

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – DECEMBER 5, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 5, 2018. Mr. Lewis called the meeting to order at 7:30 p.m. A moment of silence was observed in memory of President Bush who recently passed away. 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

PUBLIC COMMENT

Mr. Charles Berner, 556 Nottingham Drive, thanked the Board for the services they provide to the Township. He asked for an update regarding the Comcast pedestals. Mr. Ferguson stated the Permit for the pedestals was issued today. He stated tomorrow they will be posting on the Township Website the overview of what the process will be. He stated on Friday or early next week Comcast will be sending a letter out to all of the residents via property addresses where they intend to locate pedestals. He stated the Township will get copies of those letters. The letter will outline the timeframe which will include a week or so in advance of the placement of the pedestal, marking the right-of-way where they intend to place the pedestal. He stated if a resident has a question or concern about the placement of that pedestal, there will be a direct contact with an individual from Comcast regarding addressing any concerns. He stated once the Township is given notice of the locations, he will have his inspector go out; and if they identify any safety issues in advance of the pedestal being installed, the Township will communicate directly with Comcast the Township's concerns as well. Mr. Ferguson stated the Township will get the property addresses from Comcast on a month-by-month basis of the properties they intend to do until they are done, and those addresses will be posted on the Website.

Mr. Berner asked if Comcast will continue placing above-ground pedestals on the easements or if these will be underground cable vaults; and Mr. Ferguson stated these will be pedestals, and they will not be the flush boxes. Mr. Ferguson stated

he cannot say that Comcast will not have any that will not be pedestals. He stated the issue regarding the Agreement and what the Township will be monitoring, will be pedestals. He stated he cannot state that there will not be any that will not be pedestals that will be installed. He stated he does know that they plan to have approximately one hundred properties they have identified where they intend to place the pedestals, and those would be the properties that the Township will be noting on the Website and inspecting as part of this process. Mr. Ferguson stated part of this requires that Comcast get a Road Opening Permit, which they have, and the Township will be looking at the restoration of the road as well as part of the Permit submission.

Mr. Berner stated he understands that Mr. Ferguson is not aware of any underground cable faults or flush-mounted boxes that Comcast will be installing; and Mr. Ferguson stated he is not aware of that, but he could check into it. He stated they do have a Road Opening Permit so there are areas in the Township where they have been laying cable. He stated they were advised that they had to stop all work having to do with pedestals until they got to the Township the necessary information in order for the Township to do a proper advance inspection and for people to have the opportunity to comment, which is what Comcast satisfied today.

Mr. Berner asked if Comcast is filing for individual Permits for these devices, and Mr. Ferguson stated they will do a broad-based Permit based on the addresses that Comcast provides. Mr. Berner asked what about retroactively, and Mr. Ferguson stated they will have to do that. He added that the Road Opening Permit they have been required to pay the Township for was done in two parts for 2018 work and 2019 work, and that amounts to approximately \$42,000. He stated they will also have to pay the pedestal charge which is an incidental charge, but will still be part of this and every one of them will have to be included and paid for as part of the final submission.

Mr. Douglas Marshall, Lower Makefield, thanked the Township for the work they do. Mr. Marshall stated he has read recently about the introduction into local Townships across the Nation of 5G which is an upgrade; and he asked if that is coming to Lower Makefield as he has concerns about the health issues there and to what extent we have any control locally. Dr. Weiss stated he attended the PSATS meeting last April where this was discussed, and 5G will be coming in the next few years. He stated instead of cell towers, there will be antennas every 150' in the right-of-way on top of telephone poles or other structures. He stated there will also be repeaters. He stated currently there is a bill in the State Legislature which will limit the ability of the Municipalities to control that on the right-of-ways, and he is

against that Legislation, and PSATS is against it as well. Dr. Weiss stated the current Comcast issue has nothing to do with 5G. Mr. Marshall asked that he be provided information about that organization so that he can contact them.

Mr. Lewis stated the Township has communicated through our State Representative the Board's opposition to the State Legislation. He stated additionally the FCC is proposing new rules that would allow them to pre-empt local Government control on a number of these things as well. Mr. Marshall asked if that would not be a Tenth Amendment issue, and Mr. Truelove stated it is actually between the State Government and the local Government, and it does not involve the Federal Law at this point. Mr. Truelove stated there is a Pennsylvania Decision that local Laws in Pennsylvania are derived from the authority given to them by the State.

Mr. Jeff Cohen, 1693 Powderhorn Drive, stated he has lived here for five years with his family, and they consider Lower Makefield a very nice place to live; and he thanked the Board for everything they do to make it that way. He stated his sister lives in Texas with her wife and they are increasingly concerned about the environment there of being a same-sex couple, and they are looking to move to this area. He stated his sister advised him that Pennsylvania does not have particularly good protection for LGBTQ. He stated the decision is within the Municipalities where there is an opportunity to make those laws and protections, and he has found that we do not have that in Lower Makefield. Mr. Cohen stated he has done research and found that at least fifty Municipalities throughout Pennsylvania have passed Legislation including a number of neighboring Townships. He stated he is asking for the Board to pass similar protections so that this is a place where people of all types can feel safe. Mr. Cohen stated he is also hoping that the Board could create some sort of Human Relations Commission so that if people had complaints or concerns there would be a place to bring them forward.

Mr. Lewis stated they would welcome Mr. Cohen's sister and her spouse to Lower Makefield. He added they have reviewed the Ordinances that Yardley Borough, New Hope, Newtown, Solebury, and other Municipalities have passed; and they are looking at it. Mr. Lewis stated the specific language around a Human Rights Commission is something that the Township solicitor is reviewing now, but they have not placed it on the Agenda yet.

Mr. Joe Menard, 917 Putnam Drive, commended Mr. Ferguson for the way he has come in taking the "reins changing from one Administrator to another." Mr. Menard stated he feels Mr. Ferguson has given good direction as to how to organize and bring forth the finances of the Township. Mr. Menard stated there was an article in today's Bucks County Courier Times regarding Lower Makefield's finances starting with the Budget process in October/November. He stated what has come out should not be new to many or all of the Board members. He stated the

concerns and issues that were addressed have been relayed and known for quite some time. He stated he previously Chaired and worked on the Citizens Budget Committee for eight to ten years. Mr. Menard reviewed his professional background in finance including doing Audits and reviewing Budgets. He stated the Citizens Budget Committee made many efforts to bring new ideas and controls to the procedures in LMT. He stated many of those were not adopted, and we are now faced with the results of “failure” in many of the financial areas in the Township.

Mr. Menard stated the ending Township projection for the Fund Balance for 2019 is around \$1,268,034; and in order to get to that number the Township had to sell an asset which was the cell tower in the amount of \$2,020,000. He stated the Township took in this one-time revenue in order to end up with a \$1,268,034 surplus, and that is a shortfall of \$731,000 had we not had that asset sale. Mr. Menard stated we started January, 2018 with \$2,950,788, but he did not track that over to the Audit Report and just took it out of the Budget so that may be adjusted by audited adjustments for the year 2017. Mr. Menard stated this is an “embarrassing result” of managing the Township finances. He stated to get there we have had many discussions and probably hundreds of e-mails about the reporting of the Sewer Capital and the General Capital Funds.

Mr. Menard stated he requested information from the Township, but it did not come in a format that was “easily digestible to present a meaningful report.” He stated he is requesting that they start with the 2016 Bond Issue, and he would like to see every appropriation, every change in appropriation either by Ordinance, Resolution, or something that was just done, be reconciled to the actual expenditures of each line item, and each category of expenditure such as the Township Trust, the Dog Park, etc.; and there should be a full accounting from day one to today to see how the money was spent. Mr. Menard stated he feels the residents deserve that reconciliation, and it is not right that we do not have that accountability.

Mr. Ferguson stated the Township did not end the year with \$2.9 million. He stated the issue is multi-faceted and includes negative balances in other accounts not reconciled over a period of time. He stated there were various negative balances in 2018, and to bring all of them out of the red is what they are doing now. He stated it is not just about the Bond Issue, and it is also other balances; and absent a Management Representation Letter from the Auditor, the Board of Supervisors would not have had a conscious understanding of this. He stated there is a new Auditor coming in who will be starting next week who he is familiar with who will be starting testing for this year and doing other things. Mr. Ferguson stated the Board empowered him to get a firm who he was confident and comfortable with. Mr. Ferguson stated there was not just one thing that led to where they are now, and it was a series of things that he feels were good intentions to fund projects etc. that everyone wanted, but without reconciliations taking place

in those accounts and without a Representation Letter to the Board in previous years, which he feels would have brought special attention to those items; and that compounded the problem. Mr. Ferguson stated from this point forward the Board and the public will have all of the information, and there will be monthly Treasurer's Reports, bill lists that specify what is being paid for, and there will Inter Fund transfers approved every month by the Board with an explanation he will provide if necessary that should give the public confidence that we will manage our money properly. Mr. Ferguson stated they are also going to have to meet and plan for things. He stated they have responsibility for basic levels of service for equipment, etc.; and the Board has been supportive of that. He stated there were discrepancies that were carried forward for a number of years and a lack of proper reporting for the Board to act on, so that we now have these issues. He stated unfortunately the early consequences of that have been that some of the projects that Board members felt strongly about, had to "be put on pause," while we get all of these things in order and come up with a financial plan for how we can make those things that the Board wants to pursue happen. He stated that has been the direction that he has been given, and will be the plan they take going forward.

Mr. Ferguson stated he appreciates Mr. Menard's comments and feels it is not unreasonable to assume that the Board is asking for a full accounting of expenditures for projects, the Bond, etc.; and that will be forthcoming. Mr. Ferguson stated since Mr. Menard has reviewed some of the information he understands that the Township has Munis as its financial software which is not the most user-friendly software. He stated he has had to reconfigure that software for the monthly Treasurer's Report so that it is legible. He stated they will start posting that on line, and he asked Mr. Menard to provide him with his feedback as to whether that is some of what he is hoping to see.

Mr. Menard stated in July when the Audit Report was presented, he specifically asked if Letters of Recommendation had been prepared; and he was told that it was in process, and he asked if they were ever issued. Mr. Ferguson stated he is not familiar with anything subsequent to the book that they have as far as the Audit being provided. Mr. Menard stated in his practice, they would offer two letters, and he had indicated that there were not any. He stated one letter would be comments and recommendations addressed to the Chief Financial Officer which in this case would be to whoever is administering the finances that would talk about some of the everyday things to be "cleaned up." He stated the second letter that should be prepared would go directly to the Board of Supervisors, and only to the Board first, which would indicate additional best practices and other things that could be instilled.

Mr. Ferguson stated the company that he has hired is going to be doing testing, and they will test the Golf Course and every part of the operation that we have. He stated part of that testing will be individual letters that will go to Board members, where they will be given the opportunity to talk about concerns they have and things they want to report. He stated he anticipates the second letter they may get is a Management Representation letter which is a document to the Board to show things they want to draw attention to such as diminishing Fund balances, negative balances in accounts, etc. and that will be the direction of the Financial Statement that will be issued moving forward. He stated he believes Mr. Menard will be pleased with the direction they are going. Mr. Menard stated he is already pleased with the direction, adding he understands that it does take time to get it fully in place, and he appreciates the effort.

Mr. Menard stated this is no reflection on Spirit Golf, but the reporting for the Golf Course in the Audit Report is insufficient to try and manage the direction the Golf Course is going now that we will be paying the debt. Mr. Menard stated the Citizens Budget Committee recommended three years ago that the for-profit centers like the Golf Course be split out. He stated each one of the for-profit centers should be reported on and disclosed in the Financials. He stated there are a number of items that he will send to Mr. Ferguson which he hopes will be adopted.

Mr. Ferguson stated he plans to make changes in the way the document is presented to the Board. He added that he is not in favor of the Golf Course being evaluated as an Enterprise Fund, and he feels it misrepresents to the Board how much money is available to do things that they want to do. He stated they do this in various Funds, and he is going to talk to the new Auditors about not having those adjustments in the Budget so that the Board does not believe that there is more money to do investments and Capital improvements than there really is. He stated there are adjustments to Debt and Capital that they add back into the Fund Balance which is not something he feels we should be doing because it does not help the Elected Officials make good decisions. Mr. Ferguson stated people have asked how this situation has happened, and he stated he believes it is because of those several things that have “convoluted” what we have.

Mr. Lewis stated one of Mr. Menard’s questions was with regard to the break down of the Golf Course Revenue and Expenses by category, and that is reported every month to the Golf Committee. He stated there are breakouts on food and beverage and separate banquet food and beverage. Mr. Lewis stated for the last four years each year he has asked about Inter Fund Transfers with the Auditor, and the Auditor stated they tested and found no issues; and they never received a Management Letter telling them differently. He stated it is frustrating when they asked the correct question on Inter Fund Transfers but did not get a fair assessment of the situation. He stated many Board members share Mr. Menards’ frustrations.

Ms. Kathy Hirko, 1450 Dolington Road, stated she is present on behalf of Patterson Farm Preservation who will again be doing a wall calendar for 2019 which is made up of photos of the Farm through the eyes of talented local Township photographers. She stated calendars are available for purchase by messaging her through Facebook or by contacting Friends of Patterson Farm through Facebook. She stated they are also providing a link on the Lower Makefield is a Great Place to Live page and the Lower Makefield Spotlight page. She stated they also hope to have the calendars again at the Township Office, Charlann Farms, McCaffrey's, and possibly some other businesses. Ms. Hirko stated she hopes the Board of Supervisors will support them as well and purchase a calendar in the amount of \$20.

Mr. Sol Bress, 649 Teich Drive, asked how much taxpayer money the Golf Course is costing us. Mr. Ferguson stated it varies year to year. He stated the Fund was set up as an Enterprise Fund which can carry a negative balance over a period of years with the idea that it is essentially a loan to that Fund that is to be repaid. He stated the cost of the Golf Course from a period of years to bring that to zero will essentially be \$900,000 this year. He stated for 2019, the cost that is estimated to be needed from the General Fund, or tax money, is \$160,000. Mr. Ferguson stated the biggest reason for the big difference this year which compounded the problem was the terrible weather, and the Golf Course was down about 4,200 rounds of golf this year. He stated next year, and in subsequent years, what is going to be the "drag" on the Golf Course from being entirely paid for by User Fees and rounds of golf, etc. are the debts for the Bond that is going to be attributed to the Golf Course for next year, which will be approximately \$1.1 million.

Mr. Bress asked if there has been any positive flow of cash in the years where it did not rain as it did this past year where the Golf Course has sustained itself or shown any positive monetary gains. Mr. Ferguson stated he cannot give a specific year, but generally he feels that there have been years that have been positive; however, the dilemma that the Board faces now is the way that the Debt was structured. He stated there were periods of time when it was just making an interest payment of \$25,000 to \$75,000, and it was doing fine; however, as that debt has grown and the payments that were pushed out to the future are now happening, those become harder to meet through rounds of golf to make up that amount of money every year. He stated next year, the expectation is in spite of the \$1.1 million Bond payment, they will need \$160,000 which is not an unmanageable number for 2019.

Mr. Bress stated with the declining popularity of golf, there are other Municipalities of the same size as Lower Makefield that have either sold their golf courses or closed them to "stem the red ink;" and he asked if there has been any thought of doing that. Mr. Ferguson stated that would be a question for the Board. He added that there are also communities such as Northampton Township which just bought a golf course.

Mr. Ferguson stated since he has been here starting in July, they have not had discussions about selling the Golf Course. Mr. Bress asked the Board to comment. Mr. Lewis stated one of the challenges is the declining popularity of golf, and the challenge is if they were to sell the Golf Course as a golf course, it would not net the amount of money that we owe in its current state. He stated they do not really have an option to do that as it would create a situation where they have a debt with no revenue associated it. He stated they also cannot necessarily close the Golf Course because that is the revenue source that pays down the debt. He stated the only other option is if they thought they could sell it for highest and best use and achieve a revenue that would be high enough to pay off the Debt, and they have not explored that option although they could assess it. Mr. Lewis stated part of the reason that the Debt increased on the Golf Course was the 2013 legal settlement which involved the Dalgewicz family that had previously owned the property and had sued the Township because of the way the property was acquired for the Golf Course using Eminent Doman, and they questioned the valuation of that and eventually won a settlement which is why the Debt Service is much higher than we had hoped it would be. He added that if they go through the difficult period of paying off the debt, it could generate significant cash flow that could be used to for other things in the future. Mr. Lewis stated this situation defies an easy answer.

Mr. Bress stated he sees in the Budget that there is very little allocated for the recycling this year as opposed to prior years, and this year there is only \$9,500 allocated. He asked if they are proposing to close the recycling yard or cut back on the leaf collection. Mr. Ferguson stated the \$9,500 budgeted is for a consultant to put together, along with a number of other Municipalities, the Performance Recycling Grant based on the tonnage of curbside recycling collected. Mr. Ferguson stated he made the recommendation to the Board to close the recycling yard beginning next year. Mr. Ferguson stated this is not the leaf program. Mr. Bress stated it is the recycling yard where people bring branches and yard waste and pick up mulch. Mr. Ferguson stated if people wanted to pick up leaf mulch they would still have the ability to do that, but he is proposing to close the drop-off site for recycling.

Mr. Bress asked why they are closing the yard since whenever he drops off yard debris, he never sees any personnel at the yard; and he would just sign in at the office. Mr. Ferguson stated he does not have enough personnel during the week to do that, and the personnel provided in the Budget was for Saturdays. Mr. Bress asked if they could just close the yard on Saturdays and just have it Monday through Friday for the residents. Mr. Ferguson stated there are several other issues. He stated there are going to be additional requirements of the Township under MS4 requirements which have to do with stormwater and this would be reporting and drainage that they would have to begin to do which drives up the cost of the yard.

Mr. Ferguson stated there are also contractors who bring things there from neighboring Municipalities and drop them off. He stated they also have people who drop off refrigerators, tires, and a variety of other things; and they do not have the staff to control that during the week. Mr. Bress asked why they could not put up a camera. Mr. Ferguson stated he would have to have staff keep track of that. Mr. Bress stated the tape could be reviewed later on, and there is no need to hire people. Mr. Ferguson stated the final determination had to do with the fact that the garbage companies will pick up the materials, as it is part of the residents' garbage fees. Mr. Bress stated it is also part of our tax bill; however, Mr. Ferguson stated that is not part of the tax bill, and that tax bill is for the leaf pick up. He stated the residents are already paying the garbage companies to pick up that material; and if the residents drop that material off at the Township, which has to pay for its removal, the Township is then redundantly charging taxpayers for something that they already pay through their garbage fees. He felt it was being fiscally responsible to close the yard since the residents can still take the same material and put it out with their trash, and their hauler will take it, in most instances, at no extra cost.

Mr. Bress stated he feels it is a disservice to close the yard, and that by having it open Monday through Friday there would be no additional personnel expenses, and they could put up a video camera, which would be a deterrent, to prevent abuse by people dropping off refrigerators or other appliances. He stated they could also provide everyone an ID card and charge the \$10 for the season, and he feels people would be willing to do that to have the service of the recycling yard. Mr. Ferguson stated there are 9,000 households in Lower Makefield and approximately 100 of them use the drop-off site. He stated he does not feel he can justify 8,900 households subsidizing the cost for 100 households dropping materials off when they are already paying for it in their garbage bill. Mr. Bress stated when he drops off materials during the weekdays, he sees at least 20 people there. Mr. Ferguson stated when you look at the list, during the summer there are contractors dropping it off. He stated there are residents who tend to be the same people using the yard. He stated those using the yard amount to approximately 1 ½% of the Township residents. Mr. Bress stated he believes Mr. Ferguson is underestimating that number. He stated he feels there should be a survey or discussion so that residents are made aware that they are proposing to close down the recycling yard when he believes more than 100 people during the course of a season use it on a regular basis.

Ms. Laura Donovan, 1705 Wrightfield, thanked Mr. Ferguson for the clarification on this; adding she now understands that we will still have leaf pick up from the Township and be able to get the mulch; and Mr. Ferguson agreed. Ms. Donovan stated she did not know that there was a Township service for dropping off yard waste, and she has been putting it in bags for the trash collectors for years.

She stated she does not want the Township to discontinue leaf pick up as she does not want to give any encouragement to those who feel it is “too much of a hassle” and then remove trees. Mr. Lewis stated he and other Board members are strong supporters of the leaf collection. Ms. Donovan stated the trees in our area are one of our great assets, and she would not want to give anyone a reason to remove trees.

Ms. Sue Herman, representing Residents for Regional Traffic Solutions, Inc. gave her address as P. O. Box 285, Newtown, PA. Ms. Herman stated she was alarmed by what transpired at the November 27 Mercer County public meeting for the Runway Protection Zone and Obstruction Mitigation Project for Trenton-Mercer Airport. She stated it appears to be another attempt at “segmentation,” so as to avoid conducting an Environmental Impact Statement (EIS). She stated they continue to break the Airport build-out into many separate projects whose whole equals large-scale expansion systematically destroying communities effected by the unchecked expansion. She stated they ignore pleas to work with neighboring communities to find ways to mitigate the negative impact. She stated the communities have asked that the Airport be a responsible neighbor and operate within the spirit of Law, and none of them have wanted to shut the Airport down. Ms. Herman stated what is needed is an EIS that measures the cumulative effect of the improvements that have been done incrementally over the past twenty years, the improvements in the current Master Plan, and the current project under review.

Ms. Herman stated the cumulative EIS should study beyond the area adjacent to the Airport and include all effected New Jersey and Pennsylvania areas. She stated it should consider changes to the character and reputation of our community, quality of life due to noise level, include health and safety within out communities due to air, water, land, and noise pollution, vibration damage, and disruptions to sleep and school activities. She stated it should also consider the economic impact on our tax base in terms of property values, the negative environmental impact on the Delaware River, the Pennsylvania and Raritan Canals, wildlife, and farmlands. She stated it should consider the impact on Mercer residents, mostly the economically-disadvantages in Ewing who are losing homes or having trees cut down for this expansion. She stated it should consider the negative impact to historic landmarks in affected New Jersey and Pennsylvania areas.

Ms. Herman stated through the November 28 public meeting, the engineers used the FAA as a “scape goat.” She stated it is apparent that the “FAA continues to turn its head away from doing the right thing.” Ms. Herman asked the Board to confirm that they and their counsel will submit expert comment by the December 10 deadline, and that these comments will become part of the draft EA document and require the FAA to respond and to put maximum pressure on the FAA “to do the right thing.”

Ms. Herman asked if Barbara Lichman, our aviation attorney, is preparing the Township's comments, and she asked if the Board has approved the use of the consultant who Ms. Lichman had requested be of assistance. Ms. Herman stated she believes that consultant has extensive knowledge as to how the FAA works.

Ms. Herman stated the current project removes obstacles so that larger aircraft can be accommodated, and paves the way for the vision held by the DVRPC, Mercer County Executive, Brian Hughes, and the FAA. She noted the DVRPC's July, 2014 report, 2040 Regional Airport System Plan, states: "The following priorities were agreed upon by the Sub-Committee: expand commercial air service capacity within the region, and sustain and improve infrastructure to attract more users. This report is being prepared with the support of the FAA. Ms. Herman stated a September 21, 2017 Guest Opinion written by Mercer County Executive, Brian Hughes, stated: "I am proud of Trenton-Mercer Airport's illustrious past and energized by its promising future as a premier travel hub. Ninety percent of the project is funded by the FAA with the remaining 10% coming from Mercer County."

Ms. Herman asked the Board of Supervisors and counsel to put maximum pressure on Congressman Fitzpatrick to submit informed comments by the December 10 deadline and send him a formal letter making this request. Ms. Herman stated RRTS' November 27 written comments submission, which the Board has received, shows what transpired between attendees and FAA staff at the June 18, 2018 Airport meeting held by Congressman Fitzpatrick, and it should provide Mr. Fitzpatrick with the leverage for informed comments to pressure the FAA to respond and "do the right thing." Ms. Herman stated she has spoken to Representative Warren's office and expects that he will submit comments and that incoming State Senator-Elect Steve Santarsiero will also be submitting comments.

Mr. Grenier stated there are several projects going on that have had or have scheduled public meetings for public comment. He stated the Township submitted a letter with respect to the Trenton-Mercer Airport Expansion Project. Ms. Herman stated she appreciates those very thoughtful comments. Mr. Grenier stated the Township submitted that on November 14, and on November 15 there was an announcement for a public meeting for the next phase. Ms. Herman stated that is for a project that they maintain is not part of the Master Plan or the terminal expansion. Mr. Grenier stated the Township received notice today for a meeting to be held in January. Mr. Grenier stated he believes the Board will put together a letter similar to what they did for the first public meeting, and will reference the first public meeting and potential for segmentation issues.

Mr. Grenier stated Ms. Lichman sent out a letter today regarding the passenger facility charge Notice of Intent, and she was requesting information regarding the Airport Lay Out Plan. Ms. Herman stated she did not receive that, and Mr. Truelove stated that just went out today, and he will forward that to Ms. Herman. Dr. Weiss stated the letter was sent to the Chair of the Township's Airport Review Panel, and she will distribute that to all interested parties. Mr. Grenier stated in that letter Ms. Lichman referenced environmental reviews that she was unable to find. Mr. Grenier stated after reading that letter from Ms. Lichman, he went on various Websites that he knows of to look for that information, and the Airport Development Website has links to various reports where information can be downloaded; and he tried it on multiple computers but was unable to download any of that information. He stated this is a major issue where information that is supposed to be public is not retrievable by the public, and he assumes the Township will be referencing all of this.

Ms. Herman stated at the public meeting the Ewing Library did not have the draft EA for people to review until the afternoon of the public meeting, and she does not feel that was coincidental.

Mr. Grenier stated we are not presupposing a position on the Airport or any of their projects; however, we want access to their information so we can make an informed decision and provide informed comments at this point. He stated at this point we do not have access to that information. He stated if the Board makes a determination that these are connected projects, and an EA or EIS needs to be completed, then the Board should state that; however, at this point he does not feel the Board has all that information, and that is not appropriate per NEPA regulations and all of that information should be public and readily available so people can make decisions.

Ms. Herman stated at the meeting, there were questions posed by people such as what happens if the runway protection project does not get approved; and the answer was the runway will be shorter so that the larger planes that they wish to accommodate will not be able to come in. Ms. Herman stated a question was also posed as to what has changed in the regulations that "is having the Runway Protection Zone obstruction mitigation project looked at," and Ms. Herman stated there is not change in the regulations, and they stated that "the trees are higher," and every ten years the FAA does a review. Ms. Herman stated one of the Township's Review Panel members asked if they were not taking obstacles down so that they could accommodate larger planes with a larger fuel capacity, and the "engineer danced." Ms. Herman stated this is "bad news" for our region, and she hopes the Board will be extremely diligent.

Ms. Herman asked if the Board will send a letter to Congressman Fitzpatrick asking him to weigh in on this issue. Mr. Lewis stated they see him, and they could ask. Ms. Herman stated in RRTS' opinion, except for joining the Federal Quiet Skies Caucus, they do not believe Congressman Fitzpatrick has delivered on any of the promises made at the meeting, and they request that the Board put in writing their request that he weigh in on this issue. Mr. Lewis agreed to do so.

Mr. Zachary Rubin, 1661 Covington Road, stated at the last Supervisors meeting, Mr. Grenier discussed RFPs for all our professional organizations that are hired. He stated there was also discussion on the auditing firm, and Mr. Rubin had brought up the point that the Township Manager indicated that there was a need for "haste" because the 2019 Budget was coming due. Mr. Rubin had suggested that they contact a number of Auditors and ask them to bid on the project. Mr. Rubin stated he has since read in the paper that an Auditor has been hired, and he asked if they did as he suggested and get Auditors without going through the RFP process. Mr. Lewis thanked Mr. Rubin for his suggestion adding that at the last meeting under Other Business, the Board made a Motion to empower the Township Manager to select a new Auditor for the 2019 Audit; and the Township Manager selected Maillie Incorporated.

Mr. Harold Kupersmit, 612 B. Wren Song Road, asked how much the Township owes on the Golf Course, and Mr. Ferguson estimated it to be \$12 million to \$14 million. Mr. Kupersmit stated he understands that this year they paid Debt Service of approximately \$900,000 for the Golf Course, and Mr. Ferguson agreed. Mr. Kupersmit stated he feels having the Golf Course helps with the quality of life. He stated they will pay it off eventually, and it is a good investment. He stated he is a supporter of the Township keeping the Golf Course and operating it the way they are. Mr. Kupersmit stated he does not feel they are handling the Trenton-Mercer Airport properly because of "regulatory capture," and he discussed his dissatisfaction with regulatory capture.

Mr. Donald Okeefe, 15 St. James Place, stated he has been a resident for approximately nineteen years; and for the last ten years he has used the recycling yard a couple of times each month. He stated he only found out about the recycling yard when his local carrier would not pick up his yard waste because it was so substantial. He stated he does his own yard work and trims his trees, and his tree limbs will not fit into small bags that the waste carrier will pick up. He stated Hurricane Sandy generated a huge amount of waste that would never have been picked up by the Municipal carriers so they need the recycling yard. He asked what the Township will do with their recyclable waste, and will they pay a third party carrier to remove it; and Mr. Ferguson stated we have to do that now. He stated there have been several issues about what to do with the material,

and when they grind it up and store it at that site, they are not finding contractors to take it so the Township now has to pay to have it removed now. Mr. Okeefe stated this change will force him to have to hire a third party carrier to remove his waste since his is too large for his trash carrier to pick up. Mr. Ferguson stated he lives in Newtown and has put out twenty-three bags of materials. He agreed that if he had a 30' tree branch fall off they would not take it. He stated his staff who live in Lower Makefield and others all over the Township put out their yard waste every week including shrubs and tree branches that is taken by the carriers. Mr. Ferguson stated while he is not sure who Mr. Okeefe's carrier is, the Township staff called all of the carriers in Lower Makefield and asked them if they pick up yard waste as part of their service, and they all answered yes. He stated while there were some restrictions such as on the number of the bags, they will take everything that is put out for the most part. Mr. Ferguson suggested that Mr. Okeefe contact a different garbage hauler. Mr. Okeefe stated he is on his third garbage hauler since he has lived here. He stated his trash cannot be bagged, and his carrier will not take a substantial portion of his yard waste. He stated there are many storms now, and a lot of residents will have a lot of yard waste if there is another substantial storm; and the carriers will not take it away. Mr. Ferguson stated from his experience and the experience of his staff they are not having the same experience Mr. Okeefe is of the carriers not picking up the material. Mr. Okeefe stated he does not dispute that if the material can be bagged; however, his cannot be bagged. He stated he takes his waste to the recycling yard in a 15' to 20' bed trailer.

Mr. Okeefe stated for nineteen years he has subsidized the ball fields, the Pool, the tennis courts, and the Golf Course; and the recycling yard, the leaf collection, and leaf mulch are the only discretionary services that he uses in the Township, and now they are taking that away. Mr. Ferguson stated they are not taking away anything to do with leaf collection or leaf mulch, but he is recommending to the Board that the drop-off location be discontinued for the reasons that he has stated. He stated they are trying to manage the resources we have for the reasons he has stated. He stated the Board can accept or reject that recommendation. Mr. Okeefe stated he goes to the recycling yard multiple times every month, and he cannot believe that only one hundred Township residents use the recycling yard. He stated when he was picking up leaf mulch in the recycling yard, he would be there for a couple of hours and there would be several people coming in routinely. He stated every time he goes there to dump waste, he sees another resident dumping waste. He stated he feels the cost that the Township has to pay for the residents to dump their recycling waste there is well worth it. Mr. Ferguson stated if thousands of people were using it, it would have been over run a long time ago; and they would no longer be able to accept it. Mr. Okeefe stated even if it is one hundred households the cost to run that recycling yard is probably proportional. He stated when he looked at the

proposed Budget, he saw \$40,000 was listed last year for the cost out of a Budget of \$13 million so that is .3%. He stated one hundred may be .3% of our residents so it is proportional. Mr. Ferguson stated he understands Mr. Okeefe's comments; however, because most people are already paying for this service through their carriers, the idea that they would then have taxpayers pay again did not seem to be a rationale that he could ignore.

Mr. Okeefe stated the hauler will not pick up a substantial part of his waste although they will pick it up if he puts it in bags; however, if he pulls up a stump from his garden, he cannot put that in a bag. He stated when he trims his trees, he cannot put that in bags. He stated he has three mature sweet gum trees on his property, and the amount of sweet gum balls he produces each year filled forty-six large bags which was the amount he filled the last time he did the bags before he found out about the recycling yard; and that is the type of things that the haulers will not pick up. He stated he objects to the Township's proposed closing of the recycling yard, and he feels they should look at other alternatives. Mr. Okeefe stated just because someone puts in one refrigerator there does not mean they should cut off the service for all the rest of the residents.

Mr. Ferguson stated that is not the primary reason. Mr. Okeefe asked the primary reason, and Mr. Ferguson stated as he indicated earlier the primary reason is that we are now under MS4 requirements for stormwater. Mr. Ferguson stated DEP now has regulations regarding any materials we have stored, and they now require Permitting, stormwater controls, staff controls to make sure that there are not things illegally dumped there, removal controls, and how they will control the water that runs around there; and that will all increase the costs to manage the Permitting and requirements. He stated it would require additional staff and additional cost to maintain the program under those circumstances. Mr. Ferguson stated that, coupled with the fact that it is a service that for the most part people are already paying for, he could not come up with a justification to expand the program, spend more money on the program, or continue the program.

Mr. Okeefe stated he does not understand how a pile of natural debris is impacted by water control. Mr. Ferguson stated they will have to do the same thing with leaves now, and we will now have to start controlling the water and run off from the leaf pile and the mulch pile; and it is all under MS4 requirements of DEP for the Township to manage everything that happens around these piles. Mr. Okeefe asked if there is a proposal put together as to those costs, and Mr. Ferguson stated there is not currently. He stated the Township has an MS4 Plan that is being submitted. He stated the Township is going to have to start doing a series of projects over the next number of years that will amount to millions of dollars including having to retrofit basins, etc. He stated he did not run those costs out because the initial point of this was that people were already paying for this. He stated he did not ask for a

\$5,000 report from the engineer to quantify how much more the cost would go up for the reasons he just stated. Mr. Okeefe stated he feels that should have been done since otherwise it is just speculation.

Ms. Holly Nemiroff, 1701 Westover Road, stated she is concerned about the water issue most of us recently experienced. Mr. Lewis stated this is listed as an Agenda item, and he asked that she make her comments at that time.

#### APPROVAL OF MINUTES

Dr. Weiss moved and Mr. Lewis seconded to approve the Minutes of November 21, 2018 as corrected. Motion carried with Ms. Tyler abstained.

#### PRESENTATION OF SANDY RUN PRELIMINARY DESIGN

Mr. Phil Wursta and Mr. Jacobs from TPD were present with a power point presentation. Mr. Wursta stated they have completed the Preliminary design, established right-of-way parameters, and they are moving forward aggressively to insure a summer construction. Mr. Grenier asked when Mr. Wursta referred to "Preliminary design," what percent of the design would that be considered, and Mr. Jacobs stated they are at about 50%. He stated they have the project fully designed in the computer in three dimensions. He stated once they get past this point, they are doing work very specific to what they have designed, and it would be putting together Plan specifications and estimates that will form the Bid documents to go out to contractors. He stated everything going forward is about the alternative that has been selected.

Mr. Jacobs showed a slide of the list of things that was considered in the Preliminary engineering including the 100 year flood plain for Brock Creek, wetlands delineation, horizontal and vertical alignments, sight line profiles with the three dimensional design, preliminary grading of the road, and all of the vertical and horizontal geometry. He stated they also considered the super elevation of the road which is the banking of the road.

Mr. Jacobs showed a slide of the survey area showing the floodplain and the wetlands. He stated those were delineated over the summer into September. Ms. Tyler asked if the proposed re-siting of Sandy Run shown on this slide, and Mr. Jacobs stated it is not. Ms. Tyler asked if the proposed re-siting of Sandy Run Road runs through the 100 year floodplain, and Mr. Jacobs stated it does not. Mr. Jacobs showed the next slide with the brown being the 100 year floodplain, and

Brock Creek is seen winding through that floodplain. He showed existing Sandy Run Road and proposed relocated Sandy Run Road which is outside of the 100 year floodplain and outside of the wetland area. He stated it has been pushed over as far as it can be given the constraints and given that for the area in yellow, which is the road surface itself, there must be some side of road grading to form the slope that supports the road. Mr. Grenier asked about the proximity of the limits of disturbance to both the wetlands and the floodplain, and any floodway that might be there as well. Mr. Jacobs stated the floodway is inside the 100 year floodplain. He stated between the toe of slope and any feature the wetlands control is down toward the bottom and the 100 year floodplain control is more at the top. He stated right now there is only a 5' buffer between the toe of slope and that feature. Mr. Grenier asked if they got a Wetlands Jurisdictional Determination from the Corps to make sure they are not going to move that delineation 5'; and Mr. Jacobs stated they have not had a Jurisdictional Determination, and it was just their wetlands scientist going out there and putting in the flags. Mr. Grenier stated they may want to talk to the Army Corps about getting a Preliminary JD completed so that they do come out and move some flags 10' and impact the design since it is rather tight.

Mr. Jacobs stated it is a sensitive issue in terms of sight distances which relates not only to where the road is and what the driver on Sandy Run Road can physically see, it also relates to the speed of the vehicles on Edgewood Road approaching the intersection. Mr. Jacobs stated the sight distance that is the most problematic is the one for the driver on Sandy Run Road who is attempting to spot a vehicle crossing the SEPTA tracks. He stated this is westbound Edgewood Road from right to left. He stated what they found out through the course of the project so far is that not only is this relocation needed to achieve sight distance, but also the traffic calming chicanes on the eastern side of the SEPTA track on Edgewood Road are needed to slow traffic as it is crossing the track. He showed a location on the slide just as you are crossing the SEPTA tracks where the person on Sandy Run Road can first see the vehicle approaching and conversely where the person crossing the tracks can first see what is happening at the Sandy Run Road intersection. He stated traffic has to be slowed down relative to the conditions before the temporary chicanes went in when traffic was moving too fast for this Plan to be effective.

Mr. Jacobs showed a slide to show what permanent chicanes would look like as opposed to the temporary chicanes that were there in the summer and the fall. He stated they are more visually aesthetically pleasing. He stated their main function is to slow traffic by moving it laterally. He showed on the slide the center chicane and a smaller chicane off to the side. He stated the purpose is to constrain traffic and slow traffic down and to make motorists more aware of their surroundings.

Mr. Jacobs showed the sight distance table. He stated this pertains to the sight distance to the left from Sandy Run Road that he discussed. He stated the table showed the three conditions that were present over time. He stated the first condition is after the SEPTA third rail was installed which was from April, 2016 to December 2016 when the intersection was still open, and the available sight distance to the left was 255' and the design vehicle speed was 33 miles per hour which means that at that key point on westbound Edgewood Road approaching the intersection, the design could accommodate a vehicle going 33 miles per hour or less. He stated the posted speed there is 25 miles per hour, but based on studies that have been done, a number of motorists are ignoring that speed limit. He stated as to measured speed, they do not have studies of the speed at that time.

Mr. Jacobs stated the second condition was after the Quiet Zone project, which is essentially the existing condition – January, 2017 to the present. He stated the available sight distance was reduced from 255' to 182' due to the re-profiling of Edgewood Road which cut down the ability of a person to see to the left. He stated the design speed that the design could accommodate goes down as well, and it went down to 26 miles per hour, and the measured speed was in the range of 39 miles per hour because the improved profile of Edgewood Road as it went over the tracks actually allowed vehicles to go faster so it was a negative confluence of two factors – the reduction in the sight distance coupled with the increase in vehicle speeds. Mr. Jacobs stated with regard to the proposed 92' relocation, there will be 273' of sight distance which is more than was there after SEPTA installed the third rail and when the intersection was open. He stated this would accommodate a design speed of up to 34 miles per hour, and the measured speed with the chicanes in place was 32 miles per hour. He stated the design speed is higher than the travel speed on the road, and therefore acceptable from that standpoint. Mr. Jacobs stated one item not on the Table but in the note below is that for the 92' relocation, the required Stopping Sight Distance is 248' and 273' has been provided so that the minimum sight distance standard is exceeded by the design.

Mr. Jacobs stated this is what they are recommending recognizing that this is a tight situation given the wetlands and the floodplain on one side, but they feel that this is a solution that provides the required sight distance and also has an eye toward the other constraints on the project. He stated moving toward Final design, Final Plan specifications, estimates, and utility coordination are required. He stated there are some utility poles along Sandy Run Road that need to be considered. He stated there is also a water line and a hydrant so there needs to be utility coordination. Mr. Jacobs stated the right-of-way acquisition required will probably be a driver of the schedule from now on. He stated there is one property impacted by the project which is a fairly large property shown in the heavy yellow outline on the slide. Mr. Jacobs stated the Timko Family Associates property is everything on the western/top side of the green area on Sandy Run Road.

Mr. Jacobs stated property has to be acquired so that the contactor can do work. He stated typically they would not advertise the project until the right-of-way is acquired. Mr. Jacobs stated they are aiming for summer, 2019 construction as was noted previously by Mr. Wursta.

Mr. Wursta stated the Board should also have received yesterday the Preliminary engineering memorandum which is more formalized as to some of the tasks that were done.

Mr. Truelove cautioned the Board that the Township is in litigation involving this matter so they need to take that into consideration when making comments. Mr. Truelove added that his office has been in contact with Ms. Noyes, who represents Timko Family Associates; and once they have the specific parameters from the survey and know the dimensions, they will have an appraisal done to provide an estimated value, and they will then be in communication with Ms. Noyes about that.

Mr. Ferguson noted the slide which was shown about the speeds on the road. He stated where they show the 39 mile per hour number after the Quiet Zone, that is the pre-chicane number, and Mr. Wursta agreed. Mr. Ferguson stated once they put the temporary chicanes out for the specific purpose of slowing drivers down, they measured to see that had the desired effect; and Mr. Wursta agreed. Mr. Ferguson stated with the road further away from the tracks the chicanes are needed to be part of the project to slow the cars down because that is an important part of the project, and Mr. Wursta agreed.

Ms. Tyler asked if the line at the top of that slide after the SEPTA third rail is pre-chicane, and Mr. Jacobs agreed. Ms. Tyler asked if the sight distance of 255' with the speed of 35 miles per hour is within design standards, and Mr. Wursta agreed. Ms. Tyler asked if that is the case, why are they not just re-grading the road instead of moving the road. Mr. Wursta stated if they re-grade the road and put it back the way it was, they would be adding a sub-standard vertical curve. He stated you would be putting in something sub-standard, even if it is putting it back the way it was. Ms. Tyler asked if it was or was not within design standards. Mr. Wursta stated he thought that Ms. Tyler meant design standards with respect to sight distance and speed, and Ms. Tyler stated that is what she meant. Mr. Wursta stated the geometry of the roadway has standards as well with regard to the grade and the design of the vertical curve as you come over the Railroad tracks. He stated they cannot take out an existing curve that is appropriately designed for a geometric curve and put in a sub-standard curve.

Ms. Tyler stated her first question is after the SEPTA third rail was that an acceptable design standard as it existed at that time. Mr. Wursta stated it was at the time because the speeds associated with the existing sub-standard curve that was out there allowed plenty of sight distance in order to be able to see. Ms. Tyler asked why they cannot just put the chicanes in to get the speed lower than the 33 miles per hour and just change the grade. Mr. Wursta stated you had a curve, which is a hill, that was not a standard curve that was existing. He stated the contractor removed that curve and put in a nice, smooth, geometrically-sound curve so that you could drive over it nice and smooth and maintain a fast speed over it. Mr. Ferguson stated that was part of the first project, and Mr. Wursta stated that was part of the Quiet Zone project. Mr. Wursta stated to now take that out and put something back in that is sub-standard to any degree would be violating highway design principals. Ms. Tyler stated in essence the old design would have been grandfathered because it was existing; and Mr. Wursta agreed, and added they could have just put in chicanes from the beginning, but that was not done.

Chief Coluzzi stated they also have to take into consideration that the sub-standard roadway was the cause of quite a few complaints from motorists because of “bottoming out.” He stated it was a situation with a sub-standard road more so than sight distance and speed; and Mr. Wursta agreed, and he added he is not saying it was acceptable, but it did foster slower traffic. He noted they did have emergency vehicles that would bottom out going over the top of it. Chief Coluzzi stated at 255’ existing prior to any changes in the roadway they do not really know the speed that was being traveled, but they could assume it was between 32 and 39 miles per hour, and they cannot say for sure that was within the limits per PennDOT and AASHTO. Mr. Wursta stated his opinion has always been that without the Quiet Zone they had the “ski jump,” and people were slowing down, and they believe the speed was considerably less than 33 miles per hour. Chief Coluzzi stated that was never measured so they do not know that for sure, and Mr. Wursta agreed.

Dr. Weiss stated he likes the design and hopefully it will not impinge on the wetlands. He asked if the cost estimate is still consistent with the last meeting, and Mr. Wursta agreed. Ms. Tyler asked what is the cost estimate, and Mr. Wursta stated it is \$1.1 million.

Mr. Grenier stated with regard to the schedule, he feels it is a fairly aggressive schedule in terms of design and construction. He stated they do require right-of-way, and he asked if they feel it is a realistic schedule. Mr. Truelove stated it depends on how much the appraisal is and if the landowner agrees that they will sell it for that. Mr. Truelove stated the Township can always acquire it, and there would then be a separate action in Court to determine whether the number is correct; and they could then proceed although it could potentially increase the cost.

Mr. Truelove stated the property owner has been cooperative, and apparently was separately interested in selling the property at some point anyway so that has coincided in time which is helpful to everyone. Ms. Tyler asked how long could an Eminent Domain proceeding take, and Mr. Truelove stated it could take four to five months from start to finish. He stated it does not mean the Township cannot proceed with the actual work, and they can establish that this is for a public purpose. Mr. Grenier stated there is some risk of the schedule being drawn out a little based on that.

Mr. Grenier stated with regard to the wetlands, the floodplain, the stream, and the woodlands, there are buffer requirements in the SALDO of about 50', and they are within 5' on the Limit of Disturbance. He stated they are probably more than 50' from the top of the bank of the stream, but he asked that they double check that. Mr. Grenier stated most of the area is wooded, and they will have to clear out some trees, and he is wondering about the buffer there. He stated he asked if they have to go through any SALDO process which would also effect the schedule. Mr. Truelove stated without knowing the specifics, there could be SALDO implications which could require Variances and DEP might also be involved. Mr. Grenier stated if the wetlands do become an issue because we are fairly close, DEP would get involved.

Mr. Grenier stated they are removing old road and putting in new pavement which would be new impervious versus old impervious, and he asked if they will hit anything that would require new stormwater management for the road. Mr. Jacobs stated they currently estimated just over 1,100 square feet of new impervious paving, and it would be a net of the new construction minus the existing road that can be taken out. Mr. Jacobs stated there is an intent to provide stormwater mitigation which will improve the situation because they will have mitigation.

Mr. Grenier asked if they have looked at how many trees might have to be removed since that could effect our Tree Ordinance which has a cost associated with it, and they would want to see what that is as they move forward with the details of the design. Mr. Jacobs stated he does not have the number of trees tonight, but they will get that information to the Township.

Mr. Tim Collins, 479 Jenny Drive, noted the slide that shows sight distances. He asked why after the Quiet Zones, it adversely effected any of the sight distances. Mr. Jacobs stated the Quiet Zones regraded Edgewood Road from the Railroad tracks down into the intersection with Sandy Run Road. He stated if you are sitting at Sandy Run Road looking to the left toward the Railroad tracks, the road itself creates an impediment to seeing approaching vehicles on Edgewood Road and that is why the sight distance got reduced from 255' to 182'. Mr. Collins asked if that was not from the additional SEPTA rail that was added. Mr. Jacobs stated the 255'

was after the third rail was added. Mr. Collins stated a Quiet Zone is a technology based system – not a track-based “footage” system. He stated there are a lot of people in the Township who are still upset with what happened at Sandy Run Road, and they keep saying the term “Quiet Zone;” but the Quiet Zone did not do that, and it was the additional third rail that created the sight distance problem from Sandy Run Road. He stated because there is an issue with litigation, he does not feel they want to get into what was there prior and what was allowed.

Mr. Wursta stated they are not saying anything about the specifics of the Quiet Zone, but they are showing the conditions after the Quiet Zone. Ms. Tyler asked if they should not be including the correction of the “ski jump.” Mr. Wursta stated the first thing that happened was we had the “ski jump,” and then SEPTA put an extra track in which made the “ski jump” worse. Mr. Collins asked if the “ski jump” was there for years, and Mr. Wursta stated it has been there as long as the road was there. Mr. Wursta stated after the third rail went in, if you were on Sandy Run Road and you looked to the left over the “ski jump” you would be able to see 255’. He stated this was after the third rail, and that would have been an acceptable sight distance to be driving at 33 miles per hour.

Mr. Truelove stated some of this was part of the Kaminski report which has already been made public which describes some of these things. Mr. Truelove stated at this point they want to keep away from discussing anything that might be mimicking expert testimony at trial.

Mr. Mike Brody, 509 Brookbend Court, stated we have a unique opportunity with Sandy Run being closed and moving it to a new location that there is a potential bike path that would connect this entire side of Edgewood Road and the Yardley Hunt area and they could use a portion of the existing Sandy Run Road for a bike path that would take you toward Yardley Borough. He stated this would be better than going on Makefield Road or Oxford Valley Road under the bridge. He asked that they consider converting at least some portion of Sandy Run Road which is already paved and goes toward the Borough into a bike path.

Mr. Lee Polsky, 724 Salem Court, stated he lives the closest to where the relocation is going to occur. He stated he does not feel the Quiet Zone had anything to do with the “ski jump.” He stated when the third rail went in, that created a launch effect and that is why Sandy Run Road is closed since it brought down visibility for Sandy Run Road and people coming toward Sandy Run Road. Mr. Polsky stated the fact that they have the Quiet Zone on the Power Point slide being shown is just from a timing standpoint, and it has nothing to do with visibility in his opinion.

Mr. Polsky stated at the last meeting he was promised that his property would be taken into consideration with respect to the moving of Sandy Run Road west and that it would not create any additional disturbances to his property which is on the opposite side of Brock Creek. Mr. Polsky asked if that promise was kept. Mr. Truelove stated they are not at that point yet and that will be part of the next phase of review. Ms. Tyler stated they will be adding additional stormwater management safeguards. Mr. Lewis stated in a detailed memo, there is a discussion on impervious surface calculations as part of this.

Mr. Polsky asked if anyone has studied how much time is picked up with a driver driving at 32 miles an hour going westbound on Edgewood Road from the original spot of Sandy Run to the new spot of Sandy Run 92' to the west. Mr. Polsky stated he believes it is two and half seconds that they are picking up, and they are going to spend \$1million for two and a half seconds of additional visibility for a driver coming out of Sandy Run and a driver coming toward Sandy Run. He asked if that really helps the situation making it any safer. Mr. Wursta stated he believes it is a tremendous safety improvement that will likely save someone's life. Mr. Jacobs stated if they do not have that additional 92', they do not meet the minimum sight distance requirement, and they could not proceed with the project. Mr. Grenier stated two and a half seconds is a "big deal" at those speeds.

Mr. Polsky stated he feels there could be another way, and this is happening because of the re-grade of Edgewood Road as a result of the "launch" after the third track was put in. He stated he feels they could find another way without spending this kind of money and impacting residents including himself.

#### ENGINEER'S REPORT

##### Approval of Pay Application No. 1 of Contract 1 Road Program – Reconstruction of Oxford Valley Road

Mr. Pockl stated tonight he is recommending approval of Pay Application No. 1 for Contract No. 1 which is the reconstruction of Oxford Valley Road. He stated that payment would be in the amount of \$492,741.99. He stated after this payment there will be approximately \$84,683.01 left for Contract No. 1.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Pay Application No. 1 in the amount of \$492,741.99 as outlined by the Township engineer.

Approval of Pay Application No. 1 for Contract 2 Road Program – Mill and Overlay Township Roadways

Mr. Pockl stated he also recommends approval of Pay Application No. 1 for Contract No. 2 which is the mill and overlay of Township roadways. Mr. Pockl stated he recommends payment in the amount of \$385,755.52.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve Pay Application No. 1 for Contract No. 2 Road Program in the amount of \$385,755.52 as outlined by the Township engineer.

Mr. Pockl stated they will be recommending a final payment at the next Board of Supervisors meeting which would close out the project pending the contractor completing the work.

Approve Change Order 3 for Contract 2 Road Program – Township Credit for Elimination of Milling Bike Path at Covington Road

Mr. Pockl stated this Change Order is a credit to the Township for the elimination of milling the bike path along Covington Road. He stated the initial Contract had a mill and overlay of the bike path; and when they reviewed the path itself, they determined that the existing bike path provided a sufficient base for just laying down the wearing course on top of it; and therefore, in negotiating with the contractor and discussing it with the Director of Public Works, they are recommending a Change Order to be a credit in the amount of \$5,226.75.

Ms. Tyler moved and Mr. Grenier seconded to accept Change Order 3 for Contract 2 Road Program assuring a credit of \$5,226.75 to the Township.

Mr. Zachary Rubin suggested that the Board take the \$5,226.00 and apply it to the 2019 Paving Budget so that they can complete the loop of Covington Road on Heacock. Mr. Ferguson stated these items are mutually exclusive to the extent that even if there is a savings in the Liquid Fuels technically they would then open up an additional Fund Balance at the end of the year for an additional \$5,000 in Liquid Fuels that they could “beef up paving next year.” He stated they could not earmark it as noted by Mr. Rubin, but he understands his point; and if they come in under Liquid Fuels, there is the opportunity to budget more money for paving in Liquid Fuels next year.

Motion carried unanimously.

Approve Revised Landscape Plan for Brookshire Estates

Mr. Pockl stated he discussed this at the last Board of Supervisors meeting. He stated the Homeowners Association met with the Township and the developer and worked out an Agreement of \$80,000 from the developer to the Homeowners Association. He stated this would be used to install landscaping that would make up for the dead and damaged trees and trees that were never planted as part of the initial Landscape Plan. He stated the Homeowners Association has worked with a landscape company which provided a Revised Landscape Plan which he feels reflects a similar dollar value of the plantings that were required. Mr. Pockl stated there are actually more trees, and they have also substituted some smaller ornamental trees, shrubs, and perennials. He stated they have also changed the location of some of the trees to be more desirable to some of the homeowners. Ms. Tyler asked if the Homeowners Association has requested this, and Mr. Pockl agreed.

Mr. Lewis stated there was a revised Resolution provided by the Township solicitor that had the approval of the staff; and Mr. Truelove agreed and added that the Landscape Plan is an Exhibit to the Resolution which was worked on this afternoon. He stated they included Mr. Grenier in the process as there was a concern about whether native plants were going to be included so there is a provision in the proposed Resolution with respect to making sure that they comply with the native plant species. He stated the actual Landscape Plan talks about the outline and the spacing although it does reference specific trees. Mr. Truelove stated the Resolution will require compliance with native plants. Mr. Truelove stated there was also a question as to whether this had to go back to the Planning Commission and he was communicating with Mr. Majewski about that, and Mr. Majewski advised that the proposed change was requested by the HOA to change the allocation of the street trees, uniform, type, and spacing to a naturalized street tree planting and either arrangement is permitted under SALDO. If the Board approves the change, it also complies with another Section of the Township Code which states, "When changes from the accepted drawing and specification become necessary during construction, written acceptance by the Board of Supervisors with the advice of the engineer shall be secured before the execution of such changes and the approved Plan change will be documented and filed in the Township's records." The MPC does not mandate trees or landscaping as part of a Subdivision. Mr. Truelove stated this does comply with our SALDO, and the process that was used to achieve this was proper under SALDO; and because of the provision in the Dedication Resolution for native plants, it meets that requirement as well.

Mr. Ferguson stated the submission of the Plan showing the locations will provide for Township oversight and enforcement to make sure that the \$80,000 is in fact spent on landscaping if this is approved by the Board tonight.

Mr. Grenier stated they will comply with the Native Plant Ordinance, and Mr. Pockl agreed and stated there is language in both the Resolution and on the Landscape Plan. Mr. Grenier asked if they will comply with the other requirements in the SALDO in terms of size, type, and spacing; and Mr. Pockl stated the plantings will be smaller at 2 ½” as opposed to 3 ½”. Mr. Pockl stated it is the opinion of his office that it is more desirable to have smaller trees when they are being transplanted especially at this time of year because they are more likely to recover from shock. Mr. Grenier asked with respect to inspection and enforcement does the HOA have to put any money in Escrow; and Mr. Pockl stated as part of what the HOA is purchasing from the landscape company, it includes design services, installation, and a Maintenance Bond that is for eighteen months. Mr. Truelove stated that bond was supplied by the developer’s representative within the last few days.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Revised Landscape Plan for Brookshire Estates as described by Mr. Pockl and further described by the comments in the Record tonight.

#### Review and Motion on Woodside Road Bike Path Plan

Mr. Pockl showed an Exhibit Plan that they prepared to present to the DVRPC (Delaware Valley Regional Planning Commission) in support of an Application for a Grant to obtain funding for a bike path along Woodside Road. He stated this is at the very preliminary plan stages, and they have not completed a survey or done any real detailed design work; and this is merely a conceptual plan to demonstrate to DVRPC that a bike path on Woodside Road would connect the existing Township bike path to other points of interest including the newly-constructed path that is part of the Scudder Falls Bridge, the Delaware Canal towpath, and several points of interest within the Township. Mr. Pockl stated it is really to demonstrate to DVRPC that it is technically feasible in accordance with their requirements for a bike path.

Mr. Pockl stated the large yellow blocks on the Plan are Township open spaces including Memorial Park and the Golf Course. He stated the yellow lines are existing bike paths. He stated the blue line along Woodside Road is the proposed location of the bike path. Mr. Ferguson asked the approximate length of that bike path, and Mr. Pockl stated it is approximately 4,200’.

Mr. Grenier stated there is also a blue line where the Snipes Tract is and that is not included in this, and Mr. Pockl agreed. Mr. Pockl stated that was included to demonstrate to the DVRPC that an additional bike path would be needed to connect the Township system to any proposed open space at Snipes Tract.

Mr. Pockl stated there are several incidences on Woodside Road where what we think of as a standard bike path throughout the Township which would be off the side of the road, and an 8' to 10' wide asphalt path to be used by pedestrians and bicyclists, would not be feasible. He stated traditionally what we have in the Township is a shared use path which is usable for both bicycles and pedestrians and located 5' off of the roadway which is from the edge of the travel lane to the beginning of the path and would be 10' wide which are the AASHTO requirements. Mr. Pockl stated if they submit for a Grant it has to be in accordance with the AASHTO requirements so those are the design standards that they would be held to. Mr. Pockl stated it can be lowered to 8' wide if there are physical constraints. He stated the maximum slope along the length of the path would be 5%, and it can exceed 5% if the roadway grade next to it exceeds 5%; however you cannot exceed the grade of the roadway. He stated if the slope of the roadway was 8%, they could not go higher than 8%, but you could go up to the 8%. Mr. Pockl stated when the separation is not met, a physical barrier is required.

Mr. Pockl stated a bicycle path would be different from a shared use path, and it would be designed for bicycles only; and that can be located on the roadway. He stated the bike lane is typically 5' wide; however, it can go down to 4' wide. He stated they can be within the paved shoulder, and two way bike lanes are typically 7' wide, and no physical barrier is needed.

Mr. Pockl stated they had a conceptual design of what they believed a Woodside Road path would look like, and that is what they based their cost estimate off of. He stated beginning at where the existing bike path ends at Merrick Road, they would have a shared use asphalt path on the left which would be 10' wide and 5' from the travel way, and that would require a separation from the white line shown in the picture. He stated it would fit between the white line and the existing utility poles. He stated this would extend it approximately 2,700' down past Clearview Drive.

Mr. Pockl noted the photograph on the right which is an aerial photo of the Woodside Road improvements as part of the Scudder Falls Bridge project. He stated this is looking down Woodside Road, and the roadway seen at the top right corner of the photograph is the intersection with Taylorsville Road. He stated where the trees turn from yellow to green on the photo, there is a utility pole which is where the "choking point" occurs, and the right-of-way ends 6' off the back of the curb. He stated in this area it would be their intention to pave a 6' wide path at the top of the curb and that would act as the pedestrian way; and where there is an extra lane of traffic shown, the bicycle path would act as a shared lane with vehicles in that area.

Mr. Pockl showed a slide with two other pictures which are across Taylorsville Road looking back up Woodside Road toward Taylorsville. He stated the photo on the left is Woodside Road looking up the north side, and the path would be on the north side. He stated in that area they are considering a shared use asphalt path on the right side of the roadway to be 6' to 8' wide. He stated initially at Taylorsville Road it could be 8' wide, but because the road tapers, the roadway becomes closer to the right-of-way; and the width of that path would have to taper down from 8' to 6' to eventually 4'. He noted the photograph on the right which is taken from the Canal towpath across a bridge that crosses the Canal up toward Taylorsville Road. He stated at that point the roadway has 4' shoulders on either side, and they could put a bike path in there within the shoulder and it would just require a re-striping of the roadway. He stated you could re-stripe the road even further and move it closer to the edge of the bridge to the left and create a 2' shoulder on that side and have 6' on the other. He stated that would be a bike path only and would not allow pedestrians to cross at that area; and while a pedestrian bridge could be constructed that was not considered as part of their initial cost estimate.

Mr. Lewis stated everything south of Taylorsville Road is the responsibility of the Delaware River Joint Toll Bridge Commission so the restriping etc. would be up to them; and Mr. Pockl agreed.

Mr. Pockl stated the estimate they came up with is approximately \$600,000, but he added that is only a conceptual estimate based on what he has presented and as they get into the design details, that estimate will be fine tuned.

Mr. Ferguson stated it is not unusual that we would not have fully-engineered plans at this point. He stated those would be expensive, and this is the scope of what you need to make a Grant Application before you would incur the much larger costs of fully-engineered Plans. He stated you would not want to fully engineer something and then not get the Grant as you would then have a large bill and no project to build.

Mr. Grenier stated this is the first time they have seen this bike path, and previously with earlier concepts there was an understanding that it would be on the south side of Woodside, and at the last meeting it was mentioned that it would be on the north side. Mr. Grenier stated it was noted that it would be approximately 4,200 linear feet, and he asked how much of that would be considered a shared use path versus a bicycle path, and Mr. Pockl stated approximately 3,000 feet would be a shared use path. He added that even though it is not a shared use path, everything west of Taylorsville Road would accommodate pedestrians. He stated the area where it would not be a shared use path would be where the bike path would move out into the roadway, and pedestrians would be able to use an asphalt sidewalk in that area that would be 6' wide. Mr. Grenier asked if along any stretch would there

be physical barriers between pedestrians and cars, and Mr. Pockl stated that would be immediately east of Taylorsville Road approximately 650'. Mr. Grenier stated the shared use path would have a 5' buffer between the travel lane and the pedestrians; and then where there is not a shared use path to the west of Taylorsville there would be a curb. He stated you would essentially be building an asphalt sidewalk on top of the curb so the pedestrians would be using the sidewalk, but there would not be a barrier there. Mr. Grenier stated he is trying to learn where pedestrians would have sidewalk versus pedestrians walking on a wider shoulder. Mr. Grenier stated it would be immediately east of Taylorsville Road for 650' which is where it would be the wider shoulder and that is where you would require some kind of barrier.

Mr. Grenier stated at the section from Taylorsville to the towpath, it appears they are going down to about 4' and no pedestrians could use that at all; and Mr. Pockl agreed. Mr. Grenier asked what would it take to create something that pedestrians could use as he feels people are going to want to walk from the neighborhoods down the path onto the towpath. He stated the Bridge Commission is building a bridge that has stairs to cross the bridge to their side of the towpath. Mr. Pockl noted an area by the bridge to the east of the towpath, where there is a yellow line which is the revised path that the Bridge Commission will be constructing.

Mr. Lewis stated the Delaware Rive Joint Toll Bridge Commission is reconstructing the Park and Ride, and they have another building so there might be a walkway for that. Mr. Grenier asked if there is anything from the Bridge Commission that indicates they have moved from the south side to the north side where they might be building something separate from the Township to get people from the north side to the south side. Mr. Pockl stated in order to get pedestrians from Taylorsville Road to the Canal towpath, they would need to construct a pedestrian bridge across the Canal because currently the bridge that takes Woodside Road across the Canal he believes has 12' lanes and 4' shoulders, and it is possible they could reduce the width of the lane in each direction down to 10' by restriping, and you would then have one side that would have two 10' lanes, a 2' shoulder on one side, and you would then have 6'. Mr. Pockl stated even then, that is not enough for both a bicycle path and a pedestrian path. Mr. Grenier stated cars go very fast down Woodside to cross that section and there is a little bit of a crosswalk to go from one side of the towpath to the other, and that is dangerous when you try to cross the street there let alone walk along the shoulder.

Mr. Grenier stated he likes the idea of a path, but he would much prefer a path that connects the whole system that could be used by everybody and not just bicyclists; and he would be interested to see what they would have to do and the costs to make that whole stretch something that would be able to be used by everybody. Mr. Pockl stated he estimates that a pedestrian bridge would be \$60,000 to \$80,000.

Mr. Grenier stated he assumes that because Mr. Pockl had talked about re-striping versus widening, there would be some right-of-way acquisition issues in some locations to get the full width required, and Mr. Pockl stated there might be some right-of-way acquisition required. Mr. Grenier asked if the Bridge Commission owns it, we could talk to them about it; and he asked why we could not go forward with that type of design instead of just going with the 4' shoulder which he feels is dangerous. Mr. Pockl stated this Plan shows that we are able to meet the requirements for the Grant Application, and it would make our case stronger if we did not have to go through any kind of land acquisition in order to proceed. Mr. Pockl stated if they grant the Township the money and the Township takes it upon itself to use those funds to work with the Toll Bridge Commission to get that land, that would be the Township's choice, and they could work that out within the detailed design process. Mr. Grenier stated no boundary surveys have been done yet, and Mr. Pockl agreed they have not been done.

Mr. Grenier stated this seems such a preliminary concept, and he has concerns with this Plan and the costs that are laid out. He stated he believes it could be improved; however, relative to the Grant Application it must be in by December 14, and the Board has their Budget discussion on December 19. He stated the discussion previously had been about budgeting for the 20% match which was approximately \$120,000 based on the \$600,000 estimate. Mr. Grenier stated if they were to make some improvements to the Plan and make it more user friendly to multiple users, the price would obviously go up. Mr. Pockl stated in his estimate he included a 15% contingency which is approximately \$75,000.

Mr. Lewis noted the July 14, 2016 letter from the Delaware River Joint Toll Bridge Commission states that they commit to the following: "They will construct at Commission expense a bicycle/pedestrian path from the Park and Ride facility to the Delaware Canal towpath along the south side of Woodside Road." Mr. Lewis stated after that they changed the design of how they widened Woodside to make the north side more appealing. Mr. Grenier asked if they have committed to the north side, and it was noted they have not. Mr. Grenier stated they should get them to switch that. Mr. Pockl stated we could create a crossing across Woodside Road on the east side of Taylorsville Road. Mr. Lewis stated should we get the Grant, we need to coordinate the Final design with the Delaware River Joint Toll Bridge Commission.

Mr. Grenier asked if that would mean that the blue line from Taylorsville to the towpath is no longer part of the Grant because we would be depending on the fact that the Bridge Commission would be doing it. Mr. Pockl stated he would leave it in since he has not seen a design that shows what the Toll Bridge Commission is proposing in that area. Mr. Pockl stated he does not know whether or not that is a path that goes through the Park and Ride facility itself rather than along Woodside

Road. He stated he finds it hard to believe that it would be literally along Woodside Road because if you look at the photo he showed, there is a historic home which is approximately 8' to 9' off the edge of the road. Mr. Grenier stated he believes the Bridge Commission is turning that into bathroom facilities.

Dr. Weiss stated he feels that for the purposes of the Grant Application, this is probably a good Sketch. Mr. Pockl stated this is an Exhibit Plan for filing the Application. Dr. Weiss stated they will coordinate with the Bridge Commission, and the Final Plan will take all things into consideration. He asked if the Township gets the Grant and decides that they are not going to go east of Taylorsville Road because the Bridge Commission will do what they promised, what would happen because of the decreased costs; and Mr. Ferguson stated the Township would just get less money.

Mr. Ferguson asked what would happen if the Application was put in and granted for \$480,000, and during the design the Township decided that they wanted to do something broader than what was originally presented, even if it is not covered in the Grant as part of the match. He stated he does not feel the Bridge Commission would "punish" the Township if we found a safer way to do it, even if it cost more money provided it was consistent with the theme of the presentation. Mr. Ferguson stated his point was that we could advise the Bridge Commission that we decided to do something safer that was an additional expense, and he feels the Township would be able to do that. Mr. Ferguson stated they could put that out as a Bid Alternate recognizing that there is \$75,000 of contingency; and if the price came in for an expanded Grant which was still consistent, the Township could still use the money for that. Mr. Pockl agreed. Mr. Pockl added that if we get Bids that come in that exceed the \$600,000, we could structure the Bid so that the complete project was broken out into separate phases and fund a portion of it; and they would have a strong case to go back in recurring years to get additional Grant money. Mr. Ferguson stated they could bid this as two Alternates with the first one being as Mr. Pockl presented, and the second one being as Mr. Grenier presented. He stated if one came in at \$600,000, the Township could still get the match; and if it came in over \$600,000 the Township could make a decision if it wanted to continue with the original design or decide that the additional money was worth the Township investing in to do it the way Mr. Grenier described. Mr. Pockl agreed provided it meets the requirements. He stated throughout the process, we would be in communication with DVRPC and providing Plans to them.

Mr. Grenier asked with regard to the Grant Application requirements and costs, how much time do they have to complete the project. Mr. Pockl stated he believes that it needs to be constructed by the end of 2021. Mr. Grenier stated this would fall within the Park & Rec Fund, and Mr. Ferguson stated that is correct as we have it

now. Mr. Grenier stated for 2019 they have Memorial Park east at \$250,000 which is our portion of the matching Grant. He asked if they would then be freeing up \$250,000 per year for Park & Rec in 2020 and 2021. Mr. Ferguson stated in the 2019 Budget there is \$250,000 match for Memorial Park. He stated absent doing anything else in 2020, that \$250,000 Expense is removed since they would have done the Memorial Park project. He stated if there is a millage that they have discussed to help with Grant Applications to cover the match, and if they get the Grant they would go into 2020 and they would have the millage and there is an extra \$60,000 cost as well because they would make the trail more expansive than Mr. Pockl had originally presented.

Mr. Pockl read from part of the Grant Application as follows: "Failure to secure a match by December 31, 2019 may result in a forfeiture of the Grant."

Mr. Ferguson stated in answer to Mr. Grenier's question, there is the \$250,000 that would open up in concept, absent doing something else, additional monies. He stated with regard to this Grant Application that is being discussed, the millage that was in the Preliminary Budget allows us to have budgeted for the match by 2019; and as you move forward on the project, if the costs go beyond the \$120,000 match that we would have, the \$250,000 is available as well as the framework for the millage which would be continuing forward beyond 2019.

Mr. Ferguson stated the caveat is, in his experience, when they say what Mr. Pockl has read, he feels it means it is within the Budget year that is being evaluated. He stated he feels there should be a 2019 match Budget done in 2019.

Mr. Grenier stated he feels they should potentially reconsider the millage increase specific to this project and the additional Park & Rec millage to see if we could earmark the \$250,000 by December of next year to make sure that we have even more money toward this system to make some improvements and make it that much better of a project. Mr. Pockl stated the evaluation for the Grant will occur before that funding is secured, and the case for the Township to receive that Grant funding would be stronger if that money was already secured. Mr. Grenier stated if they were to improve the project by making it more of a multi-use trail, it would increase the cost a little bit, and the Grant Application would be for more money. He stated if they were to get Grant, the Township would have to pay a little more, but we would have more money to work with in 2020 because we have the \$250,000 and would not need the additional .24 millage increase.

Mr. Ferguson stated with regard to the timing the amount of money for these change as do the matches, and the positive part of this Application at this point is that the match is substantially less than that which is oftentimes seen which can be 50/50. He feels that there is a risk with waiting. Mr. Grenier stated he is not recommending

that they wait until next year to put in a Grant Application, and he would still do it this year. Mr. Ferguson stated he does not know that Mr. Pockl would have the opportunity to legitimately incorporate a broader project before the Grant is due. He added that depending on what the cost is, the millage as it stands at .24 could be enough; and if we had to come up with some additional money to budget, he feels we could reasonably do that. He stated the Application period is eight days away.

Mr. Lewis stated everything southeast of Taylorsville Road is on the Delaware River Joint Toll Bridge Commission, and what we are submitting is the full path area including that area so it is conceivable that there would be a total cost less than the initial estimate. He stated we would work with the Delaware River Joint Toll Bridge Commission to determine a way to enhance their section which is land they already own and have already committed to build a bike path on.

Ms. Blundi asked if it makes sense to start reaching out to them now regardless of this Grant. She stated photos suggest that maybe they are changing their Plans. She stated she is concerned that even though they are a separate entity, we should have interactions with them so that we could understand what is going on and be more effective.

Mr. Lewis stated part of the situation with Woodside Road is that there was an extended period of time to do the widening, and they are still doing road work on Woodside Road. He stated the Township did receive the Revised Plans, and as part of the Agreement with the Delaware River Joint Toll Bridge Commission, we were not allowed to start until they finished Woodside Road. He stated the Bridge Commission changed the design a little, and we could go back to them and begin the process.

Mr. Grenier stated he is concerned that they are rushing to make this Grant deadline and they just got the Concept Plan to look at now. He stated the reason he changed his vote the last time was to give time so they could see something. He stated as he understands the Budget rules, they could not have added the .24 later. Mr. Lewis stated this all presupposes that we will get the Grant, and that is not a certainty. He stated he does not feel they should over-engineer before they know if they are getting the Grant, and Mr. Grenier stated he agrees. Mr. Grenier stated his concern is that no matter what, they are going to have a tax increase which is a concern because that continues as a burden on people. Mr. Lewis stated that could easily be reversed. Ms. Tyler stated she does not feel a tax decrease would happen.

Ms. Tyler stated the Bridge Commission has their path running adjacent to the Park and Ride property so that people parking there have access, and she does not feel that they will put it on the other side to accommodate the Township's Plan. Ms. Tyler stated she also has concerns with placing bicycle riders on one of the

busiest roads in the Township at the busiest intersection in our Township on the downhill path toward the towpath. She stated that is the intersection of I-95, a large Interstate, and to be “pushing” bicyclists down there to make a difficult street crossing, she would want Chief Coluzzi to weigh in on that. She stated she does not feel they should exclude pedestrians access to the bicycle/pedestrian lane that the Bridge Commission is building. Ms. Tyler stated we are reserving part of our Budget for next year for a project that, while is good in concept, would be to the detriment of our own Road Program. She stated we are decreasing funding for paving our roads for a bicycle path, and while it is a good idea to try to connect our bike path system, the reason it has not been done is because it is not the priority. She stated if there was limitless money, they could engineer it; however, she feels it is improper to prioritize this project and earmark money for it from our Budget for next year for a “want” and pull away services from our residents and decrease our Road Budget.

Mr. Robert Zuczek, 65 Upper Hilltop Road, stated he also owns a six acre property across from Lower Makefield Highlands Golf Course. He stated he has been dealing with this issue of the bike path since 2007 when the Clearview Development was established and money was set aside to do a bike path. He stated originally it was supposed to go all on the south side which would have impacted his property tremendously with taking right-of-way. Mr. Zuczek stated Mr. Grenier provided him with the updated Plan over the weekend, and he was pleased to see everything moved to Township-owned property to the north which will not effect any residents other than the most-recent conceptual Plan presented tonight where the bike path is being extended to the Golf Course entrance driveway which would now impact a portion of the six acres that he owns. Mr. Zuczek showed the location of his property on the Plan. He showed the location of the end of the existing bike path which is where his property starts. He stated now it is proposed to be extended further which would entail having to acquire right-of-way in order to do that, and he asked the reason for that extension.

Mr. Pockl stated it is approximately a 50’ extension. He stated a crossing at an intersection is safer than crossing at mid block. Mr. Zuczek stated it is not an intersection – it is a driveway. Mr. Zuczek stated he understands that this is a Conceptual Plan which may be changed, and he asked that the Board consider his concerns. He stated he feels it would make sense to cross at Merrick which was the original plan.

Mr. Mike Brody stated since this Board was brought on there was a new review process for Snipes, Sandy Run, and Patterson Farm which was to review the previous Plans of previous Boards, assess both the needs and alternatives, and then bring it back to the public; and this project seems to have by-passed that new process. Mr. Lewis stated he would disagree as there was never a project put forward previously, and they were not allowed to do anything on Woodside

Road because the Delaware River Joint Toll Bridge Commission was working on it and so they could not develop a Plan; and the prior engineer did not develop a complete Sketch so there was not one previously.

Mr. Brody stated with regard to Makefield Road, he does not understand why they spent forty-nine minutes on April 18, 2018 discussing how they were going to have a raised, 4" to 6" crosswalk going across Makefield Road. He stated Mr. Wursta described how that was going to work, and Ms. Tyler raised many concerns how anyone could go 35 miles an hour safely over that road; and they were told it would be totally safe. Mr. Brody stated he feels it is a "joke" that they spent any time tonight talking about Sandy Run Road with "that engineer here if they do not understand that you cannot drive 35 miles an hour over a 4" to 6" road." Mr. Brody stated it is also a "joke" that we adjusted the Makefield Road Plan to at least 88% less than what it was supposed to be by going to a half inch. He stated that is a waste of money, and he guarantees that the residents who were here fighting for that crosswalk are "beyond themselves" that this is what we are getting. Mr. Brody stated he does not know how that was put into the ground without it coming back to the Board of Supervisors. Mr. Brody stated he does not understand why no one was "outraged" when we got an update on the project at the last meeting. He stated he does not understand how we went through everything we did with the last Board and Makefield Road was just completed the way it was completed. Mr. Brody asked when Makefield Road will be completed, what will the final project look like, and how was it acceptable to this Board.

Mr. Pockl stated the contractor installed the crosswalk incorrectly, and they fixed that and put down asphalt last week which included the half inch raised crosswalk and improvements to the gutter line on the School side to take the ponding away from the crosswalk and into the grass area in front of the School. Mr. Pockl stated the crosswalk stamping and coloring is required to wait three days after the asphalt work is completed as per the manufacturer's recommendations. He stated it is also per manufacturer's recommendations that the stamp and coloring be installed on a day that is 45 degrees and rising; and to this point they have not had those conditions. Mr. Pockl stated he sent an e-mail to the contractor last week and today stating that the next weather appropriate day is when the stamping and coloring is expected.

Chief Coluzzi asked what will the pavers do as to the finished height of the crosswalk, and Mr. Pockl stated the finished height will be a half inch above the adjacent paving. Chief Coluzzi asked what will be the total and asked what is the height existing now without the pavers, and Mr. Pockl stated currently it is a half inch above, and the surface that they put down on top of that might be another eighth of an inch so the total will be the half inch and the eighth inch.

Chief Coluzzi asked Mr. Brody what other improvements on Makefield Road he feels need to be adjusted or are not correct. Mr. Pockl stated before Mr. Brody answers, he wanted to let them know that they have not yet completed the line striping that includes the yield markers, and they have not completed line striping up to the crosswalk. Chief Coluzzi asked about the lane narrowing, and Mr. Pockl stated that has been completed.

Mr. Brody stated there is no new sign for the crosswalk highlighting how important that crosswalk is, and there is just a picture of people crossing. He stated there is not a sign that says “raised crosswalk.” He stated the raised surface serves “zero purpose;” and while he knows that it was not intended to be a traffic-calming device, they were told quite clearly many times at the meeting that it would calm traffic, and there is no way that half inch will calm traffic. Mr. Brody asked why was it dropped from 4” to 6” to half an inch and not brought before the Board of Supervisors. Ms. Tyler stated when they were talking to Mr. Wursta they were asking how high it was going to be so it would not be a speed bump and it was noted that the traffic calming would be achieved with the paving and the striping on the side. Mr. Brody stated he agrees that the speed table was not intended to be a traffic calming device, but it was also clearly stated that although it would be 4” to 6” it was a speed table so it does not work like a speed bump. He stated he has reviewed the Minutes multiple times, and he has no doubt “that something is not right.” He stated when they graded the road and did not order the “piece” that they needed to make it 4” to 6” even that 1” would have slowed that traffic down, but going from 4” to 6” down to a half inch is a “joke.”

Mr. Grenier asked when the design was completed, what elevation was the crosswalk at, and Mr. Pockl stated he believes it was a half inch. Mr. Brody stated it was never mentioned that it would be taken down to a half inch from 4” to 6”. He stated Chief Coluzzi was very clear that he was not going to put in an unsafe obstruction on a 35 mile an hour road. He stated if the engineer who was talking about Sandy Run where they will spend over \$1 million cannot conceptualize the difference between 4” to 6” and a half inch, “something is wrong.” Mr. Brody stated anyone who drove over Makefield Road when it was graded and not finished knows how severe the 1” was, and that would have worked as it slowed the road down. Mr. Brody stated he feels everyone should be frustrated at the process, by the final result, and that any money was spent on the half inch raise as it is not going to accomplish what was hoped to be accomplished.

Mr. Grenier stated the stamp will be a herringbone pattern to mimic bricks, and he asked what the grooving will be in the stamping process between the bricks, and will you be able to feel that when you are driving over it. Mr. Brody stated if it is the same stamp when they “did it wrong the first time,” you will not feel it. Mr. Pockl stated it is the same stamp. He stated because it is raised a half an inch

it is his expectation and the traffic engineer's expectation that it will be felt when you drive over it. Mr. Pockl stated it is not just going from a level asphalt surface and jumping up to half an inch above, and it will have a tapered edge and it steps up from zero to half an inch over the course of the 6" long white stripe. He stated it was his interpretation from the April meeting that the intention of the crosswalk was not to slow traffic down but to have a crosswalk that was more visual so that you could see it from a further distance away, and it was one that you knew you were driving over when you drove over it.

Mr. Grenier stated he understood from the prior meeting that it was going to be more elevated than a half an inch. He stated they had discussed how they could accomplish that without making it a speed hump. Mr. Grenier stated he believes that most of the Board seemed to have an understanding that it was going to be significantly greater than a half inch and it came down to something significantly less; and he asked that for future projects there be an updated presentation to the Board so that the Board can understand why something would change relatively significantly. Mr. Grenier stated there may have been good reasons why this was done such as drainage issues or connecting to the sidewalk, but they would like explanations made to the Board and the public so that this does not happen again.

Mr. Brody stated he would like to see an examination of raising it an inch, widening the crosswalk so that it does not have too much of an impact on a car, but be more than an inch so that the pedestrians who are crossing the street are at a higher level; and try to meet in the middle before the project is completed. He stated at this point he feels realistically we have until spring, and it should be done right.

Ms. Blundi stated it is not obvious that there is a speed table. She stated after considering everything, this was what was felt was the safest step to meet all of the different needs, but she agreed the Township needs to do a better job of explaining when changes happen.

Mr. Brody stated he appreciates that one of the Supervisors asked that all the professionals be evaluated, and he asked that they evaluate TPD before they continue paying them any more money.

Ms. Chrystal Molnar, 38 Delaware Rim Drive, stated the Woodside Road bike path has been planned for some time; and she believes that it has been deferred twice, and the money that was planned for the bike path was spent on other things. Ms. Molnar stated she understands the concerns with the Budget and with spending money on things that are needed versus things that are wanted; but if they are considering an increase to the Budget, it is going to support the entire Budget and not just one line item. Ms. Molnar asked that they consider approving the Grant submission because the bike path on Woodside would connect the northern part of

the Township bike path system to the Canal. She stated when the remaining portion that is shown near the Snipes section is completed, it will also connect many neighborhoods that are off of Dolington, Creamery, and Quarry Hill who will then also be able to connect to the Canal on that system. She stated it would be a real benefit to the Township as opposed to the bike path now which is piecemeal so that it is not as much of an asset. Ms. Molnar stated with regard to the concerns of the safety of the proposal, with regard to the short section down by the Canal that is designated as bicycles only, and the reality is that it will not be used just by bicycles and it would be safer than it is today. She stated she would also suggest following up with the Toll Bridge Commission because if that is their property, the Plans they have on their Website show a path planned from the Park and Ride Lot going to the Canal; and the house that they are turning into a restroom facility for those using the Canal is on the other side of the Canal bridge, and she would like to know how they are planning to get people across the bridge to the Canal since she does not believe they are going to build a separate pedestrian bridge across the Canal. Ms. Molnar stated there are many people who use the bike path system in the northern part of the Township, and this would connect this to the Canal which would have a lot of benefits to this area.

Mr. Grenier stated he is in favor of the connections, and he is just looking for the safest most usable stretch and optimizing whatever we can get. Ms. Molnar stated she understands, but she did not want those concerns to prohibit us from moving forward to attempt to gain some of that funding for which there is a deadline.

Dr. Weiss stated the Toll Bridge Commission will not only agree to pay for a path from Taylorsville Road to the Canal, but they also have planned in their design of the new bridge a path from the Canal to New Jersey; and he feels it will all interconnect when it is all done.

Mr. Truelove stated the Board needs to decide whether they will move to approve the Grant Application which is due December 14. Mr. Truelove stated Mr. Ferguson can provide the Board with the different options that would be available pursuant to that process. Mr. Ferguson stated Mr. Pockl has presented his option. Mr. Ferguson stated he has given his opinion as to what would put that in the best light. Mr. Ferguson stated the Board could approve the Grant Application but not designate the match for it now, but he feels that would lessen their opportunity to get the Grant or they could make the Grant Application with the match assigned to it which puts the Grant Application in a stronger position.

Dr. Weiss moved and Mr. Lewis seconded to empower the Township engineer to go forward with the Application process as originally planned with the match in the Budget.

Mr. Grenier stated as it is currently designed in the Concept Plan, he is not in favor of that. He stated he would be in favor of a Revised Plan for a shared use path for the entirety of the design. Mr. Ferguson asked if that would be with the match in it or without the match in it. Mr. Grenier stated he would like to see the Plans be revised so that the entirety of the Plan reflects a shared use path, “whatever that may be,” with a revised Budget to match; and then base the Grant Application off of that Revised Plan and Budget.

Mr. Ferguson asked Mr. Pockl if he feels that is something he could piece together with a cost estimate in a week. Mr. Ferguson noted he had estimated the number of \$50,000 to \$80,000, and Mr. Pockl stated that would be for the pedestrian bridge only. He asked if Mr. Grenier was talking about a shared use path all the way from Merrick Road to Taylorsville or to the Canal path. Mr. Grenier stated he feels they would have to contemplate it all the way down to the Canal path because it is more than likely that the Bridge Commission will construct the path that connects to their parking lot so that their employees can have access. Mr. Grenier stated they would then have to consider right-of-way acquisition in order to accommodate a shared path.

Mr. Lewis stated he feels it is premature to determine what the final designs from the Delaware River Joint Toll Bridge Commission will be; and if it ends up that they keep it on the south side of the road, there would be crosswalks.

Mr. Grenier stated the \$600,000 was discussed prior to the meeting when they opted to move ahead with the .24 millage; and that .24 millage was entirely based on a 20% match of the \$600,000 total. Mr. Grenier stated the Board received the Plan after that meeting so he does not have a lot of confidence in a \$600,000 estimate that was completed before we had the Plan. He stated what he would like to see is a Revised Plan with a better estimate that incorporates our concerns, and they move forward with a better project. He stated if we get the Grant, we will have more money in 2020 when we actually build this once Memorial Park is done.

Mr. Ferguson asked if that would change the timeframe of when we would apply for the Grant. He stated they have to consider what they can reasonably expect from Mr. Pockl to be able to submit in seven days under that timeframe. Mr. Pockl stated a Grant Application that includes right-of-way acquisition that has not entered into any kind of discussion or agreement with the property owner is a much weaker Grant Application than one that requires no right-of-way acquisition. Ms. Tyler asked if it would not reflect reality. Mr. Ferguson stated there is a certain amount of money; and they would not want to tell someone they will get the Grant if they are not in a position to proceed with it, and Mr. Pockl agreed.

Mr. Grenier stated the next time there is something like this which requires funds and tax increases, we should have the Plan for review and discussion well ahead of any funding discussion for tax increases so that they can determine how to prioritize it against other projects. He stated if they knew that it had to be moved to the north side from the south side some time ago and contemplated this Grant Application, we should have had it a long time ago. Mr. Pockl stated the announcement for the Grant Application came out in November. Mr. Pockl stated with that Grant Application came certain requirements so that the Conceptual Design had to be adjusted.

Dr. Weiss stated the possibility of the Township having to worry about constructing a bike path east of Taylorsville Road is minimal. Mr. Grenier stated he disagrees based on his experiencing working with the Joint Toll Bridge Commission. Dr. Weiss stated if this turns out to be a phased process, we could apply for extra Grants and will have a source of extra funding if needed. Dr. Weiss stated if we get the Grant, we could build a significant part of the path stopping at Taylorsville Road until we know what is going to happen east of Taylorsville Road.

Mr. Grenier stated we have a Plan with “a couple blue lines on it,” that would not change a lot if they changed it to a shared use path the whole way. He stated the most work that would have to be done would be in the cost estimating to have a Concept Plan for the Grant Application. Mr. Pockl agreed; however, he would be misrepresenting to the DVRPC what could conceivably be constructed if he indicated to them that a shared use path from Clearview Road down to Taylorsville Road could be constructed without right-of-way acquisition. Mr. Pockl noted two houses on the Plan where the closest point is 6’ from the back of the curb, and he could not say we could have a shared use path unless we acquired property from those two property owners. Mr. Grenier stated they could not have a shared use path for the stretch between those two homes heading east down to Taylorsville, and Mr. Pockl agreed. Mr. Pockl noted on the Plan where they would have the shared used path.

Mr. Grenier moved to amend the Motion to revise the Conceptual Plan being considered for the Grant Application to include a design that reflects a shared use path for the entire length of the proposed path.

Mr. Ferguson stated there is a December 14 deadline, and he asked Mr. Pockl if that Motion could reasonably be accomplished in advance of the Application that is a week away. Mr. Pockl stated he could make the adjustments to the Plan within the week and adjust the language for the Grant Application to indicate a shared use path. Mr. Ferguson asked Mr. Pockl if the way the Motion was framed by Mr. Grenier addresses the concern he had with regard to those two homes.

Mr. Pockl stated from what he understands Mr. Grenier would like him to adjust the Plan and the Application to indicate that we will construct a shared use path from the existing path adjacent to Merrick Road down to the Canal tow path. Mr. Pockl stated in his opinion that will need to include right-of-way acquisition, and we would have to adjust the cost associated with that and include right-of-way acquisition in the cost; and this would be a conceptual cost estimate that will require research. Mr. Ferguson asked Mr. Pockl if he has a way to estimate what it would do to the overall cost of making it all a shared use trail not including the right-of-way; and Mr. Pockl stated while he could not provide an estimate at this time, it would increase the project by more than \$100,000.

Mr. Truelove stated there may be some reference points for the right-of-way acquisition because for the Joint Toll Bridge Commission project, they had to acquire pieces of land along the roadway from Farmland Preservation so there may be some reference points Mr. Pockl could look at.

Mr. Lewis stated the proposed Amendment suggests that they revise the entire path all the way down to the Canal, even though we are not responsible for the portion that is east of Taylorsville Road. Mr. Grenier stated if they want to make it a shared use path and connect the north side of Woodside that is to the west of Taylorsville between Merrick and Taylorsville, in order to get to the Canal, we need to do something on the north side of Woodside because the Bridge Commission thus far has only been contemplating connecting to their driveway off on the south side of Woodside. Mr. Lewis asked if a crosswalk would solve the problem for Mr. Grenier and the fact that the Delaware River Joint Toll Bridge Commission is responsible for the portion east of Taylorsville Road. Mr. Grenier stated that would only be on their property. Mr. Lewis stated they have already taken the property, and they are also widening the road. Mr. Grenier asked where they would put the crosswalk, and Mr. Lewis stated they already have the crosswalk planned and it can be seen in the Scudder Falls Bridge Plans.

Mr. Grenier stated it is a wide, busy intersection; and our residents would have to get to the east of Taylorsville and on the south side of Woodside. Mr. Grenier stated there would be two crossings that need to occur, but if we do not do anything between Taylorsville and the tow path, there is nothing to cross to; and there is no safe way to do it. Mr. Grenier stated when we met with the Bridge Commission in December and asked what they would do on the south side, they stated you could walk across their parking lot. Mr. Grenier stated he does not feel that is a path, and it would be walking across an active parking lot which is not safe.

Ms. Tyler stated she feels this discussion is demonstrating that this project is not ready. She stated we do not know the scope, the placement, or the cost; and they are attaching a tax increase millage to a project that is in its "infancy." She stated

she does not feel there is any justification to move forward with this project at this time. She stated they do not even know where it is going to go. She stated she feels it is a worthy project, but she does not know how the Grant paperwork could be filled in based on the discussion taking place.

Mr. Truelove stated the first issue before the Board is whether or not to accept Mr. Grenier's Amendment and then move forward on that Motion as Amended or on the original Motion.

Dr. Weiss asked Mr. Pockl if they decide to change the scope of the Sketch Plan, could he fill out the Application by December 14, and Mr. Pockl stated he could.

Dr. Weiss agreed to accept the Amendment. Mr. Lewis agreed to accept as well. Mr. Lewis asked for a vote on the Motion to submit the Grant Application to the Delaware Valley Regional Planning Commission as Amended to insure that it is multi use from Merrick Road to the towpath. Motion carried with Mr. Grenier, Mr. Lewis, and Dr. Weiss in favor, Ms. Tyler opposed, and Ms. Blundi abstained.

Mr. Ferguson stated he will work with the engineer to come up with a reasonable change in cost that will need to be reflected in the 2019 Budget different from what we currently have. Mr. Grenier asked if they could use the \$250,000 in 2020 in lieu of the .24. Mr. Ferguson stated he does not believe they can reflect that in the Grant because you cannot say you are going to make a commitment on the Budget that is not before them to vote on. He stated the only thing they have to vote on is the 2019 Budget. Mr. Grenier stated they are submitting this Grant Application on December 14, and something could get changed on December 19 in the 2019 Budget. Mr. Truelove stated that would make the Grant less likely to be approved. Mr. Ferguson stated if they are factoring the Application based on the match that you then do not have, he feels they should so advise the DVRPC as he has dealt with the DVRPC and the DCNR where they will ask for a verification that in fact you Budgeted for that, and he would not want to advise them that it was taken out but they did not notify them since they may want to go to them in the future for money as well. Mr. Ferguson stated he will work with Mr. Pockl to see if they can come up with a reasonable conservative number that will cover the change in the cost.

#### APPROVE CHANGING COMMUNITY POOL INDIVIDUAL MEMBERSHIP AGE FROM 11 TO 14 YEARS OLD

Ms. Monica Tierney was present. She stated that it has come to her attention that our age policy is insufficient according to our insurer, and we should change our policy for solo entry into the Pool from eleven years old to fourteen years old.

She stated that she is recommending to the Board of Supervisors, with the support of the Park & Rec Board, that they change the policy for the upcoming season.

Mr. Ferguson stated they meet with their insurer regularly and they often advise the Township about litigation, policies, and procedures, etc. He stated one of this year's reports was that for Townships with pools, they are seeing increased activity of lawsuits having to do with the age of children who are unattended. Mr. Ferguson stated when there are unattended children, they are the Pool's responsibility. He stated when there are lifeguards trying to watch eleven year olds that are unattended, it can turn into a problem when the lifeguards turn into babysitters and cannot direct their full attention to the pool. He stated our insurer is making this recommendation. Ms. Tyler stated in order to be in compliance with our insurance policy, it does not seem that we have a choice. Mr. Ferguson stated while they do have a choice, we would be risking that we had been advised by our insurer that this is an issue; and if we do not act, if something happens potentially we could be faced with the ramifications of that.

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve changing the Individual Membership age of the Lower Makefield Township Pool from eleven to fourteen years old as recommended by the Township Manager, the Park & Rec Director, and the Park & Recreation Board.

Ms. Tyler asked that Ms. Tierney make sure that the residents get this information about the change. Ms. Tierney stated she plans to e-mail everyone effected and Facebook message them as well.

## MANAGER'S REPORT

### Golf Course Benchmark Study

Mr. Ferguson stated recognizing what was on the Agenda, he distributed to the Board the Benchmark Study for Golf that they have talked about briefly. He stated it shows that we are extremely competitive with neighboring public courses, and in fact are doing better than many of them.

### Authorization to Prepare Bid Documents for Community Pool Repair

Mr. Ferguson stated they have in the Preliminary Budget an expenditure item for the Capital improvement that has been needed at the Pool for the wall improvement, and time is of the essence. He stated he is asking for authorization to allow Remington Vernick to begin the design, and the cost encompasses the design and

inspection. He stated there will be a request for a Motion early in the year to authorize the Bid so that the work can get underway and be done by May 1 so that they can then paint the pool and have it ready to be opened by Memorial Day weekend.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to authorize the Township Manager to prepare Bid documents for the Community Pool repair at a total cost of \$51,712.

#### Update on Comprehensive Master Plan

Mr. Ferguson stated the updates of the Comprehensive Plan as finished by the Planning Director are in the hands of the County for review. Mr. Ferguson stated he will be getting back to the Board with a timeline of the process as it reworks its way through the Planning Commission, etc. to get this done as soon as possible.

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m. and items involving litigation and informational items were discussed.

#### DISCUSSION REGARDING SALE OF PROPERTY AT 879 SANDY RUN ROAD

Mr. Truelove stated his partner, Ms. Kirk, is present since they wanted to discuss an item during Executive Session but they ran out of time. Ms. Kirk stated there is a piece of property at 879 Sandy Run Road prior to Afton Avenue which is now a vacant lot. She stated in 2004/2005 the Township had problems with that property owner in maintaining the house on the property. She stated the Township Supervisors authorized the Township Department of Building and Planning to proceed to have the structure demolished which was done in 2006. Ms. Kirk stated as a result of that demolition, the Township filed a Municipal lien of between \$15,000 to \$18,000 against the property to recoup the cost for doing the demolition.

Ms. Kirk stated the property was subsequently sold to another entity she presumes at tax sale. She stated she became involved in this last December because the Tax Claim Bureau has not been receiving Real Estate Taxes from the current property owner, and it went through all the regular channels and was being listed in front of the Court for permission to go a Judicial Sale. Ms. Kirk stated not knowing the full history of what happened, she was able to get it off the list for the Judicial Sale, but the property owner is still not paying Real Estate Taxes and it has come back up to go for Judicial Sale. She stated the Petition is to be heard by the Court on Monday. She stated if the Court gives permission for the property to be sold at Judicial Sale, it goes to sale the next day. She stated if someone from the public bids on that property and gets it, the Township loses its lien.

Ms. Kirk stated they just learned late this afternoon about this and she did not have time to provide a summary for the Board or draft a Resolution to authorize someone from the Township to attend the Judicial Sale to make a Bid on the property if the Township still wished to try to collect its costs. She stated if it is permitted to go to Judicial Sale, the bidding can start at \$1. She stated she has done some quick research and Real Estate taxes have not been paid for the last seven years, and the reason it is going to tax sale is that there is at least \$10,000 owed in past due Real Estate Taxes. She stated if the Township were successful it then, under its Corporate powers, could sell the property at fair market value, recoup its costs for what it put out for the demolition, and be made whole. She stated if someone else purchases the property, the Township does not get any funds as Judicial Tax Sales sell property free and clear of any and all liens. Ms. Kirk stated if there is no Court permission to sell it or if it does not get sold at Judicial Sale it will then go into a repository account. She stated if that occurs the Township still has an opportunity to acquire the property by submitting a sealed bid to the repository account through the Tax Claim Bureau which she has done in the past for other Townships, but that is just if the property is not sold next Tuesday.

Ms. Kirk stated she would like direction from the Township as to whether they want to pursue making a Bid to try to purchase the property if it goes to the Judicial Sale or do they want to see if it goes into the Repository Account.

Mr. Lewis asked what type of auction is involved with this type of sale. Ms. Kirk stated she believes it is akin to a Sheriff's Sale where people show up and start submitting bids. Mr. Lewis asked if it is an open call sealed Bid, and Ms. Kirk stated it is not sealed. Mr. Lewis asked how much is at risk to the Township, and Ms. Kirk stated it may be as much as \$18,000 which was liened against the property in 2006 plus whatever the costs were to file the lien. Mr. Lewis asked the acreage of the land, and Ms. Kirk stated it is slightly more than a half acre. Mr. Lewis stated it is then worth approximately \$38,000; and Ms. Kirk stated it could be adding they have it assessed at \$6,700, but she does not know if that assessment was changed after the building was removed. Mr. Lewis stated if the Township does not participate, we have value at risk. Ms. Kirk stated the Township would have zero chance of collecting what has been liened against it.

Mr. Ferguson stated that is versus \$18,000 from ten to eleven years ago and also incurring additional costs to go through the process of acquiring the property and attempting to sell it to recoup money. He stated they would hope that if they incur these costs, they will be able to sell the property.

Mr. Lewis asked if the Board should consider providing authorization to attend the auction and provide a not-to-exceed amount that would protect the Township since if someone else buys the property the lien is expunged, and the Township would get nothing. Mr. Ferguson again noted that if the Township buys the property and then tries to sell it there would be expenses incurred for paperwork, advertising, Bidding, time, etc. and they may get less than they paid.

Ms. Tyler stated if there is value to the property, she feels someone will come in and Bid on it; and if someone does not buy it, the Township could be buying something that no one wants.

Ms. Blundi stated it is possible someone could have been dumping things there since it is an abandoned piece of property that the Township has not looked at it. She stated they need to consider if they want to purchase the land and then try to sell it to get back our \$18,000; and how much more will be spent to try to get back that \$18,000.

Mr. Lewis stated he appreciates Ms. Kirk for her and the Township office going after unpaid tax liens, and it has been a significant driver of additional revenue to the Township; and he appreciates her bringing this matter to the Board. Mr. Lewis stated the Board needs to decide if they should send Ms. Kirk to participate at the Hearing, authorize her to participate in an auction; and if we do is there a maximum threshold amount that we would allow her to Bid on our behalf. It was noted that amount would not be announced at this time, and the Board would have to go into Executive Session just to consider that amount. Mr. Lewis stated he believes that they would want Ms. Kirk to attend the Hearing as an observer.

Ms. Kirk stated there is no defense that she could offer to stop it from going to sale. She stated in 2017, she was able to stop it for another year; and the Tax Claim Bureau is trying to collect these unpaid Real Estate Taxes, and this is a mechanism available to it under the Law. She stated her participating in a Hearing would probably be a “waste of time and money.” She stated her Assistant is available to contact the Solicitor for the Tax Claim Bureau or her contact she spoke with today to confirm by Monday if the property was approved by the Court to go to sale.

Mr. Truelove stated the Board needs to decide whether or not the Township is willing to participate in the sale which would occur on Tuesday with a not-to-exceed amount that would be determined by the Board in Executive Session. Ms. Kirk stated alternatively if the property is listed for sale but does not get sold, it will be put into a Repository Account, and the Board could then reconsider if they want to make a Bid to purchase it.

Ms. Tyler asked about the amount of the outstanding taxes. Ms. Kirk it is at least \$10,000; and while she could not find out from the Website how much is totally owed, she has learned that they have not paid taxes from 2011 to 2017; and it indicated that the total taxes are \$1,418 a year so a rough calculation would indicate it is slightly less than \$10,000, but that does not include any interest and penalties that have been added. Ms. Tyler asked assuming people bid on the property with the final bid being in excess of the \$10,000, would the Township recoup any of the lien they have against the property; and Ms. Kirk stated if the property is purchased by anyone other than the Township that money is gone. She stated for a Judicial Tax sale under the Statute says that when a property goes to a Judicial Tax sale, it is sold free and clear of any other liens and obligations. Ms. Tyler asked if the Bid price is more than what is owed for the Taxes does the County have to give Lower Makefield those funds because we had a lien. Ms. Kirk stated whatever money is bid on the property will probably not be sufficient to cover the entire tax amount that is owed, and she assumes the Tax Claim Bureau retains any overage because there is no legal obligation to forward any surplus of funds to the Township for the Municipal lien.

Ms. Tyler stated she feels they should have Ms. Kirk there the day of the sale; and if it is sold to a developer, Ms. Kirk could make an argument that the Township should recoup their money. Ms. Kirk stated she could try that although she does not know how successful that would be. Ms. Tyler stated before they authorize this, she feels they would want Mr. Majewski to look at the property to see if it is a developable property, and if there is value to the property although she does not know that decision could be made between now and early next week. Ms. Kirk stated she suspects that since there was a house on the property, it could at least be developed into a single-family residence. She stated it was just that the person who owned it was not maintaining it apparently, and that is why it was in such a condition that the Township took steps to demolish the house. She stated they could take a moment to Google the address adding it looks like a wooded lot.

Mr. Grenier stated he has been doing that. He stated it is slightly less than 2/3 of an acre. He stated from the aerial, it does look wooded; and in addition it backs up to a very large wooded Township open space area that is part of the Brock Creek floodplain. He stated one option could be that the Township buys it and sells it to recoup some of their costs or if it is truly wooded and connects to Township open space, they could buy it and get “really cheap open space” that connects to additional open space near a floodplain. Mr. Grenier stated the negative is that if there is any liability associated with the property since if they were not maintaining the house, there could be something else there.

Mr. Ferguson stated his biggest concern is that someone could have dumped oil or gas on the property; and since it is near a wetlands, they would have to do a remediation. Mr. Grenier stated he agrees.

Ms. Kirk stated she did not want to make a decision without consulting with the Supervisors.

Mr. Grenier asked Ms. Kirk if she was not available to attend would her Assistant be able to make the argument that Ms. Tyler indicated that if it were purchased for a higher price that the Township could try to recoup. Ms. Kirk stated as a legal representative to the Court, she herself would have to be present.

Ms. Tyler stated she does not feel that we have enough information to make an informed decision, and she feels it would be best to have Ms. Kirk attend; and if there is money in excess of the taxes owed, she could make an argument and try to recoup some money for the Township. It was noted no Motion is required.

#### SOLICITOR'S REPORT

Mr. Truelove stated his office reviewed and evaluated numerous Right-To-Know Requests including one particularly complex matter requesting thousands of pages of documents, which required substantial Township staff and solicitor office time. Mr. Truelove stated his office attended Sewer Authority and Planning Commission meetings. They worked on litigation matters and communicated with staff regarding various issues. They communicated with a property owner regarding possible land acquisition issues related to Sandy Run Road. He stated they communicated with counsel regarding Land Development and Zoning issues and reviewed and analyzed Zoning Hearing Board Appeals for the Board of Supervisors' consideration. He stated they conducted general meeting preparation and worked on Ordinance and Resolution drafting.

#### ADOPTION OF ORDINANCE NO. 416 ESTABLISHING CHAPTER 152 "PROPERTIES – BLIGHTED AND VACANT"

Mr. Truelove stated this was previously discussed by the Board who then authorized advertisement, and it is now appropriate for the Board's consideration.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to adopt Ordinance No. 416 Establishing Chapter152 – "Properties Blighted and Vacant."

APPROVE ENACTING RESOLUTION NO. 2379 APPROVING AND ACCEPTING THE DEDICATION OF BROOKSHIRE PHASES 1 AND 2, AND BROOKSHIRE PHASE 3 (a/k/a “TROILO TRACT)

Mr. Truelove stated this will rescind the Resolution previously passed approving Phases 1 and 2. He stated they then had further discussion with the Homeowners, Association, the Township, and the developer; and it was determined that they could fold in Brookshire Phase 3 in order to have a comprehensive approach which includes approval of the Landscape Plan subject to compliance with the Native Plant Species Ordinance. Mr. Truelove stated if approved, they will then proceed with the appropriate Deeds of Dedication and other paperwork required.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to adopt Resolution No. 2379.

APPROVE ENACTING RESOLUTION NO. 2380 TO ENSURE HIGH-QUALITY AND RELIABLE WATER SERVICE

Mr. Truelove stated the Township has drafted this Resolution given the recent situation with the Pennsylvania American Water Company.

Mr. Lewis stated there was a boil water advisory alert that extended over the weekend and into the beginning of this week. He stated this put Lower Makefield residents in a difficult circumstance where there was inconvenience and costs associated with it. He stated there were also issues regarding people who had compromised immune systems who were at risk. Mr. Lewis stated this is not the first time we have had some challenges with Pennsylvania American Water, and he stated the communications during this process were substandard, and the process was not handled well.

Mr. Lewis stated the Township is not the primary regulator of Pennsylvania American Water Company, and that falls on the Commonwealth of Pennsylvania’s Public Utilities Commission and the Department of Environmental Protection; however, the Board of Supervisors are responsible for the health, safety, and welfare of the residents of the Township. He stated the Township would like to compel the Water Company to provide a Root Cause Analysis of what occurred as it relates to the boil water advisory including whether there was equipment failure, maintenance issues, or human error that caused what we experienced and to provide a quick corrective action plan for the Township. Mr. Lewis stated the proposed Resolution says that we want them to do those things and come to an upcoming Supervisors meeting within the next seventy-five days; and should they fail to agree to that the Township will file a request with the Public Utilities

Commission requesting those things as a required remedy on behalf of the Township residents. Mr. Lewis stated the Board is advocating on behalf of the residents to the maximum extent that we can do legally.

Dr. Weiss moved and Mr. Grenier seconded to enact Resolution No. 2380 to ensure high-quality and reliable water service for our residents.

Ms. Tyler asked if this has to be advertised, and Mr. Truelove stated it is a Resolution so it does not have to be advertised. Ms. Tyler stated she feels the language in the Resolution makes findings that we have no basis of making. She stated she agrees with the idea of where we want to go with Pennsylvania American Water, but she feels we could accomplish it quite simply by writing a letter to them asking for these same things and filing a complaint with the Public Utilities Commission based upon what happened to get it in the regulatory record. Mr. Lewis stated the Resolution makes clear a straight forward public assessment of what happened and it does not prescribe exactly what caused the turbidity event; but we are saying there are a multiple of factors that could have caused it, and we want a Root Cause Analysis of it and want them to come to a meeting and explain what happened. He stated we cannot do that by writing a letter because they will not respond. Ms. Tyler stated they may not respond anyway, and the Township will then have no choice but to go to the PUC so she feels we should go straight to the PUC. Mr. Lewis stated if we go straight to the PUC, we will have to wait; and with this Resolution the Water Company has a chance to come before the Township now and explain what happened. He stated if we go straight to the PUC, we could wait six months before we hear anything. Ms. Tyler stated she feels the same thing could be accomplished by writing a letter, and there is no reason to put a Resolution on the books. Ms. Tyler stated she is concerned about some of the language.

Mr. Lewis read the Resolution into the Record as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP  
OF LOWER MAKEFIELD, COUNTY OF BUCKS, COMMONWEALTH OF  
PENNSYLVANIA RESOLVING THAT TOWNSHIP WILL WORK TO ENSURE  
HIGH-QUALITY AND RELIABLE WATER SERVICE IN LOWER MAKEFIELD  
TOWNSHIP

WHEREAS, the Board of Supervisors of the Township of Lower Makefield has determined that Pennsylvania American Water Company, a subsidiary of American Water, has failed to deliver high-quality and reliable water service to residences and businesses of Lower Makefield Township between November 29<sup>th</sup> and December 5<sup>th</sup> 2018; and

WHEREAS, the Board of Supervisors has determined that the recent Boil Water Advisory had a significant negative economic and social impact on our Township; and

WHEREAS, the Board of Supervisors have determined that slow response and poor communications by Pennsylvania American Water has reduced public safety and caused significant costs to the Township; and

WHEREAS, the Board of Supervisors understands that increased turbidity and poor water quality is caused by a multitude of factors including increased rainfall, low temperatures, equipment issues, inadequate maintenance, and human error; and

WHEREAS, the Board of Supervisors will no longer accept poor water quality performance by Pennsylvania American Water Company, a subsidiary of American Water.

NOW THEREFORE, the Board of Supervisors does hereby resolve the following:

1. The Township requests the following from Pennsylvania American Water:
  - a. Pennsylvania American Water shall be required to provide a Root Cause Analysis Report of the events that caused the mechanical control issues at the water treatment plant including the role of inadequate maintenance or human error;
  - b. Pennsylvania American Water shall be required to provide to the Township a Prompt Corrective Action Plan that addresses the issues uncovered in the Root Cause Analysis Report including specific actions to prevent future issues with water quality; and
  - c. Pennsylvania American Water representatives shall be required to appear before a Board of Supervisors meeting within 75 days of effective date of this Resolution to deliver findings of the Root Cause Analysis Report and the Prompt Corrective Action Plan

2. Should Pennsylvania American Water not agree to this request within 10 days of the effective date of the Resolution, the Township will:
  - a. File a Formal Complaint with the Commonwealth of Pennsylvania's Public Utilities Commission that will seek fulfillment of this request as part of Section 5 of the Formal Complaint;
  - b. Publicly oppose any future acquisition or merger requests by American Water with the Pennsylvania Public Utilities Commission until such time as every household and business in Lower Makefield has clean water and fully functional water service 99.9% of the time during the prior 24 calendar months.
3. The Board of Supervisors will work with the Bucks County Commissioners and the Bucks County Association of Township Officials (BCATO) to pursue additional solutions to resolve poor water quality service.
4. The Board of Supervisors will work with our State Senator and State Representative to lobby for comprehensive water service level agreements with penalties for non-performance.
5. This Resolution shall become effective immediately.

Mr. Lewis stated the Resolution does not presuppose exactly what happened, but it uses exactly what they said was an issue which was a mechanical control issue. He stated we do not know what caused the mechanical control issue, which is why we want to have a Root Cause Analysis.

Ms. Tyler stated there is language that states there was a significant economic cost but we have not done any cost analysis so there is no support to say that. She stated she agrees that there was inconvenience. She stated we are also not permitted to require PA Water to do anything so the language of the Resolution makes it a very over-reaching document. She stated we have no ability to set a standard of 99.9% as we are not a regulatory agency of the Water Company, and that is the PUC's job which is why she feels we should go straight to the PUC. Ms. Tyler stated as far as opposing any mergers or acquisitions, that is again an over-reach; and the Township has no business doing that. Ms. Tyler stated she agrees with Mr. Lewis in concept that we need to ask PA Water to account to us and to our residents, but she feels the proposed Resolution is overly broad.

Mr. Grenier stated he agrees with the Resolution but he would change some of the language to make it a little more accurate. He stated a formal complaint immediately goes through an attorney to the Administrative Law Judge to the PUC. He stated he agrees with Mr. Lewis' approach to give the Water Company the opportunity to come before the Board of Supervisors. Mr. Grenier stated he has already sent them an e-mail asking for the Root Cause Analysis, and their response was "thanks for your inquiry." Ms. Tyler stated she feels this means that they are not going to do anything unless the PUC makes them so we should go right to the PUC. Mr. Grenier stated he does not necessarily disagree with Ms. Tyler. Mr. Lewis stated if they do not respond, in ten days we will go to the PUC. Mr. Grenier stated he believes the Resolution shows that we are allowing them an opportunity. He stated if they do not respond, the Township will go to the Administrative Law Judge which elevates this very quickly, and he does not believe the Water Company wants to do that. Mr. Grenier stated he would recommend making some language changes to the Resolution.

Mr. Lewis stated he would accept Amendments. Mr. Truelove stated he and Mr. Ferguson would need copies tomorrow since the Resolution being presented tonight could not be signed tonight.

Mr. Grenier moved to Amend the Resolution as follows: First paragraph change the date from December 5 to December 4. Third paragraph between the words "significant" and "cost" say "direct and indirect." Fourth paragraph change "is caused by" to "may be caused by." Fifth paragraph change the words, "no longer" to "not." Next paragraph 1.a. change the word "of" to "addressing" – same sentence change the words "mechanical control issues" to "regulatory exceedences resulting in the Boil Water Advisory." Same sentence change "or" to "and/or." Item 2.a. replace "that will seek fulfillment of this request as part of Section 5 of the Formal Complaint," to "as defined in Title 52 Chapter 1 Sub-Chapter A Pennsylvania Code pursuant to 66 Pennsylvania and Commonwealth Statute Section 701." Number 4 – between "with" and "our" say, "and the Pennsylvania Public Utility Commission."

Mr. Lewis stated he accepts those as a friendly Amendment. Ms. Blundi seconded the Amendment. Dr. Weiss stated he agrees to the Amendment.

Motion to approve as Amended carried with Ms. Tyler opposed.

#### APPROVAL OF RENEWAL OF GOLF COURSE MANAGEMENT AGREEMENT WITH SPIRIT GOLF

Mr. Truelove stated Mr. Attara is present representing Spirit Golf. Mr. Truelove stated there is a third Addendum to the Golf Course Management Agreement.

He added that the current one expires the end of this month. Mr. Truelove stated there has been some discussion at recent meetings about changing some of the metrics with regard to the food and beverage side and metrics related to performance next year. Mr. Truelove stated he does not believe anyone has questions about Spirit Golf with regard to the golf side. Mr. Truelove stated the question is about breaking out the food and beverage after a certain period of time to review that.

Mr. Mike Attara stated he is present with Ed Gibson, the General Manager. Mr. Attara stated they are comfortable with the concept of reviewing the F & B as a separate item, and they feel confident that the F & B will continue to grow under their management. He stated they have some good plans in place, and they are working with the Golf Committee and the Steering Committee.

Mr. Truelove stated the Golf Committee has reviewed this, and they are in favor of the Contract. Mr. Lewis stated the Golf Committee came up with the framework of the Agreement, and Mr. Truelove agreed.

Dr. Weiss moved and Mr. Grenier seconded to renew the Golf Course Management Agreement with Spirit Golf.

Mr. Tim Collins stated he plays Makefield Highlands frequently, and in the last eighteen months he feels the Course is probably in the worst shape it has been in a long time. He stated a number of years ago they had a Superintendent, who he believes was named Mark, and the Course was in much better shape. He stated he recognizes that it was a difficult year with the amount of rain they had; however, the tee boxes were “deplorable” and the #5 green has been in very bad shape for a long time, and they roped off a third of it for a long period of time and it still has not come back. Mr. Collins stated he hears a lot of people talking about the Golf Course and the amount of money people have to pay to play that Course especially on the weekend. Mr. Collins stated people are charged \$80 to play which he feels is high given the condition of the Course. Mr. Collins stated he feels they need to step up if their Contract is going to be renewed. Mr. Collins stated it is a great venue, but it needs improvement.

Mr. Attara stated they were dealing with very wet conditions over the last two years, and the fifth hole was designed into a very tight corner with a small green, and it will always have “struggles,” and always has for the entire length of its existence and is worse in the extreme weather conditions. He stated there were some situations with aeration and timing with heat. He stated with reference to the Superintendent, Mark Peterson is back full time at the Golf Course and managing the property.

Mr. Attara stated the Course is in excellent condition right now with regard to the tees, the fairways, and the greens although they are still struggling a little bit because of the wet conditions.

Mr. Grenier stated he would like to see improvements in Food and Beverage. He stated it is a beautiful facility but from his personal experience and listening to others, there is a lot that is still to be desired in the food and beverage experience. He stated when he has been there service has been slow, and there are insufficient high chairs for those bringing their families. He stated there were also people swearing nearby which did not make for a good experience. He noted that over half of the facility was empty at 6:00 p.m. on a Friday night. He stated they need to improve visibility and marketing as well as the experience so that food and beverage can turn a positive revenue.

Mr. Attara stated with the support of the Golf Committee and the Steering Committee they feel confident they can work on Food and Beverage.

Ms. Blundi stated she has been to Makefield Highlands and they had to get their own chairs since chairs and tables had not been put out on the deck and there was limited wait staff and equipment was not working.

Mr. Lewis stated the Contract does include a performance portion and a prompt corrective action feature on the food and beverage. He stated he feels the work that the Golf Committee has done with Spirit has given them the opportunity that collectively they will be able to improve the revenue there. He stated one of the reasons they ran the Golf Course benchmarking was to see how we were doing on revenue. He stated they are getting enough rounds at the rates being charged which helps pay off the debt.

Motion carried unanimously.

#### POSTPONING DISCUSSION REGARDING PROPOSED ORDINANCE TO REQUIRE BUSINESSES THAT SERVE FOOD TO INSTALL GREASE TRAPS

It was agreed to postpone this matter to a future Agenda given the late hour.

#### ZONING HEARING BOARD MATTERS

With regard to the Jeff and Kristen Cohen Variance request for the property located at 12 11 Silver Stream Drive in order to permit construction of a rear yard patio, swimming pool, and pool patio resulting in greater than permitted impervious surface, it was agreed that the solicitor should participate

#### SUPERVISORS REPORTS

Mr. Lewis stated at the Zoning Hearing Board meeting Erin Development received their Variance for their property on Dobry Road.

Mr. Grenier stated Family Fun Night will be held at the Community Center this Friday from 6 p.m. to 9 p.m. Ms. Tyler stated it is a holiday party, and Ms. Tierney has had a large response. She stated those volunteering at this event will be given Community Service hours.

There being no further business, Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 12:20 a.m.

Respectfully Submitted,

Kristin Tyler, Secretary

