

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 6, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 6, 2018. Mr. Lewis called the meeting to order 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. Harold Kupersmit, 612 B. Wren Song Road, asked if the Board will be cancelling their meeting on Wednesday, July 4 or moving it to a different date. Mr. Lewis stated as it is a National holiday, it is the Board's intent to cancel that meeting. Mr. Kupersmit stated he feels something needs to be done about the "superbugs."

Mr. Tim Collins, 479 Jenny Drive, asked Mr. Fedorchak what they have heard from CSX with regard to the Quiet Zone. Mr. Fedorchak stated at this point he has no new information from CSX. Mr. Collins stated for the past six months, he and Mr. David White have been compiling information regarding violations of the Quiet Zones; and there are an average of eighty a month. He stated yesterday morning before 9:30, there were five – three by SEPTA and two by CSX. Mr. Collins stated they have provided this information to Mr. Fedorchak and numbers to contact at the FRA including the Director of Crossing Safety in Washington D.C. Mr. Collins stated something has to be done as the Township spent a lot of time, effort, and State and Township money on the Quiet Zones. Mr. Fedorchak stated he can provide a report on this at the next Supervisors' meeting. Mr. Collins stated he contacted an individual in Ohio who is responsible for some of the reporting, and she was "appalled" at the number of violations; and she was willing to fine CSX immediately. He stated at that point he suggested that they give CSX a warning. He stated he does not feel the Township will hear from CSX if they have not heard from them by now.

He stated the course the Township should take is direct to the FRA as it is their responsibility, and they will levy fines as it is a Federal law. Mr. Fedorchak stated this will be on the next Supervisors' Agenda.

Mr. Peter Kakoyiannis, 1413 Silo Road, stated representatives of the Lower Makefield Trenton Mercer Airport Task Force are present this evening as they feel there is a lack of responsiveness to their e-mails. He stated the Board implemented the Task Force approximately seventeen months ago. He stated over that period of time the Task Force made recommendations and did fact finding. He stated they were able to hire Barbara Lichman from California. He stated they also came back to the Board of Supervisors and recommended that the Township hire a consultant to help them evaluate the next steps. He stated in December, Mr. Grenier indicated that there was someone better or less expensive than the person they had recommended based on Ms. Lichman's recommendation so the Task Force deferred going forward. Mr. Kakoyiannis stated two months ago the Task Force made the same recommendation, and Supervisor Grenier indicated that he could find some individuals to be interviewed by the Board; however, they are still waiting for this. Mr. Kakoyiannis stated the development in New Jersey is still moving ahead, and they need the current Board to recognize the actions taken by the previous Board need to be addressed. He stated if they do not move forward, they will have spent \$80,000 of taxpayer money to "stand in place." He asked the Board to come up with a defined plan tonight as to when they intend to do something.

Mr. Grenier stated Mr. Truelove has been communicating directly with Ms. Lichman over the last several weeks regarding what the Airport is currently trying to move forward with. Mr. Truelove stated he spoke to Ms. Lichman yesterday, and she had some suggestions none of which require legal input and they included doing a Freedom of Information Act request to the FAA and to do some review of the Federal Register. He stated she still does not feel there is any legal cause of action she would recommend other than gathering information. He stated at this point all she recommended is requesting information from the FAA and the Federal Register to monitor the progress of the environmental review which is part of the NEPA process. Mr. Kakoyiannis asked if Ms. Lichman will be doing that monitoring or will Mr. Truelove, and Mr. Truelove stated that is to be determined since he was just advised of this yesterday; and they need to determine if he should do this or if they should delegate it to the Task Force.

Mr. Kakoyiannis stated if the Airport comes out tomorrow with a call for a meeting, the Township will not have enough time to gather the facts which is why they have been pushing for at least six months to hire the consultant who will tell them what they should be aware of, and how they should respond so that they can be proactive. Mr. Kakoyiannis asked that Mr. Grenier expedite whoever he wants as the consultant.

Mr. Grenier stated he has tried to get information on the previously-recommended consultant relative to his actual record doing NEPA work. Mr. Grenier stated that individual's history is in air traffic control and has nothing to do with NEPA. Mr. Grenier stated he feels \$350 is a bit excessive for someone who was an air traffic controller and does not have a history with NEPA. Mr. Grenier stated since he works in this area, and he has reached out to approximately six FAA/NEPA individuals that he has worked with in the Mid-Atlantic area; but none of them have expressed interest in getting involved for a variety of reasons in a project like this. Mr. Grenier stated since they already have Ms. Lichman involved as a NEPA attorney for initial guidance, he feels she should be "good enough" to give the Township direction and she would not need a consultant who would be charging more than any of the Township attorneys. Mr. Grenier stated the Task Force and others are all trying to get information collected so that if and when something does happen, they will be ready to engage Ms. Lichman more directly.

Mr. Kakoyiannis stated the Task Force has sent several e-mails to the Board asking for some feedback, and they are just hearing this for the first time which he feels is "disingenuous." He stated while he appreciates what Mr. Grenier has done, he feels they should reach out to more than six people; however, Mr. Grenier stated he disagrees as he does not feel they will find people outside of the region that know anything about how things get done in this region or know the individuals at the FAA who manage the North Atlantic. Mr. Grenier stated he has been asking people who have had interaction with the consultant that was recommended if they could gather information about his personal history and success rate. Mr. Kakoyiannis stated Mr. Williams was recommended by Ms. Lichman who worked with him before and found him effective. Mr. Grenier stated he has asked a number of people to get information on Mr. Williams as to his success rate with representing Townships, but he has not gotten any information back. He stated that is why he took it upon himself to discuss this with people he knows who work in this area as to whether they would be interested.

Mr. Kakoyiannis asked what Mr. Grenier would recommend that they do next; and Mr. Grenier stated based on what they are hearing from Mr. Truelove, he feels they should stay engaged with Ms. Lichman so that she is aware of what is going on as well as the Task Force and follow the Airport closely. Mr. Grenier stated as they find out what is going on, they will engage Ms. Lichman; and depending on what information they receive will dictate what steps they take.

Mr. Kakoyiannis stated he is concerned that if Trenton comes out with a program two weeks from now with the Hearing shortly thereafter, the Township will be "caught short." Mr. Grenier stated that is not how the NEPA process works; and if they are going to do a project that requires a full EIS, that process takes many months. He stated an EA is slightly less, but it still takes a long time. He stated if

any group has standing, they would get all the Notices and would be a Party to that. He stated if it would be the lowest level which would be the Categorical Exclusion, that is not something they could typically comment on at all as it is similar to a General Permit, and they do not have to report to anyone. Mr. Grenier stated if it is an EIS, that will be a long, detailed process with a lot of time to engage Ms. Lichman and anyone else we need to depending on the proper course of action.

Mr. Kakoyiannis stated historically, the Airport has been able to skirt the appropriate timeframes. He stated he feels they should consider the results they want to achieve and have plans in place. He asked that they continue to urge the Congressman to help us with the FAA, in Washington, and locally. He stated they need to maintain the momentum. Mr. Grenier stated he will immediately keep everyone advised if he learns something.

Dr. Weiss stated on Monday, June 18 they will be meeting with Congressman Fitzpatrick and hopefully they can start on the legislative front to try to get some mitigation with the Airport. He stated he has heard from Urban Engineers, the aviation attorney, and reviewing documents today from BRAAM he feels this will be an uphill battle; but the Board is willing to continue with it. He stated he does not share the urgency due to what Mr. Grenier has stated about the process. He stated the only thing they have to worry about at this point from reviewing the documents is the construction of the terminal and everything else is basically done since the new taxiways are in as are the new pads. He stated the only thing that has to be done right now is the acquisition of more land for buffers which is a Ewing Township issue. He stated he feels Mr. Hughes will do what he wants no matter how much money the Township spends on this apart from when the terminal is actually planned. Dr. Weiss stated he hopes they can have something legislated with Congressman Fitzpatrick's office that will be in the Township's benefit.

Ms. Joanne Guiniven, 986 Cultipacker Road, stated she is the Chair of the Airport Task Force; and she thanked Mr. Kakoyiannis for working over a number of months to get a meeting with Mr. Fitzpatrick. Ms. Guiniven stated she feels there has been a communication breakdown between the Board of Supervisors and the Airport Task Force, and things are happening more slowly because of that. She stated she sent the e-mail from Urban Engineers to Mr. Lewis and Dr. Weiss, and she had hoped that it would be sent to Ms. Lichman. She stated she understood that the Board was going to decide tonight whether to send it to Ms. Lichman or not. She stated she found out one hour prior to this evening's meeting that it had already been sent to Ms. Lichman. She stated previously the Task Force had also been included in the phone calls and the e-mail stream; however, now the Task Force is "out of the loop." She stated the Task Force is trying to work with the Township and make recommendations for the Board to act on; however, they do not know what is going on.

Dr. Weiss stated as a sitting Committee of the Board of Supervisors it is incumbent upon the Committee to have regular advertised meetings, and as their Liaison he would expect to be told that a meeting has been canceled. He stated so far they have had one meeting. Ms. Guiniven stated that is incorrect, and they meet on the fourth Thursday of every month. Dr. Weiss stated there has been one and possibly two meetings scheduled, and he was not invited to any other meeting. He stated all of the correspondence has been basically ex parte. He stated as far as a breakdown in communication, he as their Liaison expects to be notified of every meeting and to see that there is a quorum so that the Committee can make recommendations as a group. He stated he is willing to provide guidance and answer questions as their Liaison so they can make the best possible decisions. He stated if there is anything that needs to be done the Committee should contact him as their Liaison.

Ms. Guiniven stated she did advise Dr. Weiss the first time they met that they have their meetings on the fourth Thursday of every month in the Township meeting room, and it is shown on the calendar and is a public meeting. She stated it was only canceled on Thanksgiving and Christmas week. She stated since then there has been a meeting every fourth Thursday of the month. Dr. Weiss stated even if there was a meeting he should have at least been informed of what transpired.

Ms. Blundi stated they will need their Minutes so that they can put them on the Township Webpage since that is important for all of the Committees and Boards. Ms. Blundi stated it should also be on the Webpage when they have their meetings so that everyone can attend, and Ms. Guiniven stated it is on the Webpage on the calendar. Mr. Grenier stated almost all of the Boards and Committees have individual pages on the Web with their Agendas, Minutes, members, policies, documents, etc. He stated the Trenton-Mercer Airport Review Panel only has a list of members and no other data. Ms. Guiniven stated no one ever advised them about this, and the advice she was given was that was for Committees and not for Task Forces. Dr. Grenier stated it is not a Task Force, and the published name of the Committee is the Trenton Mercer Airport Review Board. He stated he does not know how they became a Task Force. Ms. Guiniven stated they were told they were a Task Force. Ms. Guiniven stated they will send them their Minutes, and noted again that they have public meetings every fourth Thursday of the month in the Township meeting room.

Dr. Weiss asked if they have any additional information to share with the Board of Supervisors other than what Mr. Kakoyiannis stated. Ms. Guiniven stated she sent out three e-mails and got no response at all. Mr. Grenier stated Ms. Guiniven did not respond to his e-mail where he asked her to follow up with Mr. Williams; however, Ms. Guiniven stated she did not receive that e-mail.

Mr. Lewis suggested that after the meeting they set up a time for Ms. Guiniven to talk with Mr. Grenier and Dr. Weiss. Ms. Guiniven agreed adding she feels they need to get linked in with the conversations with Ms. Lichman.

Dr. Weiss stated at the next Airport Review Board meeting they should have a complete Agenda. Ms. Guiniven stated she has had a complete Agenda for every Airport Task Force meeting. Dr. Weiss stated he thinks it will have some substance from the Board's part that they can discuss and go forward from there; and since they have two weeks they can work on that. Ms. Guiniven stated part of her problem is with the delays, and they are always waiting two weeks or a month and they need to be able to work on things more expeditiously; and Dr. Weiss agreed.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions Inc. expressed her concern that they have waited six months for the Board of Supervisors to realize that they need to provide something of substance on this issue. She stated she personally has attended every Task Force meeting except one, and Dr. Weiss was at none of the meetings she attended. Ms. Herman advised Dr. Weiss it is his responsibility to attend the meetings if he knew they hold their meetings the fourth Thursday of every month, and it was not their responsibility to ask him to make this a priority. She stated the Board of Supervisors still does not understand the urgency of this issue. She stated what is at stake is the quality of life of the Township residents and the negative economic impact that the continued unchecked expansion of the Airport can have on the tax base which is "astronomical."

Ms. Tyler stated they have been advised by counsel that they do not have legal recourse. She stated she appreciates the time and effort put in by the Task Force. Ms. Tyler stated they had two paths – the litigation path which was shut down in the Appellant Court, and they had the persuasive path through Government entities, and they are still on that path. She stated there is a meeting scheduled with Congressman Fitzpatrick, and that is the path that they have to take now. Ms. Tyler stated while she understands they feel that there is a sense of urgency, there is nothing they can urgently do. Ms. Herman stated they can act like persuasive politicians if that is the only path they have. Ms. Tyler stated they are moving forward with the Congressman. Ms. Tyler stated if Ms. Lichman had told them that there was something else they could have done, they would do that. She stated Ms. Lichman provided a list of five items to Mr. Truelove yesterday which they will provide to Ms. Guiniven, and they will work with them to accomplish the five suggestions Ms. Lichman made. In the meantime, they will also set up meetings with any politicians who are willing to speak to the Township to advocate for the residents.

Ms. Herman asked why they are second guessing the expert attorney they hired and not investing a few thousand dollars in Mr. Williams to see what he could do for them. Ms. Tyler stated Ms. Lichman did not recommend that they do so. Ms. Herman stated the Task Force has asked that they hire the consultant and see if it will help the Task Force feel better prepared.

Mr. Lewis stated the Board hired the attorney that was suggested to them by the LMT Airport Review Board. He stated they are trying to do what they can as quickly as they can. He stated if Ms. Lichman had advised the Board to hire the consultant, they would be discussing that. Ms. Herman stated Ms. Lichman had stated that she had worked successfully with that consultant before, and the Task Force stated they would appreciate moving forward with the consultant; and the Task Force should be able to evaluate what he has to offer them. Ms. Herman stated it may put them in a more politically-persuasive position and they and the Board could then together create a politically-persuasive path.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, advised that Patterson Farm Preservation invites the public to a flea market sale that they will be having on June 30 at Veterans Square monument for the purpose of raising funds for the restoration of the Satterthwaite House on Patterson Farm. She has sign up sheets available for those wishing to have a table. She encouraged the public to get involved and support preservation within the community. She stated information is also available on Patterson Farm Preservation.com. Ms. Tyler asked Ms. Doan to provide this information to the Township office so that they can put this on the Township Website and Township TV Channel as well. Ms. Doan thanked Park & Rec for their help with this as well.

Mr. David Wood, 11 E. School Lane, thanked the Board for their responses to his e-mail regarding E. School Lane and the Makefield Elementary School Zone. He stated he attended the Citizens Traffic Commission's meeting last week and reviewed some of the issues they have with speeding on E. School Lane which has been a long-standing problem. He stated there was a study done a number of years ago and because E. School Lane was being used as a cut-through to avoid traffic lights, the engineer recommended that a speed hump be installed on the road. He stated a number of the residents were in favor of this; however, it was never put in place, and the speeding still continues. Mr. Wood stated in the last year the Police have been present. He had asked whether it would be possible to extend the School Zone because there was so much School traffic; however, he was advised that was not possible. He stated he was given information and suggestions by the Traffic Committee about improving signage on the road. He stated yesterday he advised the Traffic Committee about some suggestions from the residents as to when the Police should be present. Mr. Wood stated he feels it would make the most sense to carry through with the original recommendation which was to have a speed hump

installed. He stated another suggestion is to have a three-way stop at Townsend, but he was advised that this would not be approved. He stated in his e-mail to the Board he included all of this information and asked if the Traffic Study which was done some years ago is still considered to be current and if the recommendation to put in a speed hump is something that could be done on the road.

Mr. Lewis stated on Makefield Road they are extending the School Zone and Chief Coluzzi has reached out to the School Superintendent. Mr. Lewis stated with regard to the Traffic Study, it may or may not be valid given the changes they are making on Makefield Road and which may impact E. School Lane as well.

Chief Coluzzi asked that they forward Mr. Wood's e-mail to him and he will follow up on it and have the traffic engineers and the Police Traffic Safety Officer look into his recommendations and get back to him. Chief Coluzzi stated he will also provide Mr. Wood with a copy of the traffic study that was done so that he has a better idea of what their thoughts were at that time and also the issue regarding the speed bumps.

Mr. Wood asked if the Permits to change the School Zones have been approved by PennDOT yet, and Chief Coluzzi stated they have not. Mr. Wood asked how long that might take; however, Chief Coluzzi stated that would be difficult to answer since they could come back in a month or take longer. Mr. Wood stated some of his neighbors asked him to inquire whether the Contracts had been approved; and Chief Coluzzi stated Requests for Proposals were prepared by the traffic engineer and went out, but they have not been returned yet.

Mr. Wood asked if it would be possible to have some information about this posted on the Township Website so the residents would know the steps that are currently being taken for the project. Mr. Lewis stated they have done that in the past with capital projects; however, because of the size and scope of this project not being very large they did not include it, but they could add it to the list that they put on the Website.

Mr. Wood stated while there were a lot of expectations by the residents that something would come from the traffic studies that were done previously for E. School Lane, very little, if nothing was done; and the speeding still persists. He stated the speed hump was a specific recommendation which everyone seemed to be in favor of with the exception of one resident on the street. Mr. Wood asked what would be the point of spending money on traffic studies if the recommendations are not implemented.

Mr. James Doran, 1332 Jacob Drive, asked if they have decided on a 2018 paving schedule as he was unable to find it on the Website. Mr. Lewis stated that will be discussed during the Engineer's report. Mr. Doran stated he did not realize that was going to be discussed this evening. He stated the document on the Website lists the twenty-five and thirty-year paving plan, and he feels it should be changed as it is not "searchable," and you cannot see where your road is on the document. He stated it is a PDF document but it looks like a picture document, and there is something wrong with it. He stated Creamery and Quarry Roads are very successful in calming traffic because they have so many potholes. He stated Quarry Road is a major road going to the School, and it has a "horrible S-curve" at the end where Oakmont was built. He stated Public Works has done a wonderful job patching; however, that road is now more patches than it is road surface. He stated they need to do something about the roads.

APPROVAL OF MINUTES

Ms. Tyler moved and Ms. Blundi seconded to approve the Minutes of May 16, 2018 as written. Motion carried with Ms. Tyler abstained.

ENGINEER'S REPORT

Mr. Pockl stated they have completed a review of the Development Plans for Snipes athletic fields produced by the previous engineer, Boucher & James and provided draft comments to the Township at a meeting held on June 1. He stated they are currently working on two Concept Plans to address some of the comments in their review as well as some of the comments from neighbors that they have reviewed. He stated they will present Plans and Budget cost estimates to the Township at a meeting on June 22.

Mr. Pockl stated they have completed the bridge inspections and final reports were sent to the Township this week.

Mr. Pockl stated with regard to the Township Road Program, they advertised and placed the Road Program up for Bid on the Statewide electronic bidding system on June 4. A pre-Bid meeting is scheduled at the Township Building on June 12. He stated Bid openings are scheduled for June 19 with possible award at the next Supervisors meeting. He stated they anticipate start of construction mid-July and completion prior to the start of the School year. Mr. Pockl stated work includes the following roads: Oxford Valley Road full reconstruction, Keats Road, Black Rock Road, Byron Lane, Hunt Drive, Buck Creek Circle, and Rickert Drive all of which will

be resurfaced. He stated work also includes Makefield Road traffic-calming improvements and a bike path resurfacing along Covington Road as well as new handicap ramps at the intersection of Schuyler and Quincy. Mr. Pockl stated if prices are conducive, additional work could be completed on Wood Brook Road, S. Milton Drive, and Milford Drive.

Mr. Pockl stated with regard to the Woodside Road bike path, they are bidding that separate from the Road Program; and they expect information from the DVJTBC within forty-eight hours as far as the information for the survey that they have completed. Mr. Pockl stated he wants to see if he can use that to design the bike path along Woodside Road.

Mr. Pockl stated on June 1 with Public Works they observed some erosion at a property on Laurel Lane and Stackhouse Drive which is downstream of the Township property outflow, and they are working on developing a Sketch Plan for repairs and a cost estimate which will be presented shortly to Public Works.

Mr. Pockl stated with regard to the Dobry Road townhomes project, they are waiting a scheduled meeting with the developer to clarify comments and discuss required Variances.

Mr. Pockl stated they provided a site checklist for inspection of stormwater management facilities which is a follow-up on a meeting they had with the EAC and various Township staff members.

Mr. Pockl stated they reviewed a number of Grading Permits and approved a Building Permit Plan at 1329 Jacob Drive.

Mr. Pockl stated at Regency at Yardley Phases IV through VII, there is ongoing work towards completing their punch list items. He stated he is also addressing flooding issues along Locust Road for clogged inlets. He stated Regency at Yardley South Phase III is proceeding. He stated with regard to Phases IV and V, utility main installation is being completed in the roadway. He stated at Brookshire Estates, they are completing an inspection of punch list items that should be completed by the end of the week. He stated they have scheduled a meeting for June 14 to review outstanding landscaping requirements that they have not completed yet. He stated they are meeting with both the HOA and the developer on June 14. Mr. Pockl stated with regard to Oakmont, they e-mailed the developer to address stabilization of swales along the roadway in front of Lot #1 which is down from Quarry Road and behind Lot #14 based on concerns residents had. He stated Mr. Majewski has contacted PECO to stabilize the swale along Quarry Road which has been a concern that was brought to their attention. Mr. Pockl stated at Estates at Sandy Run there

is ongoing construction on Lots #2 and #7. He stated they met with the adjacent property owner at 824 Sandy Run Road concerning run off on their property; and they have reviewed that with the developer and ordered changes to the site, and the contractor was addressing that this week. Mr. Pockl stated with regard to Scammell's Corner, the developer is to provide an As-Built Survey Plan, and to convert stormwater management systems to permanent systems as well as clean up areas throughout the development. Mr. Pockl stated there is ongoing construction of Lots #2 and #6 at Towering Oaks.

Mr. Grenier stated the soft opening of the Dog Park is set for June 12, and some issues have come up which he feels Mr. Pockl should look at and offer his opinion; and Mr. Pockl agreed to do that in advance of June 12.

SANDY RUN ROAD DISCUSSION

Mr. Lewis stated on January 6, 2017 the Township closed Sandy Run Road between Reading Avenue and Edgewood Road after completing a site inspection that determined there was insufficient sight and stopping distance between at the intersection of Edgewood and Sandy Run Roads. Mr. Lewis stated on January 17, 2018 the Board voted to retain outside counsel, Curtin & Heefner, to look into possible litigation against any Party that might be held legally responsible for the closure of Sandy Run Road and the cost of doing what must be done to remedy the problem. Mr. Lewis stated on May 30, 2018 the Board met in Executive Session with the outside counsel from 6 p.m. to 9 p.m. to discuss possible litigation concerning this matter. He stated tonight the Board will entertain a Motion to authorize the outside counsel to take all necessary action to protect and enforce the Township's rights in connection with this matter.

Mr. Lewis stated after that, the Township's traffic engineer, Traffic, Planning & Design, will provide the Board with a status update on Sandy Run Road including the project alternatives. He stated slightly over a year ago the Board of Supervisors reviewed over twenty-five different potential solutions to the problem, and they also examined suggestions provided by the public. Mr. Lewis stated at the engineer's recommendation, the Board voted to install temporary chicanes on Edgewood Road as a traffic-calming measure. He stated the purpose of the project was to determine whether the speed of motorists driving through the area could be reduced to the point that with additional remedial measures, the intersection might be made safe going forward. He stated the chicanes have in fact reduced vehicle speeds, and Mr. Jacobs from TPD will describe what can be done in light of that fact.

Mr. Lewis stated the Board is committed to resolving this situation and moving forward as quickly as they can understanding that the speed resolution is subject to design and engineering requirements. Mr. Lewis stated once Mr. Jacobs has made his presentation, the Board will consider a Motion to authorize TPD to complete preliminary engineering studies in support of Sandy Run final alternatives review. He stated they will take public comment at that time recognizing that outside counsel has strongly requested that they not discuss what caused the closure of Sandy Run Road, the costs of the closure, or the total or component costs of project alternatives as doing so might limit the Township's ability to best represent taxpayers in seeking restitution for this situation. Mr. Lewis stated the Board may not therefore be able to engage in certain discussions or answer certain questions, and he asked that questions by the Board and residents be limited to potential future work to remedy the problem.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to authorize counsel to move forward with the litigation as described by the Chair.

Mr. Don Jacobs, TPD, was present and stated the chicanes were successful in reducing speeds on Edgewood Road in the vicinity of where it is posted approaching the SEPTA track. He stated they were looking to obtain the 85th percentile which is the speed at which 85% of the drivers are driving at or lower, and that is considered a reasonable speed to base the travel speed of the road on for design purposes. He stated since the chicanes went in, the speed has gotten into the range where it is feasible for one of the alternatives they will present for Sandy Run Road. Mr. Jacobs stated they would want a more permanent design for the chicanes since they are part of the relocation alternative. Mr. Jacobs showed a picture of what the permanent chicanes could look like. He stated they would be at the same location as the temporary chicanes.

Mr. Jacobs stated one alternative they are still looking at is the relocation of Sandy Run Road to the west of its current location so that it would be further away from the SEPTA tracks and closer to the bridge that carries Edgewood Road over Brock Creek. He stated a section may need to remain for utility access because there is a pole line running along Sandy Run Road from Edgewood Road going north. Mr. Jacobs stated the alternative will require right-of-way acquisition. Mr. Jacobs showed a picture of the relocation option which is shown in yellow on the Plan and it will go down to a new intersection with Edgewood which will be approximately 114' to the west. He stated one of the major issues they have to deal with is the floodplain at Brock Creek and insure that they can obtain this degree of relocation.

Mr. Jacobs stated another option under consideration is the cul-de-sac of Sandy Run Road although that is not the preferred option at this point; and it is more of a fall-back option if the relocation of Sandy Run Road proves unable to achieve either because of issues with design parameters, Permitting, or right-of-way acquisition, etc. He stated their task going forward is to make sure that the relocation can be carried to final design and construction. Mr. Jacobs showed a picture of the cul-de-sac alternative, with the cul-de-sac off to the right shown in yellow on the Plan. Mr. Jacobs stated while the relocation option will effect the property on the western side of existing Sandy Run Road, the cul-de-sac option primarily effects the property on the eastern side of existing Sandy Run. Mr. Jacobs stated it will be a rather long cul-de-sac of 2,500' from Reading Avenue. He stated a concern with that length of cul-de-sac is often related to emergency access with only one entrance; and with Edgewood Road there, if the cul-de-sac were to be the option selected, there would need to be an emergency access connection between Edgewood and the cul-de-sac. He stated the proposed length of the cul-de-sac is probably five times longer than the Township Ordinance standard.

Mr. Jacobs stated they will need to do preliminary engineering for the project including survey and field work, feasibility analysis for relocation alternative, and building of a three-dimensional model so that they can fully vet the issues of the floodplain, the sight distance, right-of-way required, utility issues, etc. He stated they will need guidance from the Township on some design issues such as the width of the road. He stated they would then complete the final design which takes a fully-developed design ready for Bid documents. He stated they would have to have the right-of-way acquired and utility issues addressed as well as obtaining whatever environmental Permit is necessary before it could go to construction.

Mr. Grenier moved and Ms. Blundi seconded to authorize TPD to complete preliminary engineering studies in support of the Sandy Run final alternatives review.

Ms. Tyler asked Mr. Truelove if the Township owns the property to the east, and Mr. Truelove stated they do not. Mr. Truelove stated he looked at this approximately one year ago, and the same family name owns property on the west side and the east side; however, they are different members of the family. He stated he did have a discussion with the family member who has Tenants in Common for the west side who indicated that one of the members of the family who owns the property on the east side was not as cooperative as the others. He stated if the option to acquire land on the west side is preferable, it may be easier from a legal perspective as well. Ms. Tyler asked how long a right-of-way acquisition may take; and Mr. Truelove stated if it is a friendly condemnation from the time it is filed with all the information it could be ninety days. He stated if it is not a friendly condemnation, it could take months. He stated the appraisals would not be

challenging so that should not take that long to get it to Court compared to other more complicated ones they have done in the past. Ms. Tyler asked if it would be prudent to move forward with the appraisals of the properties at this point, and Mr. Truelove agreed. He stated if the Board authorizes going forward as indicated by the Motion it may be appropriate to also get appraisals. He stated Mr. Fedorchak is very familiar with the appraisal process.

Mr. Lewis asked if Mr. Grenier would agree to an Amendment to include appraisals as part of the Motion. Ms. Tyler asked Mr. Truelove if they need to include this in the Motion or could they just instruct Mr. Fedorchak to do this; and Mr. Truelove stated they can instruct Mr. Fedorchak to do it.

Dr. Weiss stated Mr. Jacobs had indicated that with the cul-de-sac, the fall-back option, that there should be emergency access off of Edgewood; and he asked if that would be a problem with line of sight with the Railroad tracks as well. Mr. Jacobs stated this would be an emergency-access only for emergency personnel during an emergency, so the situation would be controlled by emergency personnel if people were evacuating by that route. He stated he feels the access would be gated under day-to-day operation of Edgewood Road so that a vehicle could not drive between Edgewood Road and the cul-de-sac, and only emergency personnel could do so. Dr. Weiss stated if an emergency vehicle was leaving the cul-de-sac onto Edgewood Road with traffic going westbound from the Railroad tracks with the line of sight issues there could be a distracted driver and a fire truck could be coming out, and he asked what would be the difference between that and a regular car. Mr. Jacobs stated an emergency vehicle would have their flashers so that they could safely exit onto the road.

Mr. Grenier stated he feels it is important to collect the preliminary engineering data since no matter what option they choose, they have to collect the same information as soon as possible so that they can move forward with a more detailed design.

Ms. Patty Piech, 2 Sandy Run Road, stated she feels the Board is “tying their hands” since the residents were told they were not allowed to talk about certain things. She stated these things should not have happened, and there is a lot of blame to go around. She stated no one on Sandy Run Road wants a cul-de-sac. She stated she has lived on Sandy Run Road for over thirty years, and it was not a cul-de-sac then; and it should not be a cul-de-sac now. Mr. Lewis stated a vast majority of the Board shares that opinion. Ms. Piech asked if CSX had the authority to condemn land or did Lower Makefield Township sell the property to them for the third rail. Mr. Truelove stated they already had the right-of-way established years before that, and it was something that was done decades ago. Mr. Truelove stated Sandy Run Road was actually a dirt road when that was established. Ms. Piech stated she was

told by the “chief engineer” when this happened that it really was not a “bigger hill and it just looked like it was.” She stated she can tell that there is a big difference because of the sight distance. Mr. Truelove stated this is something the Board cannot discuss. Ms. Piech stated the “chief engineer” told her there was no change in the height of the road. Ms. Piech stated she knows that it is a Township road, but she does not understand about traffic lights. She asked why they cannot have a traffic light or a “special exception” for a traffic light there. Chief Coluzzi stated even though it is a Township-owned road, you still have to meet the warrant requirements as specified by PennDOT; and that would not meet the requirements. He added it would not be safe to put a stop sign or a traffic light there because of the Railroad tracks, and everything would back up over the Railroad tracks and could cause a potential tragedy there.

Ms. Piech stated the routes they have designated as detours are not necessarily the routes that people are using, and people are cutting through developments. She is concerned about people using the tunnel on Reading Avenue, and she is “shocked” that there has not been an accident there yet as people are speeding through and do not stop. Chief Coluzzi stated he agrees that it is a bad intersection.

Ms. Piech stated there has been talk about athletic fields at Snipes, and she knows that there is a certain amount of money that the Township has; and she feels money should be spent on this road as opposed to more ball fields. She stated she feels there are already a lot of ball fields, and she does not know if we really need more. She stated the inconvenience they have been through for the past year and a half and talk of making it a cul-de-sac because it is the “easiest thing to do” is wrong.

Ms. Piech asked where the road would be with regard to Brock Creek if they move the road 114’. Mr. Jacobs showed the picture he had shown previously. He stated while he has not measured it off, he feels it is about the same 114’ distance to the left. He added that the street cannot go in the floodplain. Mr. Grenier noted the light blue line on the Plan which is the flood plain line and the yellow line which is the relocated road. Mr. Grenier stated he feels that at its closest point to the creek it is 50’. Ms. Piech stated they all know that the creek floods all the time, and Mr. Grenier stated that is why they want to do these preliminary engineering studies.

Ms. Piech asked if they move it 114’ can you see up over the hill, and she asked if the road is going to be raised. Mr. Jacobs stated the plan is not to raise Edgewood Road, and the sight distance is being increased by moving the road 114’ so they will not lose any sight distance vertically. Mr. Grenier stated all of this will be driven by the preliminary engineering studies including a topographic survey and whether “things are to be raised or moved.” He stated he feels it is too early to answer Ms. Piech’s question.

Ms. Piech's asked why there is concern about emergency access when they do not have one currently. Mr. Lewis stated this is why they want to move forward.

Mr. Lenny Rosenfeld, 1260 Madison Drive, stated many people are traveling through the Township by bicycle including himself; and the chicane is a danger to cyclists. He stated the safety of cyclists should be accounted for when they do the engineering. Mr. Lewis stated they do consider that, and he added that there is a bike path north on the other side of the road. Mr. Rosenfeld agreed the path is on one side; however, he stated those going some distance on a bicycle getting off the road and onto a path is a "big inconvenience." He stated those who are not familiar with the area would not even know it is there without a sign. Mr. Grenier stated the recent Grant the Township was awarded will include a path in that area, and the permanent chicane design will include provisions for the path to connect all of the Township facilities in the area.

Mr. Rosenfeld stated while he understands a traffic light is not feasible, he asked about speed bumps to slow down the traffic without the chicanes. He stated there could be a series of simple speed bumps. Mr. Lewis stated they reviewed twenty-five different alternatives from two different engineering firms and included public assessment, and he feels this was reviewed. Mr. Rosenfeld stated speed bumps are an effective way to slow traffic.

Ms. Vicki Miller, 868 Sandy Run Road, stated her concern is with the two alternates they have that they will spend money on; but one of them they all agree is not the outcome they want which is the cul-de-sac. She asked that they come up with a different alternative as she feels moving Sandy Run Road toward Brock Creek which is lower than the current position will not help the sight distance. Ms. Miller stated while she recognizes there is a line on the map showing the floodplain, if you look at the mud line from recent rains, it is close to Sandy Run. Ms. Miller stated she would suggest an alternate of taking Edgewood and making a bridge across Brock Creek more level with where it is at Schuyler and where it is at the Railroad tracks. She stated she recognizes this would be a lot of money, but it would solve all of the problems they are discussing. She stated they would not then need the chicanes and it would be better for cyclists as well.

Mr. Lee Polsky, 724 Salem Court, stated he resides closest to where they intend to relocate Sandy Run Road. He stated if they do this, they will remove woodlands which absorb water. He stated he is on the east side where there is a Conservation area, and it is in his Deed that it cannot be touched. He stated he understands that the west side is privately owned. He stated he is concerned with his property and his neighbors to the right and left as when it rains hard, the water rises up Brock Creek onto his property. He stated if the water comes up 5' to 8' it enters into their basements. He stated during the 1996 flood, he had 4' of water in his basement; and

he spent \$30,000 remediating his basement from mold, and putting in a French drain and large sump pumps on both sides. He stated they need to take into consideration the people who are going to be impacted by the movement of Sandy Run Road to the west. He stated if they remove the trees, water will seek its own level so it will come east toward his and his neighbors' homes.

Mr. Polsky stated he has been able to see that the chicanes worked, and traffic is now coming over the tracks much slower. He stated even if they do not move Sandy Run Road to the west, he feels they would have success with permanent traffic calming and not having to remove trees. Mr. Lewis stated with regard to moving the road, there are rules as to what the sight lines need to be. He also stated with regard to stormwater management, that will be part of the preliminary analysis. Mr. Jacobs stated the intent is to keep the relocated road outside of the extent of the 100 year floodplain including whatever grading is necessary. Mr. Polsky asked if they need permission from FEMA. Mr. Jacobs stated if they stay outside of the 100 year floodplain, they do not require a FEMA map revision. Mr. Polsky stated by putting in a road and removing the trees, they will have to build some sort of stone retaining wall. He asked if they will have to raise the road to keep the water off of Sandy Run Road with the retaining wall. Mr. Jacobs stated the next step is the engineering. Mr. Polsky stated the water will no longer be able to go west of Brock Creek where it used to go, and therefore it will go east of Brock Creek onto his and his neighbors' properties. Mr. Jacobs stated any storm of 100 year or less would have no impact. Mr. Polsky stated the 100 year is based on how it is today, but they are changing it by removing trees and putting in a road and a retaining wall. Mr. Jacobs stated everything would be outside the limits of the 100 year floodplain.

Mr. Grenier stated he works in this field, and the preliminary engineering studies need to be done to determine the limitations of regulated areas such as the floodplain, the wetlands, and the creek. He stated in addition during the design process, there are water quality and water quantity requirements such that the post-construction stormwater volumes have to be less than or equal to the pre-construction volumes. Mr. Polsky asked how they will move the road and not allow water to seek its level into another direction. Mr. Grenier stated they will typically put the water into a stormwater basin and point the water to that direction so that it does not add volume to any other location. Mr. Grenier stated there are basins all over the Township with one basin near Yardley Hunt but they do not yet have the data or the design at this point. He stated they are not allowed to negatively impact the neighbors. Mr. Grenier stated they still have a long way to go through the design process. Mr. Polsky stated Sandy Run Road has already been closed a long time. Mr. Polsky stated they need to consider the residents who may be impacted.

Mr. Warren Taylor, 117 College Avenue, stated he has been using Sandy Run Road since 1961, and he did not see any danger and could not understand why the road was closed. He stated he feels they could lower the speed limit a little and enforce the law. He stated he does not understand why there could not be a traffic light since they could put one at College and they could put one above the tracks. He stated he feels they are spending a lot of money that is not necessary.

Mr. Chris Yasinsac, 252 Reading Avenue, thanked the Board for pursuing this and the engineer for the clarity as to where they are going. Mr. Yasinsac asked at what point the taxpayers will be privy to the numbers. Mr. Lewis stated it would be once they go out to RFP and approve any Bids to remediate the situation, all of which would be public. Mr. Yasinsac asked how long Mr. Grenier expects the study to take, and Mr. Grenier stated generally preliminary engineering studies take two to three months. He stated they need to collect all the data necessary for the options so that a design can be initiated in more detail.

Ms. Fran Sweeney, 46 Fairway Drive, stated the Board does not really understand what the area residents are dealing with. She stated response vehicles are not able to get there in the same amount of time. She stated she is no longer able to use Sandy Run Road and going through the tunnel is not an option. She stated while they are a small group of people, they deserve the Board's attention. She asked that they act on this sooner than later as it has already been a year and a half.

Mr. Lee Polsky stated he agrees with Ms. Sweeney, and Sandy Run should be open immediately. He stated the chicanes are working, and they should put something in permanently that looks nice, and open Sandy Run Road.

Motion carried unanimously.

Ms. Tyler asked that Mr. Fedorchak move forward with the appraisals.

AWARD OF BID FOR HEACOCK FORCE MAIN REPLACEMENT

Mr. Greg Hucklebridge, Public Works Director, stated they received six Bids on May 22, 2018 with Trio Siteworks LLC being the low Bidder at \$287,272.50. He reviewed other Bids received. He stated the engineer's estimate was approximately \$309,150. Mr. Hucklebridge stated Mr. Ebert has included a detailed breakdown on all the items on the Bid. Mr. Hucklebridge stated Trio Siteworks LLC has only been in business for approximately fifteen months; however Trio Siteworks LLC formerly operated as Out of Sight Infrastructure, and this is how they represented that they had twelve years of experience. He stated the company reorganized under new ownership with new officers, but many of the employees have remained the same.

Mr. Hucklebridge stated it is recommended that the Board acknowledge and waive a part of Section M – qualifications of contractors as read by Mr. Hucklebridge adding that Trio Siteworks LLC provided a list of ten completed similar installations but they have not been in business for three years. He stated the Board should acknowledge that while they have provided references, they do not have three years of work history. Mr. Hucklebridge stated that the Bids were reviewed by the Lower Makefield Township Sewer Authority at their May 24, 2018 meeting, and they recommended awarding the Contract to Trio Siteworks LLC as the low bidder on the project subject to review of the Contract documents by the engineer's and solicitor's offices. Mr. Hucklebridge stated it is also the sewer engineer and his own recommendation.

Ms. Tyler moved and Mr. Grenier seconded to award the Contract for the Heacock Force Main replacement to Trio Siteworks as outlined by the Public Works Director, Mr. Hucklebridge. This includes the Waiver as requested and is also conditioned upon final review of the Contract documents by the solicitor's office and the engineer's office.

Mr. Lewis thanked Mr. Ebert for his accurate engineer's estimate, and thanked Mr. Hucklebridge for his work during the most recent storm.

Motion carried unanimously.

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

Mr. Truelove stated they are recommending that this be deferred to the next meeting. He stated because of the nature of the property that is in question, there is a 20' easement that is owned by the Pennsylvania American Water Company; and they need to make sure that it is properly delineated in the documents. He stated they want to finalize the documents over the next two weeks. He stated the County Recorder of Deeds landex did not pick this up.

Mr. Pockl stated they are in the process of taking the information from the Deed and adding it to the Plans so that they can accurately depict the Conservation area. Mr. Truelove stated in that way it will be properly Recorded at the Recorder of Deeds Office so that there will be no question about what property is preserved. Mr. Truelove stated this will also give the Township the right to use the 20' easement for access purposes which will be a benefit to the Township and the easement itself.

Ms. Tyler moved that in conjunction with the appearance of this item on the next Agenda that the Board also consider a Resolution naming the Conservation Easement in honor of Katherine Burke, a young Township resident who appeared in 2013 and 2017. Mr. Lewis seconded, and the Motion carried unanimously.

Mr. Truelove announced that as noted earlier there was an Executive Session held with outside counsel on May 30 from 6:00 p.m. to 9:00 p.m. to discuss litigation. He stated the Board also met in Executive Session this evening starting at 7:00 p.m. and items of litigation, Real Estate, and collective bargaining were discussed.

APPROVAL OF ORDINANCE NO. 409 AMENDING RESIDENCY REQUIREMENT FOR TOWNSHIP MANAGER

Mr. Truelove stated at the last meeting there was an authorization to advertise an Amendment to the Township Manager Ordinance to remove the restriction of requiring the Township Manager to reside within the borders of the Township. He stated the Ordinance would be modified to state, “but within one year after his or her selection, the Manger shall reside at all times within a twenty mile radius as measured from the Lower Makefield Township Building.” Mr. Truelove stated that advertisement was properly placed in the newspaper, and is now before the Board for a vote. He stated if it is passed this evening, according to the Ordinance, it will be effective five days after the enactment.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Ordinance No. 409 Amending Residency Requirement for the Township Manager.

SUPERVISORS REPORTS

Dr. Weiss stated the Economic Development Committee met, and there will be vacancies on this Board; and they will be advertising for replacement members shortly. Dr. Weiss stated the Memorial Day events were well attended.

Mr. Grenier stated the Environmental Advisory Council met and reviewed the stormwater management basin program with Mr. Pockl who came up with a site evaluation checklist to determine how well the basins are operating. He stated there were issues at a number of the basins during the recent rain event. He stated they are looking to see how they can improve the basins. Mr. Grenier stated at the Park & Rec meeting, there was an Eagle Scout proposal; and they also discussed a skate park and the Pool. Mr. Grenier stated the Pool is open, and the soft opening of the Dog Park will be June 12. Mr. Grenier stated at the Sewer Authority meeting,

Ms. Kirk reported that they have collected approximately \$47,000 in outstanding sewer bills over the last few months, and they are still working on getting more. Mr. Truelove noted this work came under the retainer for the Township so it is not an extra cost. Mr. Truelove stated Ms. Kirk and her assistant have done a great job on this along with the Township staff. Mr. Truelove stated if there is a lien on the property for non-payment, if someone were to refinance, mortgage, or sell the property, they would have to take care of this first.

Mr. Grenier stated the Planning Commission met and reviewed the Preliminary Land Development Plans for Caddis Healthcare. Dr. Weiss asked about the Comprehensive Master Plan which was supposed to be completed the end of April, and the Planning Commission had been given extra time. Mr. Grenier stated at the April 26 meeting the Planning Commission voted on the Comprehensive Plan changing some language in the sewer section, the traffic section, and the land use section; and they consider it to be complete at this point. Mr. Grenier stated he believes it will be on the Board's Agenda some time in July. Ms. Tyler asked if the Planning Commission recommended revisions to the actual text or are they proposing the changes to the Board of Supervisors. Mr. Grenier stated they are proposing the changes to specific text.

Ms. Tyler stated there was a meeting of the Electric Reliability Committee with Mr. Ted Dorand from PECO to review future infrastructure improvements and critique them on management of the last storm. Ms. Tyler stated the Historic Commission will not meet during the summer.

Mr. Grenier stated PECO will be holding public forum about the rate increase in the region, and he will get the date to Ms. Tyler so that she can advise the Electric Reliability Committee.

Ms. Blundi stated Special Events is actively recruiting volunteers for their next big project, Community Pride Day. She stated the Dog Park is set to open officially in July, and the Special Events Committee will be working on this as well. Ms. Blundi stated the Citizens Traffic Commission continues to take complaints and concerns from residents and looks to solve them the best that they can.

Ms. Blundi stated there have been two major rain storms recently, and she asked the residents to help out by picking up debris in the roadway so that it does not get into the storm sewers and cause additional problems. Mr. Grenier stated there is an Ordinance in the Township that leaves are not to be put in the roadway because of the potential of large amounts of leaves getting into the storm drains which can cause problems.

OTHER BUSINESS

Mr. Majewski stated the Township received a proposal from the Bucks County Planning Commission to conduct an athletic facilities inventory and recreational needs assessment of the Township's facilities. He stated the scope of work will include meeting with Township staff, discussions with the different field users of what their scheduling needs are, what fields they use, analyzing all the existing Township facilities and the existing number of fields and proposed fields, and what the original designs are. They will then compile all this information into a report to inventory what the actual needs are for future fields. He stated this is specifically in regard to the Snipes Tract to verify that what we all suspect about the need for those fields is in fact true. He stated the cost for that work is a not to exceed fee of \$13,920. Mr. Majewski stated they have also provided the Township an optional study for an approximate cost of \$26,000 to do a statistically-valid resident survey through the use of a sub-consultant that specializes in the design, administration, and analysis of recreational-based surveys. They would send a survey out to all households in the Township to ascertain information on current and future recreational needs.

Ms. Tyler asked if this has gone to Park & Rec. Mr. Grenier stated Park & Rec has requested that we do an overall needs assessment some of which is related to Snipes and some of which is related to the fact that we are doing the Comprehensive Plan, and the fact that it has been twenty-five years since some of this has been done. He stated they want to update the data and get a better feel for where we are and what we need.

Mr. Grenier moved and Ms. Blundi seconded to approve Option 1 for \$13,920 so that the Bucks County Planning Commission would complete a needs assessment based on their proposal provided.

There was no public comment and the Motion carried unanimously.

There being no further business Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Kristin Tyler, Secretary

