

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MARCH 6, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 6, 2019. Mr. Grenier called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

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

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

#### COMMUNITY ANNOUNCEMENTS

Mr. Grenier announced that the LMT Community Center Open House is March 9 from 10 a.m. to 2 p.m. at the Lower Makefield Township Community Center, 1550 Oxford Valley Road.

#### PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, stated he needs the Board of Supervisors to contact Mr. Santarsiero and get him to remove the He stated they injunction against him. Mr. Kupersmit expressed concern with the U. S. economy and “super bugs.”

#### APPROVAL OF MINUTES OF FEBRUARY 6, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of February 6, 2019 as written.

APPROVAL OF WARRANT LISTS FROM JANUARY 21, JANUARY 22, FEBRUARY 4,  
AND FEBRUARY 19, 2019

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve Warrant Lists from January 21, January 22, February 4, and February 19, 2019 as attached to the Minutes.

APPROVAL OF JANUARY, 2019 INTERFUND TRANSFERS

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the January Interfund Transfers as attached to the Minutes.

DISCUSSION ITEM – PROPOSED SEWER LATERAL INSPECTION ORDINANCE

Mr. Fred Ebert, Sewer engineer, was present with Ms. Barbara Kirk, Sewer attorney. Mr. Grenier stated he is the Liaison to the Sewer Authority, and this matter has come up as part of the 537 Plan. He stated they are not looking to pass this tonight, and they have until the end of the year to do so. He stated they want to discuss this and make everyone aware of it over the next several months.

Mr. Ebert stated this Lateral Ordinance is required by the PADEP as part of the Act 537 Plan approval process. He stated this Condition will be placed on all Municipalities that are updating their 537 Plans throughout Pennsylvania. He stated there are a fair number of Municipalizes that have had this for a number of years and have had a lot of success with it. Mr. Ebert stated this is especially important in Lower Makefield because we do not own the treatment plant, and therefore we pay for all of the water that goes through. He stated we pay as much or groundwater and surface water that goes through as we do for wastewater. He stated we want to be able to lower that by decreasing the inflow and infiltration (I & I). Mr. Ebert stated inflow is surface water that enters through broken vent stacks that have been cut off by mowers. He stated infiltration could be from a truck backing up over the clean-out which results in a hole in the bottom of the pipe.

Mr. Ebert stated approximately 50% of our sanitary sewer system is in the private portion. He stated the private portion is either in the Morrisville service area or the Bucks County Water and Sewer service area where Lower Makefield owns the sewer mains to the right-of-way or edge of easements, and the private portion is from the right-of-way of the road or edge of easement to the house. Mr. Ebert stated a portion of the Township is serviced by the Township of Falls Authority (TOFA), and TOFA only owns the sewer main. He stated we will have to make a revision to

the Ordinance to address the residents in that service area because those residents will be responsible from the house all the way to the sewer main. He stated that will have to be defined by an Exhibit so those residents can be advised of this.

Mr. Ebert stated once the homeowner has obtained an Application from the Township, a master plumber or qualified contractor would come out and televise from the house to the edge of the right-of-way, except for the TOFA service area which would be out to the main. He stated once the lateral is televised, they also complete a form, a sample of which has been provided for review. Mr. Ebert noted the number of Townships which have utilized this form, but it would be modified for Lower Makefield. Mr. Ebert stated the plumber would certify whether there are any deficiencies, and would turn the information in to the Township. He stated the Township will need to dedicate someone from Code Enforcement or the Sewer Department to review what has been submitted.

Ms. Kirk asked when the owners of a property would have to have the sewer lateral inspection done. Mr. Ebert stated there are three triggers. He stated one would be upon transfer of Title of the property. He stated this protects the future residents. He stated it would minimize the hardship to the seller since it is upon the sale of the property, and there would be income coming in. He stated this is when 95% to 99% of these lateral inspections would occur. He stated another trigger event is if the Township is going through and replacing the sanitary sewers in an area; and in that case, the Township would pay for the lateral televising, although the property owner would be responsible for any deficiencies. Mr. Grenier asked if this would include lining projects as well, and Mr. Ebert agreed. Mr. Ebert stated a third trigger would be if the Township has an area that is tributary to a pump station which is overflowing and creating an issue, and the Township could require that everyone in that area would have to do the inspection so that the Township can be proactive and prevent a DEP action. He stated if the Township is televising and notices a lateral is full when it is the middle of the day with no one home, they could also require that an inspection be done.

Mr. Ebert stated that when the master plumber is doing the inspection, he has to certify on the form that there are no sump pumps connected to the sewer system.

Mr. Ebert stated the Township will have to educate the residents, the Condominium Associations, and Realtors about the Ordinance.

Mr. Ferguson stated commonly when this will take place will be at the time of a transfer of a property; and when someone puts their house up for sale, a Condition of that sale will be the lateral inspection. Mr. Ebert stated it is also a requirement of the sale that any deficiencies be fixed before the sale can go through, and

Mr. Ferguson agreed. Mr. Grenier asked Mr. Ebert if he has seen that this resulted in an extension of the closing time because they needed to get this done; and Mr. Ebert stated he had seen this happen in the first three months after the Ordinance has been approved.

Mr. Lewis stated while he does not disagree that there is a challenge with I & I which is coming partially from personal sewer lines, his concern is how much of the problem is caused by homes that are about to be sold versus certain areas within the Municipality that have a problem. Mr. Ebert stated he has found that 10% to 15% of homes sell each year. He stated in a seven to fifteen year period 85% of the homes turn over in any given Township. He noted in another Township where he works, they went from eighty-nine overflow events a year to six in three years after this Ordinance was passed there.

Mr. Lewis asked the cost of a typical inspection since he has seen \$250 to \$500 for an inspection. Mr. Ebert stated the average is between \$150 to \$250. He stated if it is a larger property it could be \$500. He stated in areas where the laterals are short, it is less expensive. Mr. Lewis asked if a dye test would be required, and Mr. Ebert stated it is not. He stated the video would tell them what they are looking for. He stated there can be a problem if there is a 4/6 connection where a 4" line comes out from the house and a 6" line is going to the sewer main.

Mr. Lewis stated he feels that the older homes are more likely to have an I & I problem. Mr. Lewis stated he wants to make sure that they are targeting the problem accurately; and if there are private sewer lines in Lower Makefield that are not being inspected, he feels there should be a plan for the Township to find where there are issues and target those homeowners rather than requiring this at every sale. Mr. Lewis stated what is being proposed will institute a cost for every transaction for every property in Lower Makefield, and some properties in Lower Makefield turn over pretty frequently. Mr. Lewis asked the total number of sales in Lower Makefield last year, and Mr. Ferguson estimated that it was approximately 400. Mr. Lewis stated of those, many of those are homes that may have turned over within five to ten years so we would constantly be inspecting fast-moving homes that are many times newer homes as opposed to not looking at homes that are far older and more likely to have more of a problem.

Ms. Kirk stated the proposal is not the result of a Sewer Authority recommendation, rather it is part of the Act 537 Plan which is being imposed by DEP. Mr. Lewis stated he could not find similar Ordinances in Bucks County although he did find a number of them in Western Pennsylvania and in California. He stated many of the ones in California had carve-outs for homes that recently went through a transfer. He stated if someone videoed the line and then sold it in three years, it is likely it would not be a problem again. Mr. Ebert stated there is a provision put in that a Permit would be

good for one to three years. He stated he would not want it go more than three years since a lot of the damage is caused by the installation of landscaping or driving over the property. Mr. Ebert stated this is also a potential tool that can be used as part of the Corrective Action Plan; and if the Township gets to an area where they identify a lot of high flows that are inflating the sewer bills, we will do a more intensive investigation of televising those areas ourselves. He stated they would also look into areas of similar vintage which were all done by the same developer using a specific joint where it was found to be in a number of homes in the development. He stated that scenario is described in Item C. Mr. Lewis stated he feels that should be priority number one and the Township should find out where the problem is and inform homeowners that the Township will be videoing their line.

Mr. Lewis stated they should also inform homeowners that they can insure against potential loss as Pennsylvania American Water offers sewer line insurance in addition to water line insurance; and depending on the age and the developer of a house, he would recommend that.

Mr. Ebert stated this is a long-term plan, and they are looking to put the Township in a good position ten to fifty years out. He stated it is not meant to just be a targeted enforcement. He stated they will not see a result until year three when the flows will drop. Mr. Lewis stated he agrees that over time the situation will approve; however, he is suggesting that the targeted approach should be the first one undertaken because there are I & I problems, and the focus should be on finding out where we have that problem and to fix it immediately. Mr. Lewis stated for homes that sell frequently, he has seen that other Municipalities have a five year reprieve on videoing, and we would want something like that for homes that are switching quickly since there are neighborhoods where people move in and move out within three to five years. He stated those homes tend to be those that are higher in price and have less of a problem.

Mr. Ferguson stated he knows Managers from other Townships and they are all under the same deadline of passing this by the end of the year. He stated he feels that anything other than the requirement at the point of sale would have to be with the permission of the DEP since it is a 537 requirement. Mr. Ebert agreed, and stated what is proposed is based on a model Ordinance that DEP has approved and feels is successful.

Mr. Lewis stated he does not recall this was a requirement of the 537 Plan to pass an Ordinance to do this, and he was advised by a number of those present that it was a requirement. Mr. Ebert stated it specifically stated this in the approval letter.

Mr. Grenier stated at the Sewer Authority meeting they discussed the situation with multi-unit developments/HOAs where there could be even more turn over. Mr. Grenier stated they discussed how they could handle this as part of an HOA adding it would be difficult to tie it into one individual sale. He stated they were discussing if there was a way to put them on a four to five year limit.

Mr. Ebert stated the issue with condominiums is that there could be common laterals with five to twenty units connected to one lateral. Mr. Ebert stated he would recommend scheduling them every ten years. He stated perhaps in a year that ends with a three, they would be required to televise all their private laterals, and in year four, they would get their construction cost estimates and budget for that. He stated because it is a Condominium Association, they would probably have to do a special assessment; and in order to do that, they need to identify the construction costs to make the necessary repairs. He stated in year five he would recommend that they do all the minor repairs such as clean outs; and if there are any major repairs, they would be done in year six. He stated in this way every Condominium Association would be on the same schedule and treated fairly. He stated the cycle would repeat itself every ten years. Mr. Ebert stated this is just an idea as to how they could deal with Condominiums.

Mr. Lewis asked if they are giving a Condominium Association ten years why would they not do this for an individual home as well. Mr. Grenier stated they need to find out what the DEP will allow; and he asked Mr. Ebert if this has been addressed by the DEP; and have they allowed for something other than every time a property is sold. Mr. Ebert stated he has gotten three year Permits approved. He stated Lower Makefield has a significant number of condominiums compared to most other Townships. He stated he will have to address this with DEP, but he did not want to discuss anything with DEP that the Board of Supervisors was not comfortable with. He stated he would also like to get input from various Condominium Associations. Mr. Lewis asked why a condo HOA would be different from any regular homeowner, and Mr. Ebert stated it is because of the number people involved and the fact that there would be an assessment. He stated with a homeowner, they are selling the home and will most likely make a profit on their house, whereas the Condominium Association involves multiple people; and if one individual sells his condo, he will make money but the repairs involve multiple property owners in the building who are not selling their condo, and the individual person selling their unit should not have to be responsible for repairing all of the laterals. He stated he is looking for a way to treat this fairly.

Mr. Grenier asked if there is precedence for this, and Mr. Ebert stated he does not believe there is; and he will discuss this with DEP. He stated he does not work for any Townships that have as many Condominium Associations as Lower Makefield does.

Mr. Lewis asked if DEP provided a model Ordinance, and Mr. Ebert stated what he has provided the Board were Ordinances that were recently approved by DEP. Mr. Ebert noted a number of Municipalities including Penndel Borough which have the Ordinance he has proposed. Mr. Ebert stated there will probably be twenty Ordinances like this approved by the end of the year. Mr. Lewis stated when he researched this he could only find these Ordinances in Western Pennsylvania. Ms. Kirk stated the others have not yet been fully approved, and there is a one-year span to work on the Ordinance before it is adopted. Mr. Ebert stated the one in East Norriton has been used for a number of years, and he used that as the model for a number of other Townships with some “tweaks.” He stated it is an Ordinance that DEP has approved, and he knows that it works. Mr. Ebert stated DEP has not approved a 537 Plan in the last two to three years without requiring this Ordinance.

Ms. Tyler asked if we can compare a residents’ water usage using their sewer output, and Mr. Ebert stated we cannot since we do not measure the sewer output. He stated we bill based on water consumption. He stated at the Grey Nun line they were able to look at this small area and looked at their water consumption as it went through a flow meter or a pump station; and they will measure the sum of the water consumption and the sum of the sewage and see what the difference is. He stated if it is more than 10% to 15%, that sends a red flag. He stated they cannot measure any individual to know this. Ms. Tyler asked why they could not do what was done with the Grey Nuns area in the other pump station areas. Mr. Ebert stated while they can, it is not necessarily the volume as sometimes it is the rate. He stated there could be a clean out that is broken off below grade, and when it rains, you could have 50,000 gallon a day coming through which could “blow out” the pump station; but when the rain stops and there is no more surface water running across, they are at zero. He stated they may not create a big volume that would be noticed on a monthly or weekly gallonage, but it is the rate that the sewer line or pump station cannot handle which causes a surcharge or capacity issues. He added that this then limits future development potential. He stated this can result in a requirement to upgrade the pump stations; however, if they remove the I & I, they would not have to upgrade the pump stations.

Mr. Ebert stated if the Township is going to charge a fee for review they need to include it in the Fee Schedule. He stated someone from the Township staff is going to have to review these. He stated the staff will probably be able to handle 90% of these, and possibly 10% will need input from the sewer engineer. He stated he feels they should charge a nominal fee that would cover staff review time.

Mr. Grenier asked Mr. Ebert about the timeline for implementation. Mr. Ebert stated he would like to have input from the Board of Supervisors by their next meeting. He stated they will then revise the draft and look for a recommendation by June so

that it can be advertised in June or July and adopted in August or September. He stated the deadline is November since that will be a year since the 537 Plan was approved. He stated he would recommend that the Board make it effective six to nine months from approval so that there is time to do the education process. He stated he would make it available to all of the Realtors and have it put on the Township Website. He stated they could also have the Condominium Associations come in to meet with the Township so that they can get an understanding of it. He stated he would also like a draft copy sent out to the Condominium Associations and a few Realtors to get their input.

Mr. Grenier stated he would like more research done with regard to the issues raised by Mr. Lewis and with regard to the HOAs. Mr. Lewis stated prior to sending out anything which he is strongly in favor of, he wants to understand how our draft Ordinance compares to other Municipalities, and he would also like a clear policy memo that explains the reason why we need the Ordinance in specific detail so that we can communicate that to Realtors, HOA members, and the rest of the community since this is something that could potentially cause people concern. He stated he also wants there to be provisions that would protect people who have recently sold their home. He stated he wants to know what typical expenses would be for televising lines and what the costs would be for typical repairs. He stated they should also consider insurance on that.

Mr. Lewis asked if there is an enforcement mechanism for illegal surface stormwater connections by people who have tapped in illegally. Ms. Kirk stated she is aware of only one. Mr. Ebert stated they will find this out when they televise the lateral.

Ms. Tyler stated she would like to see Mr. Ebert's analysis of the results of doing this type of inspection. Mr. Ebert stated he can advise what he has found in other areas where this has been done and what he would expect in Lower Makefield. He stated Lower Makefield is a newer community than most of his data points. He stated the impact will depend on the age of the development and the contractor that built it. Ms. Tyler stated she feels age of the lateral should be factored in. Mr. Ebert stated he personally does not have the institutional knowledge about this, and he will have to work with staff on the ages of specific developments. He stated it also has to do with the quality of craftsmanship of the contractors.

Mr. Zachary Rubin, 1661 Covington Road, stated he is President of the Aspen Woods Condominium Association and agrees it would be a good idea to get input from the HOAs. He asked that the Township convene a meeting of the Executive Boards or Presidents and Vice Chairs of the Homeowners Associations to give a presentation and discuss this before an Ordinance is passed. Mr. Rubin stated Aspen Woods has 120 units that are twenty-seven years old. He stated they are part of Makefield Glen which has 848 homes. He stated at every one of their townhouses, each homeowner

is responsible for the water line and sewer line from their home to the tie in at the street. He stated they have had some problems with the water lines, and they encourage residents to get the insurance from either Pennsylvania American or Bucks County Water. He stated they have never had a problem with the sewer lines, and they do not encourage people to get that insurance given the fact that they are not pressurized like the water line is. He stated in Makefield Glen there has been two cases of the sewer line rupturing one where the home's connection was from the home to the street; however, the other one was a common lateral where multiple homes were hooked up, and that was in a common area and the Association did take care of that. Mr. Rubin stated some homes have a direct connection and some homes are connected to a common lateral.

Mr. Rubin stated if this Ordinance is enacted, anyone who wants to sell a home should get the sewer insurance from Pennsylvania American where there is a thirty day "look-back" period; and if they are going to sell their home, they should pay the \$6 to \$7 for one or two months, and then have the inspection and they will have the insurance. He stated it is a monthly fee, and they could then cancel it. Ms. Tyler stated she feels if this Ordinance is passed, the insurance fee will increase.

Mr. Grenier stated if all the Townships have to do this, their whole business plan may change.

Mr. Ebert stated he grouped Condominium Associations together, and he now feels that it should be more specific. He stated if there is a single lateral from a single house to the main, they would not have to be part of the schedule he is proposing for the Condominium Associations; and it would only involve those that have common laterals. Mr. Ebert stated it is therefore important to understand the different Condominium Associations so they know which have individual laterals and which have common laterals.

Mr. Ferguson asked Ms. Kirk if she is aware of any of these insurances being offered by Bucks County Water & Sewer being legally challenged, and Ms. Kirk stated she is not. Mr. Ebert stated he has heard about that. Mr. Ferguson stated he has heard about it from several Township Managers that it is under legal challenge and could be a problem. Mr. Ebert stated there is another company called HomeServe, and he is not aware that theirs has been challenged.

Mr. Harold Kupersmit expressed his concern about the "super bugs" and other issues, and he advised the Board about the public prospectus he is working on.

## SOLICITOR'S REPORT

Mr. Truelove stated the Board of Supervisors met in Executive Session beginning at 6:15 p.m. and items related to litigation, Real Estate, personnel, and informational items were discussed.

### Approval of Ordinance No. 417 Regulating Discharge of Gas, Grease, and Similar Substances

Mr. Truelove stated the Board has discussed this previously and it is a requirement of the 537 Plan going forward. He stated it has been reviewed by the Sewer Authority and the Board of Supervisors had the opportunity to review this previously. He stated it has been advertised properly for consideration this evening.

Ms. Tyler moved and Mr. Lewis seconded to approve Ordinance No. 417 Regulating Discharge of Gas, Grease, and Similar Substances.

Mr. Lewis stated he had some issues with the proposal originally when he first viewed it, but his concerns have been addressed. He stated we want to make sure we do not get grease passed through. Mr. Lewis stated approximately fifty entities will be subject to this Ordinance including thirty-five businesses and fifteen non-profits that prepare food or generate fat, oil, or grease. Mr. Lewis stated all but one of these currently has a grease trap in place; and that is the Village Market which converted from an on-line septic disposal to the public sewer recently. Mr. Lewis stated he is in support of this Ordinance.

Ms. Tyler asked if the Village Market will have to install a grease trap; and Ms. Kirk stated they will, and they will work with them to implement the installation of the grease trap. Mr. Truelove noted a number of other Authorities that have a similar Ordinance on their books. Ms. Tyler asked the cost of installation of a grease trap; and Mr. Ebert stated it could be \$3,000 to \$4,000 for an exterior grease trap, but if it is to be in a paved area, it could be \$10,000.

Mr. Grenier thanked the Sewer engineer, Sewer attorney, and the Sewer Authority for the work done on this Ordinance.

Motion carried unanimously.

Discussion and Tabling of Advertising Ordinance to Provide Protection for Lower Makefield Township Heritage Trees

Mr. Truelove stated this was discussed about one month ago by Mr. Bray and Mr. Dresser who provided a conceptual version of an Ordinance which the Township solicitor's office re-drafted in an Ordinance format, and it is now before the Board to consider advertising. Mr. Truelove stated this is a voluntary program for property owners; and once they do decide to participate, there are certain requirements and regulations that will have to be complied with. Mr. Truelove stated it also applies to the Township as a property owner and rights-of-way within the Township as well.

Mr. Grenier stated the EAC and the Planning Commission went through a process where there was an initial draft discussed at the EAC where changes were made, and it then went before the Planning Commission for discussion purposes. He stated the Planning Commission solicitor made some recommendations which were incorporated, and when it went back to the Planning Commission, they ultimately recommended approval. Mr. Grenier stated it then came before the Board of Supervisors as a discussion item.

Ms. Blundi moved and Dr. Weiss seconded to authorize advertisement of the Heritage Tree Ordinance.

Ms. Tyler noted Section 185-7 B. regarding the drip line and root system where encroachment effects neighboring properties and the requirement that all must agree to the terms of the Ordinance, and she asked for a further explanation. Mr. Truelove stated the property owner where the trunk is located would have to get agreement from all the property owners involved where the tree extends for participation in the program. Ms. Tyler stated while this may be what they mean, she does not feel the language is clear. Ms. Tyler stated she does not agree with the provision that the form will be reviewed by the Environmental Advisory Council, and it should be reviewed by the Township proper and not a Committee.

Ms. Tyler stated it also states in that paragraph that the Board of Supervisors will have the final authority in determining whether or not a nominated tree shall be included in the Heritage Tree Program which seems that the Board could override a homeowner who has voluntarily opted into the program. Ms. Tyler asked if the Ordinance were passed, the homeowner is indicating they want to put a Deed Restriction on their home; and she feels that is up to the homeowner and not the Board of Supervisors. Mr. Bray stated he feels the Board of Supervisors should have final authority in a situation like this. Ms. Tyler stated she does not feel the Board of Supervisors would have that authority since it involves a Deed Restriction on a property that the Township does not own. Mr. Truelove stated there would be

certain criteria determined by the Township; and if the Township Board of Supervisors felt that it did not qualify, they would have the final authority. Mr. Truelove stated it reads that the “Board of Supervisors will have final authority in determining whether or not a nominated tree shall be included in the Heritage Tree Program.”

Ms. Kirk stated she was involved in the initial draft. She stated this is a Township Ordinance, and the Board of Supervisors will have continuing oversight over this Ordinance with regard to the acceptance of the trees in the program. She stated if there is not a governing body overseeing it, she questions what will happen to the Ordinance. Ms. Tyler stated the Ordinance would just continue. Ms. Kirk stated they are not going to create a separate quasi-judicial board to oversee this Ordinance. She stated there could be a nomination for a tree to be accepted where there is a dispute, and they would need a governing body to ultimately decide whether the tree that is being nominated should be accepted into the program or not. She stated while she does not believe that will arise often, there still needs to be someone to be the governing body. Ms. Tyler stated she feels it would not be any different from what the Building and Zoning Department does now with respect to enforcement of Ordinances that are on the books. Ms. Kirk stated they could modify it so that it indicates “the Township or the Board of Supervisors through delegation of authority to appropriate Township officers.” Ms. Tyler stated she feels “the Township” would be less objectionable. She stated the sentence regarding the Board of Supervisors having final authority should be down in Section C which relates to public lands.

Mr. Bray stated he would have no issue with those clarifications.

Ms. Tyler noted Section 185-8 – Maintenance and Preservation of Heritage Trees, Sub-Section A.2 and she stated she does not believe that the EAC should be part of the approval process although it would go to the EAC as other Plans do; however, they should not be in the Ordinance. Ms. Kirk stated they could reword it to state: “Tree protection plan for review by the EAC before final approval by the Township Zoning Officer;” and Ms. Tyler stated she would be in favor of that.

Mr. Bray stated he would agree with that clarification. He stated the reason they put the EAC in there was to remove some of the burden from the Township.

Ms. Kirk noted Section 185-7 B.1 where it states forms shall be reviewed by the EAC, and she asked if they should keep that in. Ms. Tyler stated she feels that should not be included, and the form should be reviewed just like a Permit is reviewed by Zoning, Inspection, and Planning which is the reviewing body.

Ms. Tyler asked if they defined what an “abused” tree is as it is not included in the definitions. Ms. Tyler stated the term “abused” is shown in Section 185-9 C. Ms. Kirk suggested they use the term “hazardous” as that is defined.

Mr. Lewis stated he has a process question adding he knows that this was shown on the Agenda, but there was additional solicitor review late last week that was not included in the Ordinance. Mr. Truelove stated there were internal comments which were circulated to the Board through the Township Manager. He stated they were “stylistic” comments which would not mitigate against the advertisement of the Ordinance. Mr. Lewis stated from a process perspective he would have thought we would have resolved the solicitor’s comments prior to even placing this on the Agenda or voting for publication, and he has a concern about the process which he feels they should address.

Mr. Grenier stated at the last meeting when the Board discussed this there were no comments made when he asked the Board if there were any concerns about the Ordinance so the next step in the process is to consider it for advertisement. He stated they have now made some comments before advertisement. Mr. Lewis stated he assumed that the solicitor’s office had reviewed it with regard to his concerns, and Mr. Grenier stated they did review it when it went back to the Planning Commission. Mr. Lewis stated there are still additional ones that have not been resolved which is his concern because they are not available. He asked that everything be resolved, and that they then come back with something that is “cleaner” and resolves some of the concerns that we have. Mr. Grenier stated they could send it back to Mr. Truelove’s office with Ms. Kirk’s notes and some of these comments, and then bring it back at a future meeting. Mr. Truelove stated they could Table it tonight, and it could be brought back at the next meeting. He stated they could then consider whether to advertise it at that time. Mr. Ferguson stated this is why this process is good. Mr. Grenier asked with the Amendments proposed tonight, provided everyone agrees to those Amendments, could the Board give direction to advertise based on that; and Mr. Truelove stated they could do that as well, but they would have to read off the modifications to the Sections.

Mr. Ferguson stated he feels it would be best if the Board had a clean copy in front of them with all the changes made which will show what they will advertise. Mr. Truelove stated they could have that in time for the Board’s meeting on March 20. Ms. Kirk asked if the Board is requesting a red-lined version or just the revised, clean version. Mr. Grenier stated he would prefer a clean version. Mr. Truelove suggested that there be a clean copy with a memorandum attached indicating the changes to the Sections and why the changes were made.

Mr. Grenier asked if the Board is in favor of the edits suggested by Ms. Tyler, and the Board indicated they were in favor of those edits.

After further discussion the Board indicated they would prefer seeing the red-line changes.

Ms. Tyler asked Ms. Kirk if she sees any issues or pitfalls with this Ordinance. Ms. Kirk stated as long as it is strictly voluntary, she does not feel there will be any issues. She stated the biggest concern was if there was a tree with a root system or drip line encompassing several individual properties, and it was agreed that any nominations would have to be submitted jointly by all the property owners.

Ms. Tyler stated she does not see a mechanism indicating that the property owner has to show the Township the Deed. She stated she wants to make sure that the Township has the Deed Restriction on file. Ms. Kirk asked if they want to put forth a specific timeframe for this or do they want to indicate that the acceptance of the nominated tree is contingent upon presentation of a duly-recorded Deed. Ms. Tyler stated upon approval, she feels the homeowner must present the Deed. Ms. Kirk stated depending on volume, they may not get the original Deed Restriction back from the Recorder quickly. Ms. Kirk stated she has heard that they are six to eight weeks out. She stated they do present a receipt. Ms. Kirk stated they could require that the approval is contingent upon presentation of the duly-recorded Deed of Restriction at which time the Permit and Approval is obtained, and Ms. Tyler agreed. She stated once the Township accepts the tree, the way to close the loop is the presentation of the Deed, and the Deed will go on file at the County and at the Township. She stated in that way if there is a problem in the future, the Township has the Deed Restriction on file. Mr. Truelove stated if the Zoning Department is going to be involved in the review, it should be part of the file. Ms. Kirk stated Mr. Bray has presented a document on the nomination form as to the date the Deed was Recorded, but she understands that Ms. Tyler would like to see an actual copy on file in the Township.

Mr. Lewis moved and Mr. Grenier seconded to Table.

Mr. Bray stated he will be away on March 20 when this would come back to the Board, but he feels another EAC member could be present if the Board wants someone from the EAC to be present. Ms. Tyler stated on March 20, it will just be considered for advertisement. Mr. Bray thanked the Board of Supervisors for their consideration. He stated the EAC has had experience writing Ordinances over the years; and when they have other people look at it and make recommendations, it makes it a better Ordinance.

Motion carried unanimously.

Approve Oakmont Resolution

Mr. Truelove stated they received notice today that they received an Easement Agreement for a sanitary sewer line for property in the Oakmont Development. Ms. Kirk stated when the property, formerly known as Moon Nurseries, was approved for Subdivision and Land Development part of the plan by the developer was that Lots #8 and #9 had sanitary sewer lines running through; and those Lots were to have been dedicated for an Easement to the Township for maintenance, operations, and repairs to the sanitary sewer lines. She stated the Township recently learned that the developer never signed or presented those Deeds of Easement. Ms. Kirk stated she was able to obtain the necessary legal description and Plans and contacted the two property owners with the proposed Deed of Easement. She stated the owner of Lot #8 dropped off the duly-Notarized, signed Easement Agreement tonight. Ms. Kirk stated in order to Record the Deed, she prepared a Resolution for the Board to approve and accept the Easement Agreement and authorize Mr. Ferguson on behalf of the Township and all other Officers to sign the necessary documents to Record it. She stated it will then be of Record that the Township has an Easement in the event that something happens to the line, and we need to go onto the property to fix it. Ms. Kirk stated she has not yet heard back from the owner of Lot #9. She stated she will do a follow up on that Lot.

Mr. Truelove stated he does not have a Resolution number.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to adopt a Resolution of the Township of Lower Makefield authorizing the acceptance of an Easement Agreement for sanitary sewer line for property situate in the Oakmont Development of the Township Bucks County Pennsylvania, Tax Parcel #20-003-036-010.

Mr. Lewis thanked Ms. Kirk for the work she done collecting \$91,400 in delinquent sewer fees.

**ENGINEER'S REPORT**

Mr. Pockl stated the monthly March, 2019 Engineer's Report was provided in the Board's packet which outlined their work and the status of the Capital Projects. He stated they have received a Final Plan for Caddis Healthcare, and they are currently reviewing that Revised Final Plan submission. He stated they also received a Preliminary Plan for the Erin Development townhome development across Dobry Road from Caddis Healthcare. He stated they have reviewed that Plan and provided comments to the Township. He stated the Planning Commission is scheduled to meet on that next week, and he anticipates that Plan will come to the

Board of Supervisors shortly. Mr. Pockl stated there are also ongoing construction projects at developments throughout the Township including Regency at Yardley, Matrix residential development on the north side of Big Oak Road across from Regency south, Oakmont Development, Estates at Sandy Run, Flowers Field, and the Artis Senior Living Center where his office has been conducting routine inspections on their erosion and sediment control measures; and there are no issues at this time.

Ratify Approval of Escrow Release #2 for Regency Carriage Homes (South) Phases 4 and 5 in the amount of \$211,266.00

Mr. Pockl stated there has been a request for Escrow Release #2 for Regency Carriage Homes which is the south side, Phases 4 and 5, in the amount of \$211,266.00. Mr. Pockl stated after this Release the total amount of financial security remaining will be \$564,809 which represents approximately 40% of the development.

Ms. Tyler moved and Ms. Blundi seconded to authorize Escrow Release #2 for Regency Carriage Homes South Phases 4 and 5 in the amount of \$211,266.

Mr. Zachary Rubin asked the status of the five acre parcel and pavilion that is by that development. Mr. Ferguson stated he has no update at this time.

Motion carried unanimously.

Ratify Approval of Escrow Release #4 for Oakmont Development in the Amount of \$76,246.61

Mr. Pockl stated they are requesting that the Board ratify approval of Escrow Release #4 for the Oakmont Development in the amount of \$76,246.61. He stated after this Release, the total amount of financial security remaining will be \$228,541.50.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Escrow Release #4 for Oakmont Development in the amount of \$76,246.61.

Approve Authorizing the Township Engineer to Pursue a Change Order to the Main Pool Gutter Repairs Project for a Price Not to Exceed \$11,000 to Paint Portions of the Main Pool Exposed by the Repair Work

Mr. Pockl stated at the last meeting the Board authorized approval for the Base Bid and the Alternate for the pool reconstruction project. He stated included in the Base Bid was replacement of the existing gutter around the perimeter of the Olympic pool and all repairs to the concrete walls on the interior of the pool. He stated there was an Alternate that was approved for the replacement of the water supply pipes and the drainage pipes from the pool. Mr. Pockl stated what was not approved as an Alternate was painting the pool which was considered to be too high.

Mr. Pockl stated in discussions with the contractor at the pre-construction meeting, it was determined there is a very tight timeframe to complete the concrete repairs, install the gutters, and to have the pool filled with water in order to be opened by Memorial Day. Mr. Pockl stated before the pool can be filled, the areas of the pool that will be disturbed by the work being done by the contractor will need to be painted; and they therefore reached out to the contractor who provided a quote. Mr. Pockl stated they are asking the Board to consider authorizing the Township engineer to pursue a Change Order to the Pool Contract in the amount not to exceed \$11,000 to acid wash the main pool and paint only the areas that have been effected by the renovations.

Mr. Lewis moved and Dr. Weiss seconded to authorize the Township engineer to pursue a Change Order to the main pool gutter repairs project for a price not to exceed \$11,000 to paint portions of the main pool exposed by the repair work.

Ms. Tyler stated she felt the pools were painted every year in their entirety, and Mr. Ferguson agreed. Ms. Tyler asked why they are not painting this pool in its entirety, and Mr. Ferguson stated they are not painting the Olympic pool in its entirety because of the tight timeframe that we are under to get the pool project complete and open the Pool by May 25. Mr. Ferguson stated there is a subsequent Motion that has been added to the Agenda for a second quote that was received to paint the three other pools – the baby pool, the lap pool, and the intermediate pool. He stated this year they will clean the whole Olympic pool, but for the timeframe to stage and paint it would just be limited to those areas of disturbance that would be painted. He stated in subsequent years, they will paint the whole pool; however, in consideration of the timing of the project, this is the only part of the Olympic pool we will be painting this year.

Ms. Tyler asked why the pool is painted every year; and Mr. Ferguson stated the lines fade, and they want it to look as clean and sharp as possible. Mr. Ferguson stated there may be some areas where it could chip a little bit and fade so that it would not look perfect but there will not be any issues that would effect people being able to use the pool the way they have in the past. He stated they will let people know that this is happening, and it is just for this year. He stated they are looking for all the ways they can in order to get the work done in time, and they felt this was something they could sacrifice this year.

Mr. Grenier asked where this will put the project if this Change Order and other items are approved with regard to the Pool Budget, and Mr. Ferguson stated they are under Budget with the project even with the Alternate. He stated there is a separate line item in the Pool Budget for painting of approximately \$26,000; and recognizing that they are not doing the entire Olympic pool, this and the subsequent Motion to be considered would still be under Budget.

Ms. Tyler asked when Beradelli Pool Service will paint the other three pools, and Mr. Ferguson stated they have shown on the quote sheet what the expectation would be which is that it would be done by April 30. Ms. Tyler stated the three other pools are proposed to be painted for \$13,000; however, we are contemplating paying \$11,000 for a fraction of the Olympic pool. Mr. Ferguson stated they did get prices to paint the entire Olympic pool, and it was \$33,000. Ms. Tyler asked why they would not have Beradelli do the painting of the Olympic pool, and Mr. Ferguson stated he would have had to bid that out as an official Bid because it would exceed \$21,500. Ms. Tyler stated it would not if they were only to paint the portions of the Olympic pool that they are contemplating right now. Mr. Ferguson stated the problem with Beradelli doing that painting is that the pool contractor will be staged in the pool; and when they do that work inside the pool, there will be a curing period for that concrete of a significant period of time and it will also be weather dependent. He stated they would already be staged in there, and they would be able to get in and paint those areas as soon as it is completed versus leaving the area and then having Beradelli restage and deal with weather; and the timing and the transition of that became difficult to maneuver around.

Ms. Tyler asked how much painting is contemplated for \$11,000. Mr. Ferguson stated the painting they are contemplating would be an amount not to exceed 2,000 square feet. Mr. Pockl stated 1,000 square feet is around the area below the gutter as far as the work they are going to disturb in order to install the gutter, and then another 1,000 square feet for the walls and floors in areas where there is existing cracking within the concrete walls. He stated it is partly dependent on the amount of disturbance and the extent of cracking within the pool.

Ms. Tyler asked if there is a price per square foot established, and Mr. Pockl stated there is not. He stated the language is to authorize the Township engineer to pursue the Change Order and they will have to negotiate and work this out with the contractor. Mr. Ferguson stated the not to exceed is to set the ceiling.

Ms. Blundi asked if there is any chance that if there is very good weather, that we would be able to get the whole pool painted; and Mr. Ferguson stated while they did contemplate that, they could not give that work to either the contractor coming out to do the other three pools or the contractor doing the work without putting it back out to Bid.

Ms. Tyler asked if the gutters in the entire Olympic pool are being replaced, and Mr. Pockl agreed.

Motion carried unanimously.

#### MANAGER'S REPORT

Mr. Ferguson stated he would like to acknowledge the Public Works Department and other Township employees for the work done during the snow events. He stated they use the Public Works crew to salt and plow as well as the labor crew from Park & Recreation which is four individuals, and two employees from the Sewer Department. He stated they were out long hours this weekend, and the roads were fantastic. Mr. Ferguson stated there were multiple conversations between Chief Coluzzi, who is not only the Chief of Police but also the Emergency Management Coordinator, the Public Works Director, and himself regarding timing and updates.

Mr. Ferguson stated he has been having ongoing discussions with Pennsylvania American Water that it is the Township's strong desire that they come to the Township and report soon; and while he cannot yet give an exact date, he anticipates that it will be in April. He stated Pennsylvania American has expressed their desire to be more involved in community related events and what they could do, and the Township has a long list of things they would like their help with. Ms. Tyler stated they could fill the pool, and Mr. Ferguson stated they have agreed to do that. He stated they will fill 451,066 gallons of the Olympic pool. He stated in addition to saving the Township money, it will also help with the timing of being able to open the Pool on May 25. He stated typically it takes five days for the Township to fill the pool, and Pennsylvania American will be able to fill the pool in one day. He stated they will take the water right from the hydrant which is not metered which means Pennsylvania American will be paying for the water.

Mr. Ferguson stated Pennsylvania American has also discussed doing some other things moving forward with the Township and the Park & Rec program that they will discuss at another time.

Approve Purchase of a 2019 Chevy Silverado, as Bid Through CoStars at a Net Cost of \$75,736

Mr. Ferguson stated even though this will be a Park & Rec vehicle, it will still be used to salt and plow and other things.

Mr. Lewis moved and Ms. Blundi seconded to approve purchase of a 2019 Chevy Silverado as Bid through CoStars at a net cost of \$75,736.

Ms. Tyler asked if this was part of the approved Budget, and Mr. Ferguson agreed. He stated this is a carve-out for recreation vehicles paid for out of the Park & Rec fund.

Motion carried unanimously.

Mr. Ferguson stated as he noted in his Manager's Report they did contemplate that this item would be financed for three years, and he will be coming back to the Board with a proposal to utilize whoever gives the lowest quote to finance this.

Approve Purchase of a Super Z HD Vanguard Mower and Grass Catcher as Bid Through Sourcewell at a Cost of \$15,180.64

Mr. Ferguson stated this item was also budgeted under Park & Rec. Mr. Ferguson stated as noted in his Manger's Report, Sourcewell is a National bidding consortium, of which we are a member and this satisfies all bidding requirements.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the purchase of a Super Z HD Vanguard mower and grass catcher as Bid through Sourcewell at a cost of \$15,180.64.

Approve Applying for a DEP 902 Recycling Grant to Purchase Four (4) Leaf Trailers with a Net Match of Zero (\$0.00) Dollars to the Township

Mr. Ferguson stated as noted in his Manager's Report and as outlined in an e-mail sent to the Board last week, he had the opportunity to meet with the DEP representative who deals with Recycling Grants about the Township's desire to

purchase leaf trailers. Mr. Ferguson stated that the ones the Township currently has are quite old, and the last one that the Township purchased was a used one purchased ten years ago. He stated several of them have been “down,” and they know that the leaf program is very important to the Township. Mr. Ferguson stated each of the mowers costs \$76,604.08. He stated the Grant is 90/10 which means that the Grant would pay 90%, and the Township would pay 10%; however, he pointed out to them that the Board just authorized the purchase of a skid steer which is also used for the leaf program, and the DEP representative indicated that the Township could use the skid steer as the match so that in the end the Township would be going for a Grant that would entirely pay for the leaf trailers. He stated the four leaf trailers that would cost \$306,416.32 would be covered entirely by DEP if we were awarded this Grant.

Ms. Blundi moved and Ms. Tyler seconded to authorize applying for a DEP 902 Recycling Grant to purchase four leaf trailers with a net match of zero dollars to the Township.

Ms. Tyler asked if we budgeted for the purchase of the leaf trailers; and Mr. Ferguson stated we did not, but since the cost to the Township was zero, he felt it was safe to bring it before the Board. Mr. Ferguson stated they are looking at next year’s Budget as well; and his original goal for the 2020 Budget was to get one leaf trailer for \$76,000, and now we have the opportunity to get four leaf trailers.

Mr. Ferguson was thanked for his work on this.

Motion carried unanimously.

Approve Authorizing Beradelli Pool Service to Clean and Paint the Intermediate, Lap, and Baby Pools at a Cost of \$13,834.50

Mr. Ferguson stated they did receive quotes for acid washing and painting the other three pools – the baby pool, the intermediate pool, and the lap pool with the idea that those would be expected to be completed the end of April.

Ms. Tyler moved and Ms. Blundi seconded authorizing Beradelli Pool Service to clean and paint the intermediate, lap, and baby pools at a cost of \$13,834.50.

Mr. Gruen asked if this is within the Pool Budget, and Mr. Ferguson agreed.

Ms. Blundi asked who picks the paint colors of the pool. Mr. Ferguson stated he believes that there are generally-accepted colors that are used for the pools. Ms. Blundi asked that they consider updating the colors, and Mr. Grenier suggested they discuss this for next year's painting.

Motion carried unanimously.

#### Discussion of Township Facebook Page

Mr. Ferguson stated he wants to try to establish different ways to reach people quickly about certain items. He stated examples would be the recent boil-advisory from Pennsylvania American, when the Township is out salting and plowing, or if there are wires down, etc. He stated this would be an Admin-driven Facebook page, and the Township would provide postings of useful information to people to try to keep the community up to date on things that are happening. He stated the Park & Rec Facebook page is structured that way; and if someone goes on the page, it provides information, and if someone has a question about something on the page, they would be advised to call the Township or send an e-mail. Mr. Ferguson stated he feels this is the only reasonable way to manage this. He stated the Township would not be able to respond by a Facebook message if a resident asked at 4:00 a.m. when the Township would be on their street; and the idea would be to inform residents of items, but they would also be advised that they would still have to contact the Township. Mr. Ferguson stated he would give his Department Heads the ability to post certain things on the Facebook page for planned activities or for things people are calling or are concerned about as well as safety related events that come up about which they want to notify the public.

Mr. Ferguson stated before he proceeded with this, he wanted to discuss it with the Board. He stated he does not want to turn this into an interactive page where people would be posting negative comments, rather it is meant to be informative. He stated there are other private pages in the Township that a lot of people participate in; however, in this case it is meant to provide reasonable updates to people particularly with regard to safety items. He stated they would still encourage people to call and e-mail the Township and deal with the staff.

Mr. Grenier asked if this would mimic the News and Events section of our current Website. Mr. Ferguson stated it could, but he feels it could provide even more. He stated there have been instances where a project has been approved, and many people are not aware of everything that is going on in the Township; and they have received calls from residents questioning why a piece of property is being cleared. Mr. Ferguson stated with this Facebook page, they could include something that advises of authorized work being done. He stated if they get a lot of calls about

things that people are concerned or confused about, they would make an attempt to put something about that on the Facebook page so that we can be as informative as we can.

Mr. Grenier asked if we will be putting out announcements, have they vetted concerns expressed in the past about First Amendment rights, etc. through counsel or some other group that we are a part of. Mr. Ferguson stated we have a Rec Facebook page that is run this way and they coordinated through DVIT and their legal office regarding rights, responsibilities, and obligations. Mr. Ferguson stated he has spent a lot of time discussing this with Managers and his own investigation, and there is a lot of evidence that when pages turn into a “free-for-all” people in the end become more confused about what is happening. He stated he is trying to keep this from turning into a political debate forum as opposed to a staff-driven exercise where we inform people of issues and questions that are going on in the Township so that we are doing everything we can to keep people informed.

Mr. Grenier stated he feels the more communication options we have, the better. Mr. Ferguson stated he has no desire to set something up that stifles anything, and they will follow all the rules required. He stated they will have the same note they have on the Rec Facebook page which states that this page is not being actively monitored; and if you have a concern, question, or complaint the Township Office should be called during regular business hours.

Mr. Lewis stated the “sole source of truth” should be the Township Website LMT.org. He noted that the Township has a Twitter page with 943 followers, but we have not posted anything since December. He stated while he is not opposed to a Facebook page, the solution should be when an announcement needs to be made by staff, it should go on LMT.org; and that announcement should be Tweeted, and it could also be posted to Facebook on a Facebook page without the acceptance of comments or suggestions from people so that each social media incident is treated the same in terms of getting information out; however, people should be driven to the LMT.org Website for the contents.

Mr. Grenier asked who manages the Township Twitter account. He stated he knows the Police have a separate Twitter account. Mr. Grenier asked who made the post in December Mr. Lewis referred to, and Mr. Ferguson stated it was no one from his staff. Mr. Lewis stated they would have had to. Ms. Tyler stated they need to find out about this. She also stated that we need to have a social media policy. Mr. Ferguson stated he will create a social media policy, and the policy is going to be related to the postings on the Facebook page. He stated while he is not discounting what was stated by Mr. Lewis, there is no one on his staff that is utilizing a Township Twitter account. He stated the Police do have a Twitter account. He stated he is not sure

who is managing the Township Twitter account since he is not asking for things to be tweeted out on the Township Twitter account. Mr. Lewis stated it was started in February, 2014.

Ms. Jill Laurinaitis, 1517 Revere Road, stated the Twitter account was established after the EMAC Committee presented it about three and a half years ago to the Board of Supervisors. She stated it was approved that the Township would start using Twitter to provide information that was relevant to residents. She stated the account was managed by the Township Manager. She stated either Mr. Fedorchak was posting or he delegated that responsibility to someone, and they should be able to recover that account information and utilize it.

Chief Coluzzi stated if there was an important message to go out, Mr. Fedorchak would ask one of the staff to post it on Twitter. Chief Coluzzi stated the Police Department established their own Twitter account, and they have over 1,700 followers. He stated anytime there is an emergency alert, he coordinates with the Township Manager, and it goes on the Township Channel. He stated information is therefore on the Township Website, the Police Crime Watch Website, Police Twitter, and it is picked up by Lower Makefield Great Place, and the Township TV Channel. He stated to get it out again on a Township Twitter would be repetitive, and no one gave anyone directions to do that which is why nothing else has been posted.

Mr. Grenier stated the concern is that no one knows who made the post to the Township Twitter in December. Chief Coluzzi stated he does not believe it is a particular individual who is doing it, and all of the staff are capable of doing it if he or the Township Manager asks them to do so. Mr. Grenier stated Mr. Ferguson was the Manager in December when the last tweet was made, but he is unaware of this which is a concern.

Mr. Ferguson stated what he is trying to do is get to a point where we can post certain things, and he wants staff to have the ability to get the word out when something happens so that they can get the information out as quickly as possible.

Mr. Lewis stated they will need to develop a process that indicates who has the ability to update the Website from a news and information perspective, and they need to know what approvals have to be in place from a content management perspective. He also wants to have a policy that relates to interactions with the tweets and Facebook posts that are standard, and he noted a specific free tool they could use where posts would go straight from the Website to multiple places which saves times.

Mr. Zachary Rubin stated he is the Chair of Electronic Media Advisory Council, and for the last four years they have been an proponent of having a Facebook page; and he commended the Township Manager for bringing this forward. He stated their Committee is composed of people who have expertise in this area, and they are willing to come up with a Facebook proposal to present to the Board of Supervisors. He stated for the last four years, they asked the previous Township Manager to designate someone on staff who would keep these types of pages “fresh.” He stated ideally he would like to see the Township have a Communications Director; although he understands that the Budget cannot absorb that, and so there should be someone designated to do this.

Ms. Jill Laurinaitis stated she came tonight to open up the lines of communication between Mr. Ferguson and his staff and EMAC as well as the Lower Makefield Township is a Great Place to Live group of which she is an Admin. She stated she worked in communications all her career and worked on the LMT Website. She stated she is focused on what it means to be a good digital citizen. She stated she feels establishing a Facebook page for the Township could include a focus on that as well. She stated she is a resource and asked that they contact her directly at any time.

#### DISCUSSION OF SCUDDER FALLS BRIDGE TRAFFIC PATTERNS

Chief Coluzzi stated he wanted to try to explain to the public the confusing detours related to the Scudder Falls Bridge. He stated they did put it on the Township Channel, but it is still confusing; and you actually have to drive it to understand it. He stated the current detours deal with motorists intending to use New Jersey Route 29 as it intersects with I-95. He stated the detours involve all the ramps located on the north side of the Bridge in New Jersey, and it will take approximately eighteen weeks to conclude the entire reconfiguration. He stated there is no detour for Lower Makefield residents wanting to travel south on Route 29 coming from Pennsylvania on I-295. He stated Lower Makefield residents needing to travel north on Route 29 coming from Pennsylvania on I-295 will need to go to I-295 Scotch Road exit which is #73 and swing over the on-ramp for I-95 north backwards toward Pennsylvania, and get off at the Route 29 north exit #76. He stated the other detour involves people in Trenton, New Jersey wanting to come to Pennsylvania. He stated the other thing that effects Lower Makefield could be a back up on Taylorsville Road and Woodside Road with regard to motorists in New Jersey needing to travel from I-295 north from the Quaker Bridge Mall toward Pennsylvania, and they need to go onto Route 29 south toward Trenton, travel over to Pennsylvania, get off at the Yardley Exit #10, Taylorsville Road, and then turn right at the signal and re-enter I-295 south back over to New Jersey and exit at the Route 29 south exit which is the first exit.

He stated this detour could add approximately 150 additional vehicles in the a.m. peak hours and an additional 100 vehicles in the p.m. peak hours, and vehicles could back up past Woodside Road on some occasions.

Mr. Michael Brody, 509 Brookbend Court asked if Waze works for the new changes, and Chief Coluzzi stated he did not know. Ms. Blundi stated it did not work recently. Ms. Tyler asked if there is a map or rendering that PennDOT is providing; and Chief Coluzzi stated that while there is, it is very confusing. Mr. Grenier stated you can go to the Delaware River Joint Toll Bridge Commission Website for the Scudder Falls Bridge where this is posted as a traffic alert and includes maps but they are not easy to read which is why he asked the Chief to discuss it this evening.

Mr. Brody stated he received an e-mail about a one and a half month chlorine flush from Pennsylvania American Water, and he asked for further information about it. Mr. Ferguson stated while he cannot speak to the specifics, he has asked that they send him notices about everything they are doing; and he has been posting those and sending them to the Board. Mr. Ferguson stated he would encourage those who have specific questions about that, to contact Pennsylvania American Water. Chief Coluzzi stated while he is not sure of the reason for it, it is not harmful. Ms. Tyler stated they would like to know why; and Dr. Weiss stated they are changing the chemicals from chlorides to chlorine, and they are flushing the system when they change the chemicals. He stated they did indicate that there will be a taste change for a while. Mr. Lewis asked if there is a chance we could get fluoride soon.

#### ZONING HEARING BOARD MATTERS

With regard to the Ryan and Samantha O'Mara Variance request for the property located at 1217 Evergreen Road in order to permit construction of a detached garage and paved driveway resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board

#### PROJECT UPDATES

##### Township Properties – Inventory and Status

Mr. Ferguson stated the inventory is underway, and he expects to have a preliminary report and brief overview to the Board next week.

Makefield Road School Crossing

Mr. Ferguson stated he will probably not have anything for this project for at least another month.

Sandy Run Road

Mr. Ferguson stated he has asked for a third party review of the Plan that TPD put together in order to have as many eyes on this project as possible before it goes out to Bid. He stated the third party asked for some clarifications from TPD which they provided. He stated the third party which he brought on will be coming in to meet with Chief Coluzzi, Captain Lewis, the Public Works Director, Mr. Majewski, Mr. Wursta, and himself to go over their final conclusions; and they will present a report which he will provide to the Board of Supervisors in advance of moving forward on this project.

2019 Road Program

Mr. Ferguson stated the 2019 Road Program is out for Bid, and the Bid Opening will be March 15.

Mr. Grenier stated there was a PennDOT announcement for roads being paved in the Philadelphia area, and there are several State roads in Lower Makefield Township that will be paved this year.

Memorial Park Project

Mr. Ferguson stated there have been discussions with the Board and Mr. Pockl about the Memorial Park project with the idea that we will be moving forward with that this year. Mr. Ferguson stated we received the CAD files we were waiting for, and they have been reviewed by Mr. Majewski.

Multi-Use Trail

Mr. Ferguson stated plans for the multi-use trail around the fields have been done, and we are scheduling a meeting next week with TPD and Township staff.

Mr. Ferguson stated there has been discussion about presenting the plan to other Township groups.

Woodside Bike Path

Mr. Ferguson stated the Woodside bike path Grant Application was re-submitted with some adjustments but with the financial responsibility of the Township remaining the same. Mr. Ferguson asked Mr. Pockl if he had an idea of the turn around time, and Mr. Pockl stated they had initially indicated it would be some time in March.

Big Oak/Makefield Road Turn Lane

Chief Coluzzi stated TPD indicated that they are waiting for PennDOT to send them the Plans for the ADA ramps so that they can be coordinated with the entire project.

Route 332/Mirror Lake Signal Interconnect

Chief Coluzzi stated they hope to have the project completed by the end of this year. He stated the deadline for the Grant is May 1, 2021.

Mr. Ferguson stated he had also included in his Manager's Report that he has submitted the signed paperwork and supporting documentation for the \$911,000 RACP Grant reimbursement. All of the State approvals leading into being able to do that were granted. He stated if they find the documentation in order, a significant portion of that amount would be granted; and they would physically send out an auditor to the Township to make sure everything is in order, and the Township would then get the remaining 5% to 10% that was withheld. He stated he is optimistic that this will happen in the next sixty days.

SUPERVISORS REPORTS

Mr. Grenier stated the Financial Advisory Committee met and reviewed our debt book. He stated the Sewer Authority and Sewer Sub Committee met last week and they are proceeding with reviewing the options relative to sewer issues with pipes and treatment.

Dr. Weiss stated the Disability Advisory Board is looking for new members, and he asked those interested to contact the Township to set up an interview.

Ms. Blundi stated the EAC is working on adopting a plan for planting trees and utilizing some of the tree bank. She stated there will be an e-recycling event on May 4 at William Penn. Ms. Blundi stated the Citizens Traffic Commission has an opening, and those interested in applying should contact the Township Manager.

Mr. Lewis stated Farmland Preservation met and discussed a tour that will be done on Saturday of all the properties and management of Farmland Preservation assets. He stated there was a discussion about changing the current structure of investments from a unmanaged structure to being partially managed. He stated they have approximately \$1 million that they manage.

## OTHER BUSINESS

### Discussion and Motion to Postpone a Motion on a Non-Discrimination Ordinance

Mr. Lewis moved to direct the Solicitor to draft a comprehensive Non-Discrimination Ordinance for review at the March 20 meeting, with consideration for publication at the April 3 meeting, and potential passage at the April 17 meeting.

Mr. Lewis stated the Ordinance would insure that all persons regardless of actual or perceived race, color, sex, religion, ancestry, genetic information, National origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide and support animals and/or mechanical aids enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, and use of public accommodations, and have equal access to post secondary educational institutions. He stated this Ordinance should include provisions to provide for an adequate enforcement mechanism for those who are discriminated against, removal of gender-specific language in the Township Code, and a ban on sexual orientation conversion therapy.

Mr. Lewis stated typical Ordinances have been passed in over fifty Pennsylvanian Municipalities including Newtown Township and Yardley Borough.

Dr. Weiss seconded.

Mr. Grenier stated his plan was to put a Resolution on the Agenda for the next meeting to begin to address these items. He stated the Township does not even have a Personnel Handbook in place, and we are just beginning to put together policies such as sexual harassment and non-discrimination policies. Mr. Grenier stated he would prefer to work on a Resolution first and then move on toward a potential Ordinance. He stated he would not want to direct the solicitor to move

forward with an Ordinance without having substantial discussion ahead of time including research packages. He stated when Mr. Lewis was Chair, he did ask the solicitor to put together a package for himself which the rest of the Board has not all seen; and a request to the solicitor will be made to get that. Mr. Grenier stated this is a potential discussion item that they could have in the future, but he does not believe that the Board has enough information yet to move forward on the actual drafting of an Ordinance.

Ms. Blundi stated she would support anything that makes sure that all people are treated equally, but since the time Yardley Borough passed their Ordinance, there has been a Commission put in place by the Governor. She stated we should be in contact with the Governor's office to get information so that what we put in effect makes sense and has the desired intent. She stated she does not feel at this time directing the solicitor with a specific timeframe is the way to go about this.

Mr. Lewis stated he disagrees adding that there are fifty model Ordinances to consider Statewide. He stated this is an area where we have received repeated requests from the community to take action on, and he does not see a reason why we cannot complete the work which was started which we did not complete and put together an Ordinance that can be reviewed.

Ms. Tyler stated she believes that this should be at the State level, and we should be pressuring our State Government to work on this. Mr. Lewis stated this would be the way to do that. Ms. Tyler stated this should be handled and enforced by the State, and is already enforced by the Federal Government. Ms. Tyler stated Mr. Lewis read a list in his Motion; however, the rest of the Board has not had anything to look at. She stated she agrees with Mr. Grenier and Ms. Blundi, and they should see how this would impact the residents. Ms. Tyler stated when Mr. Lewis first brought this up, she spoke to Chief Coluzzi and the staff and fortunately Lower Makefield has not had any incidences involving the discrimination that Mr. Lewis outlined. She stated she agrees that this is something we should move forward with, but it should be considered as a cohesive group of five Supervisors and hope that it comes down from the State which is where it should come down from. Ms. Tyler stated she feels we should continue to put pressure on our State officials to take some action on this at the State level.

Mr. Lewis stated he did not come before the Board with a pre-described Ordinance, and he suggested that the solicitor draft an Ordinance that encompasses the general goals he hopes many of the Supervisors agree with. He stated he does not feel what he has suggested is forcing anyone's hand, and it allows getting a discussion going on the topic which the Board has not had since Public Comment from a number of people. He stated he does not see why asking the solicitor to draft a proposed Ordinance is "that big of a deal." Ms. Tyler stated it is costly and is addressing an

issue that does not exist in Lower Makefield Township. She stated to pass an Ordinance of that nature is a violation of Federal law and an adequate remedy exists under the law. She stated this is not something that should be done piecemeal from town to town, and it is all encompassing already by the Federal Government. Ms. Tyler stated Mr. Lewis is bringing up an issue that no one would disagree with that everyone is entitled to equality under the law, and laws already exist to prevent that. She stated Mr. Lewis has indicated that people have contacted him about this; however, no one has contacted her about it. She stated she agrees they can look into this, and they have been looking into it. She stated she feels they should look into it together.

Mr. Lewis stated he does not know that Chief Coluzzi knows that there have been people that have been discriminated against in employment and housing within Lower Makefield based on their orientation. Ms. Tyler stated there is a way to address this in a discrimination claim. Mr. Lewis stated you do not have protection in the State of Pennsylvania which is why the Governor is pushing for a State-wide protection as he is suggesting at the local level. Mr. Lewis stated the reason why the Governor is pushing for this is because fifty Municipalities have asked for it, and he would like Lower Makefield to do so as well. Mr. Lewis stated he disagrees that we should wait until the State or Federal Government takes action when in many cases the Federal Government is rolling back protections for the LGBTQ community, and it is something that we need to address so we can at least make sure that within Lower Makefield people are not discriminated against and mistreated. Mr. Lewis stated this is not a particular issue about a category as he had listed off a whole list of potential reasons for discrimination that we would want to outlaw. Ms. Tyler asked Mr. Lewis when he uses the word “outlaw” if he is looking to make a Criminal Statute since we do not have that authority either. Mr. Lewis stated he did not say criminalize, and the only thing he suggested we would be outlawing was the sexual orientation conversion therapy which is a fraudulent activity that many Municipalities have outlawed in Pennsylvania including Yardley, Doylestown, and a number of Municipalities in Bucks County. He stated this has been around for a long period of time, and Lower Makefield is “way behind” other Municipalities in this. He stated Newtown and Yardley Borough were last year. He stated he does not know why it would be so hard for the Board to direct the solicitor to complete an Ordinance for the Board to review and have the discussion process at the next meeting.

Ms. Tyler stated if she were a proponent of moving this forward and there were Ordinances already in draft, she would get copies of those Ordinances and give them to the rest of the Supervisors asking them to review them before paying the solicitor to do it. She asked that Mr. Lewis provide them to the rest of the Supervisors to review so that they can discuss this.

Mr. Grenier stated he is aware that Mr. Lewis has leveraged our solicitor to do some research that has been paid for but was not directed by the Board of Supervisors which is another issue. Mr. Grenier stated Mr. Lewis had earlier discussed “process,” and the process should be that we have a discussion about the issue ahead of time; and then if the majority of the Board wishes to address that issue, then and only then would we direct our solicitor to move forward with a particular Ordinance.

Mr. Lewis stated he does not feel that process was followed this evening as we had one Ordinance that did not have solicitor review. Mr. Grenier stated that is incorrect, as it had multiple solicitor reviews at multiple levels. Mr. Lewis asked if that was true for the private sewer line inspection; and Mr. Grenier agreed and stated the Sewer Authority solicitor has reviewed it since at least July. Mr. Grenier stated he had asked previously that it be put on the Agenda because it had been reviewed, but it was not put on an Agenda. Mr. Lewis stated the Sewer Lateral Inspection Ordinance just came up tonight for the first time and he had never seen it before. Mr. Grenier stated it had been reviewed by the Sewer Authority solicitor.

Ms. Tyler stated it was noted that Mr. Lewis had directed the solicitor to do research on this issue unilaterally, and Mr. Lewis agreed he did adding he asked last year to review those Ordinances. Mr. Grenier asked Mr. Truelove where in the Second Class Township Code does it allow a Supervisor to move forward unilaterally to expend Township funds, and Mr. Truelove stated it does not specifically. Ms. Tyler asked if there was a report generated as a result of that, and she asked Mr. Lewis if he received information that he did not share with the rest of the Board. Mr. Lewis stated he had discussions with the solicitor, and he believes that he got an e-mail all of which is “Right-to-Knowable; and the Board is welcome to have. Ms. Tyler stated the Supervisors are colleagues, and Mr. Lewis does not have the authority to engage any of our professionals unilaterally. She stated now they are hearing that Mr. Lewis has done that and has information that he did not share with the Board which the Township has paid for. She asked that Mr. Lewis turn over any information that he has.

Mr. Lewis asked if Ms. Tyler is stating that he is not allowed to talk to a solicitor or an engineer, and Ms. Tyler stated he is not allowed to engage them in an activity that has not been approved by the Board of Supervisors. Mr. Lewis asked Ms. Tyler if she is indicating that when she was Chair, she sought Board approval before bringing Ordinances up for drafting as he feels the answer is “no.” Ms. Tyler stated she never engaged a professional as an individual Supervisor does not have the authority to “rack up legal bills” unless it is the will of the entire Board.

Mr. Grenier stated they are discussing a Motion on the Table specifically related to an action, and they are not going to discuss historic issues. Mr. Lewis stated he was “attacked.” Mr. Grenier stated he was not attacked, and they were stating the fact that Mr. Lewis engaged the solicitor to spend money to do this without direction from the Board. He stated that is a fact related to this specific issue, and Mr. Lewis then went back and was “retaliating” against Ms. Tyler about something completely unrelated relative to her prior practices which has nothing to do with this Ordinance request.

Mr. Lewis stated he has been personally attacked when the person attacking him has committed the same activity for many years. Ms. Tyler stated she has never done that. She stated she has never engaged a professional without the authority of the Board, and Mr. Lewis just admitted that he did exactly that. Ms. Tyler asked that they call the question and move on.

Mr. Zachary Rubin stated he is in support of the Motion. He stated the Chairman stated that they cannot bring this before the Board of Supervisors until there is discussion; but that is what a Motion is, and they are discussing it right now. Mr. Rubin stated Ms. Tyler is incorrect about Federal protections, and a majority of the classes that were enumerated by Mr. Lewis are not protected Federally or by State laws so there is nothing wrong with having local Ordinances to protect these classes where there might be discrimination. He stated simply because there have not been incidences in the past, past performance is not indicative of future performance. He stated he feels they should direct the solicitor to draft an Ordinance so it can be put in the books before there is a problem.

Mr. Grenier stated at the State level, Representative Dan Frankel is proposing a Bill to this effect; and he believes that our current local State Representative is probably a co-sponsor of this Bill. Mr. Grenier stated even so, he believes that one of the issues we need to discuss and understand before creating an Ordinance is one of the primary items involved in most if not all of the other Ordinances that other Municipalities have which is the creation of a local Human Rights Commission which is a Board which would have some review authority over some of these claims. He stated he has done some research on this and he is interested in an Ordinance such as this. He stated one of the issues which comes up with creating a Human Rights Commission to review these claims is that it may typically consist of members who have no background in these issues and he is concerned that may create legal issues for the Township when trying to enforce certain parts of this Ordinance. He stated before the Board moves forward, he would like to research that in much greater detail, understand it, and see what risks the Township is put at by doing certain things before we have an actual Ordinance in place so that we can discuss every part of a potential Ordinance and concerns as a Board so that it can be included in a future Ordinance.

Mr. Grenier stated he is concerned that this important of an Ordinance was brought up under Other Business. He stated when the process was set up this year, the Discussion Items were specifically set up for all members of the Board of Supervisors, Advisory Boards and Commissions, staff members, and the public to present packages to the Board of Supervisors as part of Discussion Items. He stated he had asked that they be presented a week or two in advance so people would have an opportunity to review them and see if they could be put on the Agenda so that there could be thoughtful discussion and not a “political push on something just for the sake of getting it in at the end of a meeting.” Mr. Grenier stated that did not happen, and if someone wanted this to be considered as a Discussion topic, they should do the work and put together a package of research, be ready for questions, and put it before the Board. Mr. Grenier stated he, as Chair, and the Township Manager set the Agenda and would then move items ahead accordingly.

Mr. Grenier stated this could have been put on the Agenda last year when the person who made the Motion tonight had the ability to do that, and it was never placed on the Agenda. Mr. Grenier stated he feels that bringing this up late at night when no one had a chance to review anything is “disingenuous.” He stated he feels a majority of the Board strongly supports this concept, and everyone should have an opportunity to weigh in on the issues and then move forward.

Mr. Lewis stated even though there is a Motion on the floor, he would like to respond to the Ad hominem attack. Mr. Grenier asked what Mr. Lewis means by an “Ad hominem” attack as he uses that comment a lot, and he wants to make sure everyone understands the definition. Mr. Lewis stated Mr. Grenier was making an attack against him as a person when he suggested that he did something “nefarious” or wrong in contacting the solicitor. Mr. Grenier stated he was not attacking, and was simply stating a fact. Mr. Lewis stated to state the same fact, Mr. Grenier would have violated the same terms on Ordinances Mr. Grenier when he asked for them to be placed on the Agenda. Mr. Grenier stated every Ordinance he has brought up as Chair has gone under Discussion Items first. Mr. Lewis stated when Mr. Grenier was a member of the Board last year, he asked for Ordinances and was able to contact the solicitor without Board approval for that. Mr. Lewis stated what he has done today is to state that this should be placed on the Agenda. Mr. Grenier stated what Mr. Lewis stated was to “direct the solicitor to write an Ordinance,” and that means to direct the solicitor to spend time and money writing an Ordinance, and it was not to put it on the Agenda for discussion; and that is two completely different things.

Mr. Lewis stated Mr. Grenier has developed a new process where Board members do not get access or the opportunity to have items put on the Agenda; however, Ms. Blundi stated that is not what has been done. Mr. Grenier stated that is not at all what he has done. Mr. Grenier stated this is an “Ad hominem attack and is why

Mr. Lewis is not Chair.” Mr. Grenier stated he will repeat what was discussed about the process during the the meeting that Mr. Lewis missed without telling the Board until the last minute back in January. Mr. Grenier stated if you want to have a future Ordinance or Resolution on the Agenda as a Discussion Item the process is to let the Board Chair and the Township Manager know what the item is, provide a package so that the Board and public can review it for discussion; and if it turns into an Ordinance that has to be advertised, after discussion, a majority of the Board could direct the solicitor to spend his time and the Township’s money to draft an Ordinance for potential advertisement.

Mr. Lewis stated he could have been admonished in a different way and Mr. Grenier could have suggested that he amend his Motion to ask for placement on the Agenda as a Discussion Item as opposed to asking the solicitor to draft a proposed Ordinance, but that was not Mr. Grenier’s intent. Mr. Lewis stated Mr. Grenier could have Amended the Motion. Mr. Lewis stated they should call the question and take the vote.

Ms. Blundi asked if this should be Tabled so that Mr. Lewis has the opportunity to follow the practice; however, Mr. Lewis stated there is a Motion on the floor. Ms. Blundi stated she could Move to Table it. Ms. Blundi advised Mr. Lewis that there is a process that has been in place since there has been a new Chair, and they should follow that process. She asked Mr. Lewis if he would be amenable to a Motion to Table the Motion so that the process could be followed on this very important issue. Mr. Lewis stated he believes that someone called the question so he does not know if he has the ability to take a Motion to Table.

Ms. Blundi asked Mr. Lewis if he would be okay if she Moved to Table, and Mr. Lewis stated he would prefer that they have a Motion with a date certain for it to be placed on for discussion. Ms. Blundi stated that seems “disingenuous” since last year she and Mr. Lewis had a number of discussions about this, and there were “dates certain” that Mr. Lewis had that did not materialize, although she understands that “things happen.” Ms. Blundi stating they are trying to establish a process and give everyone the opportunity to have thoughtful impact, and she asked Mr. Lewis again if he would allow her to Table this so that they can follow the process that has been in effect in 2019.

Mr. Lewis stated he would be amenable to an Amendment to place it on for discussion at a future meeting. Ms. Tyler stated that is not a proper source of a Motion. She added the Agenda is set at the discretion of the Chair. Mr. Lewis stated he could bring it up as a Discussion Item under Other Business at future meetings. Ms. Blundi stated there is a process, and the process is to indicate you want to discuss something and provide some information so that they can have a thoughtful conversation about it.

Ms. Blundi stated Mr. Lewis earlier indicated that the Supervisors should file a Right-to-Know Act to get the information that he received from the solicitor last year. Mr. Lewis stated he would have given that willingly. Ms. Blundi suggested that he therefore do that; and they should withdraw the Motion, and get the information that Mr. Lewis has and any other information the Board needs so that they can start a thoughtful discussion on this very important issue.

Mr. Lewis stated he would be open to a “friendly Amendment.” Ms. Blundi stated she feels the Amendment would be to Table it. Mr. Lewis stated the Amendment would be to place this as a discussion item for consideration and have it as a March 20 Discussion Item which is what the Motion says.

Ms. Blundi stated when Mr. Lewis was kind enough to teach her when she was new to the Board last year, he advised that the Chair sets the Agenda so she does not feel that the Board can make a Motion that directs the Chair to put something on the Agenda. She added Mr. Grenier has commented this evening and in the past that someone can ask to put something on the Agenda under Discussion Items. Mr. Lewis stated that as Ms. Blundi noted when he was Chair he did give every Board member a chance to “add stuff to the Agenda;” however, Ms. Blundi stated she did not state that; rather she had stated that when she and Mr. Lewis met and he taught her how to be a Supervisor he told her a number of things one of which was that you should not go to the solicitor on your own and have him do research as that is not how it is done. Ms. Blundi stated another thing Mr. Lewis told her was that the Chair sets the Agenda. She stated he also taught her that the Board is a body that seeks to build consensus, seeks to have thoughtful communication, and seeks to address important issues in a thoughtful manner; and that is what she is urging Mr. Lewis to do and to allow her to Table the Motion so that the Board can address this issue in a thoughtful manner.

Ms. Blundi stated she is willing to Move to call the question, but she does not want anyone to misinterpret that she is in anyway against this very important issue although she is against the way it is being brought up. Ms. Blundi Moved to call the question.

Mr. Zachary Rubin stated to call a question, you need a two-thirds vote. He stated the Motion to close debate, which is to call the question, you need a two-thirds vote to close debate according to Roberts Rules. Mr. Truelove stated they would need four out of the five members, but that is only if there is no further comment. Mr. Truelove stated the Board can also decide that there is no further discussion without making that Motion.

Ms. Blundi withdrew her Motion.

Dr. Weiss moved and Ms. Tyler seconded to Table the subject.

Mr. Rubin stated a Motion to Table which only needs a majority vote is only used to put it on the Table temporarily with the intent to bring it up at the meeting. He stated any attempt to Table to stifle debate is not parliamentary. He stated when you Table, that means the intent is to bring it up at this meeting, and it is only a “temporary thing.” Ms. Blundi stated she agrees it is temporary, but it does not mean that it is the next meeting. Ms. Blundi stated there is a Motion to Table that has been Seconded.

Dr. Weiss stated if the Motion to Table is to bring it back at the same meeting, he would withdraw that Motion and make a Motion to postpone until we get the information that we need to discuss this intelligently. Ms. Tyler stated her opinion is that the Board not make any further Motions and vote on Mr. Lewis’ Motion. Dr. Weiss stated his Motion would take precedence so if he gets a Second, they can vote on that. Ms. Blundi agreed to Second. Mr. Grenier asked Dr. Weiss to restate the Motion.

Dr. Weiss moved to postpone the Motion indefinitely until the Board gets the information they need to make intelligent discussion. Ms. Blundi seconded, and the Motion carried with Mr. Lewis opposed.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to re-appoint the following:

Catherine Chia-Calabria – Citizens Traffic  
Zachary Rubin – Electronic Media  
Jack Kennedy – Emergency Management (Alternate)  
Kevin Treiber – Emergency Management  
Soyumya Dharmavaram – EAC  
Jim Bray – EAC (Alternate)  
James Richardson – Golf Committee  
Michael Tritt – Zoning Hearing Board (Alternate)

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

Respectfully Submitted,

Kristin Tyler, Secretary