

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

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 20, 2018
Mr. Lewis called the meeting to order at 7:35 and called the Roll.

Those present:

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

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

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, discussed his concern with how Congress is dealing with the opioid problems and affordable housing. Mr. Kupersmit stated he is preparing a lawsuit against the Township including Mr. Santersiero and others and he needs the Democrats on the Board of Supervisors to get Mr. Santersiero to give him his address so that he can serve him on the lawsuit prior to November 6. Mr. Kupersmit stated with regard to the Act 537 which is on the Agenda, he went into the Enabling Act which gives him the right to challenge the Township's operating plan which he feels is flawed; and he will be doing that in the future.

Ms. Kathy Hirko, 1450 Dolington Road, stated she understands the Township Manager will be discussing tonight the findings regarding lead based paint at the Janney-Brown House on Patterson Farm, but she does not have concerns over the home itself having lead paint issues since most of the house is stone, and the trim and windows were scraped and re-painted years ago. She stated she does have concerns about the other outbuildings on the Janney-Brown side of the farm and the difference in the treatment of the buildings on one side of the farm versus the other. She provided to the Board pictures of the truck garage and the chicken house which are next to the Janney-Brown house. She stated the Township's Public Works Department sandblasted those buildings last September, 2017 and as can be seen in the pictures that there are paint chips everywhere; and the same lead paint that was

used on the Satterthwaite Home is on the ground. Ms. Hirko stated the buildings were painted in November, 2017, and the paint chips were never removed from the ground.

Ms. Hirko stated Patterson Farm Preservation, Inc. has been a 501C3 since 2015 and has been carrying liability insurance since then and are anxiously awaiting the time when they can get the Satterthwaite home painted. She stated she sees no reason why they are treating one side of the Patterson Farm differently than the other, and asked why they are holding up on painting the Satterthwaite house. She stated they have a donation of paint for the entire home, and several local, licensed contractors have come forward including electricians, plumbers, etc. and they are willing to volunteer their services at no cost to the taxpayers. Ms. Hirko asked that the house be painted and shored up before winter since last winter there was snow coming into the house. She stated the Satterthwaite house and the other historic homes in the Township are what make Lower Makefield and Bucks County a beautiful place.

Mr. Ferguson stated he initiated starting with the Janney-Brown house because there are classes and children in that house. He stated he asked the Public Works Director to purchase a Home Depot kit to get an assessment as to whether there was a positive read, and they were all positive. Mr. Ferguson stated they then asked the Township engineer to do more detailed testing which he will report on. He stated he is aware that work took place and the barn was power washed, and the chips are laying there; and while he finds this unacceptable as well, his first concern was for the children in the Janney-Brown house and what they have learned about the possible presence of lead based paint and children being the most vulnerable.

Mr. Ferguson stated with regard to proceeding with work on the Satterthwaite house that has to do with cost, and there is an environmental assessment of that house which indicated that to remove the asbestos and the lead based paint it will cost approximately \$170,000. He stated while it is great that there are volunteers willing to paint and do other things, the Township still has to come up with a mechanism to pay the \$170,000. Mr. Ferguson stated they are looking into seeing if anything needs to be done to shore up the house on the inside prior to work being done.

Ms. Hirko asked if they are doing an environmental assessment on the ground around the other buildings that were sandblasted, and Mr. Ferguson stated they are not at this point. He added that he anticipates going into the 2019 Budget giving consideration to having those properties budgeted to be tested with assessments made to see what needs to be done if they are deemed to be unsafe and doing clean up. He stated the reason they started with the Janney-Brown house is because that building is occupied by children, and that was his highest priority.

Ms. Hirko stated there are children and large events held on the grounds where the paint was sandblasted. Mr. Ferguson stated if there is a presence of lead based paint in a confined area it can be far more problematic than in more open areas. He stated they were not trying to disregard other concerns, but it was what the staff felt was the most imminent that they needed to consider first.

Ms. Hirko asked that the Board consider spending the money since they spent a lot of money on the Dog Park, and she feels the houses on the Patterson Farm are very important as well.

Mr. Mike Brody, 509 Brookbend Court, stated at the last Park & Recreation Board they discussed the Dog Park. He stated when they approved the Grant process in spring of 2016, the discussion was about \$75,000 coming from the Grant and \$75,000 coming from private funding. He stated Mr. Fedorchak had indicated that it would have to go through the planning process, and in spring of 2017 when they approved the Bid, they were told by Mr. Fritchey that it did go through the planning process; however, Mr. Brody stated if you look through the Zoning meeting Minutes or the Planning meeting Minutes, the Dog Park never came up and did not go through the process. Mr. Brody stated they were then told that the Dog Park was going to cost \$211,000 up from \$150,000; however that was just for the building of the Dog Park and did not include the engineering costs. Mr. Brody stated in all the plans for the Dog Park, including those that are on the Website today, there is no discussion of a physical structure to house the Internet and the air conditioning for the Internet. He stated this has become a huge project. Mr. Brody stated Mr. Grenier had asked in March of this year the total cost of the project; however, Mr. Grenier indicated at the Park & Recreation Board meeting last week that he still does not know the total cost. Mr. Brody stated he feels the residents were told one thing, but there was “another deal that took place behind the scenes.” Mr. Brody asked when this matter will be on the Agenda, and he asked if they are going to have a review of where the process failed. Mr. Brody stated there is also an issue with the location of the fence in relation to the creek.

Mr. Lewis stated he voted against the approval of the Bids because at that time he knew that they were over Budget. He stated at no time thereafter was there any approvals for increased spending for the Dog Park that went before the Board. Mr. Lewis stated Mr. Ferguson has since joined the Township, and they had to deal with issues related to the Dog Park being improperly constructed and violating wetlands as well as some engineering issues; and the Board took an approach that they had to remediate that in order to be in compliance with State law. He stated they also needed to preserve their right as it relates to seeking restitution from those who caused the situation to be out of compliance with the law. Mr. Lewis

stated they have not gone back to find out exactly where the break down was, but the Board has asked those questions internally, and is trying to get a better understanding of it.

Mr. Lewis stated the Board has done some things within the last year to improve process and accountability, and there will be additional ones related to financial management in the coming months. Mr. Lewis stated the Board needs to be diligent on this as stewards of the tax dollars. He stated they are still looking into what went wrong with the Dog Park in terms of the process.

Mr. Ferguson stated he will have a financial breakdown of the cost of the Dog Park, and part of the challenge has been that some engineering expenses were in one place and construction expenses in others. He stated he believes he has accumulated everything, and he will provide a report that will go to the Board.

Mr. Grenier stated there was a Motion passed by the Board at the last meeting to engage Conflict Counsel to do a review.

Mr. Brody stated he feels that until they have absolute proof that they need the third area, he would be against spending any more money to build out a third field at the Dog Park. He stated it has been a very rainy summer so the fields do not need rotating yet, and he feels they should wait until that is needed.

Ms. Lisa Huchler-Smith, Disabilities Advisory Board, noted that on September 29 at 10 a.m., they will have the Lower Makefield Township Roll and Stroll which is a free community event at Memorial Park when they bring together people of all abilities to take a self-timed walk around the 1K path. She stated this year the LMT walking group will be leading the walk. She stated they will have refreshments and a presentation on sensory story time. Ms. Smith stated information is on the Township Website under Community Events. Ms. Tyler stated this also dovetails with the Park & Rec initiative which is “walk about the Town.” Ms. Smith stated there is a Bucks wide event that day to enjoy all the Parks, and Lower Makefield’s is the only one that is an ADA disability event.

APPROVAL OF MINUTES

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of September 5, 2018.

APPROVAL OF AUGUST 20, 2018 SEPTEMBER 4, 2018, AND SEPTEMBER 17, 2018 WARRANTS LISTS AND AUGUST, 2018 PAYROLL

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the August 20, 2018 Warrant List and August, 2018 Payroll as attached to the Minutes.

Mr. Ferguson stated at a subsequent meeting there will be another line item for the Board when they get the bills list, and that will be a separate listing for the Board to approve inter-fund transfers.

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to approve the September 4, 2018 Warrant List as attached to the Minutes.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the September 17, 2018 Warrant List as attached to the Minutes.

PRESENTATION, DISCUSSION, AND MOTION ON SANDY RUN INITIAL DESIGN REVIEW

Mr. Lewis stated at the June 6 meeting the Board of Supervisors approved a Motion to authorizing outside counsel, Curtin & Heefner, to take all necessary action to protect and enforce the Township's rights 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 at this time he does not have an update on the ongoing efforts that can be shared with the public although the Board did receive an update internally. Mr. Lewis stated at the June 6 meeting the Board also authorized TPD to complete the Preliminary engineering studies in support of the Sandy Run final alternatives review, and tonight Mr. Wursta will present the findings of those engineering studies, a recommended solution, and a resolution timeline.

Mr. Lewis stated after Mr. Wursta makes his presentation, they will have a Motion to authorize TPD to complete the preliminary design as part of the proposed resolution timeline. There will be Board and public comment; however, outside counsel has strongly requested that they do not discuss or opine on what caused the closure of Sandy Run Road or component social costs of the closure as doing so might limit our ability to best represent taxpayers in seeking restitution to this issue. Mr. Lewis asked the public to understand that they may be unable to engage in certain discussions or answer certain questions, and he asked that the Board members and residents limit their comments and questions to Mr. Wursta related Mr. Wursta related to the proposed preliminary design, the projected timeline, and

the associated project costs with that. Mr. Lewis stated all Board members are committed to resolving this situation and moving forward as quickly as they can, and for many Board members this project is the highest priority capital project that they will entertain in the 2019 fiscal year and its investment may mean that they will delay or postpone other worthy, non-discretionary capital projects.

Mr. Wursta stated as part of the project they reviewed over twenty-five alternatives, and the Board and public was active in this process; and there were many suggestions regarding potential solutions to the problem they had at Sandy Run and Edgewood. Mr. Wursta stated two were finally selected for further study. He stated it was also determined as part of the process that temporary chicanes should be installed to reduce traffic speeds along Edgewood Road in order to potentially accommodate one of the two project alternatives. Mr. Wursta stated the first alternative was a cul-de-sac of the existing Sandy Run Road, but this was dismissed to a degree by the Board of Supervisors in June, 2018. He stated the second alternative was to evaluate the re-alignment of Sandy Run Road as it related to the engineering of the project.

Mr. Wursta stated part of the engineering of the project included doing a survey of the region, and they verified the re-alignment; and they are ready to complete preliminary design of the re-alignment which will be followed by final design, aerial utility access coordination, right-of-way acquisition, and finally construction.

Mr. Wursta showed a slide of the cul-de-sac alternative adding this was not a popular choice. Mr. Wursta showed a slide of the proposed re-alignment which had been shown to the Board in June, which was to move the roadway 114' from its present location closer to the bridge. He showed a slide of the survey, and he noted the white line which was the whole survey area which included Edgewood Road and a significant portion of Sandy Run Road. He stated they delineated the 100 year floodplain which is the pink line, and they also delineated the wetlands which is the filled in green area toward the bottom left.

Mr. Wursta stated they were constrained with sight distance. He stated the original sight distance was 250' which was good for a 32 mile per hour safe sight distance design speed. He stated the measured sight distance at that time when it was in place was unknown because speed studies were not done during the original condition. Mr. Wursta stated that is not uncommon at that location because it was a very steep slope, and drivers had to slow down to go over it. He stated the current condition was a sight distance available of 182' so the sight distance was reduced by 68', and the safe stopping sight distance design speed for that situation would be 25 miles per hour. He stated the actual speed at the 85th percentile was 36 miles per hour. He stated in order to resolve that issue, they are proposing to relocate Sandy

Run Road 92' west of the existing location of Sandy Run Road, and this will allow them to provide 273' of sight distance which is 23' more than what was originally there plus the road is further away; and it will allow for a safe stopping sight distance design speed of 34 miles per hour. He stated they feel comfortable and conservative with that because the speed that was measured there was 32 miles per hour with the chicane in place.

Mr. Wursta stated relocating Sandy Run Road 92' west will avoid the wetlands and will eliminate floodplain impacts. He stated it provides a 5' buffer from the limit of disturbance to the wetland, and it provides a 10' buffer from the limit of disturbance to the 100' year floodplain. Mr. Wursta stated their proposal balances sight distance needs with environmental constraints, and they can stay completely out of the floodplain area and out of the wetland area with the construction. Mr. Wursta stated it also provides satisfactory sight distance. He stated they will also be accommodating stormwater management associated with the new section of Sandy Run Road. He stated right-of-way will be required. He stated they also have to determine what will be done with the utilities on the old Sandy Run Road which are the telephone poles, and they will have to coordinate with PECO and the users already on the poles. Mr. Wursta stated also as part of the project, they will have to install permanent chicanes. Mr. Wursta stated they will do a construction cost and schedule. He stated there is also consideration for a future bridge replacement for the Edgewood Road bridge.

Mr. Wursta showed pictures of the type of permanent chicane that they should expect which is very different from what is in the area now. He stated they will be small, but there will be a number of islands that will be in the same place as the temporary chicanes that they have there now.

Mr. Wursta showed a slide of the proposed 92' relocation. He stated to the right side, is the original Sandy Run Road, and next to that in light green is the proposed relocation. Mr. Wursta stated it also shows the green shaded wetlands area. He stated the pink line is the delineation of the floodplain, and they will be completely out of that area including grading and a two to three foot grass leveled area that they would call a shoulder. There is also a three to one slope. He stated not only will they stay out of the wetlands, but they also avoid having to build a retaining wall which could have significantly increased the costs and the time to do the project.

Mr. Wursta stated assuming the Board selects this alternative, they will complete the preliminary design by November and final design will be done by February. He stated they will then prepare Bid documents and bid the project by April 1. He stated during that timeframe they will have utility coordination with PECO, and they will also be coordinating with the Township solicitor and the Township

Manager with regard to right-of-way acquisition. Mr. Wursta stated once everything is in line, they feel they will be able to give a notice to proceed to the contractor for the construction in the summer of 2019. He stated he expects this to be a two-month construction period.

Dr. Weiss moved and Ms. Blundi seconded to approve TPD's preliminary plan and moving the road 92' to the west and his timeline and to authorize TPD to continue in the planning phases with the end result a complete final plan and to move forward.

Dr. Weiss stated he is happy to hear that they can move the road and not worry about the wetlands or the floodplain, and is also happy to know that our estimated costs will be "within the realm of reality."

Mr. Grenier asked Dr. Weiss if the Board got a cost, and Ms. Tyler stated they did not. Dr. Weiss asked Mr. Wursta if he has a "basic ballpark estimate" for the project, and Mr. Wursta stated it is a \$1 million. He stated that includes engineering, the permanent chicane, and the roadway realignment. Mr. Wursta stated they also have a 25% contingency on that price, and they also have a right-of-way cost included although he would not share that presently; but that is an unknown based upon an appraisal. Dr. Weiss asked if it includes the continuing rental for the temporary chicanes, and Mr. Wursta asked Chief Coluzzi to discuss the temporary chicanes.

Chief Coluzzi stated they are considering removing the temporary chicanes as they can create problems during snow removal times for the Roadway Department, and it would be costly to replace if it were damaged or broken. He stated there is no reason for the Township to incur any further costs with the chicanes if the Board desires to move forward, and there will be permanent chicanes installed. He stated they have already established the speeds, and there is no reason to keep the temporary chicanes in place.

Mr. Lewis asked Dr. Weiss if he would be willing to amend his Motion to include the removal of the temporary chicanes. Ms. Tyler suggested that be a separate Motion.

Mr. Ferguson stated with regard to the permanent chicanes, he has fielded complaints in the past about the island/chicane planted areas as the Townships cannot maintain them. He noted the chicanes on 202 and Newtown Township. He stated the road is narrow, and traffic is impacted. He stated it also takes time to get them watered. Mr. Ferguson asked if they could just have it concreted over versus having a maintenance issue trying to keep them maintained. Mr. Wursta stated with regard to the content of the middle of the chicane, that is really a preference. He stated they have found that there are gardening clubs that would be willing to plant the chicanes, but it could be concrete or another aesthetic substance such as material that looks like pavers. Mr. Wursta noted that plantings do give a

visual associated with the driver's eye rather than it just being a large mountable curb. Mr. Wursta noted Northampton's chicane on Newtown-Richboro Road in front of their athletic complex which is very nice, and they change the flowers out although that is a bigger area as opposed to these small areas.

Mr. Lewis stated they analyzed both floodplain areas and the 100 year floodplain maps. Mr. Lewis asked if water would crest over the new road in the event we have a 100 year flood; and Mr. Wursta stated it could, depending on how far and the degree of flooding. He stated with a 100 year flood, they would be fine. He stated there will be a three to one slope down which will provide some protection for the road; but depending on the type of flood, it could go over the road. Mr. Lewis stated there have been two 100 year floods in the area in the last fifteen years so there is an increasing risk of flooding. Mr. Lewis stated in an over 100 year flood, Mr. Wursta's assessment is that the water would crest over it, and Mr. Wursta stated it would depend on the flood and perhaps that would happen in a 500 year flood. He stated they are ten feet from the limit of disturbance and water could crest into that "swale" and up to the road. He stated there was a 500' delineation that was done by a USGS map that they originally used, and they were outside of that. Mr. Wursta stated they did actual delineation by experts in the field.

Mr. Lewis asked what else they should be concerned about in terms of construction that would result in changes in cost or timing as they review the project going forward. Mr. Wursta stated they do not foresee anything right now other than not getting the right-of-way in a timely fashion. He stated they feel the disturbance is less than what would be needed for an NPDES Permit. He stated they had planned on using part of the existing road for stormwater management and also to reduce the impervious coverage, but they need to be cognizant on being able to allow PECO to maintain the poles. He stated PECO can do that on grass as they do that in Residential neighborhoods. He stated they need to work out these issues as part of the preliminary and final design.

Mr. Lewis stated Mr. Wursta has indicated that he could come back with a preliminary/final design in November, and Mr. Wursta stated he feels they could come back by the second meeting in November. He stated his team discussed the dates he provided and were very comfortable that it could be November 1 for the preliminary design and it would be January for the final design. Mr. Wursta stated there will not be much difference from a presentation perspective when the preliminary engineering is done; and it will be submitted, and he could come back and discuss it as well.

Ms. Tyler asked if the \$1 million cost includes movement of utilities; and Mr. Wursta stated it does not, and it would be PECO's choice if they wanted to move them back into the right-of-way associated with the new Sandy Run Road. He stated PECO would either leave them where they are, or they will choose to move them to have them next to the road. Ms. Tyler asked if they choose to leave them where they are would that interfere with the new area where the roadway will be, and Mr. Wursta stated it would not.

Ms. Tyler asked if there are plans for the exact placement of the chicanes, and Mr. Wursta stated they do have that plan. Ms. Tyler stated when they remove the chicanes, do they have to coordinate with the Railroad, and Mr. Wursta stated they do not. Ms. Tyler asked Mr. Wursta if he has contemplated removal of the barrier on the Sandy Run side that was installed for quiet zones in the reconstruction of the road, and Mr. Wursta stated they would not be removing the barrier. He stated they are not changing Edgewood Road at all. Ms. Tyler stated it seems that the right-of-way acquisition is the caveat, and she asked why they would not begin the right-of-way acquisition immediately; and Mr. Wursta stated they can. He stated the next step is legal descriptions and appraisal.

Ms. Tyler asked the step that is needed to be taken this evening, and Mr. Wursta stated the Board already approved them to move forward to preliminary engineering in June, and tonight it is just a "buy-in" for the exact alignment they are designing. He stated they ran into no floodplain issues and the cul-de-sac option is off the table. Ms. Tyler asked if the plan presented tonight moving Sandy Run Road 92' is in compliance with all engineering standards and roadway standards, and Mr. Wursta stated it is.

Ms. Tyler asked if the property where they are looking for right-of-way acquisition is a developable property, and Mr. Wursta stated their opinion is that after they are done it would not be. Ms. Tyler asked about before they start, and Mr. Wursta stated before they start it would be very minimal although he does not know the specifics. Ms. Tyler stated probably Mr. Majewski can help them with that. Ms. Tyler stated she feels they should proceed with this project, and is pleased that they only have to move the road 92' and not disturb the existing slope. Ms. Tyler stated she feels they should direct counsel to proceed with condemnation.

Mr. Grenier stated the Motion that was approved at the June 6 meeting was to do preliminary engineering studies and not actually do a preliminary engineering design. He stated they also did not dismiss the cul-de-sac option even though "none of them really liked it." Mr. Grenier stated he would like to know if there was a cost estimate done on the cul-de-sac option and if there were any limitations on the cul-de-sac. Mr. Wursta stated he does not recall the specifics of the cul-de-sac, but believes the cost would have been approximately \$400,000 for construction of

that cul-de-sac. Mr. Wursta stated the cul-de-sac would not have required the chicanes so that would reduce the cost compared to moving the road. Mr. Wursta stated the actual road element of the cul-de-sac and moving the road are fairly comparable, but it is the issues associated with the tie-ins to the road, and the cut and fill associated with the location of the project versus where the existing Sandy Run Road is.

Mr. Lewis stated he believes the cul-de-sac would also require a Waiver from the Township Ordinances for length of the cul-de-sac, and Mr. Wursta agreed. Mr. Wursta stated the cul-de-sac also would have impacted two properties rather than just one associated with right-of-way.

Mr. Grenier stated they will have a 5' setback from wetlands, and he asked if this would require a Variance from the Wetlands Ordinance. Mr. Wursta stated he is not sure as he was paying more attention to the roadway design criteria; however, he believes his co-workers indicated that they felt they met all Ordinance requirements. Mr. Grenier stated there is a 50' setback requirement, and they would have to get this approved if they have 5'. Mr. Wursta stated there was also a discussion whether this was Subdivision or Land Development and whether they would be held to that standard if it not a Subdivision or Land Development. Mr. Grenier stated it is also a wooded area, and he is not sure if it meets the requirements of a woodland or not based on the size of the trees; and they should look into this as well.

Mr. Grenier asked Mr. Wursta to discuss whether this design would impact the floodplain in general. Mr. Grenier stated they are not grading into the floodplain and removing flood storage volume. Mr. Grenier stated that PennDOT has also weight restricted the bridge, and he asked Mr. Wursta if he has heard anything about the timeframe for the potential replacement of the bridge and what that design may entail in the future and if it would potentially impact the area. Mr. Grenier stated he assumes that because the bridge is older it is probably set below the floodplain, and typically they raise them up which would improve the floodplain conditions but would require a different sloped approach to the bridge from Edgewood which would tie into Sandy Run.

Mr. Wursta stated with regard to the floodplain on the other side of the creek and the impact of the road on the floodplain on the other side of the creek, his co-workers indicated that they felt it would have no issue associated with the existing conditions on that side of the creek. Mr. Grenier noted the slide showing the white line, and Mr. Wursta stated that was the limits of the survey. Mr. Grenier asked when they looked at the 100 year floodplain on the other side of the stream, were they able to tie the 100 year floodplain on the other side of the stream to a topo line;

and Mr. Wursta stated that was not something that they needed for their design, and he does not know if it was delineated or if they have that data from the surveyors. Mr. Grenier stated he would like to know about that. Mr. Wursta stated they have the existing mapped floodplain parameters for what was originally shown for the 100 year and 500 year flood.

Mr. Lewis asked if there are stormwater management things that could be done associated with the road relocation that would improve outcomes on the other side of Brock Creek. Mr. Wursta stated they are keeping everything out of the floodplain and they are not impacting the floodplain. He stated due to the amount of road they are building and the amount of impervious they are taking out of Sandy Run, they do not feel there is any impact.

Mr. Grenier asked if Mr. Wursta feels he will have to do something from a stormwater management perspective in relation to pre versus post. Mr. Wursta stated it would depend on the roadway they proceed with whether it is the existing road which is 22' which would be nothing; but if they go to 24' or 26' which is the Township standard for Subdivisions, they would have to do something. He added they feel they could probably accommodate that very easily handling it in the roadside. Mr. Grenier stated the requirements for stormwater management, if they have to do stormwater management because it is greater than a quarter acre of impervious or "whatever the requirement is," is that the post run off has to be less than the pre runoff. He stated this goes for several storm events – small and large. He stated that would address the stormwater flows into the floodplain, and that approach would address the floodplain issues from a stormwater perspective. Mr. Wursta stated pre and post is the standard that they design for.

Mr. Pockl stated he feels that the minimum amount of increased impervious area for the roadway plan that was shown is de minimus compared to the flow that would come down to Edgewood Road in a 100 year storm. He stated while it might be required to meet the Township standards for stormwater management for increase in impervious area, he feels the amount of additional flow getting to the stream is de minimus. He also stated that the peak flow would reach Edgewood Road much later than anything that hits the road and drains right into the stream because it is so close. He stated it would almost get in there before the peak storm has a chance to come down and reach the 100 year floodplain.

Dr. Weiss asked if the final study would not have all of this under consideration, and Mr. Wursta agreed this would all be part of their preliminary and final plans.

Mr. Grenier asked what Mr. Wursta would propose they do with the existing Sandy Run once they relocate. Ms. Tyler asked if that was contemplated in the cost estimate. Mr. Wursta stated currently it is contemplated that the cost of removing it is in the cost and it is not a great deal. He stated there would be an opportunity to recycle the asphalt that is there. He stated a lot depends on what PECO indicates that they need. He stated he feels PECO could leave it alone unless they have a reason to move the poles

Mr. Wursta stated with regard to the question of the bridge, he stated PennDOT owns the bridge on the Township road; and the bridge is weight restricted and is under study by PennDOT. Mr. Wursta stated his office has reached out to PennDOT four to five times since June, the last time being three days ago. He stated there is a new bridge engineer who is in charge of that section, and they were supposed to have a new inspection done in August; however, they have not gotten back to Mr. Wursta. Mr. Wursta stated PennDOT is going to weight restrict the bridge further and he feels they are going to start thinking about replacing the bridge. Mr. Wursta stated he does not believe that they will close the bridge at the current time since he feels if they were going to do that they would have done so already. Mr. Wursta stated they are proceeding on this recognizing that this is a PennDOT bridge which PennDOT will have to fix, and they are not spending Township money to fix it. Mr. Wursta stated they are building Sandy Run Road next to the bridge where they have a right to do so, and they are not impacting the guide rail or anything associated with what PennDOT owns. Mr. Wursta stated if PennDOT comes back and indicates they have to replace the bridge, PennDOT will have to fix Sandy Run Road, although he does not know when that will be. Mr. Wursta stated if PennDOT is going to replace the bridge, it would be a good idea to do the projects all together. Mr. Wursta stated PennDOT may have to re-grade or rebuild Sandy Run Road which would be on PennDOT. Mr. Wursta stated they will have a dialogue with PennDOT, and he will bring it back to Mr. Ferguson. Mr. Wursta stated to replace the bridge will take longer than the summer. Mr. Wursta stated it is likely that they will have to extend the bridge along Edgewood and run into the downward curve issue associated with the Railroad tracks and the “hump” so it is a complicated matter.

Mr. Grenier stated the Motion is to move forward with preliminary engineering and design, and he asked if that was included in the \$1 million; and Mr. Wursta stated it is. Mr. Wursta stated originally they felt they would be at \$200,000 which included the chicane price; however, they feel that because there is less engineering needed because they do not have to design a retaining wall instead of \$200,000 it would be approximately \$170,000.

Mr. Grenier asked Mr. Ferguson if they have \$170,000 that they can spend in the immediate future. Mr. Ferguson stated his recommendation would be that all costs including soft costs and capital costs for this project would be billed to the Bond fund. He stated they are pursuing legal means by which that may be offset, and anything that we would get back would be replenished back to the Bond fund. He stated they have enough money in the Bond fund to front this.

Ms. Tyler asked if this plan includes the reconstruction of the bike path and the costs associated with that. Mr. Wursta stated it involves the bike path crossing, and they do not see the need to reconstruct it, and they will just have a new connection to each end of the bike path. Ms. Tyler stated she feels they need to consider seeding and tree replacement on Sandy Run where they are removing the existing Sandy Run Road and cannot just leave it as dirt. Mr. Wursta stated they have an estimate for landscaping and streetscaping items that will provide the means to restore it. He stated that is a reasonable and customary item that they would take care of. Ms. Tyler noted that the Township has a large tree bank, and this would be an opportunity to use that. Mr. Lewis stated that would also help with stormwater as well.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, asked Mr. Ferguson to put in plantings that will “look nice” on the chicanes recognizing that we will have to take care of them. He suggested that they put trees in with mulch around them. Ms. Tyler stated she agrees. She stated the Martha Washington Garden Club may be willing to help with this. She agreed that weeds are a problem.

Mr. Lee Polsky, 724 Salem Court, asked Mr. Wursta if he indicated that a barrier wall would need to be installed or not; and Mr. Wursta stated no retaining wall would be needed. Mr. Polsky stated he resides closest to the relocation of Sandy Run Road. He stated he is at the bottom of Salem Court, and his house backs into a wooded conservation area which appears on Mr. Wursta’s illustration. Mr. Polsky stated just beyond the conservation area is Brock Creek, beyond Brock Creek is another section of the privately-owned woods, followed by Sandy Run Road. Mr. Polsky stated with the re-location of Sandy Run Road and the necessity of demolishing the private wooded area, his concern is that it will impact his home and property which sits on the opposite side of Brock Creek. Mr. Polsky stated the current woods which separates Sandy Run Road as it exists today and Brock Creek work as an area to absorb water. He stated this wooded area provides and even disbursement of water from heavy rains and overflow of Brock Creek normally flooding on the side where they intend to remove trees and on the opposite side of Brock Creek where he resides behind the conservation area. Mr. Polsky stated by removing the private wooded area the flooding of Brock Creek will move toward his property and potentially into his home as it did in 1996 when he was flooded out.

Mr. Polsky stated it may also move him out of the 100 year flood zone approved by FEMA; and if he is no longer in the 100 year flood zone, a flood insurance premium cost would be upwards of \$18,000 per year for his home and possibly his neighbors. Mr. Polsky stated this past Tuesday he took a short video of Brock Creek one hour after it stopped raining, and water was already at the foot of his property line which is located at the bottom of the slope beyond his home. This video was shown to the Board this evening. Mr. Polsky stated the water is overflowing the bridge, and this video represents very minor flooding; and major flooding is when it closes down Edgewood Road and works its way up into the wooded areas on both sides of the creek.

Mr. Polsky stated he is not against the relocation of Sandy Run Road, but he asked the Board to have his property become part of this evaluation and take whatever steps are necessary to protect his property including but not limited to the raising of his property in back of his home and installing a retaining wall if necessary at the base of his property and whatever else is necessary. Mr. Polsky stated he is seventy-five years old, and he and his wife have no intention of downsizing; but if they do decide to move someday, he would not want this issue to be a “deal breaker” in trying to sell his home. He hopes that the Board members and the entire community at large will support his request as he would if it were their home.

Mr. Polsky stated Edgewood Road has been flooded and closed multiple times in his forty-one years of living in his home. He stated there was discussion about raising the bridge over Brock Creek, and he feels that might be necessary; however, he is most concerned about his home and the even disbursement of water.

Mr. Polsky stated today he measured that it is 200' from Sandy Run Road to Brock Creek, and they are removing 92' which is less than the original 114' presented previously. Mr. Polsky asked Mr. Wursta how much woods he is going to remove on that side of Brock Creek in order to relocate Sandy Run Road – all of the woods or 92' of the woods. Mr. Wursta stated they are not removing 92' of the woods, and they are only removing the exact area needed to build the road. He showed a slide and noted the brown area which is the 100 year floodplain that was on the maps. Mr. Polsky asked if that is both sides of the creek, and Mr. Wursta stated it is. Mr. Wursta noted the heavy blue area is the 500 year floodplain. Mr. Polsky asked how much of the woods is going to be removed to relocate Sandy Run Road. Mr. Polsky stated the private area from Sandy Run to Brock Creek is approximately 200' of woods, and he asked how many feet of those woods are going to be removed. Mr. Gruen stated it would be the width of the road which would be 22' to 26', depending, and they would have a three to one slope next to it which could be another 10' so it could be 35' to 50'. Mr. Polsky stated there will be woods left in the private area, and Mr. Grenier stated there will be woods everywhere between the edge of the yellow shown and the edge of the creek. Mr. Grenier stated there is an

opportunity for some of the woods that are between the existing Sandy Run and the new Sandy Run to remain wooded, and Mr. Wursta agreed. Mr. Grenier stated it will be a road cut through the woods.

Mr. Lewis stated there would be an initial reduction in wooded area in the beginning but the tree planting and old Sandy Run Road would “take up the slack.” Mr. Polsky stated that would not help him, and he is concerned about the new Sandy Run and what is towards him. Mr. Lewis stated that is why they had asked about stormwater management. Mr. Polsky stated his video showed what occurs with just a little downpour, and to try to manage stormwater after one hour’s worth of rain in that type of situation he feels is almost impossible. He stated he has seen it where it is much higher than what was represented in his short video.

Mr. Ferguson asked if there is a way the existing problem could be evaluated, and would there be a marginal difference as far as a worsening of that which could be examined. He stated he would not expect that putting the road in would fix what they saw in the video; but asked if there is a way to determine if what they are proposing would make the situation worse. Mr. Pockl stated they could perform a hydrology analysis and include the culvert under Edgewood Road and for a stretch of the creek from Edgewood Road up to where you tie into Sandy Run Road. He stated they could perform that analysis to determine what the floodplain is currently, and then perform the analysis given the new grade of the realigned roadway to compare the two. Mr. Ferguson asked what would be the timeframe of such an analysis, and Mr. Pockl stated it would take weeks for each analysis so it could be a month to six weeks.

Mr. Polsky stated he would appreciate that his property be taken into consideration with this final analysis before they move forward.

Dr. Weiss asked Mr. Wursta when he is formulating the final plan for the design for the relocation of Sandy Run will these floodplain analyses and hydrology tests be performed so that they know where water is going to go. Mr. Wursta stated if the question is whether they can show hydraulically that what they will do will not impact the other side of the stream beyond the degree that the stream is already impacting it, they could do so. He stated they have already delineated the floodplain and they could determine what that extra drainage area is which is really a small portion of the problem. He stated they are adding the 26’ of the road, and they are already accommodating the stormwater from that road so it will have de minimus impact. He stated nothing will change especially on that side of the creek. He stated he is sure that they have a way to analyze that as part of this process. He stated if there is an impact to Mr. Polsky’s property, they will come back and advise the Board of this. Mr. Wursta stated they do not see it as a problem, and they would be willing to try to provide more proof for peace of mind for Mr. Polsky. Mr. Polsky

stated it may not be only his property adding that there are residents on either side of his property that are also effected although he is speaking for himself. Dr. Weiss stated he does not want to make the situation, and wants to at least keep it at the status quo. Dr. Weiss stated he wants the road to be open and that there be no increased negative effects, and he assumes Mr. Wursta's firm will make that so; and Mr. Wursta agreed.

Mr. Lewis asked if Dr. Weiss would be willing to provide direction in his Motion to insure that analysis is done related to the properties that may be impacted by the relocation of Sandy Run Road.

Ms. Tyler stated they already asked Mr. Majewski to look at the floodplain analysis and give the Board his evaluation and she is not sure that the traffic engineer would be the one to perform this hydrology analysis.

Mr. Grenier stated there are two different studies; and for the first one associated with the road design, they would have to do an off site impact analysis relative to floodplain and stormwater management, and it is built into the design requirements. Ms. Tyler stated the line he has shown does not go as far as what Mr. Polsky is talking about. Mr. Grenier stated Mr. Wursta is going to have to show the drainage basin the road impacts and the stormwater impacts associated with the drainage basin. He stated that is part of the design to get the needed approvals. Mr. Grenier stated the secondary analysis that Mr. Pockl was discussing is an H and H analysis specific to the bridge and the volume of water that goes under the bridge and how that may be changed by the road. Mr. Grenier stated probably 99.9% of the flow that is coming under the bridge is coming from "way upstream," and is part of the drainage area; and this little road will not even be a "drop in the bucket." Mr. Grenier stated they would have to let Mr. Wursta do his normal analysis which would include off site impacts including floodplain impacts and the amendment to the Motion would be to conduct an additional H and H analysis associated with the PennDOT bridge.

Mr. Pockl stated Mr. Wursta had indicated that the purple line shown on the slide was a floodplain delineation, and he asked Mr. Wursta if that was done taking the line from the FEMA map and overlaying it on top of the design plans or was it done considering the topographic information that was surveyed and cross sections taking so many feet from the culvert and analyzed with the drainage area of the stream that gets to that point so that you would have the cross section of the stream and you would understand that for a 100 year storm with a certain amount of precipitation, that would be the amount of water that gets there if it is the cross section that they know how far up the stream banks go for the water. Mr. Wursta stated he cannot answer to the specifics of the cross sections associated with the

bridge, but he can guarantee as to the delineation of the floodplain and the survey associated with that. Mr. Pockl stated that was the floodplain that was calculated; however, Mr. Wursta stated it was surveyed, and they had their surveyors there as well as the wetlands flagged. He stated they design bridges and do H and H studies all the time associated with the size of the openings, and they work with PennDOT and do PennDOT bridges as well as Municipal bridges. He stated he is very comfortable from the staff meetings that were held, that the delineation of this floodplain is accurate. He stated he feels you can almost see that in the video that Mr. Polsky showed how the water works in that area. Mr. Wursta stated they could further delineate the floodplain on the other side, and that would take an additional survey. He stated they do not feel they are impacting that, but they could do it for peace of mind. Mr. Wursta stated he feels the existing Sandy Run finds its water the same way as the new road will so it will not be a change, and it will be the same amount of water. He stated they are not adding anything as they are taking part of Sandy Run out and putting Sandy Run back in so it is the same amount of water. He stated Sandy Run is not the cause of the water at the bridge and going up the slope toward Mr. Polsky's house. He stated he believes that they can prove that as part of the project; and he feels doing an H and H study would be a PennDOT issue, and would be "overkill."

Mr. Majewski stated he agrees with Mr. Wursta. He stated FEMA had a study and they did cross sections and the hydrology to find out how much water was getting to each point of the stream to establish how far the water will rise up and spread out away from the stream in different storms. He stated the FEMA mapping that was shown in brown on the map that Mr. Wursta showed earlier was a mapping that FEMA did based on some approximate contour data. He stated in order for TPD to progress their design and insure that there would be no impact either downstream or on Mr. Polsky's they went ahead and did on-the-ground surveying which is more accurate than what FEMA used to develop the shaded area in brown. Mr. Majewski stated based on the survey operation, they developed the purple line that is the actual 100 year delineated floodplain based on the on-the ground contours. Mr. Majewski stated in order to do an H and H study, you would have to go 1000' upstream, 1000' downstream with cross sections, and it would cost approximately \$50,00 when in fact they are not encroaching on the floodplain; and if you are not encroaching on the floodplain, you do not need to do a study to find out what the impact on the floodplain is because you are not touching it.

Mr. Pockl stated he would agree with Mr. Majewski given the additional information as to how the floodplain was delineated.

Mr. Chris Yasinsac, 252 Reading Avenue, asked with regard to traffic-calming measures if the original concern about speed bumps instead of chicanes or other devices was because it would restrict the clearance of emergency vehicles; and Ms. Tyler stated she believes that was part of it. Mr. Wursta stated the speed humps were a concern for emergency response, and they would have needed numerous speed humps to maintain a certain speed; and as you got closer to the Railroad tracks you could not put a speed hump. He stated they had to do something that controlled traffic in a manner that allowed emergency vehicles to get through and also reduce the speeds at the Railroad tracks. Mr. Yasinsac asked if they ever considered recessed rumble strips which would not cost as much to install. Mr. Wursta stated they would not provide the relief they needed associated with the speed as they had to reduce the speed from 36 to 32 miles per hour in a consistent manner particularly as they got to the Railroad tracks. He stated speed humps were one of the twenty-five alternatives they looked at, and there were a list of reasons why this was not chosen.

Mr. Mike Brody asked if the sight lines to Schuyler are okay; and Mr. Wursta stated they are not impacting them, and it will probably make it better. Mr. Brody also asked about the Synagogue across the street, and Mr. Wursta stated they are not changing that. Mr. Brody asked Chief Coluzzi his opinion of this proposal versus a cul-de-sac. Chief Coluzzi stated as discussed previously the cul-de-sac would be the least expensive and ultimately the safest way to go since there would be no intersection; however, they understand the impact on the residents and the need to keep traffic flowing evenly. Chief Coluzzi stated they feel what is proposed is a great plan and they have reviewed it.

Mr. Brody stated as they discuss slowing down traffic on Edgewood heading into the Township, he feels they should get rid of the yellow passing lane on Edgewood on the west side of the bridge. Mr. Brody asked if there will be a sidewalk on the new road, and Mr. Lewis stated there is a bike path in front of Sandy Run now, and that bike path stays. Mr. Brody asked that they consider leaving Sandy Run as a bike path for residents to have a safe way to get in and would also help people who live on his side of Edgewood Road to have a new route through to Yardley Borough.

Dr. Weiss was asked to repeat his Motion which he did as follows: Moved to approve the relocation of Sandy Run Road 92' to the west and authorize TPD to continue on with the plans and designs to finally form a complete final design plan for the Township with the timeline as indicated by TPD. Ms. Tyler seconded.

Mr. Grenier stated from an engineering perspective they have Preliminary engineering versus Final engineering design, and he understood he would be doing Preliminary engineering by November; and he felt that was what they were approving tonight, and they would approve Final coming after the Board sees Preliminary in November.

Dr. Weiss stated the Motion as originally stated was to authorize TPD to continue on through the Preliminary design Plan and Final Plans.

Mr. Grenier asked if the \$170,000 is all inclusive for Preliminary and Final design, and Mr. Wursta agreed.

Motion carried unanimously.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to remove the temporary chicanes in front of the Township Building to be reconstructed at the time the road is rebuilt.

UPDATE ON PHASE 1 OF MAKEFIELD ROAD TRAFFIC CALMING MEASURES

Mr. Wursta stated he understands that they are scheduled to be done tomorrow. He stated the ramps are in, and they still have to put the rumble strips in and the stamped asphalt. Mr. Pockl stated the line stripping, the rumble strips, and the reflectors will be installed tomorrow on Makefield Road and on Black Rock Road. He stated the intention was that they were to complete the work when School was not in session; however, unfortunately they had poor weather this week and last week. He stated they did not want to delay the project any further so he directed the contractor to proceed with the work tomorrow.

APPROVAL OF CHANGE ORDER NO. 1 FOR THE 2018 ROAD PROGRAM

Mr. Pockl stated this is for additional improvements on Makefield Road. He stated initially when they went out to Bid, there was a preliminary plan identified as part of the Bid package; and subsequent to the contractor bidding the work, a revised Plan was prepared, and they asked the contractor to provide a Change Order for additional work that was shown on the Revised Plan. Mr. Pockl stated this work includes an additional length of crosswalk area, some additional sidewalk area around the ramps; and also because it would take a little longer to complete the work, there was an increased cost for maintenance and protection of traffic for the work. He stated the Change Order is for \$15,612.18, and the original Bid was for \$27,000 for this work. He stated the total for the work will therefore be \$42,612.18

which is a few thousand dollars less than the traffic engineer's estimate for those improvements. He stated he is comfortable with recommending Change Order No. 1 in the amount of \$15,612.18. He stated the initial Bid for the Contract was \$573,246.20; and with this Change Order, the total amount of the Contract would be \$588,858.38.

Mr. Grenier moved and Dr. Weiss seconded to accept the Change Order as described by the Township engineer.

Dr. Weiss asked Mr. Ferguson if they are good as far as the Budget is concerned. Mr. Ferguson stated there is no problem with the Change Order as they will have other savings to help make up for these costs.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2374 – ADOPTING LMT AMENDED 537 PLAN

Mr. Ferguson stated the Township submitted the 537 Plan to DEP, and they had a conference call with DEP with regard to the twenty-one changes that Mr. Ebert had discussed with the Board of Supervisors at a previous meeting. Mr. Ferguson stated DEP has a new person who was not involved in the initial review now looking at it, and he wanted a number of things including the Resolution that is before the Board. Mr. Ferguson stated he was concerned about some of the manholes and their numbers, and he wanted them evaluated. Mr. Ferguson stated when it was pointed out on the map where they were, Mr. Ferguson had advised him that those manholes were in Newtown. The Plan was submitted and Mr. Ebert will sign off on it, and that matter will hopefully be resolved.

Mr. Ferguson stated that the Resolution that the DEP representative has asked to be passed removes the sentence previously approved by the Board of Supervisors where it says, "the upgrade of the Yardley Oaks Pump Station to have an average daily flow of 51,323 gallons per day through the installation of two pumps was removed." Mr. Ferguson stated it was removed because that is not one of Lower Makefield's alternatives although Mr. Ebert included it in the report to cover every piece that they were trying to be thorough with. Mr. Ferguson stated the DEP representative indicated that since it was not an alternative, he needed to take it out of the Resolution. They are asking the Board to pass the Resolution which is what they had before except taking that out because it is not one of our two alternatives. Mr. Ferguson stated once this Resolution is approved, it will be submitted with the other changes.

Ms. Tyler moved and Mr. Grenier seconded to approve Resolution No. 2374 removing the objectionable language from the 537 Plan submission as outlined by the Township Manager.

Mr. Lewis stated they appreciate the work done by the Department of Environmental Protection of the Commonwealth of Pennsylvania and appreciate their help and support through the 537 process.

Motion carried unanimously.

DISCUSSION OF STACKHOUSE PUMP REPLACEMENT PROJECT

Mr. Lewis stated the Township received State funding for the Stackhouse pump replacement project, and he thanked State Senator Charles McIlhinney and State Representative Perry Warren, who worked tirelessly on this, as well as other members of the community who advocated with the Commonwealth. Ms. Tyler also thanked the Township's sewer engineer. Mr. Grenier stated this was an approximately \$400,000 Grant and was one of the largest if not the largest that was awarded in the State.

DISCUSSION AND MOTION REGARDING RESULTS OF LEAD-BASED PAINT TESTING ON JANNEY-BROWN HOUSE

Mr. Pockl stated they were at the property on September 5 and took samples at fifteen locations throughout the interior and exterior of the Janney-Brown house. He stated the samples were sent to a lab to complete testing, and there was lead-based paint on several of the interior locations including window seals and door jams. He stated there was also lead-based paint identified on the exterior shutters of the house and also on the exterior paint of the well house/out house building which is approximately 20' by 30'.

Mr. Ferguson asked Mr. Pockl if he feels what was found outside is something that they should consider remediation for. Mr. Pockl stated he did not do the sampling and is not an expert in environmental remediation or sampling; however, the person that did the sampling has over twenty-three years of experience and is extremely qualified. Mr. Pockl stated that individual provided a recommendation of investigating further remediation of the exterior paint, and by his observation the interior paint was being maintained by the current tenant of the property, the Artists of Yardley. He stated where it was chipped or peeling off, it was cleaned up and painted over which is a recommended remediation for the interior of the building. Mr. Pockl stated while he is not sure they were following the correct

protocol for how that is done to protect the worker doing the work, everything the expert indicated to him was that it was not a concern and they were “on top of” remediating the interior paint. Mr. Pockl stated with regard to the exterior paint it is anticipated it will cost \$15,000 to \$20,000 to remediate.

Mr. Ferguson asked if it would be in order to get multiple quotes to get the work done. Mr. Ferguson stated he assumes lead-based paint remediation is specialized, and he asked if that could just be awarded since it would be considered a professional service. Mr. Ferguson stated he believes that provided one of the quotes comes under a specific amount, you have met the standard the Second Class Township Code has for getting quotes. He asked the Board if they would want him to get three quotes and discuss doing the work at a future meeting. Mr. Grenier asked if that would just be for the outside, and Mr. Ferguson agreed. Mr. Ferguson stated while the exterior is important, they were most focused on the interior where there are classes and children; and they wanted to make sure that people were not at risk. Mr. Pockl stated there is no regulation that requires the Township to remediate the exterior paint immediately; although the longer it is let go, the more it will cost to remediate.

Mr. Grenier stated the observation was that the interior paint was in fairly good shape at this time, although there is lead paint in the interior; and Mr. Pockl agreed. Mr. Grenier asked if it presents any type of liability to the Township if they are putting on a coat of paint on the interior since they are not licensed and do not follow proper procedures for lead-based paint. Ms. Tyler stated the study showed that what they have done on the inside was sufficient. Mr. Grenier stated the study showed that there was lead-based paint on the inside. Ms. Tyler stated the way it was treated was okay. Mr. Grenier stated what it showed was that the current situation is okay; however, the process to get there may not have been okay.

Mr. Grenier stated they will be there again in the future at some point; and if there are issues in the future they should consider if they will let the Artists of Yardley do it, or does the Township have to take it on for the interior. Mr. Ferguson stated while he has not seen the Lease, he would imagine that would be the Township’s responsibility. Mr. Grenier stated in the past, he does not feel the Township has done it. Mr. Lewis stated previously the Artists of Yardley, in exchange for paying rent prior to the current Lease Agreement, did restoration on the house. Mr. Ferguson stated that he is not sure that the Township set any parameters that would have required them to do anything other than what you would normally do when you paint your house or business.

Mr. Lewis stated the Artists of Yardley are aware of the issue and aware of certain steps they know not to do within the house to protect it. He stated the current status is that it is generally safe, and that is something they need to continue to work on going forward.

Mr. Grenier stated for future issues that may come up, he wants to make sure it is clear as to who does what and how. Mr. Lewis stated the Township is the owner of the property and is ultimately responsible. He stated part of Mr. Grenier's concern may be addressed with an Addendum. He stated currently the Artists of Yardley pay rent, and they offset that rent by providing upkeep and maintenance to the property so it probably would be for the Township solicitor to develop a draft Addendum that both sides would agree to in the interest of protecting mainly the participants of the Artists of Yardley. Mr. Ferguson stated Mr. Lewis is suggesting an outline where their maintenance would start and stop as far as the expectations; and Mr. Lewis agreed and added he feels the Artists of Yardley would be in favor of this as well.

Mr. Grenier asked Mr. Pockl if any soil testing was done around the house, and Mr. Pockl stated it was not.

Mr. Ferguson stated he assumes he should at least get quotes, and would like direction from the Board to do so if they want him to do it.

Ms. Blundi asked if they are going to try to undertake to get Bids for all of the properties or just some of them. She stated she agrees that the inside of the Janney-Brown house where the Artists of Yardley are working was a priority; but she is not sure that the outside of the house is more important than the outside of any of the other buildings. She stated she feels they should come up with a plan even if it is just to get Bids in an organized fashion so that they can move forward with all of the properties in a thoughtful process.

Mr. Grenier asked Mr. Ferguson if they did any additional testing of any of the other structures out there, and Mr. Ferguson stated they tested the outside of the one barn with the same type of Home Depot test because there was a request to paint that. He stated it tested positive as well. He stated they have not undertaken more extensive testing.

Ms. Blundi stated if there has been spot painting done on the interior of the Janney-Brown house to remediate lead issues, then a similar argument should be made that they should be allowed to be painting some of the "outside" structures, and they would not be scraping or chipping or otherwise removing the paint, and they would just paint over it which sounds like what has been happening at the Janney-Brown house, and they could move forward on preservation in a "volunteer way." Mr. Ferguson stated he is not opposed to that in concept; however, much like they just discussed about the interior of the Janney-Brown house moving forward, regardless of whether the Township in the past had used power sprayers and done that, he does not feel they should do that anymore without doing it the right way. He stated if the Township was to authorize that to move forward, there would need to be some understanding as far as what you can and cannot do; and if they

encounter an area where there is flaking paint, they should not do what you would do if paint was on your own house. Mr. Ferguson stated he does not disagree with Ms. Blundi that a broader strategy for all of the properties is something that they need to evaluate to make sure that there are not any more prominent problems that would take full remediation as part of the 2019 or 2020 Budget.

Mr. Grenier stated looking at the photos that Ms. Hirko provided it seems that all of the buildings have paint flaking off now, and he would assume that it is all lead paint. Mr. Ferguson stated because of the timing of when those buildings were built and painted, the interpretation of the staff would be that all them were painted with lead paint and that is what they have seen in the first few tests that they have done. Mr. Grenier stated because of these reasons, they would not want any “non-trained, unofficial person” to do the painting to make sure that it is done with an abundance of caution. Mr. Ferguson stated at the Satterthwaite House, it is not just lead-based paint it is also the presence of asbestos which compounds the problem dramatically. Mr. Ferguson stated he feels there needs to be discussion about a more comprehensive plan and approach as to how they want to move forward including what the costs are, what the intent of the property would be that would justify that cost, and whether there are structural, painting, or remediation issues.

Mr. Grenier stated the Janney-Brown house is being used by the Artists of Yardley and there are children’s programs there so it is a concern. He stated there is a potential for exposure because of the proximity of people that are using it on a regular basis so that would be the number one priority, and he understands why Mr. Ferguson did what he did. Ms. Tyler stated that was addressed in the report. Mr. Ferguson stated what was addressed in the report was that the interior was safe and that the exterior does have the presence of lead paint; and whether it is less risk or not, his concern is still that there are people using the building and coming in and out of the property on a regular basis. He stated he feels they had to start somewhere with a Plan, and the Janney-Brown house seemed to be the most logical place to have a priority. He stated he recognizes that there are people with differing opinions as to where we should rank things, but this is where the activity is at the moment.

Ms. Tyler asked if the report they are discussing with regard to the exterior of the Janney-Brown house established that there is a dangerous condition that is required to be remediated, and Mr. Ferguson stated he believes that is correct. Mr. Pockl stated they are talking about the exterior of the outhouse/well house and not the Janney-Brown house structure itself. Mr. Grenier stated he felt there were shutters and other areas that were chipping and had lead-based paint on the Janney-Brown house, and Mr. Pockl agreed. Mr. Grenier stated the Janney-Brown house is a stone house so it would just be the shutters, door frames, and windows, etc. Mr. Grenier stated the estimate for approximately \$20,000 was for remediating both the

exterior of the Janney-Brown house shutters, etc. and the out house/well house; and Mr. Pockl agreed. Mr. Grenier asked if the out house/well house is being used by people or is it just in close proximity, and Mr. Pockl stated he does not know whether or not it is being used for storage. Mr. Grenier asked if the estimate was broken down between the Janney-Brown house and the outhouse, and Mr. Pockl stated it was. Mr. Pockl stated they would experience a significant cost just to get them on site and get the protection measures set up so the amount of paint that is on site does not have a significant impact on the cost compared to getting them on site to do the work.

Mr. Ferguson stated if the Board directs him to get quotes, he would be bringing those back to the Board for an authorization to approve the project if they were so inclined.

Mr. Grenier moved to direct the Township Manager to obtain written quotes to conduct the recommended remediation as provided by the Township engineer for the Janney-Brown house and the out house.

Mr. Ferguson stated they do not have to go out to Bid, and they would contact qualified contractors. He stated Mr. Pockl would make a preliminary spec for the scope of work, and the contractors would provide a price.

Ms. Tyler stated she would also like to know if they are required to do this legally and she would like to know what the requirements are with regard to lead paint. Mr. Ferguson stated he would defer to the solicitor on this; and by the time they come back with quotes, the solicitor can outline what our obligations are.

Dr. Weiss seconded and the Motion carried unanimously.

AWARD OF 2018-2019 SALT BID TO MORTON SALT, INC. THROUGH THE BUCKS COUNTY CONSORTIUM

Mr. Ferguson stated the Board received in their paperwork the quotes through the Bucks County Consortium for rock salt for the 2018-2019 snow season. He stated the cost went down in price as the past season it was \$48.82 a ton and this next year it will be \$47.92 a ton which is 1.8% decrease.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to award the 2018-2019 Salt Bid.

AUTHORIZE PURCHASE OF A 2019 CHEVY SILVERADO WITH UTILITY BED AS BID BY COSTARS FROM THE SEWER CAPITAL PROJECTS FUND AT A TOTAL COST OF \$54,421 LESS \$9,700 FOR TRADE-INS FOR A NET COST OF \$45,521

Mr. Ferguson stated he had outlined this matter in his Manager's Report.

Mr. Ferguson stated the vehicle will be used by Sewer staff members, and the total cost will be \$45,521.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to authorize the purchase.

MINIMUM MUNICIPAL OBLIGATIONS FOR PENSION FUNDS

Mr. Ferguson stated he provided the Board with a memo today outlining the calculation of the amount which they will put toward the 2019 Budget for the MMO which is the Minimum Municipal Obligation for the Pension Fund and those amounts will be \$729,757 for the Police Pension and \$381,418 for the Defined Benefit Non-Uniform Pension, and \$72,911 for the Non-Uniformed Defined Contribution Pension Plan for 2019. Mr. Ferguson stated the Board will be seeing those numbers in the Budget.

DOG PARK DISCUSSION

Mr. Ferguson stated they have been having some issues at the Dog Park and he would like to remind people that there is a class that discusses the rules and regulations. He stated small children are not permitted to be in the Park. He stated they have unfortunately had to issue several letters of suspension for violations. He stated if you bring children to the Park, and you are having trouble with the fob, you are not permitted to have your children scale the fence which has been done. He stated there have also been adults scaling the fence which at one point might have resulted in the fence being bent which then disabled the fobs entirely. He asked that everyone follow the rules which have been set for the protection of people using the Park. He stated they have seen small children running around unattended with dogs that may not know how to behave with young children. He stated when they issued those suspensions, they have set the policy that you need to take the dog class again in order to have your privileges reinstated to use the Park.

Ms. Tyler asked if there is a policy on suspensions, revocations, and reinstatement; and asked if we need that. Mr. Ferguson stated the staff had established a policy that they will be implementing that he and Ms. Tierney have put together regarding that, and that is what they are following.

Mr. Lewis asked if they have a right of action against the person that bent the fence; and Mr. Ferguson stated they have many videos of people scaling the fence, and while he does not know that was what caused it, when you have grown adults scaling a ten foot fence it is not out of the question that is what bent the fence. He stated there have been issues with the fobs and people are frustrated; but all they have to do is call, and someone from the Township will go down and get it open for them.

APPROVE ADOPTION OF ORDINANCE NO. 412 AMENDING CHAPTER 84A BAMBOO, SECTIONS 2 AND 4

Mr. Duffy stated the Board was provided in their packet the proposed Ordinance No. 412 which is an Ordinance that amends certain portions of Chapter 84A of the Township Code dealing with bamboo. He stated it amends the definition of bamboo, a bamboo owner, and a bamboo owner's responsibilities. He stated the amendment was properly advertised.

Mr. Grenier moved and Ms. Blundi seconded to adopt Ordinance No. 412. Motion carried with Ms. Tyler opposed.

APPROVE ADVERTISING AN ORDINANCE ADOPTING 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

Mr. Duffy stated before the Board this evening is a draft of an Ordinance that updates the Property Maintenance Ordinance so that it is consistent with the 2018 International Property Maintenance Code.

Mr. Jim Majewski was present and stated they discussed this at a prior meeting; and since that time they had the Code Enforcement Officer, Mike Kirk, look at what the differences are between the 1993 BOCA Property Maintenance Code and the 2018 International Property Maintenance Code. Mr. Majewski stated the issues are outlined in a memo that was in the Board's packet. Mr. Majewski stated it refines certain issues that developed over the twenty-five years since the enactment of the 1993 BOCA Property Maintenance Code. He stated it also clarifies definitions and adds in some items that were not considered when the 1993 Code was adopted.

Mr. Majewski stated the Ordinance before the Board for advertisement consideration adopts the 2018 International Property Maintenance Code with some additions and proper insertions referencing Lower Makefield specifically as well as some items that need to be clarified including defining weeds and that a naturalized meadow or planted vegetation that grows over ten inches tall is not necessarily considered a weed, and is actually something that is managed and desired by the Township. He stated that is in keeping with the best management practices for stormwater design.

Mr. Majewski stated this was reviewed by the Planning Commission some time ago; and while it was not this specific draft, the general consensus was that the adoption should take place to update the Ordinance.

Ms. Tyler moved and Ms. Blundi seconded to authorize the advertisement of an Ordinance adopting the 2018 International Property Maintenance Code as outlined by Mr. Majewski.

Mr. Grenier asked Mr. Majewski in his comparison between the 2018 Code and BOCA does he feel this would have any impact in terms of the amount of work that the staff would have that would put additional stress, time, money, etc. on staff to implement the Code; and Mr. Majewski stated he does not. Mr. Grenier stated the Planning Commission reviewed the 2015 version, and Mr. Majewski agreed. Mr. Grenier asked if the Planning Commission has seen the 2018 version, and Mr. Majewski stated they have not. Mr. Grenier asked if the Sewer Authority had a chance to review any potential concerns or issues associated with the IPMC adding that the Sewer Authority is looking at a new Grease Trap Ordinance, and looking at the bullet list it talks about grease interceptors. Mr. Majewski stated the Sewer Authority has not looked at it although he saw one of the draft Ordinances for the Grease Trap Ordinance and it comports well with what is in the Code. He stated it would require proper maintenance of the grease traps and be able to provide records to justify that when requested. Mr. Grenier stated he did get feedback from the EAC that they were in favor of this Ordinance although they have not gone through it in great detail.

Mr. Grenier stated while he is in favor of advertising, he would like those Boards and Commissions to have the opportunity to review and comment before it is finalized. Mr. Ferguson asked if there is a 30-day requirement for advertising, and Mr. Majewski stated there is not. Mr. Lewis asked if they should put this on the Agenda thirty days from now so that it gives everyone an opportunity to look at it again. Mr. Grenier stated he would be in favor of that. Mr. Ferguson asked if this would change when they want to advertise it; and asked if there is a requirement that once it is advertised, there are a certain number of days they have to approve it or is that open ended. Mr. Lewis stated it is open ended. Mr. Lewis stated there is an Ordinance that has been advertised but not approved yet.

Ms. Tyler stated she is satisfied with Mr. Majewski's recommendation. Dr. Weiss stated he would be in favor of advertising it, and he would be flexible as to when they would put it on the Agenda. Ms. Blundi stated she would like the other Boards to have an opportunity to look at it and comment on it. Mr. Grenier stated they could put it on the next Agenda; and if the other Boards have concerns, they can consider those and then put it to a vote. Mr. Majewski stated the Planning Commission will be meeting this Monday, and they can review it then. Mr. Grenier stated the Sewer Authority will meet next week and they can put it on their Agenda. Mr. Majewski stated if they have any comments, it could be modified at the October 3 meeting.

Motion carried unanimously.

EXTENSION REQUESTS FOR DEDICATION OF BROOKSHIRE I, BROOKSHIRE 2, AND TROILO TRACT (BROOKSHIRE 3)

Mr. Ferguson stated they are requesting this because the time deadline is coming up, and they need to extend the timeframe so that it does not expire.

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to grant the Extension requests for Dedication of Brookshire I, Brookshire 2, and Troilo Tract (Brookshire 3) to October 5, 2018.

APPROVE EXTENSION OF TIME FOR FIELDSTONE AT LOWER MAKEFIELD

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to extend the time for Fieldstone at Lower Makefield to December 31, 2018.

APPROVE ESCROW RELEASE #1 FOR REGENCY CARRIAGE HOMES PHASE 3

Mr. Pockl stated based on their inspection of the development, they recommend the release of \$249,368.40 from the Site Improvement Escrow held by the Township to the developer. After this release the total amount of the financial security remaining would be \$418,981.60. He stated this is for Regency Carriage Homes Phase 3.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve the release of escrow on Regency Carriage Homes Phase 3 in the amount of \$249,368.40 as outlined by our engineer.

APPROVE ESCROW RELEASE #1 FOR REGENCY CARRIAGE HOMES PHASES 4 AND 5

Mr. Pockl stated based upon their inspection of the work completed, they recommend the release in the amount of \$446,960.25 to the developer from the financial security held for the completion of the required site improvements at the development. He stated this is for Regency at Yardley South Carriage Homes Phases 4 and 5. He stated after this release the total amount of financial security remaining would be \$776,075.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to authorize the release of escrow for Regency Carriage Homes Phases 4 and 5 as outlined by the engineer.

APPROVE ESCROW RELEASE #3 FOR OAKMONT/MOON NURSERIES

Mr. Pockl stated based upon their inspection of the work completed, they recommend the release in the amount of \$64,120.04 to the developer from the financial security held for the required site improvements at the development for Oakmont/Moon Nurseries. He stated after this release the total amount of financial security remaining is \$304,788.11.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to authorize the release of escrow for Oakmont/Moon Nurseries as outlined by our engineer.

APPROVE ESCROW RELEASE #11 FOR FLOWERS FIELD

Mr. Majewski stated this predates Remington & Vernick Engineers, and he is recommending that the Letter of Credit be released in the amount of \$144,771.50. The total amount of the financial security remaining after this release will be \$222,738.14. Mr. Majewski stated this release includes work that was located within the PennDOT right-of-way, non-Residential and Office paving work and it is not associated with the Residential portion of the development.

Ms. Tyler asked if this has anything to do with the roadway between Edgewood Café and Flowers Field. Mr. Majewski asked if she is referring to the litigation, and Ms. Tyler stated she is; and Mr. Majewski stated it is unrelated to that. Ms. Tyler asked what this specifically relates to. Mr. Majewski stated there was an issue that had come up some time earlier this year with the timing of an escrow release and not meeting the requirements of the Municipalities Planning Code; and due to that, they have been in discussions with the developer and the Township solicitor and have arrived at a compromise that will not impact the ability of the Township to

maintain the security needed to do all the on-site Residential portions of the project. He stated that security is still retained within this amount.

Ms. Tyler stated this was reviewed by Counsel and Mr. Majewski's office, and Mr. Majewski agreed. Ms. Tyler asked if it was agreed upon by all Parties, and Mr. Majewski agreed. Mr. Ferguson stated even though this is being released, they will be unable to get C/Os for anything that goes in unless the road is done which is what led staff and the solicitor to sign off that this release would be okay.

Ms. Tyler moved and Ms. Blundi seconded to authorize the release of escrow for Flowers Field as outlined by Mr. Majewski.

Mr. Lewis asked if the developer is current with all fees that are owed the Township, and Mr. Ferguson stated they are.

Motion carried unanimously.

APPROVE ESCROW RELEASE #3 FOR SCAMMELLS CORNER

Mr. Pockl stated based upon their inspection of the work completed, they recommend the release in the amount of \$65,558.50 to the developer from the financial security held for the completion of the required site improvements at the Scammells Corner development. After this release the total amount of financial security remaining is \$150,773.91.

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to authorize the release of escrow as outlined by the engineer for the Scammells Corner development.

Mr. Ferguson stated he recognizes that this has been a long list, and he believes that Boards approve Development Agreements that set securities and amounts of securities. He stated sometimes when projects are being built and inspected, residents may get "upset" or discuss with the Board things that have not been done and how much security is released so he feels it is important for the Record and for the Board to be kept up to date when the engineer has something like this, that the staff go through the Board to secure those releases so that the Board can ask questions and hear from the engineer how much security is left and the public can be kept aware and understand that there is still work to be done. He feels this transparency is helpful which is why they have included this.

SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board met Monday and covered four significant cases one of which has been Continued and will come back to the Zoning Hearing Board. Mr. Lewis reminded those coming before the Zoning Hearing Board that it is important to engage your neighbors in a constructive and positive way and reach out to them to advise why they are looking for a Variance and build rapport. He stated this makes it easier for residents and Applicants to come to good resolutions which he has seen in many cases. He stated in this instance where the matter has been Continued, that was not the case. He stated he strongly recommends working with your neighbors when seeking a Zoning Hearing Board Variance. Mr. Lewis stated a Sub-Committee of the Golf Committee met to review operations and continue work on a plan and strategy for the Makefield Highlands Grill.

Dr. Weiss stated the Trenton Mercer Airport Review Committee meets next Thursday at 7:00 p.m. He stated the first item on their Agenda will be a discussion of the Mercer County Executive's report and that the expansion will start as soon as Plans are developed especially in relationship to the new terminal building. Dr. Weiss stated Mr. Hughes has stated that all the regulations will be adhered to; however, they noticed that they were referring to an Environmental Assessment versus an Environmental Impact Assessment. Dr. Weiss stated the public is welcome to attend.

Mr. Grenier stated prior to the regular Sewer Authority meeting, the Sewer Authority Sub-Committee will meet when they will be discussing the rebuild option of the existing plant. Mr. Grenier stated the Park & Rec Board met and discussed the Dog Park and two Boy Scout projects which were recommended for approval including a corn hole court at the Community Center at a location where it was too small to have a bocce court. He stated the other project that was recommended for approval was agility structures at the Dog Park – one in the small dog section and one in the large dog section. He stated it is a small ramp that dogs can walk up and down and not an entire agility course as the Park & Rec Board opted to just recommend the ramp as too large an area would have been taken up with the other pieces of equipment. Mr. Grenier stated the EAC met and reviewed the MS4 letters that came in and they will provide some language to be used. Mr. Pockl stated the due date for the annual report is September 30, 2018. Mr. Grenier stated he asked the EAC to provide that language by the end of this week, and he will forward any e-mails to Mr. Pockl that he receives. Mr. Grenier stated the EAC also completed some land use reviews and had some comments for Mr. Majewski on Caddis. He stated they were also asking about the status of any base mapping being worked on for the Oxford Valley parcel/Railroad parcel. Mr. Pockl stated the base map is complete.

Mr. Grenier asked Mr. Pockl if everything has been worked out with the Water Company easement, and Mr. Pockl stated he received information from the Water Company and put that on the Plan. He stated the easement locations for the water line locations conflict with what the easement locations are in the Deed; however, he believes that the water line locations are correct and that the Plans should be adjusted to show the easement reflective of the water lines that are on the property and not what was in the Deed.

Ms. Tyler stated the Disability Advisory Board will hold their event this Saturday, September 29 at 10:00 a.m. which was discussed earlier this evening. She stated it is the Roll and Stroll for people of all abilities to come to Memorial Park. Ms. Tyler stated the Historic Commission continues their work on the Slate Hill Cemetery tombstone placement for some of our Civil War Veterans.

Ms. Blundi stated the Citizens Traffic Commission does great work and they are there to listen to residents' traffic issues and try to help get them resolved. She stated they had a resident who had concerns with Pine Grove; and when Ms. Blundi drove the area she saw some of the issues they were talking about, and she reached out to the Township staff who got PennDOT to come out and trim vegetation that was blocking a sign. Ms. Blundi stated residents with concerns can either come through an Advisory Board or call the Township directly. Ms. Blundi stated there have been a lot of complaints about Roelofs Road, and she thanked Chief Coluzzi and his Department for addressing those concerns and helping with enforcement on that road. Ms. Blundi stated Special Events meets Tuesday, and they have begun their work on Veterans Day. She urged everyone to come out and participate in planning those events and to come out on Veterans Day in November. Ms. Blundi stated Farmland Preservation is meeting Tuesday, and they are looking into offering more community planting opportunities and want to know if there is an interest in that and providing the opportunity to access farmland. She stated they would be able to bring water to the plots. They are trying to assess community interest, and she asked those interested to come to the Farmland Preservation meeting.

APPOINTMENTS

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to appoint David Mann to the Disability Advisory Board changing his status from an alternate member to a full member.

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There being no further business, Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 10:35 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary