

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 19, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 19, 2018. Mr. Lewis called the meeting to order at 7:30 p.m. A moment of silence was observed in memory of Grace Godshalk who recently passed away and had served the community for five consecutive terms as a Supervisor and was a tremendous asset. Mr. Lewis called the Roll.

Those present:

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

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

PRESENTATION BY BUCKS COUNTY PROTHONOTARY, JUDITH REISS

Ms. Reiss stated she is present with a check from the County in the amount of \$1,000 to the Lower Makefield Township Community Foundation for the Garden of Reflection. She stated she has known Ms. Godshalk for many years, and public service was her passion.

Ms. Reiss advised that the Bucks County Visitors Center gives Grants for parks and other areas that bring visitors to Bucks County; and she feels that since the Garden of Reflection brings visitors to the County, it would be worthwhile for the Township to apply for a Grant for things that may need to be repaired at the Garden.

Mr. Lewis thanked Ms. Reiss and the County on behalf of the Board for their support.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, asked who will be the Chair of the Board of Supervisors next year; and Mr. Truelove stated that will be decided at the Board's Reorganization Meeting to be held on January 7, 2019.

Mr. Kupersmit asked if there is any clarification on the quality of the water in Lower Makefield. Mr. Lewis stated at the last Board meeting, they passed a Resolution requiring Pennsylvania American Water to come to the Board with a Root Cause Analysis of what occurred during the boil water advisory and to develop a prompt corrective action plan. Mr. Lewis stated Pennsylvania American Water did reach out to the Township within the ten-day period, and they are still completing their analysis of what occurred; and they plan to meet with the Township to discuss the matter in public in the future. Mr. Kupersmit stated he has received conflicting opinions as to the seriousness of the situation, and he is concerned that it will be very costly to fix it; and he also has read articles that it could be “superbugs” in the water that could create problems. Mr. Lewis stated the issue with the boil water advisory had to do with turbidity and not necessarily bacteria of any sort in the water supply.

Mr. Donald Okeefe, 15 St. James Place, stated at the last meeting he had discussed the proposed closing of the recycling yard. He stated at that meeting it was stated that approximately 100 residents used that yard. Mr. Ferguson stated that was incorrect, and it was 900; and he is acknowledging that he made a mistake at the last meeting. Mr. Okeefe stated he does not feel recommendations should be made to the Board with inaccurate information. Mr. Okeefe stated it was stated that 100 households use the recycling yard, which was 1% to 1.5% of the households in Lower Makefield Township. He stated that number is inaccurate. Mr. Okeefe stated between November 29th and December 15th, the recycling yard was open 15 days and there were a minimum of 120 households using it. He stated of that number, 25 households used it more than once. Mr. Okeefe stated this is approximately 6.3 uses a day, which would be 1,900 uses in a year at the same rate. He stated he would concede making a 50% error which would bring it down to approximately 950 uses. He stated the 950 households that use it corresponds to about 8% of Lower Makefield Township households or 16% if he did not make a 50% error. He stated this is tenfold greater than what was claimed at the last meeting. Mr. Okeefe stated in the Budget it costs the Township about .5% of Township revenues to run the recycling yard and this benefits 8% to 16% of the households.

Mr. Okeefe stated it was also previously commented that the trash companies include the collection of yard waste as part of their bill; however, he stated there are limits. He stated his hauler is Republic Services, and they only pick up yard waste between April 1 and the second Wednesday of December. He stated if there is a winter storm, there would no place for him to put his yard waste, and he would have to hire a third party to do it. He stated last March he had to remove 260 cubic feet of sweet gum balls from his property, which would equal 70, paper bags, and Republic only takes ten bags a week; and he would have to pay \$6.50 a bag over that, and then they would only take ten extra bags. He stated if he did not want to pay extra, it would take him close to three months to have Republic haul off just the

sweet gum balls. He stated if he paid them it would get done in one month, but it would cost him over \$200. He stated for Waste Management, the yard waste goes into the container and it is processed along with household waste and is not separated or recycled. He stated that is not environmentally sound. He stated anything put on the side for Waste Management will cost \$3 a bag. He stated you have to call ahead, have it scheduled, and pre-pay. He stated even with that the haulers do not take all sorts of yard waste. He stated tree limbs have to be less than 2" in diameter, and branches have to be less than 4' in length. Mr. Okeefe stated he did not check with McCullough since years ago, they would not pick up his sweet gum balls.

Mr. Okeefe stated he is against the recommendation to close the recycling yard, and he feels more residents than the Township is aware of are using it. He stated it is a very good use of taxpayer money.

Mr. Ferguson stated the 100 number he gave to the Board at the last meeting was inaccurate, and he had sent an e-mail to the Board indicating his error. He stated he feels the number is approximately 900 households, and he apologized for the error. Mr. Ferguson stated the Public Works Director had indicated the number was 70 to 80 and the way he had interpreted this was on a monthly basis, separate users translating to about 900 a year, and Mr. Ferguson had read that as 70 to 80, which he had rounded to 100 which was inaccurate.

Mr. Okeefe stated even at 900 users a year, that is about 8% of the Township, and it is a half percent of the Budget to provide a discretionary service to 8% of the households, which he feels is well worth spending.

Mr. Grenier stated it was noted that Republic did not allow for greater than a certain diameter and certain length of branches, and he asked if our recycling yard has similar restrictions; and Mr. Ferguson stated it does, but they have not been enforced. Mr. Ferguson stated part of the challenge with the recycling yard is that we do not have the staff capable of managing the site in the way that is necessary for allowable materials. He stated at the last meeting Mr. Okeefe had talked about a stump that was too heavy to take to the curb, and that is not an allowable material at the recycling site; and when items such as that are put there, the Township has to pay to have them removed. He stated there are also illegal items dumped at the recycling yard as well such as tires and a refrigerator since the Township does not have the physical capability to staff the recycling yard. Mr. Ferguson stated there are also new requirements being put on the Township regarding managing the site, and there are increased costs because of the Township having to pay someone to remove certain materials. He stated starting next year it will not just be staffing costs but there will also be costs for the Township to take certain materials to a composting site; and the estimates currently for that would be approximately \$20,000 to \$25,000 of additional cost.

Mr. Grenier stated there have been questions about what certain waste haulers will and will not pick up, and he feels at a minimum the Township should write letters to the waste haulers and remind them of State regulations. He stated by State law, the waste haulers are required to not put yard waste in the landfill; and it is to be separated. Mr. Grenier stated there is also Ordinance 178-39 that also requires that the haulers do that.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to direct the Township Manager to write a letter to the current waste haulers in the Township reminding them of their obligations per State and local regulations and requesting information as to how they currently dispose of leaf and yard waste with a carbon copy going to the DEP and the County.

Mr. Mike Brody, 509 Brookbend Court, stated he was pleased to get the notification yesterday from Ready Bucks about the train situation. He stated he would have liked to have received notification when the train situation was resolved. Chief Coluzzi stated they are up to 2,000 Township subscribers to Ready Bucks but that is not enough to get major messages out to the residents, and he asked that everyone go onto Ready Bucks Notify and sign up for the notifications. Mr. Grenier asked if the Water Company is tied to Ready Bucks; and Chief Coluzzi stated they would have to repeat the message from the Water Company, but he made the decision not to do that since the Water Company provided a very thorough and complete message, and he felt that if they duplicated that it could cause confusion. He also noted that when a message is put out from Emergency Management, usually our Emergency Operations Center is open so that when people call, they would be able to speak to someone and get answers to their questions, and they did not open the Emergency Operations Center for the boil water alert.

Ms. Donna Doan, 2814 Yardley-Langhorne Road, Langhorne, stated the 2019 Patterson Farm calendar is available for sale in the amount of \$20 at the Township Building and Charlann Farms. Information is also available on the Patterson Farm Facebook page. She thanked those involved with this project.

Mr. David Miller, 1648 Yardley-Langhorne Road, stated he lives on a five-acre property, which is partially wooded. He noted the Minutes from the Budget meeting held on October 30, and he stated there were comments made about the recycling yard which he “took as gospel.” He stated he has now heard today that there were a lot of misrepresentations of the figures. Mr. Miller stated in the Minutes it indicated that there were 518 hours of Public Works overtime on Saturdays, and he asked if that is a correct figure; and Mr. Ferguson stated it is. Mr. Miller stated it was stated that the cost of that was \$40,000, and Mr. Ferguson agreed. Mr. Miller stated

Ms. Tyler had asked what would be the net savings if the recycling program were done away with, and he assumed she meant entirely; and that figure was stated as \$41,000. Mr. Ferguson stated it was \$41,000 as currently outlined. He stated the previous years' Budgets just included the overtime necessary to staff the recycling site so the direct savings would be the elimination of that amount based upon what they had spent. He stated the overall savings will be more because as he advised the Board the cost for continuing that program beginning next year will go up if continued.

Mr. Miller stated he does not understand this as if they gave up the whole program it would be \$41,000, but if they just gave up Saturday, they would save \$40,000. Mr. Ferguson stated he is using \$40,000 and \$41,000 interchangeably because he does not have the number in front of him. He stated the overtime for Public Works on Saturdays for the 500 plus hours of overtime is approximately \$40,000 to \$41,000. Mr. Miller stated the \$41,000 is for Saturdays. Ms. Tyler stated her question was what was the overall cost of the program. Mr. Ferguson stated the overall cost is more than the \$41,000.

Mr. Miller stated by his calculations if they worked 52 weekends, which he does not believe they do, it would be \$95 an hour spent; and he asked what that represents and whether it was one or two people. Mr. Ferguson stated it is multiple people on the same day as they have to have more than one person since on certain days there are people checking in and people at the site where they are dumping so that they cannot just have one person. Mr. Ferguson also noted it is time and a half on Saturdays. Mr. Miller stated normally when he goes there on a Saturday, there is just a book in the entranceway of the office; and there is no one there and no one is visible. Mr. Ferguson stated on Saturdays there are people there, and they may have been called away, etc. He stated they do pay staff on Saturdays to be there. Mr. Miller asked what they do on Saturday pertaining to the recycle yard. Mr. Ferguson stated their job is to observe and try to prevent things coming into the site on Saturdays that should not be going in there. Mr. Miller stated he has never seen anybody there unless he is there at the last minute when they are ready to lock up the chain. Mr. Ferguson stated while he cannot provide all of their responsibilities as that is the purview of the Public Works Director, they are there with the intent of observing and directing if there are multiple cars there so that things get taken to the proper place. Mr. Miller stated he sees that in the morning they unlock the chain, and at closing time they lock the chain. He stated during the week they bulldoze the pile, and he asked if they do that on Saturday; however, Mr. Ferguson stated he could not answer that question.

Mr. Miller stated he feels Mr. Ferguson was making assertions without having the facts about what goes on there. Mr. Miller stated Mr. Ferguson was asserting that they were spending \$95 an hour on Saturdays, and Mr. Ferguson stated that is true.

Mr. Miller stated they are spending that money for the recycle attendants, but they are not “doing any attending,” and he asked what they are doing. Mr. Ferguson stated while he understands Mr. Miller’s comments, the costs are still the costs; and they are being incurred on Saturdays. He stated if it is found that people are not doing their jobs, they will insure that they are doing their jobs. He stated if the program were to continue, on Saturdays they will have to have people on site. He stated there are also new requirements, and they will have to monitor the sites. He stated if the materials become contaminated they cannot be used for compost, and they must go to the landfill. Mr. Ferguson stated during the week when it is not attended, they have had tires, refrigerators, and other types of waste coming from peoples’ homes that is not yard waste that can be reused. He stated going forward with the new requirements, they have to monitor the site, how it is stored, how water is drained off of the site, and how the materials are removed; and with this will come increased costs. He stated if the program is continued there will be staff there much like they are paying for now recognizing Mr. Miller’s opinion that they are doing little to nothing; and the Township will have to be much more aggressive with this site to continue it based upon new MS4 requirements.

Mr. Lewis noted Mr. Miller had exceeded the allotted time for Public Comment.

Mr. Miller asked the hours that the yard is open on Saturdays, and Mr. Ferguson stated he believes it is open for six or seven hours on Saturdays. Mr. Miller asked if there is anyone present who knows the exact hours; and someone from the audience stated it is 7 to 3. Mr. Ferguson stated he believes it is 7 to 2:30, but they pay for eight hours overtime. Mr. Miller stated Mr. Ferguson indicated that there is more than one person there on any given Saturday; and Mr. Ferguson stated while it may not be every Saturday, many Saturdays there is more than one person there. Mr. Miller asked if it correct that their entire day is just spent overseeing the recycling yard, and Mr. Ferguson agreed.

Mr. Miller asked the total number of entries on the sign-in sheet for the year, and Mr. Ferguson stated he could not provide the exact total. He stated they have gone through the busiest months of the year and tracked people and came up with numbers, not repeat customers, but to give as accurate as possible a tally of total households based upon the busiest months of the year; and the number they came to was 900. He stated there are people that go to the site 35 times a month, and there are people who came 6 to 7 times a day with trailers of material. He stated he does not believe that is typical, but there are approximately 25 to 30 addresses listed of people who are users of that site between 50 to 100 times a year.

Mr. Miller stated the total Budget of the Township is over \$12 million, and he feels \$40,000 is a very small part of the Budget. He stated the idea of putting branches out with the garbage is not practical. He stated leaves can be compacted, but

branches cannot. Mr. Miller stated the information provided by Mr. Ferguson was that all of the garbage companies will take everything you have, and he did not know that his garbage company did that. Mr. Miller stated Mr. Ferguson was giving misinformation at the meeting, and he takes exception with that. Mr. Ferguson stated there was no misinformation. He stated if the Board elects to keep the site open under new requirements, when people bring in branches, etc. it will be consistent with what should have been enforced all along with regard to the size of the branches being brought in. He stated because they did not have oversight of the property, it had gone on unregulated. He stated the trash companies do take materials, but they have requirements; and you cannot just put out a 10' branch. He stated he lives in an adjacent Municipality, and Lower Makefield is the only Township that offers this program.

Mr. Miller asked if he understands that Mr. Ferguson does not live in Lower Makefield Township, and Mr. Ferguson stated he does not. Mr. Miller stated he therefore does not feel Mr. Ferguson is a good judge of the value of this service.

Mr. Lewis advised Mr. Miller he had been given additional time to speak, and he would suggest that Mr. Miller discuss some of his technical questions as to how the yard operates with Mr. Hucklebridge, the Public Works Director; and Mr. Ferguson could set up a time for Mr. Miller to ask Mr. Hucklebridge his questions and get the detailed answers he is looking for. Mr. Lewis stated with regard to Mr. Ferguson's residence, the Board disclosed that and amended an Ordinance to allow that; and he is within the current Ordinance mileage requirements for all Township employees.

Mr. Miller asked for more time to make his comments, and Mr. Lewis asked that he complete his comments in thirty seconds. Mr. Miller stated he feels the figure of 9% of the households is very misleading and oftentimes a group of people will compile their materials into one person's truck so one entry could actually be materials from three to four households, and could actually triple the 9% number. Mr. Miller started to ask additional questions/make comments, and Mr. Lewis advised that he had provided Mr. Miller a significant amount of time. Mr. Miller asked that he be permitted to speak for himself and others in the Township who feel this is important. Mr. Lewis stated he provided him additional time, and also offered Mr. Miller the opportunity to speak with Mr. Hucklebridge.

Mr. Sol Bress, 649 Teich Drive, stated the recycling issue seems to be of great importance to a lot of members of the community. He asked if in light of the misrepresentations that have been presented at previous Board meetings, has the Board reconsidered this issue. He stated possibly they could keep the recycling yard open on a part-time basis closing it on Saturday and keeping it open Monday, Wednesday, and Friday.

Ms. Tyler stated she was not present at the Preliminary Budget Meeting due to family circumstances. She stated her opinion is that the yard should remain open, and they should be using part-time staff to staff it and not be running into overtime problems. Ms. Tyler stated if there are tires, refrigerators, and tree stumps being brought in, we are not “getting our money’s worth from our employees who are staffing” the recycling yard. Ms. Tyler stated in light of all the information they now have and the new regulations, the Township should at least let the recycle yard be open; and if they have to restrict hours, they should do so. She stated the yard should be monitored, and we should not allow anyone without a resident ID to come into the yard. Ms. Tyler stated she feels they need to evaluate the entire program, and she does not feel they have a clear understanding of the numbers. She stated she feels we should take a year to look at it, but leave it open. She asked how many were present in the audience because of the recycling yard, and almost everyone present raised their hands. Ms. Tyler stated she has received numerous e-mails about this, and she feels it would be “terrible” to take away this benefit that the Township has provided, and at the same time to consider expenditures on “niceties,” rather than services our residents use. Ms. Tyler stated she would have voted no on the Preliminary Budget without the recycling yard in it. She stated if they have to cut back the hours and days, she would be in favor of that; but they need to evaluate the program and need to monitor and restrict access to make sure things that do not belong there are not put there.

Mr. Bress stated all the times he has gone to the yard, he has never seen any personnel in the yard itself to monitor what is being dumped. He stated you sign in, but no one checks to see if you are a resident of the Township; and anyone can sign in. He stated during the week there is usually a secretary there, but no one verifies that you are a Township resident. Mr. Bress stated Mr. Ferguson also indicated that there is a large amount of appliances, tires, etc. that were illegally dumped there; and if that is the case, he asked if Chief Coluzzi has been made aware of that. Chief Coluzzi stated he had not been made aware of that, but added the Police Department will not be in the business of policing the recycle yard, which would be more of a cost factor for the Township. Chief Coluzzi stated Mr. Ferguson did look into this issue deeply, and the only inaccuracy was the number of users. Chief Coluzzi stated going forward it will be quite costly based on his discussions with Mr. Ferguson. Chief Coluzzi stated Mr. Ferguson is trying to be proactive in saving the Township money and resources.

Mr. Bress stated this is not a personal attack on Mr. Ferguson, but he feels the Township could save money in other areas rather than to shut down something that is very important and gets a lot of use by a lot of the residents. Mr. Bress asked Mr. Ferguson if he is aware of State Grants that are available for the recycling yard. Mr. Ferguson stated the State Grants that are available are related to curbside pick up with co-mingled materials, and we get that every year. He stated there are no

Grants available for mulching and materials of that sort. Mr. Ferguson stated the Grants they put in are through an agency we use that also handles reporting for this type of material, and collects information from the haulers based upon the tonnage reports of the material collected in the recycling containers. The tonnage reports are supplied to the State, and there is a formula by which the Township gets a Grant. He stated this year's Grant was approximately \$74,000 for those materials, and he believes there is \$70,000 budgeted for a Grant collection for next year from that program.

Mr. Bress asked if the Board could verify that the Lower Makefield Township Environmental Advisory Committee has suggested that the Township recycling yard remain open to some degree. Mr. Grenier stated he is the Liaison to the EAC, and they have not made any formal recommendations to the Board of Supervisors.

Mr. Jerry Gruen, 10 Twin Circle Court, stated he is a fifteen-year resident and has used the recycling yard for fifteen years. He stated with regard to the overtime on Saturdays, there is a person assigned to yard; however, he is not in the yard, rather he is in the garage working on the equipment. Mr. Gruen stated we lost our head mechanic recently, and the person assigned on Saturdays works on repairing equipment in the garage with a secondary duty of opening the gate. Mr. Gruen stated up until two years ago, the yard used to be open only once a month, and just in the last two years it has been opened every Saturday. Mr. Gruen stated he has figures, and it does not cost \$40,000 a year for overtime for an employee to be there. He stated the employees make approximately \$48 an hour with benefits for overtime, so it would be maybe \$400 a day for Saturday to keep the yard open.

Mr. Gruen stated as Ms. Tyler recommended, the Township uses temporary employees, and he is sure they do not make \$50 an hour. Mr. Ferguson stated they cannot use temporary or part-time workers for the yard since that is considered Union work, and they must use Union workers for that work. Mr. Gruen stated part of the overtime that they have figured for the yard really goes to maintenance of the equipment.

Mr. Gruen stated with regard to regulations at the yard, up until recently there were no posted regulations anywhere. He stated most people knew that they were not allowed to bring in stumps; however, there are no restrictions on the length of the limbs that you bring in. He stated most of the large branches are brought in by the Township and not by residents since residents would have no way of bringing in a 10' to 50' log from a tree. He stated even if they did, the chipper is equipped to handle that. He stated the Township brings in the material after storms and contractors who work for the Township "dump a lot of stuff" there as does the

School system. Mr. Gruen stated the only restrictions right now are that you cannot bring in dirt, weeds with dirt on the roots, or bamboo. He stated this was just put in recently.

Mr. Gruen stated with regard to the number of people who are using the yard, he checks the log book and in the summer generally there are on average 25 to 30 people a day coming to the yard. He stated he feels the minimum they have on average will be 5 to 6 people a day which would be 36 people a week which amounts to 1,800 people a year. He stated Mr. Ferguson has only been here for a few months and the “Highway Superintendent” has also been here for just a short time, and they are not really aware of the use of the yard. Mr. Gruen stated with regard to water run off, approximately three years ago, the “Highway Superintendent” added the pond at the bottom of the recycling yard to catch the run off “because he must have been cited;” and he told Mr. Gruen that he fixed that. Mr. Ferguson stated it is “not fixed.” Mr. Gruen stated he feels while it might not be “fixed, further fixing could be done.”

Mr. Gruen stated he has talked to all of the garbage collectors; and while they will pick up a certain amount, they restrict you to anything under 2” in diameter, and everything has to go in the can or in bags. He stated they also have no facilities to recycle it; and they told him specifically that in order to recycle it, they have to send a third truck. Mr. Gruen stated in other Townships there is a single hauler, and the Township makes arrangements with the single hauler to take the yard waste. Mr. Ferguson stated while it is simpler with a single hauler, there are Townships that do not have single haulers but still have pick up. Mr. Gruen stated in Doylestown there is a recycling yard for leaves, and you can bring the “stuff” in. Mr. Ferguson stated they have several recycling days a year when you can take things in.

Mr. Lewis stated possibly they could have an interim solution as they look further into this, and he suggested that a potential Motion would be for the Board to empower the EAC to develop a plan for short term or occasional openings.

Mr. Gruen stated that was what he was going to recommend which was for the EAC, with some input from residents, to develop a plan. He stated the yard is too important for the residents. Mr. Gruen stated he has a copy of an e-mail from an individual who is in charge of Grants for the State, and there is a very specific Grant for yard waste management where the Township can receive up to \$350,000 a year. Mr. Ferguson stated he is aware of that, and that was a Grant that their consultant researched and has indicated that we would not be successful with getting that Grant. Mr. Gruen stated he was provided with the name of an individual in Doylestown they should contact. Mr. Gruen stated the Grant is still open, and we can apply for it until March 22, 2019. Mr. Ferguson agreed to look into it.

Mr. Gruen stated he has a copy of the letter that the EAC sent today; however, Mr. Grenier stated that was not voted upon and was sent by a single EAC member. Mr. Gruen stated it was the Chairman; however, Mr. Grenier stated it was not sent by the Chairman, it was sent by an Alternate.

Mr. Grenier stated he is an environmental professional and deals with these regulations every day. Mr. Gruen stated Mr. Grenier would therefore know that a town of our size where we have more than “500 residents density in a square mile” is required to offer an alternative to yard waste. Mr. Grenier stated he knows the rule, and when there are more than 10,000 people you are required to provide recycling including yard waste, and we are allowed to provide that through private haulers which is what we do. Mr. Grenier stated those haulers are required by Act 101 to not comingle the yard waste and to take that material to a recycling yard and not put it in the Municipal landfill; and if they are taking that material to the landfill, they are in violation of the law. He added that is why he made the earlier Motion that at a minimum the Township should write a letter.

Mr. Grenier stated when Mr. Gruen indicated previously that the former Public Works Director built the pond, he was concerned since one of the major issues with the yard waste facility now is that it does not comply with State regulations for this type of activity which is a major issue; and the Township has been operating the yard out of compliance with State regulations for a very long time. He stated there are also other regulations that effect the yard which are in the MS4, which is the Municipal Stormwater Permit that the State also regulates. He stated the fact that the former Public Works Director may have put in a pond for stormwater management and built this facility over the years with wetlands and a stream surrounding it which are regulated facilities, when there is run off from the waste facility to a regulated area such as a wetland or a stream it is a “very big deal” from a compliance issue where the Township could “get in very big trouble.” He stated this is one of the things we are trying to manage at this point by potentially either limiting the size of the yard, potentially changing the location, and studying it. Mr. Grenier stated they have to manage the cost and how they stay in compliance with the State regulations and some Federal regulations, and right now we are not doing that. Mr. Grenier stated he agrees with Ms. Tyler that they have to study this over the course of 2019 for 2020’s Budget, and they need to determine how we can get into compliance and manage it in a cost-effective manner.

Mr. Gruen stated Mrs. McCullough advised him that if more residents start putting out their yard waste, they will have to raise their rates because they pay by bulk so the residents will have to pay a lot more for it. Mr. Gruen stated they have no facilities to separate it – and they have two trucks, one for household garbage,

and the second picks up recyclables; and they cannot put yard waste in it. He stated if they do go to the system of picking up yard waste, there will be fifteen trucks a day going on the roads so he urges the Township to look for a solution.

Mr. Lewis stated he feels the EAC could be asked to look into potential options. Mr. Grenier stated he feels this is something that the staff should look into versus the EAC as he does not feel the EAC has the requisite knowledge and background. Mr. Lewis stated with regard to the technical component he agrees with Mr. Grenier. He stated the second component is marketing related. He stated the EAC runs the e-waste recycling and other programs and those programs are often run with the National Honor Society of Pennsbury. Mr. Lewis stated the technical track is how to be in compliance with DEP regulations, and the second track is should they open the yard, how would they do it in a way that addresses some of the community concerns. Mr. Grenier stated for those who like the convenience of the yard they understand that, but they also have to balance that with the costs as well as the regulatory costs. He stated the Board does sometimes have to make difficult decisions that some residents are not in favor of. Mr. Lewis asked if the Board would be comfortable with a Resolution directing the staff to develop an analysis of how to make sure that the recycle yard is in compliance with DEP regulations and a recommendation that the EAC develop a marketing plan for targeted openings.

Ms. Tyler stated she feels we should be doing this already and should not have to pass a Resolution to do that since it is our job to make sure we are in compliance with the law. Ms. Tyler asked Mr. Lewis to describe what he is proposing with the marketing plan. Mr. Lewis stated there could be targeted openings of the recycle yard which could be combined with the e-waste recycling, and they could meet residents needs and combine it with other recycling programs that we are doing. He stated there could be targeted openings in the spring and the fall, and those would be marketed combined with other recycling efforts. Ms. Tyler stated when they have the paper/electronic recycling collections, it is very crowded; and she does not feel they could do it on the same day as the yard waste. Mr. Lewis stated he is just suggesting that the EAC look into a marketing effort.

Mr. Grenier stated one option that is used by a lot of Townships, which we could use in the short term for 2019 is to look at a few weekend in the spring and a few weekend in the fall which he feels they could easily staff so that there is oversight of the facility. He stated they could also then process the materials much more quickly and regulate where it goes so that we can stay in compliance. He stated over the next year they should also study this in more detail to see if there is a better solution to open it up more frequently in 2020.

Mr. Lewis stated there is a trade off between the convenience of having it open and the cost associated with that. He stated he feels what was presented by Mr. Ferguson was a strict accounting of the cost of the flexibility of having the Saturday hours.

Ms. Tyler moved to restore the funding in the 2019 Budget for the recycling yard and to modify the schedule to not less than once per month and to properly monitor and comply with all applicable laws.

Motion died for lack of a Second.

Mr. Grenier moved and Ms. Blundi seconded to direct the staff to study how to get the recycle yard into compliance and come up with a Plan to re-open the recycling yard up to two weekends in the spring and up to two additional weekends in the fall and present that to the Board at a future meeting.

Mr. Ferguson stated they can do this quickly. He stated he has been in Townships which have had a spring day and a fall day, and they would build in rain dates. They would also have a notification system so that they can post if it will be the original date or the back-up date. He stated they would still have to pay to have the material removed, but they could control the site and arrange for the material to be removed quickly. He stated if they are suggesting two days in the spring and two days in the fall he feels they could do that. He stated with regard to the run-off issues that have been discussed, it is more of an issue as to how long the material is stored on the site that is a concern. He stated the controlled, contained days would make that more manageable.

Mr. Grenier stated Ms. Tyler had brought up restoring the funding in the Budget, and he asked what effect the approach they are discussing would have on the Budget for 2019. Mr. Ferguson asked how many days they are considering, and Mr. Truelove stated it would be no fewer than twelve under Ms. Tyler's recommendation. Mr. Grenier stated he was suggesting two weekends in the spring and two in the fall. Mr. Ferguson stated he would have to reconfigure the funding, and they could charge overtime under these circumstances in a different category and still be within compliance of the Second Class Township Code. He stated with regard to cleanup costs that they would have, there are other line items that would be within reason under those circumstances.

Mr. Lewis stated they are asking the staff to do the analysis so it is not necessarily something that would be anticipated to be budgeted since it has not been enacted upon by the Board. He stated they could get something from the staff that

indicates that it costs a certain amount to fix it or that they feel there should be more days. Mr. Ferguson stated there will be short-term storage of the materials, and it changes the immediacy of the concerns of not being in compliance.

Mr. Lewis asked for public comment on the Motion that is being considered.

Ms. Andrea Scherer, 1631 Makefield Road, stated a lot of branches can be lost during a storm; and she asked if they could include something if there was a “disastrous winter” since if branches came down, there would be no place to put them.

Mr. Ferguson stated if there was a significant storm, they would open it. He stated the question is always what would be the level of damage they would need in order to open it up; but generally if there is a storm where there is widespread damage, he would advise the Board whether they pass this Motion or not that is something they should do.

Mr. Gruen stated with regard to the Motion, he is a master gardener, and “you cannot tell the plants when they should be trimmed” and they cannot decide that May 2 is the day that people can “bring in their weeds because you do not know when they grow.” He stated two days in April and two days in August does not really work. He stated the yard and leaf collection is one and the same as it is the same Permit. He stated residents are paying \$70 a year, and it is a separate item on the Tax bill. He stated since 2014 every year there is approximately \$200,000 left over, and in 2016 there was over \$300,000 left over which Mr. Fedorchak decided to roll over into the General Budget. Mr. Gruen stated this is a separate item on our Tax bill that we cannot deduct, and he feels it should stay in a separate account and not be put into the General funds. He stated it is “leftover money” to fix the equipment for the yard, to keep the yard open, and to get a new tub grinder rather than putting it into the General Fund; and they should use that money to keep the yard open.

Mr. William Jones, 1411 River Road, stated he is a lifelong user of the recycle yard, and he does not feel they can schedule when the yard needs to be open in advance. He stated they could have a wet snowstorm or ice storm and there would be “product.” Mr. Jones stated the Pennsbury School District uses the yard constantly after a storm; and if the yard is closed, Pennsbury will have to get rid of their waste somewhere else and they will have to pay for it and taxpayers will pay for it anyway. Mr. Jones stated when the yard was first opened, he hauled away more than he brought in; however lately it is ground so coarsely, he does not haul it away and he now has to buy mulch. He stated if they would triple grind it finely, they would not have to get rid of the waste because a lot of it would “disappear on its own.”

Mr. Donald Okeefe stated with regard to the Motion, he agrees with what the previous speakers have stated and that is not enough days.

Mr. Ralph Nuzzolo, 628 Stony Hill Road, stated he has lived in the community for fifty-four years. He advised Mr. Ferguson that there are many things that make a community a viable place to live and work, and he does not care what the other communities do; and he only cares about this community because he lives here. He stated the recycle yard represents an amenity, and the rationale that Mr. Ferguson used in the newspaper was that he could not justify subsidizing the few that use the recycle yard; and if they take that logic any further, he questions how many people ride bicycles in the community yet they support many bike paths. He also asked how many play soccer or tennis in the community; and we subsidize a lot of things that we do not necessarily use because of what it adds to the community overall.

Mr. Nuzzolo stated he has been to the recycle yard on numerous Saturdays, and he feels it is troublesome to hear that we are spending \$40,000 a year on overtime for oversight of the yard that should have prevented the refrigerators from showing up. He stated on Saturdays, there does not seem to be anyone there. He stated he signs in at the office, and he has seen some of the things that were dropped off in the yard, and he felt that there should have been someone present to see that. Mr. Nuzzolo asked if this Motion passes and there is a restriction on the days that the yard is open, would that apply to the leaf mulch and other products that are there for residents to take or will they only be able to access that material on the days that the yard is open. Mr. Lewis stated it would be open for pick up of leaf mulch.

Ms. Tyler asked how it could be open if they do not have staff there and how it could be open for mulch pick up if it is closed for drop off. Mr. Ferguson stated it would not be open on Saturdays for mulch, it would be open during the week for mulch. Mr. Ferguson stated the costs are on Saturdays. He stated he does not know that the refrigerator was dropped off on Saturday and it could have been during the week. He stated the ability to pick up the mulch would be during the week but they could make arrangements to accommodate people if they needed to make other arrangements.

Mr. Nuzzolo stated they seem to be moving in the direction of considering how they could make it more efficient as opposed as eliminating it completely, and he hopes that this is the direction that they continue to take.

Mr. Grenier stated an individual had indicated that the material he used to pick up is now so coarsely ground that he no longer picks it up anymore, and he asked Mr. Ferguson if he could look into what they could do to make the material better so that they might even be able to sell it to get back some of the costs and have some more options. Mr. Ferguson agreed to look into that.

Ms. Mary Moon, 47 Rickert Drive, stated one of the reasons she moved here was because of the access to the recycle yard. She stated her work and volunteer schedule frequently takes her away from home on weekends. She stated she is a serious gardener, and she generates on average twelve carloads of leaves, branches, and other debris that she takes to the yard per month year round. She stated that does not count the branches and leaves that three neighbors frequently “dump” on her property. She stated the schedule they have proposed which is two recycling days per year would result in her accumulating all of the waste on her property while waiting for one of those two days; and if she is out of town and unable to make one of those days, she would then have double the amount to deliver the next time she is home to attend one of the two recycling days. She stated she does a great deal of gardening, and she feels it enhances the value and enjoyment of Rickert Drive.

Mr. Bob Scherer, 1631 Makefield Road, stated currently the recycling yard is open 7 to 3:30 five days a week and 7 to 1 on Saturday, and they are going from 50 hours a week to a couple of Saturdays twice a year. Mr. Lewis stated that would be correct if the Motion passes. Mr. Scherer stated he understands the environmental issue, but he feels this is a significant cut and two Saturdays a year is “worthless.” He stated he takes approximately ten to twelve trips per year taking material from his Church to the recycle yard; and if he cannot do that, the Church will have to pay to get rid of that material, and he feels others will have the same issue.

Ms. Tyler asked Mr. Ferguson what is the harm of leaving the recycle yard open Monday through Friday.

Ms. Blundi stated she feels they should stop calling it a “recycle yard.” She stated she wants it to be a recycle yard, but right now it is a “dump” that is putting us in harm’s way in terms of the effect it has on the surrounding land and the stream. She stated Mr. Grenier is an “environmental guy,” and he is telling us that we have a “big problem that will not be solved overnight.” She stated we need to step back and look into it and determine how to go forward. She stated the cost is significant, but it is not just about the money, and it is about the fact that we want a recycling yard, but we do not currently have a recycling yard.

Ms. Tyler stated it is a recycling yard, and it is where we produce a lot of mulch. She stated her question was what was the harm keeping it open during the week. Mr. Ferguson stated going forward, he will have to have it permanently staffed and dedicate a Public Works employee to the yard. He stated when it is open, he will have to have enough people there to track what it coming in and watch it being dumped so it would have to be at least one person and may have to be more than that. He stated he will not challenge the comments made about whether the yard had been aggressively enforced, but it will have to be aggressively monitored moving forward; and that is the challenge with keeping it open all the time.

He stated if something is put in the yard that is not approved, regardless of what has happened in the past, it could cause contamination which would require separate reporting to DEP as to why that material was not going to be composted or go to a composting site and why it has to go to the landfill. He stated he understands that there has been an informal process in the past with how people were signing in and dropping things off, but that cannot continue which is part of the challenge. He stated when they looked at the Budget and the size of the staff that they have, which is 12, it became clear that they will have to run the recycle yard the way it should have been run the whole time especially given the fact that DEP is much more heavily involved in run off and other issues. Mr. Ferguson stated he will be obligated to assign staff there to do this which is the challenge.

Ms. Tyler stated she does not feel enough dates and times have been proposed in the Motion. She asked if the Board would consider not less than twelve days per year as opposed to four days per year.

Mr. Grenier asked if they could open the yard on Sundays or is it just Saturdays. Mr. Ferguson stated part of the recommendation that Mr. Lewis asked for was an evaluation of the program. He stated if an evaluation would bring with it costs and environmental factors that they could do the four days with the opportunity to have a day during the week they may be able to include that if the costs and environmental concerns were mitigated particularly in this transitional year as they look at the program.

Mr. Grenier stated when materials are dropped off, in order to not operate as a “dump,” the materials would have to immediately be removed; and that could not happen if it were open every day. Mr. Ferguson stated the point he was making when he was speaking of immediacy, he was thinking that the material would need to be taken off site within one or two days so that they would avoid run off and other issues.

Mr. Grenier stated the “spirit of the Motion” is to enact a program that would allow for virtually immediate removal of the materials from the site so that it does not spend any significant time at the site, and it does not turn into a “dump” or an expense where we would have to manage it as such.

Mr. Grenier stated with regard to the number of days, he would say the “spirit of the Motion” is flexible; and setting the number of days would be based on recommendation of staff. Mr. Ferguson stated because they would not be incorporating those costs into the recycling category, he could legally maneuver it, and come back with a plan by the next official meeting of the Board as to the number of days. He stated he would still envision that it would include a spring and a fall day but with the possibility of intermingling additional days. He stated with respect

to those using it fifty times a year or once a week, he does not feel they will rise nearly to that level; but it may be something closer to what Ms. Tyler has indicated as far as total days.

Ms. Sandy Nuzzolo, 628 Stony Hill Road, stated she does not feel there is a lot of support for the recycling yard; and she is guessing that none of the Board uses it. She asked if there are cameras in the recycling yard; and if not, why not. She stated if there were cameras, they could see who is dropping things off. She stated she finds it hard to believe someone would drop off a refrigerator since PECO will pay you \$75 for an old refrigerator and there are people going around the Township collecting recyclables for metal. Ms. Nuzzolo stated she is not sure that it is a dump although she agrees that there are some things that do not belong there. She feels that there is a way to monitor this as opposed to eliminating the program. She stated maybe they could have it open two days a week so it gives an opportunity to those who have acreage. She stated she is not in a development and she has acreage. She stated if a storm comes through, they would have to pile branches up for six months on their property. She stated she does not feel that the Board realizes that there is a “different level of people dealing with this, and they are not in smaller communities with a tree or two on their property.” She stated the yard is used by a lot of people, and it is a positive thing for the Township. Ms. Nuzzolo stated there is money available, and she saw on October 17 that 195 Municipal Governments got money from the \$37 million Recycling Implementation Grant for leaf collection and recycling. She stated the money is out there, and we need to apply for it. She stated she does not understand why other communities got it, and we were not eligible.

Ms. Nuzzolo stated she likes that Ms. Tyler is recommending that they at least look into the possibility of continuing it for a year maybe with some modifications and maybe cutting it back to twice a week rather than “just throwing the whole program out.” Ms. Nuzzolo stated if there were cameras installed, they could see what is happening there. She stated if they are paying peoples’ salaries, and people are dumping, someone is not doing their job. Mr. Ferguson stated during the week, there is nobody there. He stated there are twelve employees who are responsible for 132 miles of roads, 1,500 inlets, and all of the buildings; and he does not have someone at the recycle yard. He stated there may be a mechanic doing work there who may catch someone dumping something. Ms. Nuzzolo asked if they could not have a secretary or a receptionist “sit there and at least monitor it.” Mr. Ferguson stated it is a violation of the Union Contract that we have to have a secretary do that work. Ms. Nuzzolo stated it would not be doing the work, they would just be present so that people cannot “dump.” Mr. Ferguson stated that is doing the work.

Mr. Ferguson stated he is not against the recycling site, and he wants everyone to understand that his recommendation to the Board was because of his concern about the Township being able to manage it. He stated if they were to put cameras in, he would need to have someone monitor them and to be on site to do this properly. He stated if the Board wants to continue the program for four days a year, twelve days a year, or something different the way the site will be supervised will change. He stated this would involve additional cost or they would be taking someone out of rotation who works on roads, sewers, etc.

Ms. Nuzzolo asked if it is not possible to write a job description for someone such as a receptionist to be present, and Mr. Ferguson stated it is not. He added that it was a Union position, and he needs to follow those confines. He stated if they continue the program, it will have to be with the staff we have that has bargained for that work. Ms. Nuzzolo stated maybe through the Grant, they could another staff person to do that.

Ms. Nuzzolo stated if the recycling yard is only open two to four times a year, all of the leaves that the Township is collecting to make leaf mulch will not be acceptable because no one will be able to get it because the yard will be closed. Mr. Ferguson stated it will be closed on Saturdays. Ms. Nuzzolo asked if the Motion is that they will be open five days a week and just closed on Saturdays, and Mr. Ferguson stated that is not the Motion. Mr. Ferguson stated the yard will be open to pick up leaf waste. Ms. Nuzzolo stated she does not feel they can have the yard open to pick up leaf waste and not have people dropping things off. Mr. Ferguson stated that would be illegal. Ms. Nuzzolo stated they are doing it illegally now. Mr. Ferguson stated if it was just yard waste that was twigs and sticks, that is not illegal now. Ms. Nuzzolo stated Mr. Ferguson is saying it will be open for people to get the leaves, but not open for people to drop off yard waste; and no one is monitoring it and there are no cameras. Mr. Ferguson stated early on it was asked if people would still be able to get leaf waste, and the answer to that question was yes; and they will have to determine how they allow that to happen because it is important to the Board that the leaf program is ongoing and that the mulch is available to the public. He stated if it is found that people are dumping material there, they will have to discuss how they can monitor that since they are going to have to manage the site differently. Ms. Nuzzolo stated she does not feel two to four days a year is open enough. She stated even once or twice a month would help her because of all the yard waste she has.

Ms. Tyler asked Mr. Ferguson with regard to the staffing of the yard, what is the requirement through the Union Contract, and Mr. Ferguson stated they have bargained for that work. Mr. Truelove stated the language would include working as mechanics, road crew, yard personnel, etc. Mr. Ferguson stated typically there is

also the strong example of precedence, and once the Union workers begin certain work as past practice, that is their work; and if the Township started it that way, that is how it continues. He stated if fifteen years ago or whenever they started the yard, they would have done it with part-time employees, they could have continued it that way; but it has been established that it was Union work as past practice. Ms. Tyler stated based upon the statements made by the residents that no one is there, she is not sure what precedence has been established; and they should look into this.

Mr. William Patskanick, 1213 Candlewick Court, asked if there is any way the Township could allocate money to make the yard card access. He stated this way they would have a record of who is there. Mr. Lewis stated that is a great idea, and there is a similar card system with regard to the Dog Park and the Pool. He stated they could have the staff explore that option.

The Motion was re-read, and Mr. Ferguson stated the Motion indicated “up to” and what was discussed was the ability to examine “no fewer than.”

Mr. Grenier agreed and Ms. Blundi agreed to change “up to” to “no fewer than” so that the Motion was as follows: Moved to direct the staff to study how to get the recycle yard into compliance and come up with a Plan to reopen the recycling yard for no fewer than two Saturdays in the spring and no fewer than two Saturdays in the fall and present that to the Board at a future meeting.

Motion carried unanimously.

Mr. Ferguson stated the plan would be to work with staff and come back to the Board meeting on January 16 what they can work out regarding the days with the idea that they would start with the four days and intermingle additional days within the week and possibly throughout the year that would push it up beyond the four days as much as they can and still control the site, and get the materials off the site within the timeframe they discussed in order to be environmentally compliant.

APPROVAL OF MINUTES

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

A short recess was taken at this time.

The meeting was reconvened at 9:30 p.m.

APPROVAL OF DECEMBER 3, 2018 AND DECEMBER 17, 2018 WARRANT LISTS

Mr. Grenier moved and Ms. Blundi seconded to approve the December 3, 2018 and December 17, 2018 Warrant Lists as attached to the Minutes.

APPROVAL OF INTERFUND TRANSFERS INCLUDING PAYROLL

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Interfund Transfers including Payroll.

APPROVAL OF RESOLUTION NO. 2381 FIXING THE TAX RATES AND SPECIAL LEVIES AND ADOPTING THE 2019 BUDGET

Mr. Ferguson stated before the Board is a Resolution that would set the total millage as outlined in the Preliminary Budget for a total of 20.25 mills. He stated this will do what they have discussed throughout the Budget process, and it will bring into neutral or positive territory all of the Funds, accounting for all of the Bond payments next year, and all of the needs of the Township for 2019.

Dr. Weiss moved and Ms. Blundi seconded to approve Resolution No. 2381 fixing the Tax Rates and Special Levies and Adopting the 2019 Budget.

Ms. Tyler asked Mr. Ferguson to provide a comparison to the existing numbers and what the increase proposed will be per Fund. Mr. Ferguson stated the current millage in the General Fund is 12.60 mills, and the Resolution has that at 12.88 mills. He stated the Debt Service millage currently is 2.35 mills, and that will go to 2.79 mills. He stated the Fire millage would stay the same at .9 mills. The Fire Hydrant millage would stay the same at .33 mills. Park & Rec millage would go from 2.43 to 2.67 mills. The Ambulance millage would increase from .25 mills to .38 mills. The Road Machinery millage would go from .15 mills to .30 mills. He stated the total aggregate number goes from 19.01 mills to 20.25 mills.

Ms. Tyler asked Mr. Ferguson if he could calculate what the increase will be for the average Lower Makefield resident. Mr. Ferguson stated a \$400,000 house assessed at approximately \$40,000 would be an increase of approximately \$52 a year.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2382 ESTABLISHING THE 2019 PARK & RECREATION FEE-IN-LIEU

Mr. Ferguson stated this establishes the Park & Recreation Fee-In-Lieu which is the Fee that is charged to developers when they are developing open space. It is a Fee that has an inflationary adjustment to it that is done every year. He stated the Fee would be \$2,298 per Residential unit on core recreation land, and on passive recreation land it would be \$2,118 per Residential Unit for a total Fee of \$4,416. He stated this reflects a 1.6% cost increase reflective of the cost of the Philadelphia area from October, 2017 to October of this year which is the means by which it is calculated.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2382.

APPROVAL OF RESOLUTION NO. 2383 ESTABLISHING THE 2019 TRAFFIC IMPACT FEE

Mr. Ferguson stated this is adjusted annually, and the adjustment this year would reflect a 3.4% increase in construction cost which is based on the averages as outlined in the Enabling Ordinance considered from November, 2017 to November, 2018 and outlines what those costs would be for a traffic fee-in-lieu of for proposed development projects for 2019.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2383.

APPROVAL OF RESOLUTION NO. 2384 ESTABLISHING THE 2019 SEWWER RENTAL RATES

Mr. Ferguson stated they have had discussions this year regarding setting this Fee and regarding future Capital costs with MMA and Yardley Borough that we have to account for on a yearly basis. He stated as discussed that increase was calculated to manage our Operations and Maintenance and assisting in some of our Capital costs this year as well as complying with our 537 Plan that was passed earlier in the year as mandated by DEP. A 25% increase for this year is proposed.

Mr. Grenier stated there have been a couple of numbers discussed, and he wants to make sure what number they are approving in this Resolution, and Mr. Ferguson stated it is 25%. He stated they have discussed that there are costs that will ultimately be passed onto the Township, and they asked the Solicitor's office to

confirm that if some of those costs come in from MMA and the other groups, the only way we have to pay those fees is the rates that are charged; and the Solicitor was asked if the Township were forced to, could we adjust the rate midyear if we had to, and the answer was that we could do that. He stated if the weather is not as wet this year and there are not as many problems, some of the additional costs incurred might be able to be absorbed into the 25% rate. He stated the Sewer Authority and the Board of Supervisors will have to continue to have discussions as the numbers come in.

Ms. Tyler stated in light of the fact that we have the ability to increase the sewer rates mid year and in light of the fact that the Yardley Borough project is not in ground which, is one of the more significant aspects of the need for this increase, she would suggest that rather than raising the rate 25%, it be raised 15%; and then revisit it when the bills hit.

Mr. Lewis stated that Motion could be made without any changes to publications or to the Budget since it stands separate, and Mr. Truelove agreed.

Ms. Tyler moved and Mr. Grenier seconded to approve Resolution No. 2384 but to recalculate the rate increase from 25% and reduce it to 15%.

Mr. Ferguson stated his concern about Ms. Tyler's Motion is that 25% right now covers our Operational costs and also helps fill the gap for the pump stations that we must do this year. He stated for one of the pump stations, we did receive a Grant; but there is another pump station that must be done this year according to the 537 Plan. He stated if we have the same kind of year as we did last year and with the Capital reconciliation bills that we are going to be faced with shortly from MMA, the 25% will not be enough. He stated the hope is that if it is a dry year, the 25% will be enough to handle the Capital costs that we must pay. He stated his concern going from 25% to 15% is that would be hundreds of thousands of dollars. He stated he is looking at what the given costs are, Operational costs, and Capital that we are committed to. He stated with regard to the Yardley Borough project, that is a Bond cost that has been earmarked out of the Bond funds for a little over \$3 million.

Dr. Weiss stated they do have fixed expenses that need to be covered. He stated if the Board votes for a partial increase now, they will have to have another increase in the future; and they should just cover the expense now and be realistic about it. He stated he would be against the Motion and would rather be up front and state that we have to cover our expenses at this point. Mr. Grenier agreed and added he is concerned about what they have been seeing from MMA for a year or two from now and how they will prep for that. He stated with this increase that could help us prep for that if we get a less wet year this year. Ms. Blundi stated we know about these obligations, and she feels we should prepare for them.

Motion did not carry as Ms. Tyler was in favor, and Ms. Blundi, Mr. Grenier, Mr. Lewis, and Dr. Weiss were opposed.

Mr. Grenier moved and Dr. Weiss seconded to approve Resolution No. 2384 establishing the 2019 Sewer Rental rates as proposed by the Township Manager. Motion carried with Ms. Tyler opposed.

APPROVAL OF RESOLUTION NO. 2385 ADOPTING THE 2019 FEE SCHEDULE

Mr. Ferguson stated included in his Manager's Report to the Board it was noted that his plan is that every year the Board will pass the master list of Fees even if there is not a change. He stated in the past as they made changes, they made Resolutions on those individual changes, and then getting them back into a primary document has not been efficient. He stated he provided to the Board a list of what the staff recommendations are. He stated many of these Fees have not been adjusted for twenty-five years, and the costs to enforce these have increased. He stated this does include a Pedestal Fee which was not put in originally in 2010 when there was the Settlement Agreement with Comcast. He stated they previously used the Fee, which Comcast agreed to pay, for a pole installation which was \$2 a pole from over thirty years ago which has also now been updated. Mr. Ferguson stated the Pedestal Fee will now be \$20 per pedestal and it also includes a Road Opening Permit. He stated if the Board decides at some point this year that they want to make changes to the Fees, they can then update the Fees.

Ms. Tyler moved and Mr. Grenier seconded to approve Resolution No. 2385 as outlined by the Township Manager.

Mr. Lewis stated the Board collectively has done a number of things over the last couple of years to enhance the Building, Zoning, and Inspections process; and this is a part of that process. He stated this is very important to the health, safety, and welfare of the community and the consistency of experience that the residents and developers experience. He stated collectively over the last two to three years they have been updating and modernizing our Codes as well.

Mr. Ferguson stated the Park & Rec Fees are included in this as well. He stated the goal is to keep the various funds self-sufficient. He particularly noted the increase to the Pool Fee which will accommodate the Pool being repaired this year which is a major Capital item as well as accommodating next year's Budget proposals to renovate the restrooms. He stated the Fee has not been updated for ten years; and it will allow for keeping up this asset as well as keeping the cost competitive. Mr. Grenier stated the Park & Rec Board recommended unanimously to adopt this Fee Schedule.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2386 PROVIDING FOR UNIFORMED EMPLOYEE CONTRIBUTION TO THE PENSION FUND FOR 2019

Mr. Ferguson stated this sets the Pension contribution at 2% per the provisions of the Bargaining Agreement with the Police Benevolent Association.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2386 as outlined by the Township Manager.

APPROVAL OF RESOLUTION NO. 2387 PROVIDING FOR NON-UNIFORM EMPLOYEE CONTRIBUTION TO THE PENSION FUND FOR 2019

Mr. Ferguson stated this is for the non-uniform employees and it sets the contribution for 2019 at 3%.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 2387 as outlined by the Township Manager.

ENGINEER'S REPORT

Mr. Pockl stated with regard to the 2018 Road Program the contractor has still not addressed two punch list items including the Makefield Road crosswalk and asphalt around the ADA curb at Schuyler Drive and Quincy.

Mr. Pockl stated with regard to the Makefield Road crosswalk, the contractor was there on November 29 to complete a reconstruction of the crosswalk that they did not get correct the first time. Mr. Pockl stated his office has monitored the work that they completed on November 29 over the past few weeks, and he and the Township traffic engineer do not believe that it was installed correctly again. He stated they feel it was a bad batch of asphalt that was provided. He stated they witnessed some aggregate from the surface coming loose and some differential settlement along the crosswalk so that instead of giving a plateau effect it is more of a hill effect with some undulations in it. Mr. Pockl stated it is their opinion that it changed over time. He stated initially they had TPD's inspector who assured him on site that he had the experience to inspect the asphalt work, and he was taking the temperature of the asphalt that was coming out of the truck, and monitoring the time that it was cooling down. Mr. Pockl stated it was inspected and reviewed upon completion of the installation by both the traffic engineer's inspector and the Public Works Director and appeared to be compliant at the time; however, once traffic started driving over it, it was experiencing some differential settlement. Mr. Pockl stated they are not going to accept this, and they will hold the contractor to make sure it is completed

correctly. He stated because the cold weather is here, they are looking at temporary measures to get through the winter which will be completing the line striping on Makefield Road that they have not done yet, grinding down the undulations within the crosswalk, and sealing the top of the asphalt with a seal coat to prevent water from getting in and breaking up any further. Mr. Pockl stated then in the spring or possibly after School has let out, the crosswalk will be installed correctly by the contractor.

Mr. Grenier asked if they ever received an answer from TPD who did the design as to how it went from approximately 4" to the ½" that the Board can review before they go ahead with the installation. Mr. Pockl stated he has discussed this with TPD and it is their assertion, and based on his limited research on the topic he would agree, that the Federal Highway Administration design standards for a speed hump/speed table is a differential height of 3" to 6" above the adjacent pavement; but they do not recommend that on roadways that have a posted speed limit of 35 miles per hour or higher which is what Makefield Road has. Mr. Pockl stated they also consider the 85th percentile speed of what was measured there; and according to TPD the 85th percentile speed was too high, and therefore according to FHWA standards a speed table/speed hump would not be recommended in that situation.

Mr. Grenier stated he understands why they changed it; however, he is still frustrated that it was not communicated to the Board before they did final design so that the Board would have had the opportunity to discuss that ahead of time. Mr. Grenier stated TPD did the design, and the contractor is doing the installation; and he asked if TPD will be the on-site inspector now, and Mr. Pockl agreed they are.

Mr. Ferguson stated with regard to all of the projects including this project, Sandy Run, trails, and crosswalks, etc. they are now going to be managed differently. He stated there will be more Township staff involved in this; and he stated that there will be much better coordination between the consultant professionals and the Township going forward so that they can try to avoid situations like this as best they can.

Mr. Grenier stated it is important that there is a review of the work by the design engineer to make sure it meets all of our Codes and standards and that during construction there is a qualified inspector and/or our engineer overseeing it depending on the project. Mr. Ferguson stated unanticipated things happen, but it is how quickly they identify it and correct it before the project is done. Mr. Grenier stated it is important that there be reviews all along the process. He stated they also want to make sure they have the "right team," and this is part of the reason they are doing the RFP approach this year.

Dr. Weiss stated one of his major concerns particularly with regard to the Makefield Road project is beginning in January they were having discussions not only about the crosswalk but also about how they could change Makefield Road from a 35 mile per hour road to a 25 mile per hour road, and he was given assurance at the January CTC meeting that it could be done. He stated so far the reality has shown no relationship to what was discussed. He stated he is in favor of what Mr. Ferguson is doing, and he wants to make sure that the “input that the Board has becomes reality.”

Ms. Blundi stated while they discussed a 4” to 6” speed table, they now know they cannot have that. She stated she feels they need to reconsider this since a ½” “bump” is not going to be sufficient. Dr. Weiss stated one of the things that TPD stated they were doing was narrowing the lanes which would slow traffic down naturally. Dr. Weiss stated if the 85th percentile went from 40 miles per hour to 32 miles an hour, a speed table may then be appropriate. He stated if things had been done correctly from the beginning, they might have been able to have the 3” to 4” speed table rather than a ½”. Ms. Blundi asked if there are additional steps they should be investigating to make it safer.

Mr. Pockl stated he received an e-mail from TPD which states, “It should be noted that after signage, lane narrowing, rumble strips, and the incorrect crosswalk installed speeds at the crosswalk have been reduced by 4 miles per hour southbound and 1 mile per hour northbound. We expect a greater reduction upon proper construction of the raised crosswalk.”

Mr. Grenier asked where those reductions would put them at, and Mr. Pockl stated he did not know what the initial 85th percentile speed was. Mr. Michael Brody stated it was 34 miles per hour. Mr. Pockl stated it was indicated to him that it was higher than that, and that is was in the 40s. Mr. Grenier asked Mr. Pockl if he feels we should re-evaluate our approach of ½” versus 4”. Mr. Grenier stated the goal of the Board during all of the meetings was that they were looking at approximately a 4” crosswalk; and he asked if the ½” will still meet the goals of the Board once it is installed correctly. Mr. Pockl stated he felt that the intention was to heighten driver awareness of the crosswalk and the School Zone along Makefield Road and not to create a speed impediment. He stated to that end, he believes the ½” will do that more than what was there before. Mr. Pockl stated once the crosswalk is properly installed, they can monitor the speeds and also implement other less costly measures to alert drivers to the crosswalk such as flashing lights along the roadway that notify of a crosswalk.

Chief Coluzzi stated he wants everyone to recognize that this School crossing is never going to ever be more than a half inch. He stated that is not possible, and there are other regulations such as ADA regulations that come in because there are

ramps are on either side. Chief Coluzzi stated he was on record as was Ms. Tyler about the height and safety of this crosswalk. He stated it was the intent that this would be higher; however, he does not want to give the public any misconception that this will be any more than a half inch. He stated while he is disappointed in that, he does not feel there is any other way around that at this point.

Mr. Ferguson stated while it will not change the number significantly, when the stamp is put on top, it will add a marginal amount of approximately an eighth of an inch.

Mr. Grenier stated it will also be a different color and have grooves which will have some effect as to how drivers drive over it. He stated the basic intent was to create a safer area for people to cross near the School. He asked if there is anything else they need to consider to improve the safety given that it has gone from 4" to ½". Chief Coluzzi stated he feels they should get the crossing in correctly, and then look at the lane narrowing to make sure it is narrow enough. He stated they should also check the time of the School Zones, and then they can do a consistent, several day speed study of what is happening on the roadway. He stated they can then see what they have accomplished and what other measures could be put into place.

Mr. Pockl stated with regard to the Woodside Road bike path, they submitted the revised layout plan with the Grant application to DVRPC on December 14, and the total estimated Budget increased to \$950,000.

Mr. Pockl stated with regard to the Dog Park, the contractor is disputing the final payment amount, and he will be scheduling a meeting with the contractor and the Township Conflict Solicitor.

Mr. Pockl stated with regard to the Township MS4 system, he submitted the sewer map to DEP on November 21. He stated he is addressing stormwater complaints as they arise. He stated he has had discussions with DEP, and it appears that they will not be reviewing the map until at least another month. Mr. Pockl stated he cannot proceed any further until they get comments from the DEP on the mapping of the storm sewer system.

Mr. Pockl stated with regard to the Pool complex repairs, they are in the process of completing the design for the improvements. He stated they anticipate that 120 days are needed for construction, and they anticipate a completion of construction by April 19, and they are on schedule for that.

Mr. Pockl stated with regard to Planning Projects, they had a pre-construction meeting today for the Matrix Residential development, which is on the north side of Big Oak Road next to the Commercial development. They anticipate starting construction in the middle of January. Mr. Pockl stated there is only one utility connection that would require them to excavate within Big Oak Road, but they do not anticipate that happening until the middle of next year.

Mr. Pockl stated with regard to Regency at Yardley, the north side, he has reviewed the storm sewer videos and issued a report on December 11 that there are many deficiencies within the pipe system i.e. cracking, pipe settlement, penetrations, etc.; and they will schedule a meeting with the developer to review a remediation action plan in January. He stated with regard to Regency at Yardley, south side, Phases 3 through 5 are ongoing construction, and they are reviewing Certificates of Occupancy and individual Building Permit Plans as necessary.

Mr. Pockl stated with regard to Brookshire Estates, they anticipate Dedication and will issue a final letter releasing the construction escrow.

Mr. Pockl stated with regard to Oakmont (Moon Nurseries) Development, they met with the HOA and the developer on December 13 to resolve outstanding items; and he will be issuing an updated punch list for closing that project out to Dedication.

Mr. Pockl stated at Sandy Run there is ongoing construction.

Mr. Pockl stated at Scammel's Corner they are finishing work on converting the basins this week.

Mr. Pockl stated with regard to Boxwood Farms, they are revising the punch list based on the additional items that were completed by the developer.

Mr. Pockl stated with regard to Freeman's Farm they anticipate completing that project as well and reviewing the punch list items that the developer indicated that they had completed.

Mr. Mike Brody, 509 Brookbend Court, stated he understands that Chief Coluzzi would like to wait until after the School crosswalk is properly installed before considering any lighting; and Chief Coluzzi agreed. Mr. Brody asked if they could put reflectors in when they install the lines, and Chief Coluzzi stated that across the roadway on either side of the School crossing, reflective tape will be put down at some point. Mr. Brody asked if the stamping will be more effective than a rumble strip on top, and Chief Coluzzi stated he does not feel a rumble strip is appropriate especially when people are walking over it or going across in wheelchairs.

Mr. Brody asked if he could be advised if there are any crosswalks within 30 miles that are equivalent to what is being installed. Mr. Pockl stated he knows of some stamped crosswalks that are generally flat, and he will ask the traffic engineer to do some research and provide that information.

Mr. Brody asked when the Board will consider TPD and their services to the Township. Mr. Grenier stated the Board of Supervisors is rolling out RFPs but he does not believe there is a schedule. He stated at the Reorganization Meeting, which will be held January 7, the Board usually appoints the engineers and other professionals; and he assumes that since they have made the decision to do an RFP for every position, probably on January 7 they will just re-appoint everyone until they get through that process. Mr. Ferguson stated he has to write approximately twenty RFPs; and because of legalities and the nature of the services, some of those RFPs are between fifteen to twenty pages long; and they have to go through legal review as well. Mr. Ferguson stated the health care one will be extremely complicated. He stated he is working on several RFPs at once which are the more traditional services that we have, but he does not yet have a timeframe. He states he hopes to have a few done in the next few weeks.

Mr. Brody stated the Township will be spending approximately \$1.2 million on Sandy Run which he feels is the biggest Capital project next year, and he feels the number one priority in terms of RFPs should be the one that involves the biggest Capital project. He stated TPD did not check the sight lines when they were involved with the train tracks, did not do any preparation for the meeting regarding Makefield Road, and after advising the Township that the crosswalk would be 4" to 6" we are now being told that should not have even been a consideration. Mr. Brody stated he does not feel we "should consider talking to them anymore."

Chief Coluzzi stated the Board is unable to comment because they have to evaluate all of the RFPs fairly although they do understand Mr. Brody's comments.

Mr. Truelove stated with respect to the sight lines of the Railroad, TPD was not the engineering firm that was responsible for the measurements. Mr. Truelove stated litigation is ensuing with respect to that issue. Mr. Brody stated he will acknowledge that; however, everything else he said "still stands." He stated knowing what happened at Sandy Run and what occurred to create the Sandy Run issue, he feels TPD should have had their worked double checked to make sure they knew what they were doing when they came into the Township.

Mr. Pockl stated the crosswalk repairs that were completed by the contractor previously were not paid for by the Township, and that was paid for by the contractor. Mr. Pockl stated it is his intention that the contractor will pay for any temporary improvements as well as the permanent improvements done next year to make sure that the crosswalk is correct.

Mr. Robert Zuczek, 65 Upper Hilltop Road, asked if the Plans submitted for the bike path adjusted the cross over to Merrick, and Mr. Pockl stated they did. Mr. Pockl stated the bike path would be on the north side of Woodside Road and to connect to the existing bike path that is on the south side of Woodside Road, that crossing was moved from the driveway at the Golf Course up to the eastern side of the intersection with Merrick Road.

MANAGER'S REPORT

Mr. Ferguson stated on December 27 they will have the first visit from the new auditing firm which will begin running their initial tests, and they will be looking at 2019. Mr. Ferguson stated he will be involving most of the Finance staff with the data submission and questions as he wants this to be an inclusive effort of everyone that manages the money and helps him with the Budget. He stated there is a DCED March 31 report that is due. He stated the Auditors will be back in mid to late April and they plan to do testing at the Golf Course as well. He stated they will be thorough, and he will be overseeing that process.

Mr. Ferguson thanked the Board for their support. He stated when they started working on the Budget and seeing certain things, all of the Board members wanted it fixed; and he feels they are on a good path. He stated he will be starting on the 2020 Budget by the end of January, and his goal for that process is to start feeding segments of information to the Board and start building a five-year Capital Plan and a five-year Financial Plan for the sewer and the Township. He stated he wants the Board to have plenty of time to have insight and the opportunity to absorb the information so that they are not hearing things for the first time at the Budget Hearings.

SOLICITOR'S REPORT

Mr. Truelove stated the Executive Session commenced at 6:30 p.m. and items related to litigation, collective bargaining, personnel, and informational items were discussed.

Mr. Truelove stated his office has performed the same type of work that he has reported on at previous meetings. He stated they assisted the Administration in a voluminous Right-to-Know response as well as communicated with Mr. Ferguson and his office concerning Budget issues and legal research related to same. Mr. Truelove stated they also communicated with the Administration and the Supervisors regarding various issues.

UPDATE ON PAWC RESOLUTION

Mr. Lewis stated the information on this matter was provided during Public Comment.

Mr. Zachary Rubin, 1661 Covington Road, stated in the past he has asked the Board to Agendize the initiative that the Township seek out that Pennsylvania American Water Company start fluoridating their water. He stated he recognizes that fluoride has nothing to do with the recent water emergency; however, he feels now they would be more sensitive to the needs of the community, and this is the time to put it on the Agenda. Mr. Lewis stated he is in support of fluoridation of water and would like to have it on a future Agenda. Dr. Weiss stated they have started the process of inquiring about this with the Company so hopefully in the not too distance future, they will be able to engage in a dialogue. Dr. Weiss stated that even though they should be receptive to their customers, the Township cannot really force them to do anything.

GREASE TRAP ORDINANCE

Mr. Truelove stated this came from the Sewer Authority and the Sewer engineer because of 537 issues and other compliance issues to make sure our standards meet the requirements. Mr. Truelove stated this is a common Grease Trap Ordinance and the standards that are referenced are up to date with the necessary standards of the reviewing agencies and bodies. He stated this would not apply to single-family residences, duplexes, triplexes, quadplexes, or apartment complexes unless an authorizing agency determines that there are discharges on the property that may create problems for the sewer system.

Mr. Grenier stated additional review came from Ms. Kirk, the Sewer solicitor, who added some comments which were very useful. He stated this has been discussed by the Sewer Authority including discussions about problems there have been with grease producers where there were no grease traps and it was causing problems with the sewers. He stated they have discussed this at the Sewer Authority meetings over the last several months, and they have come up with this Ordinance.

Mr. Grenier stated the Ordinance does not have any specific fees included in it, and there would be a separate Fee Schedule similar to what was done earlier this evening with other fees. Mr. Truelove agreed and stated the purpose for that is because you would not want the Fee to be in the Ordinance and then have to amend it as opposed to referencing a Resolution which is a more flexible way to do it. Mr. Grenier stated he would ask the Sewer Authority to make a recommendation on the Fee.

Mr. Grenier stated the Planning Commission has reviewed it and recommended approval. Mr. Ferguson stated they will re-distribute the Ordinance to the Board for their review. He stated they will have it available for the public to review when they come to the meeting, and they will also put it on the Website prior to its advertisement so people can comment on it if they so choose. It was agreed to put this matter on the Agenda of January 16 to consider authorization to advertise.

APPROVAL OF EXTENSIONS FOR LOWER BUCKS PEDIATRICS/OCTAGON CENTER OFFICE CONDOMINIUM PHASE II, DOGWOOD DRIVE, ERIN DEVELOPMENT, FIELDSTONE AT LOWER MAKEFIELD, ARIA JEFFERSON HEALTH, AND CAPSTONE TERRACE

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

Lower Bucks Pediatrics/Octagon Center Office	
Condominium Phase 11 -	3/1/19
Dogwood Drive -	4/1/19
Erin Development -	4/1/19
Fieldstone at Lower Makefield -	6/30/19
Aria Jefferson Health -	6/30/19
Capstone Terrace -	4/1/19

ZONING HEARING BOARD MATTERS

With regard to the Steven and Melissa Hall Variance request for the property located at 1094 Drew Drive in order to permit existing structure to remain within the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Howard and Phlaxy Roseman Variance request for the property located at 1569 Doe Trail Lane in order to permit construction of an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to reappoint Helen Bosley to the Golf Committee.

There being no further business, Dr. Weiss moved, Ms. Tyler seconded and it was unanimously carried to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary