

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 15, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 15, 2018. Mr. Lewis called the meeting to order at 7:25 p.m. A moment of silence was held in honor of Kayden Mancuso. Mr. Lewis called the Roll.

Those present:

Board of Supervisors:                   John B. Lewis, Chairman  
  Frederic K. Weiss, Vice Chairman  
  Daniel Grenier, Treasurer  
  Suzanne S. Blundi, Supervisor

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

Absent:                                     Kristin Tyler, BOS Secretary

PUBLIC COMMENT

Mr. Janak Vyas, 864 S. Crescent Boulevard, expressed concern with Comcast digging up everywhere, and the fact that the residents do not understand what is going on. Mr. Vyas also expressed concern with the situation at the Trenton-Mercer Airport, adding he understands that there is legal action being taken; and he asked if there is anything that the residents can do to help and asked for an update. Mr. Lewis stated they get an update every meeting from the Trenton Mercer Review Board. He stated if residents observe excessive noise related to a flight, there is a Complaint Form that they can fill out. Mr. Vyas stated they have been doing that. Mr. Vyas asked about the wiring around S. Crescent and around the block which was put down about a month to two months ago since the residents do not know what is happening.

Mr. Ferguson stated with regard to the Comcast issue Mr. Vyas raised, Comcast did not file a Road Opening Permit with the Public Works Department; however, the Township has been in regular communication with Comcast's Government representative. Mr. Ferguson stated the Township will be posting on the Website very soon the listing of the streets where Comcast will be working. He stated the Assistant to the Public Works Director will be the single point of contact if someone has a complaint about safety, the contractor not cleaning up for the day, etc. Mr. Ferguson stated Comcast is in the midst of filing all the appropriate Permits.

Mr. Ferguson stated with regard to PECO, at the last meeting he had read an e-mail from Mr. Dorand of PECO indicating that they had identified some additional areas they wanted to address. Mr. Ferguson stated he will speak with Mr. Dorand by this Friday to get a timeframe update. He stated he will put any communications and changes in deadline on the Township Website.

Mr. Vyas asked about an update on the Trenton Mercer lawsuit. Mr. Truelove stated there was a lawsuit that concluded last year, but unfortunately it was not in favor of the Township; however, there is currently a review of possible litigation in terms of some of the FAA regulations and the development of the Airport. Mr. Vyas asked if information about this could be posted on the Website to update the residents, and Mr. Truelove stated the Task Force usually has information posted on the Website. He noted the outside counsel who has been retained is in fairly regular contact with the Township. Mr. Ferguson stated he will check out the Website to see how current the information is. Dr. Weiss stated every month the Panel should have a summary of its Minutes that the residents can access via the Website.

Mr. Harold Kupersmit, 612 B. Wren Song Road, expressed concern with costs for sewage treatment and other debts. Mr. Kupersmit stated he needs to raise \$750 million to invent a new waste treatment facility, and he asked if the Township would act as his escrow agent. Mr. Lewis stated he does not believe the Township could act as his escrow agent under the MPC; and Mr. Truelove stated he does not believe they could, however, if the Board wishes him to look into that he will.

Mr. Doug Marshall, 1009 N. Elbow Lane, stated he feels Lower Makefield has done a good job of securing open space which has enhanced the quality of life; and to the extent possible, he would be in favor of securing more open space. Mr. Lewis stated last year the Township was able to complete a Development Easement for the Guzikowski farm which was fifty-six acres as well as the Hildebrand property. Mr. Lewis stated the Township's EAC (Environmental Advisory Council) keeps a running list of the most desirable open space properties in Lower Makefield which they have ranked by desirability including whether it is plausible to get the property and the property's value based on being contiguous to other open space or where there are gaps in open space; and there is a constant effort in this area. Mr. Lewis stated there has been engagement potentially in two areas one of which is .6 acres which has been a long-sought wooded tract and another the Township recently received a call on.

Mr. Grenier stated he was previously a member of the EAC and is now their Liaison. He stated the original Open Space Plan was written in 2009, and the Plan is on the Township's Website. He stated the EAC is currently in the process of updating that Plan.

Mr. Zachary Rubin, 1661 Covington Road, stated the Township will shortly be receiving five acres from the Matrix Agreement. He stated the Township should consider what they want to do with that parcel.

Mr. Robert Abrams, 652 Teich Drive, stated PECO was in the area on Sunday; and when they shut the electric off, his alarm went off at 7:00 a.m. and his alarm company called.

Mr. Abrams stated Dr. Weiss had previously posted that he was going to be able to make \$50,000 a year on the \$2.02 million that the Township was getting for the tower. Mr. Abrams stated this would be 2.5% but it would involve tying up the entire principal, and he questioned “what was the purpose of doing the deal anyway.” Mr. Abrams stated when he had previously asked how and where it was going to be invested and what were the risk factors, the answer he received was that “they did not do the deal yet.” Mr. Abrams stated if it has been indicated that they were going to get 2.5%, so he feels they do have a “game plan” and the answer could not be “that they did not do the deal yet.” Mr. Ferguson stated the Township did not get the payment yet. Mr. Lewis stated the Board has made no decision as to what they will do with that money, and it could be invested and earn a rate of return, the Board could elect to pay down debt, use it for other items, place it in a fund, etc. He stated no decision has been made since the Board has not yet received that money.

Mr. Abrams stated he had also previously asked about “the additional million dollars” that was allocated in last year’s Budget for road repaving, etc.; and Mr. Ferguson gave him an answer indicating that “\$865,000 was allocated for paving for this year that has not quite started or is about to start.” Mr. Abrams stated if the increase in the Budget last year was \$1 million, there must have been a Budget for paving before that; and now they are only spending \$865,000, so he would like to know where that other \$1million increase got distributed to. Mr. Ferguson stated he cannot speak to the context for those comments. He stated the Road Program as it currently sits has road paving in it as well as other components that do not fall under what would be thought to be a traditional road program such as inlet repair, curb repair, etc. Mr. Ferguson stated the number he broke out for Mr. Abrams was specifically what was being dedicated to roads. Mr. Ferguson stated with regard to statements being made in the Budget that there was an additional \$1 million being put for paving, he is not sure where that was placed in the Budget. Mr. Ferguson stated he is following the parameters of the 2018 Budget as he sees it and as it was Bid out.

Mr. Abrams stated he assumes he will have to file a Right-To-Know to get the Budget and try to track it down himself. Mr. Ferguson advised Mr. Abrams that he would not have to file Right-To-Know, and he would be happy to meet with Mr. Abrams and share with him the documents that he has. Mr. Ferguson stated this year’s Road Paving Program was put out to Bid based upon the budgeted

number and one of those budgeted numbers included a Grant that the Township got for paving in the amount of \$300,000. Mr. Abrams stated not only did the \$1 million seem to have been dispersed elsewhere, but in addition he got the largest tax increase that he can remember in thirty-four years. He stated “they needed that extra \$1 million to tidy up what was going on for last year.”

Mr. Lewis advised Mr. Abrams that he had exceeded his three minute time and added that he would not characterize the tax increase last year as the largest ever or within Bucks County. Mr. Abrams stated he had stated it was the largest increase that he could recall in his thirty-four years. Mr. Lewis stated with regard to some of Mr. Abrams’ prior claims he has made, he could go to Google at site:LMT.org and it would go against the whole site, and he could validate any of the comments he has alleged the Board has made, and he could then come to the Board and advise what the meeting Minutes for specific dates indicate.

Ms. Donna Doan, 2814 Yardley-Langhorne Road, Langhorne, stated today is the first day of the Middletown Grange Fair which is Bucks County’s largest agricultural event. She stated it draws exhibitors from all over the region, and the Fair runs through Sunday.

#### APPROVAL OF MINUTES

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of July 18, 2018 and August 1, 2018 as written.

#### APPROVAL OF AUGUST 6, 2018 WARRANT LIST AND JULY, 2018 PAYROLL

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the August 6, 2018 Warrant List and July, 2018 Payroll as attached to the Minutes.

#### APPROVAL OF RESOLUTION NO. 2369 ADOPTING AMENDED LOWER MAKEFIELD TOWNSHIP 537 PLAN

Mr. Ferguson stated the Sewer engineer was present at the last meeting, and the Board approved publishing the twenty-one changes that Mr. Ebert discussed many of which were clarifications. Mr. Ferguson stated they have been in communication with the representative from the DEP who will review the 537 Plan; and it is expected that if the Resolution is approved this evening, it will go to DEP to be approved.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2369 adopting the amended Lower Makefield Township 537 Plan.

**DISCUSSION AND MOTION OF ENVIRONMENTAL HAZARD ASSESSMENT REPORT FOR THE SATTERTHWAITE-DOAN HOUSE AT 909 MIRROR LAKE ROAD**

Mr. Pockl stated they completed a site investigation by observation in April, 2018. He stated they noted hazardous materials including asbestos, lead paint, and soil remediation that would be required because lead paint from the exterior of the house had washed down in the ground around the perimeter of the house. He stated mold remediation would also be required. He stated the septic system on the site is cracked, and any repurpose of the property would require a new septic system. Mr. Pockl stated they obtained samples of the materials which were sent to the lab which confirmed that they were hazardous materials. He stated the report he produced has copies of the sample documents that were sent to the lab. He stated they also produced a preliminary cost estimate of \$172,500 for remediation of the environmental hazards that they discovered.

Mr. Lewis stated he feels they could make a Motion that would further refine the estimate before going out to Bid, and asked if there are other options. Mr. Pockl stated with regard to refining the estimate, a lot of the lead paint noted was based off of observation of the exterior; and they could take measurements of the areas where the paint is still on the house, inside and outside, and they could further refine the estimate by defining the amount of soil that would need to be remediated. Mr. Pockl stated they did make certain assumptions when they produced the cost estimate for soil remediation which would include excavation, hauling, disposal, and placing new soil in the area. He stated for that item it was approximately \$17,500. He stated he does not know that a further refinement of the estimate would bring it down at all. Mr. Lewis asked what would the plus or minus be on the estimate, and Mr. Pockl stated it could be \$20,000 plus or minus so it could be \$160,000 to \$190,000.

Mr. Grenier stated if and when they do the remediation work, the end product would be “from the outside in” a remediated septic system, remediated soils, and a “cleaned-up” exterior and interior of any hazardous materials. Mr. Pockl stated what this would do would be to allow the Township to permit people to go inside the house. Mr. Grenier stated this does not give a structural engineering report or a clear punch list in terms of what needs to be fixed for people to safely go in and do certain things. Mr. Pockl stated what he has provided is just to remediate the environmental hazards.

Mr. Ferguson stated he assumes with regard to the interior assessment it was a square foot calculation and it did not give an assessment on the framework for the company that is hired to physically be able to be inside all parts of the structure safely. Mr. Ferguson asked if there would need to be a structural analysis to determine that the company doing the remediation work could be inside or would that company have to take precautionary measures to shore up parts of the wall etc. to allow them to do the remediation work safely. Mr. Ferguson stated his concern is that they would bid out the remediation work, and they would come back and advise that there is \$30,000 worth of preemptive measures they need to do to be able to safely go inside and remediate. Mr. Pockl stated if this were put out to Bid to remediate, the Township would need to disclose the structural information of the property. Mr. Pockl stated the best way to do this would be to engage a firm that does this kind of work and bring them out to the property.

Mr. Pockl stated his firm had a structural evaluation completed, and that included some "big ticket" items. He stated the structural beams that support the first floor would need to be sistered and portions of the first floor would need to be made structurally sound. Mr. Ferguson stated he understood that was part of a complete rehab and the estimate was approximately \$450,000. Mr. Ferguson asked, apart from a full-blow rehab, are there temporary securities that would need to be done in order for someone to go in there. Mr. Pockl stated he feels that is something that should be assessed. He stated it might just be putting in a metal post that supports the beams that they believe are in question. Mr. Ferguson stated it may be an incidental cost; but he is concerned that they could put the remediation out to Bid, and then there could be a big change order. Mr. Pockl stated that is why he believes that the best way to proceed would be to engage with a company that would do this work and find out what type of measures they typically take in order to remediate the property.

Mr. Grenier asked if they could do that through a pre-Bid meeting before going out to Bid, and Mr. Pockl stated he would recommend that be done. Mr. Lewis stated a pre-Bid meeting could help determine a rough estimate of what the minimum, viable investment would be to make it structurally sound so that people could enter and perform work on the building, and Mr. Pockl agreed. Mr. Lewis stated he feels they should authorize a pre-Bid meeting to understand what the total costs are before they go out to Bid on a remediation plan. Mr. Grenier stated he would like to make sure before putting anything out to Bid that they look at the Budget to make sure that there is money available. He stated he does not want to engage potential contractors to do work by putting out the Bid, and then we find out that we do not have the money to do what we want to do; and the contractors have already spent money to give a Bid, and then the Township finds out they need to put it off a few months, and the contractors do not want to come back.

Mr. Lewis stated he feels if they were to have a pre-Bid meeting to get an estimate of the minimum, viable expense to make the property sound so that people can enter the building, if they were comfortable with the estimate, the Board could Budget that if they felt it fit their priorities which it may or may not. Mr. Ferguson stated they would not have spent any money, and they would just be reaching out to prospective contractors in advance.

Mr. Grenier stated the Friends of Patterson Farm have made mention that the paint on the barn is coming off, and there may be an opportunity to get that painted; and he feels they should assess that to see if there is a lead paint issue as they had not included that as part of this report.

Ms. Blundi asked if as part of the pre-Bid meeting, they would be asking potential contractors to give them an idea as to what to do with the home once it is done. She stated they have put a lot of money into it, and she is not sure where the “end game” is in terms of the role of this home going forward. Mr. Pockl stated that would typically be two different kinds of contractors, and it would be outside of the scope of what an environment assessment would be.

Mr. Grenier stated assuming they proceed with the pre-Bid he feels they should add in that as they do the remediation, since we do not truly have a plan to move forward with the house yet, how to stabilize the house so that after it is remediated we do not get more mold in the future. Mr. Pockl stated he feels that would be something that would be included in any project, and they would remediate and make sure that the property maintains a hazard-free condition.

Mr. Lewis stated he feels the Motion should be a pre-Bid meeting to determine an estimate of the minimum, viable investment to make the property structurally sound for people to rehab it. Mr. Grenier asked about adding in the barn paint assessment, and Mr. Lewis agreed. It was noted that there are seven structures. Dr. Weiss stated the \$160,000 to \$190,000 did not include the other structures, and Mr. Grenier stated it was just the Satterthwaite House. Mr. Grenier stated he feels they should focus on the Satterthwaite House right now.

Mr. Grenier moved to authorize the Township engineer and staff to hold a pre-Bid meeting for the Satterthwaite Home to assess potential costs associated with implementing the Remedial Action Plan provided by the Township engineer as part of an overall Bid process. It would also include assessment of the paint on the barn building.

There was discussion as to which barn was being referred to. Ms. Donna Doan stated the Satterthwaite barn was rebuilt by the Township and was re-painted at that time so the paint on that one should be fine. Mr. Ferguson stated it is not; and they tested it today; and while it was painted over, some of that paint has fallen off and it is still testing positive. Ms. Doan stated it would need to be encapsulated. Ms. Blundi asked if that is the pole barn; however, Ms. Doan stated it is not a pole barn. Ms. Doan asked if everything is included, and they are testing all the buildings including Janney-Brown. Mr. Lewis stated they want to stay focused on the Satterthwaite House. He stated they have the environmental assessment and now they need a pre-Bid meeting to analyze what is the minimum cost it would take to make it structurally sound before they can move forward with the Bid and decide whether it gets prioritization in the 2019 Budget.

Ms. Blundi stated the barn would be the Tom Patterson bank barn; however, Ms. Doan stated that is incorrect, and it would be the Satterthwaite barn. Ms. Blundi stated the barn she is referring to is the Tom Patterson barn. Ms. Doan stated the Motion is about the other barn which is the Satterthwaite barn.

Mr. Grenier stated the second half of the Motion would be to include an assessment of the Satterthwaite barn paint so that they could then potentially move forward to repaint that one because that is the one that is in poor condition.

The Motion was re-read and Mr. Ferguson stated the last part should be “the assessment of paint on the second barn which is called the Patterson barn.”

Mr. Lewis stated he feels the Motion also needs to include the minimum estimate of making the building structurally sound as part of the pre-Bid meeting. Mr. Pockl stated part of what they are trying to evaluate is what improvements are needed to be made to the structure in order to permit an environmental remediation company to come in and complete the work as outlined in the engineer’s report. Mr. Lewis stated thereafter, once the environmental remediation is complete, others could work on it as well.

Mr. Ferguson stated his original point was whether there would be structural improvements, permanent or temporary; and if they need to go in and clean it in order to do temporary measures to secure areas which has a certain cost with it, he imagines those costs would be significant. He stated the original estimate was \$450,000. He stated he was assuming they would be doing temporary measures in order to do the remediation work which could be \$10,000 to \$20,000 but it would still not be secured for those wanting to do volunteer work inside. He stated painting could go on the outside, but the main structural issues would still be in place unless the cost to secure that would be affordable enough that the Township

could accommodate it. Mr. Grenier stated in order to implement the remedial action plan, they would have to do that anyway so they would not have to add on the structural work to the end. Mr. Pockl stated he would agree that it is included in the scope of work for any company to come in and do the work, but it is not included in the estimate that he provided. Mr. Lewis stated the pre-Bid meeting would give an estimate of the remediation work and the minimum investment required to keep it structurally sound so that people could do the remediation work in the future, and M. Pockl agreed.

There was further discussion on the wording of the Motion, and Mr. Grenier stated he feels the implementation of the Remedial Action Plan includes everything that the Township engineer just spoke about which was Mr. Lewis was looking to include so he feels the implementation of that Plan would include “all that stuff,” and Mr. Pockl agreed.

The Motion was re-read as follows: Mr. Grenier moved to authorize the Township engineer and staff to hold a pre-Bid meeting for the Satterthwaite House to assess potential costs associated with the implementation of the Remedial Action Plan proposed by the Township engineer as part of an overall pre-Bid process. It would also include assessment of the paint of the second barn called the Patterson barn.

Ms. Blundi seconded.

Dr. Weiss stated what they are thinking is that whatever contractor decides to do the work, assuming the Board decides to do the work, they will shore up the building so that they can go inside and remediate what is inside and take care of the outside. He added that when we have volunteers go in, there is another process as far as doing it permanently structurally; and Mr. Grenier stated that would be something different. Dr. Weiss stated this is just to temporarily shore up the structure so the remediation contractors can get in and clean up everything inside and out.

Mr. Robert Abrams stated he is an environmental consultant, but he does not do remediation. He asked if Mr. Pockl’s report is available for him to review, and it was noted it is on-line. Mr. Abrams stated depending on where the lead leached, they could be remediating the ground forever unless they know where it stops. He stated when they do the Bid, they should separate the disposal from the remediation because you do not want the remediator doing the disposal because they will send it to “wherever,” when you could be using local facilities and local Hazmat trucking. Mr. Abrams stated the estimate of \$160,000 to \$190,000 could go to an “astronomical number, seven figures easily, depending on how far the lead leached.” Mr. Abrams stated they are going to have to come up with some kind of containment system.

Ms. Donna Doan stated it sounds as if the Motion assumes that the House is unsound; however, that has never been proven. She stated the kitchen at the back of the house has beams that need to be sistered because the floor has sunk down. She stated Mr. Jeff Hirko has a plan to permanently fix that and raise it back up so that it is level. She stated it is not a “huge issue,” and the House itself is not unsound, and it is just that the floor dropped down in that one room. She stated in the past when they had Open Houses, they would just section off that room with tape so that no one could go in there. She stated they “should address the issues in the proportion that they are.”

Ms. Doan stated there is revenue to be had and currently they are past the twenty year mark from when they purchased the Farm so it actually should be paid off if it was paid as per the original Note, and it would have been paid off in March of this year. She stated there is income coming in from Janney-Brown and the cottage. She stated the Bright Farms rent just increased. She stated this is the year that it adjusted for a cost-of-living factor and previously it went up in increments of \$1,000 per year. She stated she would be interested in knowing what was the incremental increase for this year, and she assumes she needs to do a Right-To-Know request. Mr. Ferguson stated he can supply that information for Ms. Doan, and she does not have to go through a full Right-To-Know request. He asked Ms. Doan to send him an e-mail asking for that information.

Ms. Doan stated Patterson Farm Preservation would love to have the opportunity to send their expert in at the same time when the House is opened up. She stated they would like to partner with the Township and have the Patterson Farm Preservation representative look at the House at the same time that the Township representatives will. Mr. Lewis asked if they could be invited to the pre-Bid meeting; and Mr. Pockl stated they could since it is an open pre-Bid meeting. Mr. Grenier stated this pre-Bid meeting is for environmental remediation issues, and it is not for all the structural work and the renovation of the House. Mr. Grenier stated there was previously a walk-through with some representatives from Friends of Patterson Farm. He stated this pre-Bid meeting will just be focused on the environmental issues only and not focused on structural, sistering of beams, interior or exterior building renovations, etc. Ms. Doan stated they are just interested in a “look see” so that one of their representatives could go in and do a visual assessment. Mr. Grenier stated he does not want an architect involved in the pre-Bid meeting as they are focused on the environmental issues.

Ms. Doan stated she is just asking that they be permitted to go in once the doors are open so they “could do their thing.” Ms. Blundi asked what that would be since all this is for is to make it safe enough so people could go in there. Ms. Doan stated they want to “get eyes on it” to collect additional information. She stated they do know that the House itself is safe. Mr. Grenier stated the Township’s structural

engineering reports would refute that statement. Mr. Pockl stated during their walk through they found that there were holes in the floor. Ms. Doan indicated that the hole was not that big. She stated they should deal with the issues in the proportion that they are, and there is not a “gaping hole that anyone will fall through.” Ms. Blundi stated someone could trip which would be a problem. Ms. Doan stated someone could fall on the sidewalk on the way out, and Ms. Blundi stated the Township would have responsibility for that as well.

Mr. Lewis stated they are looking to get a cost estimate as to the cost to make it minimally viable for people to enter and restore it. Ms. Doan asked if they are in agreement that it is just the one kitchen, and Mr. Lewis stated he does not feel it is constructive to get into the specifics of the structural engineering. He stated he wants them to be able to state how much it will cost for them to move forward and allow volunteers to restore the property. He stated at that point they have to consider the all the Township’s priorities. He stated at this point they are looking at the minimum viable amount that will make it safe so that people could make the repairs Ms. Doan is suggesting. Ms. Doan stated Mr. Hirko has gotten that information together; and it is minimal – “probably less than \$5,000.” Mr. Lewis stated this is what they are hoping to determine at the pre-Bid meeting.

Mr. Ferguson stated in the end, the goal at this time is environmental remediation and not structural rehabilitation. He stated the only component of doing anything structurally at this time is what opinions, if any, these bidders have that anything may need to happen temporarily or otherwise to go in there. He stated the assessment could be that it is minimal, it is nothing, or it is something; and because there have been issues, he wanted this to be clear. He stated the end goal is that the asbestos is out, the lead-based paint is out, and there are no environmental hazards for someone being inside or outside regardless of the structural integrity of the House.

Ms. Doan stated she would assume that they would care about all of those concerns throughout the use of the Farm, adding there are children in the Janney-Brown House. She stated certainly there is lead paint in the Janney-Brown House as well which is in use by the public now. She stated they should “paint everything with the same brush.”

Mr. Abrams asked if they tested for pesticides in and around the barn, and Mr. Pockl stated they took soil samples and tested it. Mr. Abrams stated he does not feel it probably included pesticides. Mr. Pockl stated the remediation they have in mind was an excavation around the perimeter of the House for so many feet away from the edge of the House down three feet.

Mr. Janak Vyas asked if anyone is looking at the total cost for the entire project to determine if it is cost prohibitive. Mr. Lewis stated this is part of that process. He stated the Patterson Farm Preservation group came to the Board and offered to do a volunteer effort to restore the House, and the Board felt that could potentially be a winning solution which would save taxpayers' money. He stated prior to doing that they uncovered environmental issues that needed to be addressed. He stated once they have an assessment of what the costs are, they can start to "make the trade offs" associated with that. Mr. Lewis stated also at that time he feels they would start to plan for the ultimate use of the property going forward.

Mr. Vyas stated if the cost seems "astronomical," he feels they would be prepared to "walk away." Mr. Lewis stated each Supervisor could vote in favor or against, and they will have open dialogue on this.

Ms. Sue Herman, Boxwood Drive, stated the Patterson Farm Committee is a stakeholder in the renovation of this home so she feels it is appropriate out of courtesy to invite one of their members to attend the pre-Bid inspection. Mr. Lewis stated since it is a public meeting, they are welcome. Mr. Truelove stated they would have to sign a Waiver to go in. Mr. Grenier stated there are Waiver issues and they would also have to wear certain personal protective equipment. He stated that has been an issue in the past when people were walking through. Mr. Grenier added they have done walk throughs with them in the past. He stated Mr. Hirko and Mr. Ed Gavin have been through recently. He stated they are welcome to walk through again while the environmental people are going through, although he would suggest that they limit the numbers for safety purposes. Ms. Herman asked how many they would want to limit it to. Mr. Lewis stated they are delegating all of this to the Township engineer and the staff; however, if fifty people show up he feels the Township engineer would say they should limit it to one or two people from the Committee. Ms. Herman asked who they should contact, and Mr. Ferguson asked that he be contacted.

Motion carried unanimously.

#### HEACOCK FORCE MAIN PROJECT - AUTHORIZE CONTACTING THE BID BOND COMPANY IN CONSIDERATION OF CLAIM AGAINST BID BOND/TRIO SITEWORKS

Mr. Truelove stated at the last meeting, the Board took an action to rescind the Contract awarded for the Heacock Force Main Project which was originally awarded to Trio Siteworks and was then awarded to the second low Bidder, Almedia Hudak. Mr. Truelove stated Trio had been awarded the Contract in June in the amount of approximately \$286,000. He stated the estimate for the project by the engineer had been \$309,000, and Almedia Hudak had come in at \$308,000.

Mr. Truelove stated Trio did not complete all the paperwork necessary or provide the documentation within a timely manner. The concern by Mr. Ebert was that they would not be able to properly work on and complete the project which is why he recommended that the Board rescind and award the Contract to Almedia Hudak. Mr. Truelove stated there was a recommendation from the Sewer Authority and Mr. Ebert to try to obtain the approximately \$22,000 difference from Bid Bond which had been submitted by Trio Siteworks. Mr. Truelove stated if he is directed to do so by the Board, he could write to the Bid Bond company and advise the Board of the status to see if the Board wishes to proceed to litigation.

Mr. Grenier moved, Mr. Lewis seconded, and it was unanimously carried to authorize contacting the Bid Bond company to start the process of the Claim.

#### DISCUSSION AND APPROVAL OF RESOLUTION NO. 2370 ADOPTING BUCKS COUNTY 2018 MUNICIPAL WASTE MANAGEMENT PLAN

Mr. Ferguson stated the Board was provided in their packet the information concerning adoption of the Bucks County 2018 Municipal Waste Management Plan. He stated it has been available at the Township Building since December, and there has been a ninety-day comment period with the County with a deadline to ratify by August 21. He stated if the Township does not wish to ratify it must pass a Resolution disapproving it and stating the reasons why. Mr. Ferguson stated the recommendation tonight is to approve the Plan and have it forwarded to the County.

Mr. Grenier asked if they have received any public comments, and Mr. Ferguson stated they have not. Mr. Grenier stated Mr. Lewis very recently received this and provided it to him to provide to the EAC. He stated the EAC had very limited time to review it; and they indicated that there were some inconsistencies with some of the tables and charts, but generally the Plan seemed to meet the DEP requirements. Mr. Lewis asked if even though the EAC did not like having a limited time to review a two hundred page report, they would be okay with the report; and Mr. Grenier stated while the EAC made no clear recommendation, they felt it was in line with the DEP requirements even though they saw some discrepancies between some of the charts, graphs, and tables.

Mr. Truelove stated this must be acted on tonight.

Mr. Lewis stated Mr. Ferguson received this the same time he did which was Monday or Tuesday of last week. Mr. Truelove stated the Board could approve it and append the EAC comments if they wanted to. He stated the County would decide whether they would be conditions or comments. Mr. Lewis stated he

understands that most of the Municipalities have voted in favor. Mr. Truelove stated the process is that it is by population so that the larger the Municipality, the more their vote counts. Mr. Truelove advised that Penndel Borough voted against it and listed their reasons why.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve Resolution No. 2370 with the ability to append the EAC comments.

DISCUSSION AND APPROVAL OF RESOLUTION NO. 2371 ADOPTING FEE SCHEDULE FOR CHAPTER 130 – “LODGING FACILITIES,” ARTICLE I – “SHORT TERM LODGING FACILITIES”

Mr. Ferguson stated the Fee proposed is \$100, and they took into consideration staff time and an on-site inspection with an additional \$50 if a re-inspection if required. Mr. Truelove stated Mr. Majewski based the numbers on estimates of time. Mr. Ferguson stated it is based on an hour and a half of staff time. Mr. Grenier stated the hour and a half would include one site inspection, and Mr. Ferguson stated if a re-inspection were required it would be an additional \$50 charge. Mr. Ferguson stated that would be if someone had something the Township was concerned about, and the Township had to go back out to make sure they had taken care of it such as a safety issue with regard to smoke detectors, etc.; and they would have to pay a follow-up \$50 charge. Mr. Grenier asked if they considered the office time needed to file the paper work, and Mr. Ferguson stated they did.

Mr. Truelove stated this is a Resolution and it does not have to be advertised. He also stated that if experience shows in six months that the Fees have to be modified, they can rescind this Resolution and pass another. Mr. Ferguson stated they could also consider it at the time the Board updates their Fee Resolution at the beginning of the year.

Dr. Weiss moved and Ms. Blundi seconded to adopt Resolution No. 2371 adopting Fee Schedule for Chapter 130 – “Lodging Facilities,” Article I – “Short Term Lodging Facilities”.

Dr. Weiss stated he feels the Fees are reasonable and would not impose a burden to anybody. He stated it is revenue neutral, and it is just covering their expenses. He stated he feels it is a good way for the Township to insure a safe facility for guests.

Motion carried unanimously.

Mr. Truelove stated that the Board met in Executive Session beginning at 6:15 p.m. and issues regarding litigation, Real Estate, Zoning, and informational items were discussed.

**APPROVAL OF ORDINANCE NO. 411 AMENDING NON-UNIFORMED EMPLOYEES  
DEFINED CONTRIBUTION PENSION PLAN**

Mr. Truelove stated at the last meeting, Mr. Ferguson described some of the concerns he had with the existing Ordinance and making things compliant with State law. Mr. Truelove stated they believe that after reviewing information and other Ordinances that are similar, they have corrected this with this proposed Ordinance. Mr. Truelove stated as noted at the previous meeting this would cover those employees who started work after 2014 and also rectifies some of the contribution issues in terms of timing and frequency.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to adopt Ordinance No. 411 Amending Non-Uniformed Employees Defined Contribution Pension Plan.

**AUTHORIZE THE TOWNSHIP MANAGER, OR HIS DESIGNEES, TO TAKE ANY AND  
ALL APPROPRIATE AND NECESSARY STEPS TO FUND THE PLAN FOR ALL ELIGIBLE  
EMPLOYEES TO CONFORM TO THE AMENDED ORDINANCE AND TO ALL  
APPLICABLE STATUTORY REQUIREMENTS**

Mr. Truelove stated in order to implement the changes, Mr. Ferguson and the staff need to be able to take all necessary steps to perform the contribution adjustments and everything else that is required to meet the goals of the Ordinance just approved.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to authorize the Township Manager, or his designees, to take any and all appropriate and necessary steps to fund the Plan for all eligible employees to conform to the Amended Ordinance and to all applicable Statutory requirements.

**APPROVAL OF EXTENSION REQUESTS OF DOGWOOD DRIVE, OCTAGON CENTER,  
ERIN DEVELOPMENT, AND EXTENSION REQUESTS OF DEDICATION OF  
BROOKSHIRE I, BROOKSHIRE 2, AND TRIOLO TRACT (BROOKSHIRE 3)**

Mr. Truelove stated the first three Extension requests for Dogwood Drive, Octagon Center, and Erin Development are for outstanding Land Development projects.

Mr. Pockl stated with regard to the requests for Dedication, they have had discussions with the Homeowners Association and the developer and both would like to work out a scenario where the developer pays the Homeowners Association directly for outstanding landscape items. Mr. Pockl stated he completed an assessment of the landscape items that had failed to grow or had not been installed, and they provided an estimate for what that amount would be based on Township Code requirements for replacement trees and also based on the Escrow that was provided for each of items. Mr. Pockl stated both the Homeowners Association and the developer would like to work out a scenario where the developer gives a check to the Homeowners Association, and the Homeowners Association would then contract with a landscape company to come in and install the trees since they want to make some changes to the approved Landscape Plan; and instead of having street trees every 35', they want to cluster them and move certain trees to better position them to provide a better screen and work with the existing trees that are in the area.

Mr. Pockl stated the Homeowners Association would like to provide a Plan to the Township engineer who would review and approve it, and the Homeowners Association would then get a check from the developer and contract with a landscape company to complete the outstanding landscaping items.

Mr. Grenier asked if they would have to have an Amendment to the approved Site Plan in order to get a new landscaping plan since it might be "out of line" with what was approved considering the buffer requirements, etc. Mr. Pockl stated he feels that what they are proposing would not vary that greatly from what the approved Landscape Plan was, and it could be relocating a tree to avoid a utility that was installed or relocating a tree in front of one house as opposed to another. He stated he does not feel it would vary greatly enough to require an Amendment to the approved Plan. Mr. Grenier stated he is not opposed to minor changes for practical purposes, but if there are fundamental changes to buffers and planting plans, he feels they would need "to put the brakes on it" and bring it to the Planning Commission or the Board of Supervisors.

Mr. Pockl stated the Homeowners Association will be required to submit a Plan to his office for his review. He stated he would also require the same Maintenance Bond and maintenance period for the new landscaping that would exist under the current conditions.

Mr. Truelove stated approving the Extension tonight would give everyone time to do this assessment. Mr. Grenier asked since this will require an additional review, how will that review get paid for, and Mr. Truelove stated it should be in the Escrow.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Extension requests as follows:

Dogwood Drive	- November 1, 2018
Octagon Center	- November 1, 2018
Erin Development	- December 31, 2018
Dedication of Brookshire I	- September 19, 2018
Dedication of Brookshire 2	- September 19, 2018
Dedication of Troilo Tact (Brookshire 3)	- September 19, 2018

#### ZONING HEARING BOARD MATTERS

With regard to the Dan Wilby Jr. Variance request for the property located at 441 Stony Hill Road in order to permit construction of a pole barn with height greater than 15' it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board met last week. He advised everyone that they should file Permits for what they do on their property. He stated the Applicant in this case was a builder and had not filed all his Permits and the Zoning Hearing Board decided against the Applicant. He stated the Zoning Hearing Board is working with Township staff to make sure that the Ordinances are fully enforced. Mr. Lewis stated the Golf Committee, a few Supervisors, the Township solicitor and the Township Manager will be meeting with the management company of the Golf Course to discuss a renewal of their Agreement.

Mr. Grenier stated the EAC met and they will have a table at Community Pride Day. He stated they are also going to continue their lecture series this fall, and they will have a lecture on energy conservation and practical things that can be done at home. Mr. Grenier stated Community Pride Day is September 2, and they will have the dunk tank again this year. He stated Supervisor Lewis will be on at 3 p.m. and he will be collecting for the Lower Makefield Community Fund, and Solicitor Truelove will be on at 4:00 p.m. and will be collecting for the Lower Makefield Community Fund. Mr. Grenier stated he will be in the dunk tank at 3:30 p.m. and his charity is the Yardley Makefield Emergency Unit Fund. Mr. Grenier stated they are looking at holding their first Sewer Subcommittee meeting at 6:30 p.m. which is before the normally-scheduled Sewer Authority meeting on August 23

Ms. Blundi stated the Financial Advisory Committee met with Mr. Ferguson and Mr. Majewski present; and they are looking forward to Mr. Majewski coming before the Board late this year with some “renewal of some of our Fees and Permitting” that are collected which have not been revised in some time. Ms. Blundi stated the Fees are based essentially to cover the costs to the Township and are not “revenue makers.” Mr. Blundi stated Special Events will be meeting on August 28 and added that they need additional help for Community Pride Day.

#### OTHER BUSINESS

Mr. Lewis stated he received an announcement that the turf replacement at Macclesfield will start tomorrow.

Ms. Blundi stated the Walking Club will be taking a walk on August 18, and they meet at the Community Center at 10:30 a.m.; and she asked those interested to join in.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to appoint Jason McFarland to the Electricity Reliability Committee.

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

Respectfully Submitted,

John Lewis, Chairman

