Mr. Fazzalore who were involved in hiring him twenty-five years ago.

Mr. Kurt Ferguson, 46 Radcliff Drive, Doylestown, PA, thanked the Board for selecting him as the next Lower Makefield Township Manager. He stated what excited him most about the selection process was the level of interest and engagement of all of the Supervisors. He stated he had the opportunity to speak with the professional staff, and he looks forward to working with them. He thanked Chief Coluzzi who was very helpful during the process and since he has been hired. Mr. Ferguson stated it is an honor to follow Terry Fedorchak; and if you ask any Manager in the area, Terry Fedorchak is not just Lower Makefield, he is Bucks County. Mr. Ferguson stated he will do his best to follow the example that he set for all the Managers in Bucks County. Mr. Ferguson stated the Managers he knows work very hard, and most Managers aspire to be in a place that has committed volunteers, professional staff, engaged and professional Board members, and amenities that are desirable; and he is thrilled to get started July 16 to play a role in helping Lower Makefield move forward.

APPROVAL OF MAY 21, 2018, JUNE 4, 2018, AND JUNE 18 WARRANT LISTS AND MAY, 2018 PAYROLL

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve May 21, 2018, June 4, 2018, and June 18 Warrant Lists and May, 2018 Payroll as attached to the Minutes.

APPROVAL OF SBA CELL TOWER EASEMENT LUMP SUM PAYMENT OPTION

Mr. Fedorchak stated Lower Makefield first entered into the Cell Tower Lease Agreement with SBA Communications in April, 1999; and the Township allowed SBA to construct a cell tower on the Municipal Building Complex, and this is the cell tower that is behind the Library and the salt dome. He stated in exchange, the Township received rental income from ground lease and shared in the revenue that SBA receives from carriers who locate their antenna on the tower. Mr. Fedorchak stated that the Township received \$115,882 last year in rental income from this tower; and this amount is down from a high of \$134,248 that was received in 2012. He stated the revenue reduction is the result of many mergers in the telecommunication industry which has been a constant for the last few years.

Mr. Fedorchak stated late in 2017 SBA contacted the Township with a Lease restructure option, and they offered the Township a lump sum payment of \$1,790,000 for an Easement in lieu of the annual rent arrangement under the Lease. He stated the term of the Easement was proposed to be in perpetuity. Mr. Fedorchak stated the Township felt it was a good idea to advise SBA that they were interested and asked that they consider increasing the lump sum payment but also advised that the Lease in perpetuity was not legal as they were in the public sector. At that point the Township started to search for other companies to see what they could get in the way of other offers. He stated in early 2018 they contacted three other companies who were in the business of acquiring cell tower assets. He stated two companies submitted competitive proposals – Cell Site Capital from Columbus, Ohio, a private company and Landmark Dividend from California which is a publicly-traded company. Mr. Fedorchak stated he contacted a third company which ultimately backed off. Mr. Fedorchak stated Cell Site Capital offered the Township \$1,768,853 for a fifty-year Lease and Landmark Dividend offered \$1,900,000 for a seventy-year term and \$1,825,000 for a thirty-five year term which would be paid out over a three-year period. Mr. Fedorchak stated SBA returned with a revised offer and proposed a lump sum buy out of \$2,020,000 for a thirty-five year term which he felt appeared to be the best offer in terms of the dollar amount but also the term since many go fifty years to perpetuity. He stated in thirty-five years, the Board of Supervisors at that point would be able to renegotiate. Mr. Fedorchak stated he is recommending that the Board give serious consideration to the SBA buy-out proposal for \$2,020,000 for a thirty-five year term.

Mr. Fedorchak stated they discussed this with the Board, and the Board expressed interest to move forward with the SBA proposal; and it was turned over to our solicitor, Tim Duffy, who has been working closely with the SBA Legal Department on the new Easement proposal. He stated SBA coming from the private sector

works primarily with private property owners so the Township is much different; and Mr. Duffy has done an excellent job in getting the SBA Lease in a format that is to the advantage of the Township.

Mr. Tim Duffy stated they have spent the last four months negotiating terms for the Easement Agreement with the Legal Department of SBA. He stated SBA's Easement was designed for private landowners so certain changes had to be made. He stated SBA was generally responsive, and the final product is being presented this evening. He stated the Township would sign an Option Agreement with SBA; and within fourteen days of both Parties signing the Option, SBA would pay a \$100 Option Fee. That would start the 120 day due diligence period although it may not last the full 120 days; and at the end of the period if SBA still wishes to proceed with the Easement Agreement, they will close 14 days later with a lump sum payment of \$2,020,000. He stated the Easement does provide an exclusive right to SBA to have telecommunications and affords the Township, free of cost, two antennas including one that is already on the tower. SBA has the right to gain access to maintain the tower and make improvements to their equipment. Mr. Duffy stated the use is limited to telecommunications and data. He stated they are required to accommodate requests for co-location which is an attempt to minimize the need for additional cell towers in the Township. Mr. Duffy stated there are standard and enforceable terms for requiring insurance, indemnification of the Township, and mutual rights on non-disturbance/non-interference between both Parties.

Mr. Duffy stated this is a thirty-five year term which automatically terminates unless it is renegotiated, and the burden will be on SBA to come back to the Township to negotiate a new term. Mr. Duffy stated the lump sum payment of \$2,020,000 will be up front; and if SBA should discontinue the use in the future, the money would remain with the Township.

Mr. Lewis thanked Mr. Duffy for his work on this. He stated Mr. Duffy had highlighted in Executive Session the language in the Contract with regard to selling the land underneath and right of first refusal, and they have provided sufficient carve outs to insure compliance with State Law for that. Mr. Duffy stated SBA is used to dealing with private landowners; and because of their monetary investment in the improvements, SBA wanted the right of first refusal if the Township decided to sell out to another cell company. Mr. Duffy stated they had to advise them that the Township could not provide the right of first refusal because as a public entity, the Township is subject to public bidding requirements; however, they have a carve out for the right of first refusal but only to the extent permitted by the requirements of the Second Class Township Code.

Mr. Lewis stated there other cell towers in the Township, and there is not necessarily a plan to get advance payments for those. Mr. Fedorchak stated last year for this SBA tower the Township received \$116,000 in rental income which was down from four years ago of \$134,000. He stated there is a second tower located on Township property off of Woodside Road near the Golf Course, and that tower is owned by American Tower; and last year the Township received almost \$198,000 from that tower, in 2016 \$201,5000, and in 2015 \$190,000. He stated that is an asset that is generating a high level of income for the Township; but in this case they are looking at an asset that is not in the same category. He stated he feels if they proceed with SBA, the Township will be getting at 2017 rates nearly eighteen years worth of rental up front today; and he feels it would be good for the Township to proceed with this at this time.

Mr. Grenier stated it is possible there could be a decline in the rents, so this is a good way to get a lump sum up front; and if they were to invest the money, they would get a much better return.

Ms. Tyler moved and Mr. Grenier seconded to approve the Option Agreement with SBA as outlined by Solicitor Duffy.

Mr. Kupersmit stated he does not feel this is a good deal.

Mr. Tony Kehoe, 476 Liberty Drive, asked what was causing the variation in the annual rental income the Township was getting; and Mr. Fedorchak stated the drop is the consequence of mergers.

Mr. Peter Kakoyiannis asked if the option is not exercised was there any discussion that they would reimburse the Township their legal fees since the Township would not have expended all this time but for their actions. Mr. Duffy stated that was not a condition of the Option Agreement.

Motion carried unanimously.

Mr. Duffy wished Mr. Fedorchak well on his retirement and thanked him for his help over the years.

A short recess was taken at this time.

DISCUSSION AND TABLING CONSIDERATION OF CONSERVATION EASEMENT FOR OXFORD VALLEY ROAD PROPERTY AND RESOLUTION NO. 2365

Mr. Greg Hucklebridge stated he got involved in this project in mid-March and was asked by Mr. Fedorchak to look at the subject property and a potential Conservation Easement with the intent of preserving the Township's ability to use that property in the future. He stated with the help of Mr. Majewski and Mr. Pockl they came up with a draft of an easement plan which is before the Board; and while it may look "arbitrary" a lot of thought and logic went into it. He stated they came up with a line that is roughly 200' from the Church property line which gives approximately 600' of woodlands and includes wetlands as a buffer from the existing building and the housing on the other side of Oxford Valley Road. Mr. Hucklebridge stated this would maximize into the future the ability of the Township to utilize the rest of the property although there is no immediate plan to do anything with the property.

Mr. Hucklebridge stated they met with the County to see what type of Easement would be available and what type of programs they have, and the County suggested the Natural Areas Program (NAP) would be appropriate and this is in the Resolution. Mr. Hucklebridge stated the Conservation Easement is very restrictive, and he feels it meets the purpose of what everyone was looking for in terms of protecting the land; and nothing could be done with the land other than possibly having a walking trail through it, and everything else would remain natural and wooded.

Mr. Lewis stated there are very strict limits on what can happen with the Conservation Easement, and they could not put even leaves or additional silt on that property; and the only access would be in cases where a utility would need to have access. Mr. Hucklebridge agreed and added that there is an existing utility through there. He stated the water line company goes through there, and there are Easements as well. Mr. Lewis stated when they went through the process, they uncovered that the Township did not have access to all of the property; and that is what is limiting part of the Easement today. Mr. Pockl agreed and stated when they looked at the Deed for the Easement and plotted it on the plan, the water line Easement comes through where the wetland area is showing; and it is not located in the area where the water line is located. He stated they show a Plan that has the approximate location of the water line, and they believe that will be the access Easement in that area and not the area through the wetlands or elsewhere on the property.

Mr. Lewis stated Mr. Fedorchak started working on this with the County in November. Mr. Fedorchak stated the western most point of the land is shaped in a "V" and currently Public Works is utilizing a good part of that area already as part of the recycling program. Mr. Hucklebridge agreed adding it is approximately two

thirds of an acre and the leaf trailers are stored there as well as a scrap metal pile, and the snow plows. Mr. Fedorchak stated they are already using part of the area they are discussing, and Mr. Hucklebridge agreed. Mr. Fedorchak asked if there might be the need in the immediate future to expand that area, and Mr. Hucklebridge stated he does not see the need in the immediate future.

Mr. Fedorchak stated as they expand the triangular piece in the middle there is a very large square area which is currently owned by Pennsylvania American Water Company. Mr. Hucklebridge stated that area is approximately two acres. Mr. Fedorchak stated that parcel would not be subject to this Easement because it is not land that the Township controls. Mr. Pockl stated that there is an area around that square parcel and to the western side of it which is a water line Easement for access and maintenance on the existing water line in that area.

Mr. Fedorchak stated when they first talked to the County late last year, they were considering the traditional Open Space Easement; but at some point shortly thereafter, there was a recommendation made by the County to go with the Natural Areas Program. Mr. Fedorchak stated that is what the Township did in the Five Mile Woods area when they put a blanket, Natural Lands Program throughout Five Mile Woods; and that type of a program is very suitable for Five Mile Woods and is very, very restrictive as to how you can utilize the property.

Mr. Grenier stated the Plan being shown is only one Lot, and it has not been subdivided; and while there was an old potential Subdivision, it was never Recorded with the County. Mr. Hucklebridge stated that is his understanding, and there has not been a Subdivision of land. Mr. Lewis stated the drawing being shown was shown at the last meeting. Mr. Grenier stated there was some discussion as to whether or not the square parcel in the middle was ever Deeded to the Township; and they understand that it was not, although there may be some potential in the future to “bring it in.” Mr. Hucklebridge stated the Township does not own that property.

Dr. Weiss stated if Mr. Hucklebridge’s presentation is done, he feels the Board should make a Motion before they continue discussion.

Ms. Tyler moved and Dr. Weiss seconded to approve the Conservation Easement for Oxford Valley Road property and adoption of Resolution No. 2365.

Mr. Grenier asked if there are any Easements that are not shown on the Plan at this point that they are still looking for, and Mr. Hucklebridge stated to his knowledge there are no additional Easements. He stated there is the Easement that is Deeded for the water line and its access and maintenance which they do not show the exact limits of per the Deed, and they show an approximate location of the water line. Mr. Grenier stated the last time it was on the Agenda, there was discussion about an Easement that did not show up in the County records; and he asked if they are “square with that.” Mr. Hucklebridge stated they are not, and the Easement that the County records have shows an Easement traversing through the approximate area of the wetlands and approximately 50’ to 100’ south of where he is showing it on the Plan. Mr. Grenier asked if that will cause any problems trying to draw metes and bounds, and Mr. Pockl stated he feels they can strike that Easement and show the new Easement at the location of the water line which is where the Water Company needs it. Mr. Grenier stated he feels they should make sure that the base map is correct.

Mr. Grenier stated there is also a wetlands shown, and this version shows approximate locations versus actual wetlands flags that were on the property at some point in the past. He stated it does not seem that there was ever a Jurisdictional Determination conducted by the Army Corps of Engineers; and Mr. Pockl stated there was not to his knowledge, and this was based on an old Plan from 2011. He stated if there was one, it would have expired anyhow so that is why they are showing it as approximate since they cannot say where the actual limit is.

Mr. Grenier asked about the percentage of woodlands in the area that is hatched as part of the Easement as well as the balance. Mr. Hucklebridge stated from a 2011 Plan that they showed previously it states 23.5 acres total, of which approximately 16.45 of the woodlands are protected by Ordinance. He stated therefore 7.05 would be allowed for disturbance, but that would be for the entire property.

Mr. Grenier stated this is a draft, and the County has not finalized anything so they are just looking at a conceptual plan to move forward with the County. Mr. Lewis stated there is a Draft Agreement; and Mr. Truelove stated while there is given some of the comments tonight, they may have to go back. He stated what they would be passing tonight would be the Resolution which would include 15.498 acres so that would be defined, but some of the other issues would have to be resolved so that the Conservation Easement itself reflects the true survey information and everything else that has been discussed this evening.

Mr. Grenier stated last year there was a Motion to look into putting a Conservation Easement over all 29 acres, and this deviates a bit; however, given the fact that there are two thirds of an acre already in use, they could not put a Conservation Easement

over that. Mr. Grenier stated Mr. Hucklebridge was directed to come up with a Plan but he does not feel that was ever specifically voted on by the Board of Supervisors. Mr. Lewis stated he does not believe there was specific direction on that. He stated they would also have to include the Pa American Water Company's 1.67 acres since when the Motion was made in April 2017, they did not know that the Township did not own that property.

Mr. Grenier stated he believes the total lot is approximately 29.25 acres, and Mr. Hucklebridge stated according to the County tax records it is 29.5 acres. Mr. Hucklebridge stated there is some right-of-way along Oxford Valley Road and the Easements they have discussed. Mr. Grenier stated he is trying to set the base. Mr. Grenier stated the proposed Plan has 14 acres that are not covered under the Easement. Mr. Grenier asked Mr. Truelove if the Board wanted to adjust the line tonight could they do that without having a problem with the County, and Mr. Truelove stated the Application would have to be resubmitted with the changed numbers. He stated they could make a Motion if they know the amount that they want to add to it, and they could submit it to the County subject to all surveys and other engineering studies to confirm the line. Mr. Grenier stated alternatively they could move forward with some other type of Deed Restriction from the Municipal level separate from the "County stuff." Mr. Truelove stated they could vote on preserving what they have shown now which is the 15.5 acres and then have a Deed Restriction on the balance to be used for Municipal purposes at some point after a "needs assessment" for the Township/Public Works use is done and some of the other areas that have been discussed, and they could then either modify the Deed Restriction for open space or they could have another Conservation Easement imposed on the balance once the Board decides what that amount is. He stated this would be an interim step.

Mr. Lewis stated the Conservation Easement on this land will be very restrictive, and it is beyond the restrictions they have on other open space; and Mr. Truelove stated the Five Mile Woods is the best example of this, and this would be similar to that type of preservation. Mr. Lewis stated they have the option to create a Deed Restriction on the remaining property for Municipal purposes only, and that could be separate from the Conservation Easement; and Mr. Truelove agreed. Mr. Lewis stated they could amend the Motion or vote on something separately. Mr. Truelove stated they could vote on the Motion on the floor with the Conservation Easement and separately for the balance that is not subject to the Conservation Easement and direct his office and the engineer to prepare all necessary documents to confirm the Deed Restriction for Municipal purposes only on the balance. He stated Mr. Hucklebridge and others could determine what that would look like.

Mr. Lewis stated Mr. Hucklebridge had indicated at a previous meeting that a large portion of that property could not be developed based on the property as it is; and Mr. Hucklebridge agreed adding it is an irregular shape especially when you consider all of the Easements on the property, and there are also wetlands on the site. Mr. Hucklebridge stated if they were to put the Conservation Easement over the rest of the property that the Township is not currently using, they would be “handcuffing” the Township from future use although there is not an immediate need. He stated the staff was trying to preserve the Township’s ability to function in the future since they do not know what their future needs might be.

Ms. Tyler stated she has faith in the staff’s ability to do this analysis; and the intent of what they want to do which is to lock down the land, avoid building, and keep the trees will be accomplished tonight.

Ms. Blundi stated she is not in agreement; and while they do not want to bind future generations of Lower Makefield in ways they cannot appreciate today, she feels there is more work they can do in putting this Conservation Easement over a greater portion of the land and making it clear that as they look to preserve the Township in different ways, this is a piece of land that they have come to know as “forever wild;” and they want to preserve these habitats. Ms. Blundi stated she would like to look at extending the boundaries of the Easement and try to find a better balance between protecting what they need for future Township uses and protecting what they can from development.

Dr. Weiss stated Mr. Hucklebridge indicated that they would be able to disturb about seven to eight acres that is of the area that is not underneath proposed Easements. Mr. Hucklebridge stated the seven acres would be based on the entirety of the property. Dr. Weiss stated of the 14.5 acres that are not under Easement no more than seven acres could be utilized. Mr. Grenier stated that is based on the Woodlands Ordinance where you can disturb 30% of the woodlands. Dr. Weiss stated all they could expand at the maximum is 7.5 to 8 acres of the land for Municipal use, and Mr. Hucklebridge agreed that is correct for the wooded area. Mr. Grenier there could be a Variance from the Zoning Hearing Board. Dr. Weiss stated a future Board of Supervisors could exempt themselves from the whole process and “pave it over anyway.” Dr. Weiss stated sometimes the Municipal Ordinances are “only as good as the people who sit behind the dais” and he agrees with Ms. Blundi that they should consider expanding the Easement and minimize the possibility of some future group destroying this.

Mr. Lewis asked if they would not be better served by a Deed Restriction that preserves some of the flexibility but also gives a lock down on certain pieces. Dr. Weiss stated they would not have to put the whole 29 acres under the Easement.

Mr. Lewis stated they could not do that anyway. Dr. Weiss stated they can assure that what is available for Municipal use is realistic to what they want. He stated “anything is reversible given enough power;” however, Mr. Lewis stated that is not true for the Conservation Easement. Mr. Truelove stated a Deed Restriction would be reversible. Dr. Weiss stated he understands that Ms. Blundi is requesting that they expand the Easement and Deed Restrict what we can so that if Public Works needs more land in the future they would not be locked in totally but could still satisfy the intent of protecting the land.

Ms. Tyler stated she feels they are satisfying that intent, and the professionals are advising the Board that this is what they have arrived at; and she does not have any reason to disagree with their assessment. She stated the Conservation Easement discussion came up as a result of the Bible Fellowship Church approaching the Township to purchase the land, and the Township turned it down twice. She stated the residents had asked the Board what would prevent the Church from continually coming back. Ms. Tyler stated she feels what has been presented tonight achieves what they were looking for and the land will not be developed, and they will be saving the area that the Board had walked through. She asked what re-drawing the line would be based on, and stated it would also extend the process. She feels they have achieved the goal of making sure the property does not get developed; and at the same time, they are allowing the Township the flexibility to use the land if they should need to do so at some point in the future. She stated this was not an Open Space purchase, and it is land that is contiguous to the Township Complex. She stated while she understands they want to preserve as much as they can, she feels what is proposed allows flexibility and she would be in support of moving this forward this evening.

Mr. Grenier stated what is proposed would allow them to increase the Public Works yard about six times what it is now; and Mr. Hucklebridge stated it would not be just Public Works, and he could not speak for other Departments and their needs. Mr. Hucklebridge stated currently there are two and a half acres on the upper section that includes building; and the bottom side is another 2.7 including the two-thirds of an acre. Mr. Grenier noted the Keystone Water Company “box,” and the western edge of that all the way to the southwest corner of the property is approximately 5 2/3 acres; and if they were to connect that to the Keystone Water Company “box” that would be another 1 2/3 acres so they would have approximately 7.5 acres of space they could expand to in the future if the line were moved over. He stated this is just an example and not a suggestion. He stated he has not heard that they have done a true needs analysis saying that they need another 14 acres of potential future development. Mr. Grenier stated he agrees that the Township does need more space, but it is a matter of how much space they need. He asked if they are going to spend \$1 million for a new tub grinder in a few years and expand the leaf pick-up service and if they need all the area for mulch or other

item. He stated these are options they can look at to reduce the need for additional space, and he feels they should look at it closer to see if they can actually maximize the amount of area that they preserve in perpetuity. Mr. Lewis stated they always have that option in the future. Ms. Blundi stated she feels they should take the time now and get it right since they have all agreed that this is good for the Township. She stated they may come back in four weeks and agree to what is proposed or they may decide they want to save more. Mr. Hucklebridge stated they should not rush into anything since a Conversation Easement of this level is very restrictive, and he feels they would want it at least on a portion of the site; but to put it on a larger portion would make it more difficult to use for Municipal purposes.

Mr. Tony Kehoe thanked the Township for doing this, and stated he assumes they will get the Easements “straightened out.” He stated he is “scared” by the term “Municipal purposes” since he believes that is what the land was originally bought for, and Ms. Tyler agreed. Mr. Kehoe stated it was going to be sold because the profits from the sale were considered a Municipal purpose. He stated he agrees with Ms. Blundi. He asked if they could put this Easement in place and then get a second Easement for the additional expansion, and Mr. Truelove stated that was what he had indicated as a possibility. Mr. Kehoe stated he would prefer that they get what they can now.

Mr. Hucklebridge stated by preserving the area of the Easement as shown, the rest of the Lot would not be worth anything to anyone other than the Municipality for a legitimate Municipal use such as a stockpile, etc. Mr. Kehoe stated he feels if someone can find a way to make a profit, they will.

Mr. Luke Butler, 2320 Weinmann Way, stated it is very exciting to see fifteen acres up for permanent preservation for conservation purposes; and he thanked the Township for getting to this stage. He asked that they preserve as much as possible of the remaining acres since at twenty-nine acres that parcel would be among the top 25% of all open spaces that the Township has preserved. He stated within the Natural Areas Program the twenty-nine acres would be in the top 20% of natural areas in terms of overall acreage. He stated the land that is currently not restricted is beautiful and different from the rest of the land and he described the type of woods, plants, and wildlife that are in that area. Mr. Butler showed on the Plan where the nature trail that is next to the Library terminates, and he stated there is a connector trail that goes behind the current Lot the Township uses; and if they were to protect the whole area, it would connect the nature trail all the way to the rest of this site. He stated this is an opportunity to provide real leadership in Open Space which will always have development on the horizon, and currently the Township is the possible developer. He asked that they protect all the remaining undeveloped land.

Ms. Blundi moved to Table the matter to July 18.

Mr. Lewis stated there is already a Motion on the floor that they have not voted on, and they are still taking Public Comment.

Mr. Alan Dresser, 105 E. Ferry, stated he is the Chair of the Environmental Advisory Council. He stated he feels a good compromise would be to have the Conservation Easement be everything east of the American Water Company square, and the Township could use the triangle which Mr. Grenier had indicated was approximately five acres. He stated that should be sufficient for the Municipality use since the Township is not growing that much. Mr. Dresser stated everything east of the square is old growth forest with a lot of slopes, and he does that feel Public Works would be able to use that for any Municipal use.

Ms. Blundi moved and Mr. Grenier seconded to Table the Motion on the floor to July 18. Motion carried with Mr. Lewis and Ms. Tyler opposed.

UPDATE ON CSX QUIET ZONE COMPLAINT

Mr. Truelove stated after the last meeting when Mr. Collins brought some information to their attention and other information had been supplied to the Township, they found out the name of the individual at the Federal Railroad Administration, Ron Reis, and advised him about the repeated noise violations and indicated the mile posts. He stated they advised him about the complaints about CSX and SEPTA trains that were sounding their horns when driving through the Quiet Zones and included some of the dates. He stated that information was sent a week ago today, and they anticipate that they will hear something within the next few weeks; and if they do not they will follow up.

Mr. Fedorchak stated he contacted the Vice President for the Pennsylvania/New Jersey/New York City area for CSX and shared with him all the information received listing all the complaints, and asked him to review the information and report back. Mr. Fedorchak stated the representative, who was forthright and pleasant to work with, did report back a few days ago indicating they reviewed the information with their operation engineers. He stated CSX makes a distinction between ringing of the bells and sounding the horns; and their interpretation of the regulations is that they are not permitted to sound horns, however, their position is that FRA regulations are silent on the ringing of the bells. Mr. Fedorchak stated he advised the CSX representative that the Township had put a lot of time, effort, and expense into creating these Quiet Zones. Mr. Fedorchak stated they came to the conclusion that there may be some value in a meeting with his operational engineers and others associated with this matter to meet with Township officials, and he will be getting

back to Mr. Fedorchak with some dates. Mr. Fedorchak suggested that a few representatives of the Board and Mr. Truelove attend such a meeting. Mr. Fedorchak asked Mr. Truelove to review the FRA regulations to see if what has been stated has any bearing. Ms. Tyler also asked that they check with the expert the Township had hired when they did the Quiet Zones. Ms. Tyler stated if they are going to meet with CSX she feels they should also discuss the arms of the gates coming down at untriggered times. She stated there were a number of gates down this weekend with no trains coming through, and she understands that is CSX's responsibility. Mr. Fedorchak suggested they get together and create an Agenda for this meeting that they can provide to CSX so that they can bring the right staff.

Mr. Zachary Rubin stated he is opposed to meeting with CSX since it is not up to CSX to interpret the regulations, rather it is the FRA. He stated the Township should go directly to the contact they have at the FRA, and the Township solicitor should find out from the FRA what is their interpretation of the regulations. He stated it is the FRA's job to enforce the law and the regulations. Mr. Fedorchak stated he did ask the Township solicitor to research the law. Mr. Rubin stated he does not know if the Township solicitor has a background in Railroad regulations, and they should ask the FRA what is their definition of a Quiet Zone. He stated if the FRA rules in the Township's favor, the FRA should meet with CSX and tell them what the law is.

Mr. Lee Polsky, 724 Salem Court, stated he lives closer to the Edgewood crossing than any other resident in the Township. He stated when he moved here forty years ago when searching for a home he found that possibly five to ten freight trains per week were passing Edgewood crossing, and the amount of cars on those trains was much less than today. He stated at that time the horns were sounded at a bearable decibel level and rarely bothered him. He stated a few years ago people started complaining about much louder horns and how many more trains there are with CSX and SEPTA compared to years ago. He stated the Township conducted studies to satisfy many families who live within 1,000 feet to the various crossings. He stated he resides 150 yards to Edgewood crossing. He stated initially they were going to eliminate the train horns and replace with lower decibel horns at the crossing pointing toward the road and warning motorists of oncoming trains; however, that did not work. He stated after additional studies, the Township made the decision to satisfy the residents living closest to the tracks by installing Quiet Zones; and it was determined that by installing the concrete barriers it would prevent people from driving around downed gates. He stated this was safer and provided many with a better quality of life living near the crossings. He stated there are over 700 Quiet Zones in the Country, and there are PTC safeguards in place which alert the engineer and do not allow the engineer to proceed if a gate does not come down. He stated even with a downed gate, the engineer still has the power to sound horns; and he still hears them from time to time.

Mr. Polsky stated faulty gates were a problem even before the Quiet Zones, but no one complained. He stated the Quiet Zones took years to approve with little to no complaints from residents who are now against the Quiet Zones on the LMT Facebook site. He stated people are confusing the Quiet Zones with the third track, the Sandy Run Road closure, and other things going on the Edgewood section. He stated in the past when horns were still being used and the gates malfunctioned, “nobody said a word.” Mr. Polsky stated he was told by someone from the Facebook group “to move;” adding they stated, “we don’t need you here, and if you want, step outside and meet me on my lawn to fight it out.”

Mr. Polsky stated before the Board elects to reinstate train horns which is something they may be considering because of all of the complaints on the community webpage, he would recommend a study be done to determine the likelihood of a motorist being hit at the crossing if faulty gates are in the up position if they still have the train horns since a car or a train going 60 to 90 miles per hour could not stop that fast. He stated it is not about the Quiet Zones, it is about the gates to function properly. He stated the Quiet Zones provide safety and a better quality of life.

Mr. Polsky thanked Mr. Fedorchak for his hard work and fine service to the community and the help that he provided to him personally over the years.

Mr. David White, Gayle Drive, stated he feels going to the FRA is the way they should proceed; and he agrees with Mr. Rubin. Mr. White stated a Quiet Zone means no noise and not just no horns. He stated he hopes that they will hear back from the FRA. He stated a lot of State and Township money was spent on the Quiet Zones. Mr. White stated CSX is not consistent as the northbound trains ring the bells and blow the horns, but the southbound trains do not. He stated there are certain trains that always ring the bells and blow the horns.

Mr. White wished Mr. Fedorchak well on his retirement, and he asked the Board to have this issue carried over to the new Manager since he does not feel the Township got what they paid for.

Mr. Kupersmit stated a major problem is that the Supervisors are powerless because of “regulatory capture.” He stated they need to change the regulations so that they work for the people rather than for the corporations.

Ms. Tyler suggested that they file a complaint with the FRA and also have the meeting. Mr. Truelove stated he will report back once he gets the information. Mr. Grenier stated he feels the meeting would not be for negotiation but to learn more about what CSX is thinking. Ms. Tyler stated it is important to establish a relationship with CSX adding she is most concerned with the gates malfunctioning.

Mr. Grenier discussed the increase in the amount of freight being transported by rail throughout the Country.

Mr. Polsky stated two of the people that were complaining on the Township Facebook page about the horns not sounding and who wanted the horns back are not present this evening.

Ms. Blundi advised that the Facebook page Mr. Polsky is referring to is not a Township Webpage.

APPROVE PURCHASE OF GASBOY FUEL MANAGEMENT SYSTEM

Mr. Hucklebridge stated the existing system is starting to fail, and he received quotes for replacement which he reviewed. He stated the quotes are to purchase and install the system for both the diesel pump and gasoline pumps which are utilized by all Township and Emergency Management fleet vehicles and equipment. He reviewed what will be included in the purchase. He stated the cost for the equipment and associated services is \$23,081.88 utilizing the NJPA Contract pricing which is a significant reduction from the retail pricing estimated to be about \$30,000. He reviewed problems with the existing system.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Gasboy fuel management system.

ENGINEER'S REPORT AND APPROVAL OF 2018 ROAD PROGRAM

Mr. Pockl stated with regard to the Snipes Athletic fields they completed their review of the Development Plans and provided draft comments to the Township at a meeting on June 1. He stated they are working on two Concept Plans to address the comments in their review and will present the plans and Budget cost estimates to the Township at a meeting on June 22.

Mr. Pockl stated with regard to the Woodside Road bike path, they received the CAD information from the Delaware River Joint Toll Bridge Commission, and it does not include enough survey information off of Woodside Road to fully design a bike path. He stated it only included an area up to the roadway widening, and from the roadway it shows the road going up a relatively steep percentage; however, it does not show the top of the ridge or anything beyond the top of the ridge which he feels would be a potential area for the bike path to go.

Mr. Grenier stated they were still looking at how to connect the bike path to the tow path, and he asked if they need to follow up on this. Mr. Pockl stated the Plans show the parking lot and Woodside Road, but there is very little topographic information in between the two. Mr. Pockl stated he will have to fully analyze that area to determine if they have provided enough elevation points in the area to determine whether they can proceed or not.

Mr. Pockl stated with regard to Laurel Lane and Stackhouse Drive, they have reviewed with Public Works erosion of the property downstream of the Township storm sewer outfall; and they will develop a Sketch Plan for repairs and cost estimate which will be presented to Public Works shortly.

Mr. Pockl stated on June 11 they inspected the Dog Park as they had been instructed by the Board at their last meeting. He stated they issued a review letter on June 20. He stated there are several concerns where the Dog Park design or construction do not meet Township Code and may not meet State and Federal requirements for work near a stream. Mr. Pockl stated Mr. Majewski is researching stormwater calculations provided on the adjacent stream to evaluate the impact on the floodplain.

Mr. Grenier stated two of the three sections of the Dog Park are open and are being used safely. He stated only one of the sections has been impacted, and Mr. Pockl agreed.

Mr. Pockl stated with regard to the Marble Court basin outfall structure, they inspected the failed outfall structure and stormwater management basin on June 11, and they are developing a detail for a new outfall structure which they will send to Public Works by the end of the week for purchase and install.

Mr. Pockl stated with regard to Planning projects, they anticipate another submission from Caddis Healthcare by the end of the month which they will review. He stated they met today with the developer of Dobry Road Townhomes to review the Variances they are requesting and to get some history from them as to why they were requesting some of the Variances they are requesting. He stated the developer has provided an alternate Plan that shifts the recreational area toward the wetlands and the wetland buffer area, and they have asked him to review that to see if there are any potential Variances for that Plan.

Mr. Pockl stated they reviewed several Grading Permits including Lots #3 and #4 at the Estates at Sandy Run, 915 N Pennsylvania Avenue, and 404 Big Oak Road.

Mr. Pockl stated with regard to construction projects, they are inspecting ongoing work at Regency at Yardley, north side, to address the punch list items. He stated they received a list of punch list items from neighbors, and they are incorporating them into the master punch list they have. He stated Regency at Yardley south Phases 3 through 5 is ongoing construction, and they have heard no complaints. He stated they met with the Homeowners Association and the developer of Brookshire Estates on June 14 to review outstanding landscaping requirements. He stated a total of 102 trees need to be replaced, and they are working with Township staff to coordinate addressing this issue to the satisfaction of the HOA. He stated at Oakmont (Moon Nurseries) there is ongoing work to address punch list items. He stated they received a complaint from the HOA on June 19 concerning the lack of topsoil and failure of grass to germinate and grow behind Lots #14 and #15, and he will incorporate that into the punch list. He stated at Estates at Sandy Run Road there is ongoing construction and no further complaints. He stated at Scammel's Corner the developer is to provide an As-Built Survey Plan. He stated the developer is to convert stormwater systems to permanent systems. Mr. Pockl stated the developer anticipates submitting the As-Built Plans shortly. Mr. Pockl stated at Towering Oaks there is ongoing construction of Lots #2 and #6, and there are no issues.

2018 Road Program Discussion and Motion

Mr. Pockl stated they reviewed the Bids received on June 19 at 11:00 a.m. He stated there were two separate Contracts that went out to Bid. He stated Contract #1 was for the Oxford Valley Road reconstruction, and Contract #2 was for the milling and overlay of Township roads outside of Oxford Valley Road. He stated they are recommending an award of Contract #1 to James D. Morrissey Bid Alternate 1A which includes a full depth reclamation for the entire width of Oxford Valley Road from Edgewood Road to Mill Road. He stated they are also recommending award of Contract #1C which is an extension of the full width/full depth reclamation from Mill Road to Hearthstone Road. He stated the total for this is \$577,425 which is in excess of 20% below the Township engineer's estimate.

Mr. Pockl stated for Contract #2 the Base Bid was \$465,894, and the Alternate Bid was \$107,352.20 for a total of \$573,246.20. He stated he would recommend an award of both the Base Bid and the Alternate Bid #2A for Contract #2.

Mr. Lewis stated Morrissey has not done work for the Township in the past; however, Mr. Fedorchak stated they have. Mr. Pockl stated last year they did Bid but were not awarded the job, but they have done extensive work in Municipalities.

Mr. Grenier moved and Ms. Blundi seconded to accept the 2018 Road Program as described by the Township engineer.

Ms. Tyler asked the amount budgeted for roads this year, and Mr. Fedorchak stated it was around \$1 million. Ms. Tyler stated this is approximately \$150,000 over what was budgeted. She asked Mr. Pockl if Contract #2A is for all of the Alternates, and Mr. Pockl stated it is. He stated they have \$300,000 that they received from the Keystone Community Grant for Oxford Valley Road reconstruction. Ms. Tyler stated the Township therefore has \$1.3 million, and Mr. Pockl agreed.

Motion carried unanimously.

Mr. Truelove stated the Board met in Executive Session this evening beginning at 6:15 p.m. and items of collective bargaining, Real Estate, and personnel were discussed.

AUTHORIZE APPROACHING SPIRIT GOLF WITH ADDENDUM TO GOLF COURSE MANAGEMENT AGREEMENT

Mr. Truelove stated most of the information which is before the Board came from the Golf Committee and Mr. Lewis their liaison. He stated there are provisions that discuss food and beverage contingencies.

Ms. Tyler moved and Dr. Weiss seconded to authorize Mr. Truelove to approach Highlands Golf Management Company LLC and Spirit Golf LLC with the Addendum to the Management Agreement.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, asked what drove them to want to make these changes. Mr. Truelove stated the Agreement is due to expire, and this is an Addendum to address some issues that have come up.

Mr. Lewis encouraged Township residents to visit the Makefield Highlands Grill, and he added that there is a continued focus by the Golf Continue to continue to make food and beverage improvements at the Makefield Highlands Grill.

Motion carried unanimously.

APPROVAL OF EXTENSIONS

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extensions as follows:

Caddis Senior Living Facility – September 1, 2018
Fieldstone at Lower Makefield – October 1, 2018
Aria Health – December 31, 2018

Mr. Truelove stated with regard to Brookshire, there has been a lot of discussion with Mr. Majewski's assistance in finalizing some areas, and they have been in contact with the HOA attorney as well. He stated a one month Extension would be very helpful to finalize these matters.

Ms. Tyler moved and Mr. Grenier seconded to approve a one month Extension for Dedication of Public Improvements for Brookshire 1, Brookshire 2, and Troilo Tract (Brookshire Estates Phase 3).

Mr. Lewis asked if the developer is current with their payments, and Mr. Majewski indicated that they are.

Motion carried unanimously.

SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board met yesterday, and they approved a swimming pool request. Mr. Lewis stated for those interested in going before the Zoning Hearing Board it is important if using out-of-State engineers that they make sure their drawings are clear and they have done a proper job of dating any revisions to their drawings as that was a challenge for the Zoning Hearing Board members last evening. Mr. Lewis stated the Golf Committee met last week and discussed the Addendum to the Management Agreement as well as bench marking the performance of Makefield Highlands compared to other Municipally-owned golf courses. He stated the challenge is to understand where they are performing well and where there are opportunities for improvements. He stated he feels most people in the community believe that Makefield Highlands does a great job in terms of the playability of the Course and utilization of rounds, and some have concerns about total food and beverage revenue which has been part of the Committee's work over the last year or so.

Dr. Weiss stated members of the Trenton Mercer Airport Review Panel, members of BRRAM, and other interested Parties met with Congressman Fitzpatrick on June 18 to discuss with representatives from the FAA the political way forward to help mitigate noise and traffic at the Airport. Dr. Weiss stated a number of good suggestions were made during the meeting, and Congressman Fitzpatrick indicated he would follow up on those avenues, he would join the Quiet Skies Caucus in Congress, meet with his counterpart, Congressman Watson in New Jersey, whose brother is a Deputy Administrator of the Mercer Airport, and also talk to other New Jersey, Delaware River area Representatives to “maybe incentivize the State of New Jersey to coming along with what we want in this endeavor.” Dr. Weiss stated there was also a conference call with members of the Committee, the solicitor, and the aviation attorney to determine a further way forward. Dr. Weiss stated since the Master Plan for the Airport has finally been published in the last few days, they are currently engaging in research making sure that all the regulations and laws are followed as far as to the NEPA process and environmental impact statements are concerned by the County and the Municipalities so that the County Executive, Brian Hughes, will “at least follow his own regulations.”

Dr. Weiss stated last week the Mercer County Freeholders met. He stated on Tuesday they have an Agenda meeting, and on Thursday, they vote on the Agenda. Dr. Weiss stated he was at the Agenda meeting where the Airport Master Plan was brought up by BRRAM and Mercer Quiet Skies, and the County Freeholders “had no idea what was going on.” He stated they did promise both BRRAM and Mercer Quiet Skies that “when they did get their act together, they would keep the public notified.” Dr. Weiss stated he is much more optimistic about Congressman Fitzpatrick getting a political way to help us.

Mr. Peter Kakoyiannis stated he feels people on this side of the River have more to lose and need to press on with all the fronts available. He stated their solicitor was on the phone with Mr. Truelove, and her suggestion was to have a multi-faceted approach with the legal, if need be, the administrative, and the political. Mr. Kakoyiannis stated he was pleased that Congressman Fitzpatrick not only paid attention but came up with some ideas for funding and using a monetary incentive from the Federal or State Governments. Mr. Kakoyiannis stated FAA Representatives were very attentive. He stated they indicated they wanted to see something moving forward in some direction in thirty days. Mr. Kakoyiannis stated he now feels that the Task Force and the Board are moving together, and there will be a meeting on June 28 for the community. He stated on the other side of the River “it is a smaller universe of a less-sophisticated group of people who really do not understand the process,” so we will have to be in charge and move in all directions. He stated their County representatives are “clueless” and they have less information than we have since their constituents are really not concerned about it.

Mr. Kakoyiannis stated they are looking to engage the people from Princeton and the surrounding areas as they will also be impacted by the overall growth. He thanked Dr. Weiss for attending, and he urged the Board to commit to continuing work on this to make it fair.

Mr. Grenier stated as this project has significant State funding, the State of New Jersey has an Executive Order in place that if any State-funded project is over \$1 million, they are required to complete an Environmental Assessment per State regulations; and he does not believe that has been researched to determine if they are required to do this, and if they have done it. He stated because their legal counsel is from California, she may not be aware of that, and Mr. Truelove's firm has a New Jersey land use attorney who could do this. Dr. Weiss he understands that Ms. Lichman is looking into New Jersey State law; however, they could have the Township solicitor look into it as well. Mr. Grenier stated he feels it would be quicker and less expensive for Mr. Truelove's partner in Princeton to look into it. Ms. Tyler asked if this would be a conflict for Mr. Truelove's office; however, Mr. Truelove stated they have not done any work for Mercer County lately, and he will check on this. He stated if they cannot do it, he feels he could find a land use attorney in New Jersey who could do it for them.

Dr. Weiss stated the Seniors' membership rolls have increased since they moved to the Community Center, and they have a full schedule. He encouraged residents of the community fifty-five and over to take full advantage of what the Senior group has to offer.

Mr. Grenier stated he attended a meeting with PennDOT at Perry Warren's office along with Yardley Borough officials and some of the Township residents to get an update on the Truck Traffic Study that was completed. He stated they have determined that more study needs to be done once the sidewalks are completed; and at this point the only restriction that will be implemented is that at the intersection of Afton and Main Street, the only turn that large trucks will be able to make is if you are traveling northbound on Main Street, you will be able to make a left onto Afton, and all other turns for large trucks will be eliminated. He stated there was also discussion about crosswalks in Yardley Borough. Mr. Grenier stated the other item that came up is that they would entertain the potential for a roundabout at Taylorsville and Dolington in the future. Mr. Grenier stated he also brought up to PennDOT the load-restricted bridge at Edgewood, and that they should take this into consideration if there are future load restrictions or replacements coming up.

Mr. Grenier stated he also attended a Yardley Borough Council meeting this week. He stated Yardley Borough is applying for a Growing Greener Grant for some watershed improvements for a shared watershed with Lower Makefield, and the Township issued a letter of support when they were putting the Application together; and he had intended in case there were any questions. He stated this was passed, and they are moving forward with it.

Mr. Grenier stated the Dog Park and Pool are open. He stated the Park & Recreation Board will not meet in July or August; however, the Board of Supervisors should have received an e-mail about the Road Tour to take place on July 19 at 5:30 p.m. He stated the EAC met, and they had several land use reviews.

Ms. Tyler stated she appreciates how Mr. Fedorchak has acted as their Township Manager always displaying the highest level of professionalism, integrity, and management skills; and she stated she personally will miss him very much.

Ms. Blundi stated Special Events is always looking for more volunteers. She stated they are working on the Grand Opening of the Dog Park on July 14. She stated she believes the Committee has two active members at this point. Ms. Tyler agreed to send contact information to Ms. Blundi on an individual who may be interested. Ms. Blundi stated a Walking Group has formed, and their next walk is this Saturday. She stated they will meet at 10 a.m. at the Community Center.

OTHER BUSINESS

Mr. Fedorchak stated he was lucky to have served as the Township Manager for the last twenty-five years. He stated he was proud to have helped lead the community which is a great place to work, to live, and to have raised his three children. He thanked the Board and all the Boards he has had the privilege to serve under for their dedicated leadership and unselfish service to the community and their commitment to maintain a highly ethical and professionally run Government. He recognized the Township administrative staff, Chief Coluzzi, the Police Department, the volunteer Fire Department, Public Works, Recreation, Zoning, and Finance, all the employees, Solicitor Truelove and solicitors past whose skillful and efficient performance has brought a high level of service to the taxpayers of the Township. Mr. Fedorchak stated he is very thankful for having been given this opportunity twenty-five years ago.

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There being no further business, Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting at 11:00 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary