

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MAY 15, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 15, 2019. Mr. Grenier called the meeting to order at 7:30 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

Ms. Tyler reminded the community that this Saturday Ms. Casey Shaeffer will be holding a Carnival behind Edgewood benefitting A Soldier's Hands and NF. It will be from 11:00 to 3:00 with activities for children from 0 to 12. Ms. Tyler asked that everyone attend and support Ms. Shaeffer's charitable efforts.

Ms. Blundi stated the walking group will be meeting at the Community Center on June 1, June 15, and June 29 as well as this Saturday starting at 10:30. Ms. Blundi stated it is usually a two-mile walk. Ms. Blundi also announced Pennsbury High School is sponsoring Soles for Souls which is a 5K walk/run at Tyler State Park, and more information can be found at [PHS.SolesforSouls.com](http://PHS.SolesforSouls.com)

#### AGENDA ANNOUNCEMENT

Mr. Grenier noted Item XVI b. – Discussion Items. He stated originally they were going to discuss a Board comment letter to the Pennsylvania DEP regarding the Phase 2 Application for Elcon, but they will postpone that until the next meeting because today the DEP issued a Notice of Intent to Deny that Permit Application. Mr. Grenier stated the Board wants to review that and make sure they incorporate that into the Township's comments. He stated he understands the Public Comment

period will begin June 1, and there will be forty-five days so that if this is addressed at the Board's next meeting, there will be more than enough time within that forty-five days to discuss that.

#### PUBLIC COMMENT

Mr. Hasib Abdur-Rahman, stated he is a representative of the Zubaida Foundation located at 855 Big Oak Road. He stated he wants to once again congratulate the Lower Makefield Police Department under the leadership of Chief Coluzzi and thank them for working with the Zubaida Foundation. He noted recent articles speaking negatively about Police all over the Country, and very few times do you see anything about the good the Police do. He stated the Zubaida Foundation wants to give thanks again to the Police Department and Chief Coluzzi for their help to them during these perilous times when people are trying to worship. He stated the Police Officers have been in front of their place of worship on Fridays securing the premises and nightly patrolling the area during their holiest times of the year – Ramadan. He stated the Zubaida Foundation is here to cooperate with the Police and not criticize them.

Mr. Abdur-Rahman invited everyone to the Open House at the Zubaida Foundation on June 23. Flyers were provided this evening. He stated it is a community event. He stated at that event they will recognize the Supervisors who have supported them over the years. He stated the Zubaida Foundation will continue to do positive, good things in the community. He noted those needing a meal are invited to come to their facility the second Sunday of each month.

Ms. Michelle Burgess, 15 Glen Drive, announced that on Thursday, May 30<sup>th</sup> from 6 p.m. to 8 p.m. at the Lower Makefield Township Community Center there will be a free event and they will be showing a short film about Alzheimer's. The individual involved in this film will be available to answer questions and offer support. Ms. Burgess stated there will also be resources available for those interested in elder care. Ms. Tyler asked Ms. Burgess if she contacted the Lower Makefield Seniors about this event, and Ms. Burgess stated she believes that her husband did this. Ms. Tyler stated Ms. Tierney would be the contact person for the Seniors who meet at the Community Center.

Mr. Ethan Shiller, 1578 Willow Pond Drive, stated he has lived in the Township since 1992 and was very active in the community as Chairman of the Budget Advisory Committee for many years. He stated he is present to speak about PFM and consideration the Board is giving for any potential sale, lease, or third-party operating of the Lower Makefield Township Public Sewer system. Mr. Shiller stated he is a wealth manager, and he has

a responsibility for the best interest of his clients and to do what is most suitable for them. He asked that each member of the Board hold to those same standards of being fiduciaries for the Township and the financial means that are provided through the millage, taxes, sewer rates, and any other fees that are paid.

Mr. Shiller stated he understands that Mr. Ferguson has been with the Township for two years; however, it was noted Mr. Ferguson was just hired last year. Mr. Shiller stated Mr. Ferguson's predecessor was here for approximately twenty-six years. Mr. Shiller asked Mr. Ferguson if he provided the recommendation for our outside auditors who look at the Budget.

Mr. Grenier reminded Mr. Shiller that he is almost at the three-minute time limit for Public Comment so he assumes that this will be Mr. Shiller's last question.

Mr. Ferguson stated the last auditors that the Township had were not retained, and he brought on the new auditors who he presented to the Board reviewing their qualifications. Mr. Ferguson stated they were hired late last year/early this year. Mr. Shiller stated it is therefore the Board who votes for approval of Mr. Ferguson's recommendation for auditors, and Mr. Ferguson agreed.

Mr. Grenier advised Mr. Shiller that he was over three minutes, and he asked him to complete his comments.

Mr. Shiller stated he understands that Mr. Lewis is the longest member serving on the Board; however, Mr. Lewis stated Ms. Tyler preceded him by four years. Mr. Shiller stated he assumes Mr. Lewis has been here at least three years, and he asked him if he personally voted for the internal auditors. Mr. Lewis stated last year the Board was uncomfortable with their current audit firm. He added that for each of the four prior years, and even prior to when he was a Supervisor, he asked a specific question to the auditor which was "Did they audit Inter Fund Transfers;" and each of the times he asked, he was told that they were properly audited. Mr. Lewis stated last year when there was a difference of opinion in terms of Fund Balances and strategy, the Board made a collective decision to consider a new auditor. He stated they were fortunate that they were able to procure a new auditor relatively quickly, and that was publicly discussed and voted on and believes that it was a unanimous decision. Mr. Lewis stated it could be suggested that his vote to replace the auditor, who he had not selected, indicated that he was not happy with their performance.

Mr. Shiller stated at the last meeting Mr. Ferguson specifically made comments regarding our financial structure and our debt structure "was of past and not something that has currently occurred," and that it was because of the lack of

oversight from internal auditors. Mr. Grenier asked Mr. Truelove if they should be discussing previous auditors, and Mr. Truelove stated if there is any potential liability, he does not think they should be discussing it. Mr. Shiller stated he wanted to follow up on the Township Manager's comment as to why our current debt level has been incurred, and his comments were that it was "due to the fact of some internal auditing issues."

Mr. Lewis stated that there was not a situation where the auditor misled the Board at all. He stated the debt decisions were always made public and discussed; and many including himself in 2013 prior to becoming a Supervisor, had expressed significant concerns about pushing the debt out. Mr. Lewis stated when the Dalgewicz Settlement occurred the Board had to borrow additional money to pay off the Settlement for the purchase of the Golf Course property; and at that time they took the opportunity to refinance the debt and keep pushing the debt out. Mr. Lewis stated subsequent debt issues kept getting pushed, and those bills eventually started to come due. Mr. Lewis stated that is not to suggest that the Township is in any significant financial hardship or distress. He stated the Township could, if they chose to, push the debt out further, raise taxes, or do a whole series of things to address the debt. Mr. Lewis stated there is a lot of misinformation and "fear mongering" about that. Mr. Lewis stated he is moving on a forward basis.

Mr. Shiller stated he understands that the Township is currently not in any financial stress, and that the Board of Supervisors does not look at this as any kind of emergency; and Mr. Lewis stated he does not. Mr. Shiller asked if any of the other Supervisors do, and Mr. Grenier stated he is very concerned about our debt load and future finances based on the what they learned during the 2019 Budget process when they had to raise taxes and they uncovered a lot of issues with the sewers. He stated there is also a lot of debt related to the Golf Course which will escalate and go higher and higher. He stated they are also finding issues where we are reaching the cap on our taxes which they have to address due to a number of issues over an extended period of time. Mr. Grenier stated he is very concerned about it, and he feels it is our "number one" issue. He stated he does not feel we are in danger at the moment, but he is concerned about it.

Mr. Shiller asked if the cap on the millage is regulated by the State, and Mr. Truelove stated it is by the Second Class Township Code. Mr. Grenier stated a few of our millages are not capped by regulation but major millages are, and they are getting close to that so that is something they have to be very careful about.

Mr. Lee Pedowicz, 247 Truman Way, asked if they will be allowed to participate from the audience as the meeting goes on; and Mr. Grenier stated they will. Mr. Grenier stated when there is an Agenda item, there will be an initial presentation, the matter will be opened up for Board comments, and then they open it up to public comment.

#### APPROVAL OF MINUTES

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of May 1, 2019 as written.

#### APPROVAL OF WARRANT LIST OF MAY 6, 2019

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the Warrant List of May 6, 2019 as attached to the Minutes.

#### APPROVAL OF INTERFUND TRANSFERS

Ms. Blundi moved and Ms. Tyler seconded to approve the Interfund Transfers in the amount of \$586,249.36 as attached to the Minutes.

Mr. Grenier asked Mr. Ferguson if there are any key items in the Interfund Transfers that he would like to highlight, and Mr. Ferguson stated they are just associated with Payroll.

Motion carried unanimously.

#### PRESENTATION OF ROOT CAUSE ANALYSIS AND CORRECTIVE ACTIONS ASSOCIATED WITH NOVEMBER/DECEMBER, 2018 BOIL WATER ADVISORY

Mr. Jeff McIntyre, President of Pennsylvania American Water and Mr. Jim Gable, Senior Manager of Operations for the Southeast Region, were present. Mr. McIntyre stated they are present to provide an update on the boil water advisory that happened late in 2018 and discuss the findings of their investigation. Mr. McIntyre thanked the Board for their patience in allowing them to work through their response and deal with the regulators and their various information requests on the root causes and the corrective actions they have taken. Mr. McIntyre also thanked those who came out to their Water Fest event, and they feel they had approximately 300 residents

with their families at the event. He added that much of what he will be talking about tonight will be repetitive for anyone who took the tours at the event. He stated they appreciated the opportunity to open up their facilities to the community so that the community could see what they do.

Mr. McIntyre stated they have a track record of providing safe, clean water for decades in Yardley, and they are very proud of that record. He stated they are absolute in their commitment to maintaining the highest quality of water service to the community. He stated they did have the event in late November that lasted through December 4, and they apologize to the community for that. He stated they found that there was no water quality impact, and the water that they treated through their plant during that period of time was safe for the public; and there was no bacteria detected in the water supply at any time. He stated the boil water advisory is a precautionary advisory; and having looked at all the data, there clearly was nothing wrong with the water during that event.

Mr. McIntyre stated the Root Cause Analysis determined that as a result of maintenance upgrades at the facility using programmable controllers which work to tell the pumps when to turn on and off, etc. from the original construction of the plant, there was a “glitch” in the programming for the pumping station; and when they updated that to the newest technology after twenty years, there was a coding error that was there from the origination of the plant. He stated, when the team put coding in that was correct, it became incompatible with all the rest of the plant; and it created an unstable operation and actually damaged parts of the plant. He stated it also led to transient turbidity spikes. He stated the clarity of water is a measure of turbidity. He stated they tested for bacterial contamination and there was none.

Mr. McIntyre stated they have done all the corrective measures, and the plant has been running fine since December 4; and there have been no water quality issues since that time. He stated they fixed all the coding errors in the treatment plant, and fixed all of the equipment that was damaged. He stated they have also done additional levels of testing and calibration of their controllers. He stated they have also changed their Standard Operating Procedures so that if they get this “upset operation,” they can bring in significant resources since they are the largest water/wastewater utility in the State. He stated they did bring them in to help in Yardley, but they have SOPs to bring them in immediately as soon as there is anything wrong.

Mr. McIntyre stated they have listened to the feedback about notice. He stated they have a process where their customers give them their phone numbers when they set up accounts, and they have a system called Code Red so that if there is an event, they have an automated alert system that will dial that phone number. He stated their customers can also sign up for e-mail and text alerts. He stated he did hear that there are tenants and landlords, and Code Red also has a mobile app; and they can leave brochures about that with the Township this evening. He stated they are interested in working with the Supervisors on anything they can partner with to get better customer information and work on advisory communication. He described how the mobile app for Code Red works.

Mr. Grenier asked if you have to have “location” on your phone turned on, and Mr. McIntyre stated you do have to turn it on because it is geo-spatial. He stated this is also helpful when you travel. Mr. Grenier thanked them for coming and for opening up their facility to the public which he feels went a long way to answering a lot of questions, adding their staff did an excellent job. Mr. Grenier stated the feedback from residents is that they would like to get clearer communications. He stated he feels their Facebook page responds very quickly and clearly. He stated he personally was also able to get questions answered quickly by phone.

Mr. Grenier stated it seems that there were a series of events that led up to the turbidity event; and he asked Mr. McIntyre to discuss what occurred during those events and how those have been fixed. Mr. McIntyre stated when the automation group went in and changed the programming the plant started to have flow spike variations. He stated the plant is highly automated and it has shut-down protocols. He stated they had some transient spikes as the plant was shutting down; and their operational team was working on an operational issue and felt that they were resolving the issues. He stated the November boil water advisory happened when they had a water quality team on site for other reason and they saw it go over 1; and when it goes over 1, there is a notice to the DEP and that started the boil water advisory process.

Mr. Grenier stated another comment the Township received from a number of people was concern about the appearance of some of the “water buffaloes.” He asked Mr. McIntyre to discuss how they “establish the water buffaloes and distribute water” in this type of event. Mr. McIntyre stated it is drinking water. He stated they have disinfection protocols for them, and they use food grade product techniques to disinfect the tanks. He stated they are filled by their operators from systems that have a good quality of water. He stated with regard to their appearance from the outside, some of them may be getting older; but the insides are clean, sterile, and disinfected, and there is chlorine

residual in them. Mr. McIntyre stated they have a fleet of these that they can deploy across the State, and they also have some contractors that they use. He stated DEP has a standard that they have to follow in using the water buffaloes as to how they have to be disinfected and how they have to turn over the water in them. Mr. McIntyre stated he does not know how many people made use of the water buffaloes, and a lot of times they have to take water buffaloes that are almost full and take them away after a day or two because of chlorine dissipation concerns; and they have to empty them and refill them.

Mr. Grenier asked Mr. McIntyre if they are confident that the fixes that they made will be long-lasting fixes, and they will not have another boil water advisory any time soon. Mr. McIntyre stated he is confident with the plant; however, boil water advisories happen for many reasons and a pipe could break etc. He stated they are a water company with items underground so things can happen; however, he is very confident in the upgrades that they have made to the plant. He stated this was a stable plant for decades until they came in deliberately to make changes, and then “got caught by something that was a twenty years legacy hidden in the code.” He stated they have fixed that; and while they are not back in fully automatic mode, they have tested it and all the shut-down protocols are working. He stated they have also added additional turbidity meters in the facility as redundancy and back up.

Mr. Grenier stated he saw today the significant amounts of money American Water is investing over the next ten years on potable water. Mr. McIntyre stated they invest over \$300 million a year in their systems in Pennsylvania alone. He stated private industry is doing its part in making sure that the population of the U.S. has safe water.

Ms. Tyler asked if they brought in pallets of water to the Schools. Mr. McIntyre stated they want to be a good community partner, and they recognized that the Schools had closed for one day; and they wanted to try everything they could to make this as good an outcome as they could for the community. He stated they buy water from a number of vendors. Mr. Gable stated they had tractor trailers come in, and they worked very closely with the School Superintendent to deploy the water to the Schools. Ms. Tyler thanked them for doing that. Mr. Ferguson stated when the event was over, they gave all the remaining pallets of water they had to the Public Works Department and the Park and Recreation Department for the laborers that are out working which they are still using.

Mr. Lewis thanked them for having Water Fest. He stated there are a few residents that have brown water issues, and someone at Water Fest had indicated that aged hot water heaters can cause issues where there can be brown water.

Mr. Lewis stated the Township occasionally gets complaints/concerns from individual residents in parts of neighborhoods so it is not systemic or an entire block, and it could be one person. Mr. Lewis asked if he is correct in recommending to someone who has a brown water issue that if they are the only one in the street that has that issue, that they should be considering their hot water heater as a potential culprit. He asked if they should be referred to PA American or a plumber of their choice. Mr. McIntyre stated if it is in their house, they would need to contact a plumber. He stated they do get “blue water complaints;” and if you let water sit for a while, the copper will corrode, and when you turn it on, the water can be blue. He also stated there are some airborne bacteria where people will see red water around their bathrooms. He stated they do have water quality experts, and customers can call and they will answer questions and work with customers.

Mr. Gable stated hot water heaters come with recommendations for maintenance and they should be flushed at least once a year which a lot of people do not do.

Mr. Lewis stated the other question he has received is about green water in certain neighborhoods. Mr. Lewis asked if the Board should pass the questions on to the Water Company in the future. Mr. Gable stated the best way is to go through their 1-800 number because then they have a log of all the customers and their complaints. He stated they can hone in on the issues. Mr. Lewis asked if they have results for the Yardley/Lower Makefield service area on that adding that he believes these issues are relatively few and would be less than twenty out of a service area of 11,500 households in Lower Makefield. Mr. McIntyre stated if the customers call, any actions and results could be tied to that customers’ activity; however, he does not know any specific numbers. He stated they have seen a number of issues; and he noted some people have put antifreeze in an upstairs area in the winter, and that can siphon back into the system which results in colored water. He stated they have specialists who can answer the phone and help customers work through a scenario of things that it could be. He stated if they are not satisfied that would be forwarded to one of Mr. Gable’s water quality specialists, and if they cannot resolve it, they will go to the customer’s house and try to work with them to find out what is going on. He stated if they need to, they will also test the water, adding that their first option would not be to go out and test the water.

Mr. Lewis thanked them for coming tonight and providing the Root Cause Analysis. He also thanked them for their help as it relates to issues they faced with the Regency Development to help diagnose what was a very difficult circumstance which

involved very few homes in this large neighborhood. Mr. Lewis stated his main concern is that the residents are comfortable with the quality of their water going forward and that there will not be another boil water issue occurring again.

Ms. Blundi thanked them for addressing the issue as to how to notify renters, and she thanked them for reaching out so quickly as there are a number of people in the Township with impaired immunity either living in their own home or in assisted-living facilities. Ms. Blundi stated the Police were also able to get out to make sure the most vulnerable in our community were alerted to take precautions even quicker.

Mr. Lewis stated he had asked at Water Fest about fluoride in the water since he has had questions about why we do not have fluoride in the water supply in Lower Makefield. Mr. Lewis stated his understanding from Mr. McIntyre is that the Supervisors could pass a Resolution as could neighboring Municipalities also served by PA American Water, which would include Falls and Yardley Borough. Mr. McIntyre stated it would also have to include Artesian Water, which is a private entity which buys water from them. Mr. McIntyre stated PA American Water is neutral as a company as to this issue, and they fluoridate water in certain communities and they do not in others. He stated it is a community decision. He stated when there is a regional treatment plant that serves multiple political subdivisions, all of those subdivisions have to pass a Resolution or provide some authorization or direction that they would like to see fluoride added to their water. He stated if all the users of the water agree that they should add it, they would then start a process with the Department of Environmental Protection to get the Permit approvals to add it. Mr. Lewis asked Mr. McIntyre if he personally would support the inclusion of fluoride in the drinking water; and Mr. McIntyre stated they are neutral as a company, but he personally feels there is enough argument that there are health benefits to support the addition of fluoride.

Mr. Grenier asked if they would have a contact person at Artesian, and Mr. McIntyre stated they could help with that.

Mr. McIntyre stated there is information on their Website for customers. Mr. Grenier stated he assumes that someone could look at their FAQs to learn about different issues. Mr. McIntyre stated they have a number of water quality minute videos, and he will ask his team if they have done any of these having to do with the different colors of water that people experience since they are always trying to educate their customers.

Mr. Zachary Rubin, 1661 Covington Road, asked Mr. McIntyre when PA American became the exclusive provider of water in Lower Makefield Township. Mr. McIntyre stated he has only been President for two years. Mr. Gable stated he has only been here three years at this location. Mr. Rubin stated he has been in the Township for twenty-six years, and it was always Pennsylvania American Water since he has lived here. Mr. Rubin asked when did Pennsylvania American Water Company acquire the exclusive rights to our Township's water, and he asked if at one time it was Municipally-owned or was it a private company that sold it to PA American. He stated since the Township is discussing potentially selling utilities, he would like to know the history of this utility.

Mr. McIntyre stated American Water started in 1886, and they built water systems and have also acquired water systems. He stated they will see what they can find out from their archives with regard to Lower Makefield. He stated they operate as a regulated-utility, and they are monopolistic in nature since they are private. He stated whenever they want to expand outside of a service territory, they have to apply for a Certificate of Needs and Necessity; and it has to be approved. He stated it is a fully-adjudicated case where the public can comment.

Mr. Rubin stated he would like to have information provided to the Board of Supervisors as to the history of the Water Company in Lower Makefield. Mr. Rubin stated he has urged the Board before to agendaize the fluoridation of the water system so that there can be a discussion and so that they start the process.

Ms. Randi Brenner, 1756 Locust Drive, stated she appreciates the notification about the water and all the letters that came out; but she does not appreciate that her bill was not adjusted. She stated she has only lived in Yardley for less than two years, and she lived in Holland for thirty years where what she paid for water in a quarter is what she pays for water in a month here. She stated there was no adjustment to her bill when she incurred even greater cost because she had to change the filter in her refrigerator, clean her water heater, and "run the cleaners through everything else she had." She stated she feels Pennsylvania American Water should have credited people during the time of this issue.

Mr. McIntyre stated they operate under a regulated tariff, and they advise people to do certain actions as a precaution for things that they may have in their home. He stated that guidance comes from the Center for Disease Control. He stated they bill on a unit of cost, and they bill for water that goes through the meter. He stated while he understands the frustration, it is not their practice to adjust customer rates for service interruptions or boil water advisories.

## PRESENTATION OF COMPREHENSIVE MASTER PLAN UPDATE

Ms. Lisa Wolff and Mr. Luke Rosanova from the Bucks County Planning Commission were present. Ms. Wolff stated the current Master Plan was prepared in the early 2000s, and adopted by the Township in 2003. She stated her office started working with the Lower Makefield Township Planning Commission in 2013 to update the 2003 Plan. She stated the current Update was undertaken because the Township had reached the ten-year timeframe envisioned in the 2003 Plan. She stated the Pennsylvania Municipalities Planning Code, which is the State enabling legislation, requires that Municipal Comprehensive Plans be reviewed at least every ten years. She stated other reasons for the update have to do with documenting and analyzing changes that have occurred in the Township since 2003 including studies and activities the Township has undertaken as well as the additional growth that has occurred in the Township.

Ms. Wolff stated since 2003 some of the activities that the Township has been involved with include participation in the Delaware River Flood Task Force, which was formed following major flooding events along the Delaware River particularly in the years of 2004, 2005, and 2006. She stated related to that is hazard mitigation planning, and the Township made a commitment to achieving specific actions identified in the Bucks County Hazard Mitigation Plan. She stated the Township also worked on revising and improving regulations with the adoption of a number of Ordinance Amendments such as low-impact design standards, updated floodplain management and stormwater management regulations, a native plant landscaping amendment, and adoption of the Green Building Code. She stated some additional Amendments dealt with age-targeted housing and Traditional Neighborhood Development. She stated the Township also adopted an update to the Municipal Open Space Plan in 2009.

Ms. Wolff stated other changes in the community since 2003 include Subdivision and Land Development activity. She stated they have listed a few of the larger proposals such as the “Regency at Matrix” along Oxford Valley and Big Oak Roads which will consist of 377 age-qualified dwellings when completed. She also noted Traditional Neighborhood Development in the Village of Edgewood which will contain a mixture of attached Residential and Apartment units as well as small, Commercial uses. She stated there were also a number of single-family detached Subdivisions including Chanticleer and Brookshire Estates both of which are in the northern portion of the Township. Ms. Wolff stated the Plan considers all of the development activity that has happened since the 2003 Plan.

Ms. Wolff stated the Township has been proactive in providing land and facilities for Park & Rec opportunities and to preserve open space. She stated since 2003, much of Memorial Park along Woodside Road has been constructed and includes the Garden of Reflection Memorial, various recreation fields and courts, an inclusive playground, and walking trails. She stated a Community Center was planned and constructed near Community Park and the Municipal Building, the Township opened a Dog Park along Heacock Road, and additional facilities for softball and baseball and other sports have been provided in the Township.

Ms. Wolff stated in terms of open space some of the big changes include the Wright Farm which has been preserved through the State's Agricultural Preservation Program, and the Guzikowski Tract along Big Oak Road has been preserved through an Agricultural Easement.

Ms. Wolff stated the process for the Update involved meeting monthly with the Planning Commission to review first drafts of each individual chapter. She stated at the beginning of the project, various Boards and Commissions, which serve as advisors to the Board of Supervisors, were invited to participate in discussions with the Planning Commission to provide input. She stated each of the Boards and Commissions have specific program ideas and goals that the Planning Commission wanted to consider in the long-term planning process. She stated discussion questions were developed and sent out to all Committee members, and the Committees were invited to Planning Commission meetings. She stated discussion and feedback from these Township Boards and Commissions were taken into account as the Plan was updated. Ms. Wolff stated they started meeting with the Planning Commission in May of 2013; and during the June, July, and August meetings of that year, the various Boards were invited to each meeting. Ms. Wolff stated that even though not all members of the Boards could attend, they all received the questions so there was an opportunity to try to get input from everyone.

Ms. Wolff stated following review of the first draft, there was a second draft of the document complete with all chapters and maps prepared for review by the Planning Commission, which reviewed it over a period of a few months; and with their input a final Plan draft was developed in March, 2015. She stated at the March 9, 2015 Planning Commission meeting the Planning Commission recommended that the document be sent to the Board of Supervisors for consideration. Ms. Wolff stated the document before the Board of Supervisors tonight is the 2015 draft but with changes to account for updates since 2015. She stated any updates have been discussed by the Township Planning Commission.

Ms. Wolff stated the Pennsylvania Municipalities Planning Code provides guidelines for the contents of the Comprehensive Plans; and these include Goals and Objectives, a plan for Land Use, housing, transportation, natural and historic resources, community facilities and services, Park & Recreation, how the different Plan components interrelate, and implementation strategies.

Ms. Wolff stated when the Planning Commission started the update process, they decided that the existing Plan was set up very well; and they really did not want to deviate so the Plan is more or less the same with updates, and the various components in the Plan meet all the MPC requirements. Ms. Wolff noted the addition of an Energy Chapter which was not in the 2003 Plan, and also noted there is a new section on hazard mitigation.

Mr. Luke Rosanova stated one of the biggest changes made to the 2015 draft was updating the demographics section. He stated this Section contains data from the American Community Survey 2013/2017 five year estimates which were released earlier this year. He stated since the 2003 Master Plan population and development within the Township has leveled off. He stated the major development phase that the Township went through will not likely happen again.

Mr. Rosanova stated following significant population increases in each of the previous three decades, the Township's population declined by .4% from 2000 to 2010; however, the decline reversed between 2010 and 2017 when the population increased slightly by .2%. According to the U. S. Census data, the Township had fewer residents in 2017 compared to 2000. Mr. Rosanova stated housing trends in Lower Makefield followed the same patterns as population changes as housing growth has slowed considerably increasing only 4.5% from 2000 to 2017. He stated the Township is nearly developed with little suitable land remaining for new larger-scale construction.

Mr. Rosanova stated between 2000 and 2017, the number of individuals between the ages of 55 and 64 increased by almost 7%, which is more than any other age cohort. He stated residents 55 and older make up nearly one-third of the Township's population. He stated middle-aged residents between the ages of 35 to 54 years make up almost one third of the Township's population. School-aged children between the ages of 5 to 17 years, represent almost a fifth of the Township population.

Mr. Rosanova stated Lower Makefield has higher rates of postsecondary education attainment than any other surrounding Municipality. In 2017, 67% of the residents had earned a Bachelor's Degree or higher, with 32% having earned a Graduate Degree or higher. In 2017, the Township's median household income was nearly \$140,000, and

this is higher than the County average as well any surrounding Municipality except for Upper Makefield. He stated these figures suggest a strong correlation between the Township's residents' high education levels and types of employment.

Mr. Rosanova stated a large part of the development efforts have been geared toward parks and recreation as noted by Ms. Wolff. He stated the Township now has over 750 acres of parks and recreation spaces.

Mr. Rosanova showed Map #4 which details the existing land cover in the Township, with most of the small-scale, locally-oriented Commercial activities clustered around the Village of Edgewood. He stated large-scale Commercial activities as well as multi-family dwellings in the Township are in close proximity to the I-295 and Route 1 highways. He stated single-family, detached dwellings make up the bulk of the land cover and housing stock, and 70% of the dwellings in Lower Makefield are single-family, detached. He stated the majority of the remaining developable lands are located northwest of I-295.

Mr. Rosanova showed Map #5 which shows the developable lands in the Township. He stated the term "developable" is not easy to define since a parcel on the map may be considered developable, but there are other factors to consider when discussing development of a parcel such as waterways and other natural features. He stated by their best estimate, the Township has roughly 556 acres of developable land. He stated approximately 69% of the developable land is located within the R-1 Residential Low-Density District. He stated almost all of the preserved farmland in the Township is located north of I-295. He stated the parcels in dark blue on the map represent Township property which primarily consists of parks and recreation and protected open space.

Ms. Wolff stated the last Chapter in the Plan is the Implementation Section, and it contains a compilation of specific tasks recommended to be completed in order to carry out the Master Plan's vision. She stated many of the recommendations that were inserted in the Implementation Section are new recommendations. She stated throughout the document there are recommendations to continue a lot of the actions that the Township has currently taken; but the Implementation Section for the most part has tried to pull in the new recommendations, although there is some overlap. Ms. Wolff stated one of the primary recommendations of the Plan is to consider appropriate housing of varied types to insure continued housing diversity, and that could include considering regulations to allow for in-law suites and accessory apartments since the Township's population is aging and there are some types of housing that would be beneficial to many of those residents.

Ms. Wolff noted another item in the Implementation Section relates to stormwater management and to prioritize Township stormwater problem areas including locations where obstructions and drainage issues exist, and to remediate those areas. She stated those types of efforts will help to reduce impacts following major rainstorm events. She stated there is a recommendation to continue to implement the Township Hazard Mitigation Plan, evaluate and implement the most effective mitigation projects when financial assistance is available, and also to address the needs of the vulnerable community members in the event of a severe weather. She stated this was a focus of the Planning Commission to make sure there is a plan for vulnerable individuals such as the elderly and disabled individuals in case there are major issues such as flooding. Ms. Wolff stated they should also assess and mark emergency evacuation routes for all areas and neighborhoods in the Township and make sure that there is a way of communicating those routes to the community.

Ms. Wolff stated in terms of Parks and Recreation and Transportation, she has listed those Sections because the Township's bicycle/pedestrian path is discussed in both of those Sections. She stated the Planning Commission felt strongly that the Township should continue to connect segments of the bicycle/pedestrian paths throughout the Township and to consider the long-term maintenance needs of those paths. She stated another recommendation dealing with that was to link the bicycle/pedestrian path with the towpath along the Delaware Canal. Ms. Wolff stated with regard to transportation the Township should correlate land use consideration and transportation planning to insure transportation facilities have adequate capacity, and that heavy Commercial traffic is oriented to the Interstate and major highways rather than local streets. She stated that goes along with how they plan for where you permit various uses, and generally the higher traffic uses should be put closer to major roadways.

Ms. Wolff stated in terms of Land Use, there was a recommendation to re-evaluate permitted uses in the O/R (Office/Research) District to determine whether they should be updated taking into account pending or approved development within the District near adjoining Edgewood Village. She stated this was discussed primarily because there has been development in the O/R District, and there is development going on right now in the Village of Edgewood; and the idea was that it was so close, it should be considered how the Land Use could be created where it can benefit both areas. She stated the Planning Commission felt it was important to maximize pedestrian connectivity between the O/R District and development in Edgewood Village.

Ms. Wolff stated overarching the whole Plan is sustainability, and an emphasis is placed on sustainability with a focus on sound management of the Township's infrastructure and resources. She stated looking ahead efforts should focus on following a solid course of

maintaining the public and community assets to continue to meet the needs of those who live and work in Lower Makefield Township. She stated as noted earlier, the Township is primarily built out, so as opposed to preparing for a lot of future development, the focus should be looking at how to sustain what the Township has.

Ms. Wolff stated the Planning Commission held their Public Meeting as required by the MPC and reviewed this document a number of times, and at their meeting on Monday night, they recommended that it come before the Board of Supervisors for consideration. She stated if the Board of Supervisors decides to go forward with this Plan, the document must be sent to contiguous Municipalities, the local School District, and the Bucks County Planning Commission for review and comments. She stated the Board of Supervisors is not supposed to act within forty-five days from when those entities receive the Plan. She stated the Board would then decide on a Hearing date which would need to be advertised. Mr. Truelove agreed that this is all listed under Section 302 of the MPC. Ms. Wolff stated the Supervisors would then consider the document at the Public Hearing.

Mr. Grenier thanked them for the detailed review of the Comprehensive Plan. He asked if the Board wanted to amend certain Sections, what would the threshold be for having to start the process over. He noted there are some Sections, he would like to see edited, and he wanted to know what would be the process to do that. Ms. Wolff stated she understands if there are minor changes such as typos, or small changes, she does not feel that would change the process. Mr. Truelove agreed and added it is similar to the Ordinance process; and if there is something that is considered non-substitutive, they could still proceed. Ms. Wolff stated if they were to change a lot of the material, it would have to go through a procedure; and she believes that it would have to go back to the Planning Commission. Mr. Truelove stated he agrees it would, and they would have to have their required Public Hearing and then come back to the Board of Supervisors to authorize advertisement.

Ms. Tyler stated the Comprehensive Plan is not a binding document, an Ordinance, or a Statute; and it is just putting to paper the vision for the Township, and the progress of the Township. Mr. Grenier stated it does set the course for the future, and there are certain regulations which require that “things have to be in line” with the Comprehensive Plan. He stated while the Comprehensive Plan does not “set stuff in stone,” it does provide a guideline for certain proposals in the future. Ms. Wolff stated generally it is the policy/framework that the Ordinances are based upon.

Mr. Grenier asked Mr. Truelove what he would recommend if the Board wanted to move forward tonight with advertising the Comprehensive Plan. Mr. Truelove stated the Board would authorize advertisement and make sure that the staff distributes the document

to the neighboring Municipalities and the School District as required by the MPC. He stated there is also the 45-day period for them to provide comment. He stated if there are no changes generated by the comments or nothing substantive, they would then schedule a Hearing at some point. He stated generally they do the Hearing at a Public Meeting.

Ms. Tyler asked if they have the Hearing, and they want to change something during the course of the Hearing, would they have to start over with the Planning Commission and the County. She asked who has the overriding authority to approve the document, and she asked if it is the Board of Supervisors in conjunction with the County. Ms. Wolff stated the MPC has a procedure which requires sending it out for input, but often you do not get any input back. Mr. Truelove stated even if they do it may be just minor comments, but it would not be anything that the Board would have to change. He stated the Bucks County Planning Commission has already done a lot of work on this as have the Township Boards and Commissions. Ms. Wolff stated the ultimate approval is by the Lower Makefield Township Board of Supervisors. Mr. Truelove agreed adding it the Township's Comprehensive Plan. He stated the Bucks County Planning Commission is a great resource and they have provided great input and will continue to do so, but ultimately it is the Board of Supervisors' Plan to adopt once they agree with it.

Mr. Grenier stated one specific section of the Plan that he would like the Board to consider amending involves going back to what the Planning Commission had done a number of years ago on Page 42 where it specifically references the Office/Commercial/Industrial Development – O/R Office Research District. Mr. Grenier stated there was language previously that he liked, but the Planning Commission changed it. He stated the more inclusive language was removed and changed to more restrictive language. Mr. Grenier stated he believes that they tried to limit what could be done in the O/R District and wanted the Zoning Hearing Board to make decisions about Planning, which he feels is "legislating from the bench;" and he does not agree with that approach. He stated while he understands why the Planning Commission did it, he does not agree with it. He stated he would prefer that they go back and make it a more inclusive approach to the Office/Research District. Mr. Grenier stated Mr. Majewski has provided him with that language.

Ms. Tyler stated a year ago they stated that consideration should be given to potential other uses because of the stagnant development; and Mr. Grenier stated that was taken out, and he disagrees with taking that out, and he would like to have it put back in. Ms. Tyler stated while she does not disagree with Mr. Grenier, she does not feel it matters what it says since the Master Plan does not change the Zoning of the O/R District; and the only way to change the O/R

District is either through the Board of Supervisors or, depending on the exception, through the Zoning Hearing Board. She stated if the Zoning Hearing Board makes a decision that the Board of Supervisors does not agree with, the Board of Supervisors could take action.

Mr. Grenier stated when decisions are made about moving forward with a development, part of what is done is that it is compared to the wording of the Comprehensive Plan for agreement; and if the Comprehensive Plan is too restrictive, it is more likely to be denied. He stated if there is a vision for a specific area, and they want to make it more inclusive such as an Overlay District that allows for something, that would be compared to the Comprehensive Plan and justified against the Comprehensive Plan. Mr. Grenier stated that is why he liked the previous language. Ms. Tyler stated they had worked hard on that language. Ms. Wolff agreed that there was a lot of discussion about that. Ms. Tyler asked if they could present the document with the old language and the new language; and during the course of the Hearing, they would select the one that they want. Mr. Truelove stated he feels they should present the language that they choose and have that considered.

Mr. Ferguson asked if they want to go back to the original language, would that rise to the level that Ms. Wolff feels would need to go back through the process if more inclusive language is put back into the O/R District. Ms. Wolff stated if the Board would like to consider that language, she feels they should make that recommendation. Mr. Truelove stated he feels at the next meeting, they could authorize advertisement with that language in it.

Mr. Jim Majewski stated as noted by the Bucks County Planning Commission there was a final draft that was forwarded to the Board of Supervisors in 2015, but no action was taken for two years. He stated when they took it back to the Planning Commission which included many new members, one of the items they discussed over the intervening two years was the O/R District, the vacancy rates, and the need to open it up for additional uses. He stated it was felt just limiting it to offices and similar uses including warehouses, was not in keeping with the way the Commercial market worked. Mr. Majewski stated they had a number of meetings to discuss this and ultimately they came up with slightly changed wording. Mr. Majewski stated the initial wording said for the Land Use Plan: "To review permitted uses and standards in the O/R Office/Research District to determine whether they should be updated, taking into account the nature of pending or approved development within the District and the adjoining Edgewood Village."

Mr. Majewski stated as an alternative to that based on discussions that the current Planning Commission had, they changed that to be more inclusive as follows: “Review permitted uses in the O/R Office/Research District to identify and incorporate additional uses taking into account the nature of pending or approved development within the District and the adjoining Edgewood Village. Consider allowing for mixed-use projects consisting of Office, Retail, Residential, Entertainment, and other similar uses either as permitted uses or through the establishment of an Overlay District. Review O/R Office/Research District Zoning and Design Standards to determine what should be updated to reflect current ways that allowed uses operate.”

Mr. Majewski stated that would allow for mixed-use type of developments within that District that would be planned out either through an Overlay District or through a change in Zoning, and also would look at the standards such as the parking standards which are high in some cases. He stated with regard to the Office District, every office complex that is there has taken advantage of the reserved parking clause that is in the Zoning Ordinance where we allow up to 25% of the parking spaces to be banked and not built at the time the buildings are built and only be used in the future if needed. Mr. Majewski stated none of those extra 25% of the spaces have been used. He stated one of the items they discussed was that we should look at the current ITE standards and how they do things, and try to get ours more in line with what the current thoughts are on parking and other arrangements like that.

Ms. Tyler stated while she feels that is a good idea, she does not feel it necessarily has to be contained in the Comprehensive Plan; and they could undertake that on their own. Mr. Majewski stated this sets the “blueprint” if the Board of Supervisors is of a mind that this is something they want to explore in more detail. Mr. Ferguson stated it does not pre-obligate you, but it allows you without impediment if the Board elects to do that to have a Comprehensive Plan that sets the stage to accommodate that. Mr. Truelove stated in consideration for a Conditional Use or a Special Exception, sometimes the Comprehensive Plan is referenced. Mr. Majewski stated even before the warehouse project came up for the Capstone Terrace property, the Planning Commission had talked about looking at the entire Ordinance to see what is permitted either by right, by Conditional Use, or by Special Exception to make sure that they have the parameters narrowed down and the express standards for these various uses.

Ms. Tyler asked Mr. Majewski which language he prefers and why. Mr. Majewski stated he prefers the language that was done in late 2017. He stated last year when they ultimately decided to move forward, the Planning Commission decided to go back to the language from 2015; and he thinks the 2017 language expresses the intent of the seven years’ worth of discussion that the Planning Commission had that they really do

want to explore alternative uses in the O/R Zoning District. Ms. Tyler asked for further clarification. Mr. Majewski stated they had the draft from 2015, and in 2017 they re-opened the discussion. He stated after several meetings they came upon the modified language that he read, and the Planning Commission voted to incorporate that language in the final draft; however a year later, when all the other items were finalized including the sewer update, traffic, etc. the Planning Commission voted to go back to what the language was in 2015 and “forget those discussions” they had.

Mr. Lewis stated this is two sentences out of a 180-page document. He asked Mr. Truelove if that would rise to a level that would be that significant that would require re-submission. Mr. Truelove stated if the Board of Supervisors decides they want to include that language, they should decide tonight to either authorize advertisement that way and/or have it submitted with the new language and then authorize the advertisement. He stated the Board of Supervisors should decide what they want to have in the document. He stated these two sentences deal with an area that has been a challenge for the Township.

Mr. Majewski stated this evening a few members of the Citizens Traffic Commission noted a discrepancy between what had been discussed last year and what made it into the final draft; and he will have to go back to make sure he provided the proper updates to the Bucks County Planning Commission, and see if there are some items that need to be stricken or not. He stated he wants to get the right information to the Bucks County Planning Commission. Mr. Truelove asked if Mr. Majewski could look into that and submit it to the Board of Supervisors with the other language they have discussed adopting with regard to the O/R; and they could then consider authorizing advertisement. Mr. Majewski stated he feels they could authorize making the revisions as noted including fixing typographical errors, as well as the fact that the Act 537 has been adopted with the date, and a few things that have been missed. He stated they could then do the forty-five day clock and come back and have the Public Hearing. He stated if there are additional substitutive changes, they would have to hold another Public Hearing.

Mr. Lewis stated his concern is that the Planning Commission unanimously supported moving forward with the report as it was; and if they have decided that this is not de minimous for this particular language, it would have been “nice” to give the Planning Commission the opportunity to discuss that. He stated there will be a Planning Commission meeting between now and the next forty-five days where if the Planning Commission had a concern they could express that to the Board of Supervisors if they wished; and Mr. Majewski agreed. Mr. Lewis stated he would not have a problem with that although it is not ideal from a process perspective, but he would go along with the will of the Board.

Mr. Lewis thanked the Bucks County Planning Commission, adding that for those interested in the future of Bucks County and not just our community, he would recommend going to the Bucks County Planning Commission Website. He stated he appreciates the additions to the planning document as it relates to the ESRI data which he felt was particularly helpful in terms of helping to understand economic impacts and circumstances and understanding where the Township is in the larger community. Mr. Lewis thanked the Lower Makefield Township Planning Commission for their extended work on this document, adding they worked very hard over many years dealing with multiple revisions. He stated the Planning Commission reviewed this in detail and voted unanimously in favor of going forward. He stated they had a robust discussion about the diversity of housing stock in Lower Makefield, and there were also questions about population growth. Mr. Lewis encouraged the other Supervisors to take the checklist of recommendations and apply those as future tasks for the Board of Supervisors to consider. Mr. Lewis stated this would include an honest look at the O/R Zoning District.

Mr. Grenier stated he agrees with Mr. Majewski with regard to the language, and he asked if anyone on the Board would like to make a Motion adopting that language.

Ms. Blundi stated Mr. Majewski indicated that there were some issues that Citizens Traffic would like clarified, and before they make a Motion she asked if they would need to include that.

Mr. Grenier stated the Board has a meeting in early June, and the Board could take the time between now and then to address the typos and potential changes to the O/R District; and they could do a formal vote at the Board's next meeting. Ms. Tyler stated she feels that would be a good idea. She stated with regard to the potential changes to the O/R, they are talking about the property that is across and adjacent to Shady Brook Farm. She stated a lot of it is vacant and open because it is zoned to build office buildings, and office buildings are not being built. She added occupancy has also been lower although it is rebounding somewhat. She stated what they are considering is what is the vision for that corner which is vital, and she feels Mr. Majewski should send the Board the two different versions; and they can have discussion and recommended language by the next meeting. She stated they could also invite the Planning Commission members to that meeting so that their voices are heard as well. Ms. Tyler stated Stony Hill and Township Line is a key intersection, and whatever happens there will impact everyone in the Township so they have to be deliberative about this.

Dr. Weiss stated he has no problem waiting two weeks to do this right; but he expects by the first June meeting there will be proper language, and everything will be fixed so that they do not delay this any further.

Mr. Grenier asked Mr. Majewski to provide the two different O/R versions, and Mr. Majewski stated he can circulate the two versions side by side so that the Board can compare them. Mr. Majewski also thanked the Bucks County Planning Commission for the job done. He stated when they started looking at this again last year, there had been many changes between when they started this in 2013 using 2012 data. Mr. Majewski commented on the number of meetings that have taken place since this started in 2013. Mr. Majewski stated they did a great job especially with the updated demographics and the mapping. Ms. Wolff stated they will coordinate with Mr. Majewski to get the information they need to prepare the document for the Board.

Mr. Zachary Rubin stated a number of residents are organizing against the proposed use of the Capstone property, and they are calling themselves Residents Against Warehouses, (RAW). He asked if the language that Mr. Majewski recommended were incorporated into the Master Plan and the Township wanted to put in apartments and Retail, would the Board of Supervisors have to amend the O/R Zoning regulations to have apartment/mixed use as a permitted use. Mr. Truelove stated they would need a Zoning change or an Overlay District. Mr. Truelove stated the Planning Commission would weigh in on any proposed change as that is part of the MPC.

Mr. Lewis stated the language that has been suggested would not change that process in any way, and Mr. Truelove agreed. Mr. Truelove stated the Comprehensive Plan in that respect is the vision; and while it is authoritative in an advisory sense, it is not in a mandatory sense.

#### ENGINEER'S REPORT

Mr. Pockl stated the Supervisors were provided his Engineering Report in their packet.

#### Approval of Escrow Release #3 for Yardley Woods f/k/a Big Oak Partner, L.P/Matrix

Mr. Pockl stated Release #3 is in the amount of \$17,173 for the construction of the during-construction stormwater management system and earth work. He stated after approval of this Release, there will be \$1.83 million remaining in the account.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Escrow Release #3 for Yardley Woods in the amount of \$17,173.

Approval of Change Order No. 1 for the Main Pool Gutter Repairs Project

Mr. Pockl stated this would be a credit to the Township of \$12,165.00 which is a reduction of the scope based on the concrete repairs for the pool wall that was outlined in the field. He stated the original Contract amount was \$410,195, and the amount after this Change Order would be \$398,030.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Change Order No. 1 for the main pool gutter repairs project in the amount of a credit to the Township of \$12,165.00.

Approval of Change Order No. 2 for the Main Pool Gutter Repairs Project

Mr. Pockl stated this is a credit to the Township of \$67,023. He stated this was an amount that the Township paid directly to the manufacturer of the gutter system in advance for the gutter system to be delivered and installed. He stated this would then change the Contract amount from \$398,030 to \$331,006.40.

Ms. Tyler stated this is already done, and Mr. Pockl stated the payment was made.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Change Order No. 2 for the main pool gutter repairs project in the amount of a credit of \$67,023.

Authorize Township Staff and Township Engineer to Complete a Grant Application to DCED for the Woodside Road Bike Path

Mr. Pockl stated the Township submitted an Application for a Grant the end of last year. Subsequent to that they have had discussions with the Delaware River Joint Toll Bridge Commission, which has indicated it is their intention to install a portion of a path along the southern side of Woodside Road east of Taylorsville Road from Taylorsville Road to the towpath, and that would include a future bridge across the Canal to the towpath so that scope of work from our scope and he has adjusted the cost estimate.

Mr. Pockl stated going forward there are two Grants that are upcoming. He stated the first is a Greenways Trail and Recreation Grant, and the Township requirement would be a 15% match, and the maximum award is \$250,000. He stated that

Application is due May 31 with an Application Fee of \$100. Mr. Pockl stated the second Grant is a Multi Modal Transportation Grant with no match required and a \$3 million maximum Grant award. That Application is due July 31 with an Application Fee of \$100. Mr. Pockl stated he would recommend applying for both Grants. He stated the scope of the Grant Application for the Greenways Trail and Recreation Grant would be for land acquisition, planning, and design services for the project. Mr. Ferguson stated this Grant would not include construction.

Mr. Ferguson stated this Grant has a \$250,000 maximum that they are eligible for. He stated the Township had budgeted a certain amount of money this year, and Mr. Pockl was able to divide the project into “two slices,” with the first piece being everything he has described for a total cost of approximately \$90,000 with the Township match being \$13,500. The second Grant he discussed would be inspection and construction; and while that Grant does not require a match, we would strengthen our Application considerably if the Township were to offer a match. He stated this would therefore be done in the confines of the Budget that the Board passed and the same relative timeframe of May 31 for the first piece and July 31 for the second piece.

Mr. Pockl stated there would be a requirement for the assessment of the value of the land that would be needed to be acquired for right-of-way in order to construct. He stated the Board would also need to pass a Resolution stating that the Township intends to apply for the Grant and to provide the match as well as a commitment letter of funding for the match portion. Mr. Ferguson stated the idea would be that Mr. Pockl would be back soon with the second part of the Application with a Resolution that would need to be passed for the second Grant, and the Board would make the decision if they want to include a match to strengthen the Application, and they could go to a match of \$115,000 and still be within the Budget that was set this year.

Mr. Pockl stated his cost estimate of \$90,000 included a conservative number of \$40,000 for land acquisition. Mr. Pockl stated Mr. Majewski was talking to people who do appraisals, and they seemed to believe that the appraisals would come in lower than that in the order of \$10,000 of \$15,000 for each residential property.

Mr. Grenier stated if they are not successful with the smaller Grant but are successful on the larger Grant, could they use the larger Grant toward anything that would have been included in the smaller Grant. Mr. Pockl stated the concern is that the award for the first Grant is September of this year which would be after the Application for the Multi-Modal Grant.

Dr. Weiss moved to draft a Resolution to apply for Grant No. 1 as Mr. Pockl spoke about with an estimated cost of \$90,000 and a Township match of \$13,500. There was no second.

Mr. Pockl stated the amount for the request would be dependent upon the appraisal of the land. Mr. Pockl stated they could state “not to exceed.”

Mr. Ferguson stated they have a template Resolution from the State, and if the Board passes this now, he feels they would be authorized to format that; and Mr. Truelove stated the Resolution has to meet the State requirements so they would be “filling in the blanks.”

Dr. Weiss moved and Mr. Lewis seconded to authorize the Township staff and Township engineer to complete a Grant Application to DCED for the Woodside Road bike path with an appropriate Resolution conforming to the DCED guidelines with a not-to-exceed amount of \$90,000.

Ms. Tyler asked if the blue area shown on the Exhibit is the area to be acquired, and Mr. Pockl stated the red is the area that is to be acquired, and the blue would be the limits of the trail. Ms. Tyler asked who owns the property, and Mr. Pockl stated there are two residential property owners. Ms. Tyler asked if they have spoken to those property owners, and Mr. Pockl stated they have not. Ms. Tyler asked that they speak to those property owners before they get a notice in the mail, and Mr. Pockl agreed.

Mr. Grenier asked if there is any land to be acquired on the other side of Taylorsville and Woodside, and Mr. Pockl stated the right-of-way in that location is large enough so that the Township does not need to acquire any additional land.

Motion carried with Ms. Blundi abstained.

Mr. Ferguson stated he anticipates that there will be additional information at a subsequent meeting regarding the next Application with discussion by the Board about the extent of the match if they want to make one for that next Application. He stated the deadline for that Grant is July 31; however, he feels they could consider that sooner.

## PROJECT UPDATES

### Township Properties – Inventory and Status

Mr. Ferguson stated Mr. Majewski had forward to the Board via several e-mails the Property Inventory that has been discussed. He stated they will provide hard copies and also include it on the Township Website. He stated they will start discussing the details of those properties.

### Makefield Road School Crossing

Mr. Pockl stated it is in the contractor's best interest to finish this as quickly as possible since they cannot yet activate their Maintenance Bond. He stated it is an eighteen-month maintenance period, and that does not start until work is completed. He stated the contractor wants to get this completed as quickly as possible. He stated they tried to go out last Monday to complete the stamp and the painting of the cross-walk; however, there was a significant rainstorm on Sunday, and while they went out with heaters to try to pull the water out of the asphalt for a couple of hours, they eventually stopped. He stated they indicated that they would not come back until there were several consecutive days of sunshine, and that has not yet happened. Mr. Pockl stated the contractor will give him 48 hours notification when they will be out there. Mr. Grenier asked if they would work strictly on weekdays, and Mr. Pockl stated he has stressed to them in e-mails they should include weekends as there would then be less disturbance than on school days. Mr. Grenier asked if any additional costs are incurred if the work is done on weekends; and Mr. Pockl stated they have gone on record that they will accommodate working on weekends if that happens to be the right time weather wise, and they recognize that this has been an ongoing issue that needs to get completed.

Mr. Mike Brody, 509 Brookbend Court, asked if they need to wait for 48 hours of sunny weather, and then they will notify Mr. Pockl which would be another 48 hours; and Mr. Pockl agreed. Mr. Brody stated they would need four days of consecutive sunshine before this can be done, and Mr. Pockl agreed.

## MANAGER'S REPORT

### Approval of Modification of Exercise Equipment for the Memorial Park Expansion Project

Mr. Ferguson stated we have a Memorial Park Grant that has been discussed a number of times, and they are preparing to go out to Bid. He stated last night Ms. Tierney spoke

to the Park & Rec Board regarding one component of this project which was the exercise equipment which was part of the Application and the original presentation. He stated Ms. Tierney believes from discussions with other Municipalities as to where this equipment is placed and what has been successful, that instead of spacing it out, it would be best to cluster the pieces of exercise equipment in one spot, which was the recommendation of various Recreation Directors in other communities. Ms. Tierney spoke to the Park & Rec Board last evening, and they did sign off on that. Mr. Ferguson stated Mr. Pockl has drawn up a sketch to show where that would be located.

Mr. Pockl noted a sketch with a red square in the center, west of the pickleball courts, which will be the new location of the life fitness equipment. He showed the wetland area and the wetland setback, adding the equipment will be out of those areas. He stated this is a relatively flat portion of land and fairly close to the parking lot which is why they chose this location.

Mr. Ferguson stated they will coordinate this change with the Granting agency to make sure that they do not have a problem with this which he does not feel they will. He stated the Board would need to approve a Motion of this change before going out to Bid.

Mr. Lewis moved and Dr. Weiss seconded to accept the recommendation of the LMT Park & Rec Board as it relates to changing the stations around the walking path and consolidate them at a single location and reduce the number of stations from six to five.

Mr. Lewis stated at last evening's Park & Recreation Board meeting there was broad agreement with the exception of one individual who was against the Plan, but that individual was not a "huge fan" of these types of devices in general. He stated most Board members were in favor of the recommendation and saw value in it, and also in general they viewed the flexibility around the walking path as an added benefit for the community.

Ms. Tyler stated she was also at the meeting last evening. She stated the red area shown on the sketch is five different pieces of work-out equipment; and originally it was spread out more like a circuit where you would go to one, and then run to the next, etc. Ms. Tierney had indicated that she had been advised by others that the equipment was used more when it was grouped together; however, one of the Park Board members indicated that she would prefer that they be spread out since she would not want to work out in a communal environment with ten to sixteen people in the same area. Ms. Tyler stated she has a concern whether they will get used at all, and the money may be better spent elsewhere on this project. Ms. Tyler stated this equipment can be found on the Middle School grounds, and she is not sure that it is used, and they might consider if swings

and slides would be better utilized. Mr. Ferguson stated he believes that if they made that change, it would change the nature of the request. He stated when they discussed the tennis courts and they changed that to a few pickleball courts, the State's feeling with that change was that they were not really changing the nature of the Application or the footprint of where they were going; and they were okay with that change. Mr. Ferguson stated with regard to this change, he feels the feeling would be the same as they are just clustering them as opposed to spreading them out.

Ms. Tyler stated her thought was that instead of having this equipment, could they have another tennis court although she does not know what the difference in cost would be. Ms. Tyler stated this is just her opinion, but she would not want to spend \$60,000 on something that may not get used. Mr. Ferguson stated the question of use was discussed previously; and when Ms. Tierney contacted others, the consistent theme she got about this equipment which had been more recently constructed was that when they are grouped in this way they tend to be used.

Mr. Grenier stated they have these in Philadelphia; and they had individual ones spread out and some which were clustered, and the individual ones were not used while the clustered ones were used.

Mr. Pockl stated the area shown on the Sketch is 40' by 50', and the manufacturer's Website does outline an area around the equipment itself which is acceptable to make movements so you would not be "working out on top of each other."

Mr. Mark Paroly, 221 Grant Way, stated when they first heard about the Grant, Mr. Tierney had advised him that Cardinal had tennis courts which would be converted to only pickleball and that the tennis courts would go to Memorial Park. He stated now he sees that there are pickleball courts at Memorial Park. He stated he is not complaining about that, and he is happy that the Township recognizes that there is a large group of people who are playing pickleball; however, he asked how this plan impacts Cardinal if at all. He also asked if the pickleball courts at Memorial Park will be permanent posts and permanent nets, and Ms. Tyler stated they are. It was noted that they will still also have the courts at Cardinal with portable nets. Mr. Ferguson stated Cardinal will stay exactly as it functions now.

Motion carried unanimously.

Discussion of LMT Pool Opening Plan

Mr. Ferguson stated last night Ms. Tierney also presented to the Park & Rec Board an update on the Pool. Mr. Ferguson stated when they first started the work at the Pool, they were on a very tight timeframe. He stated they were looking to get all the work done inside and out completed, and PA American had also offered to help them fill the Pool in a day and a half as opposed to the normal five days that it takes for the Township to get it done. He stated they were hoping to get all the work done two to three days before they would be opening on Memorial Day weekend on May 25.

Mr. Ferguson stated as was discussed at the last meeting, there was an issue with getting the gutter system delivered. He stated they made direct payment to the contractor in the \$60,000 range; and they were hoping to make up for the delay with the installation, and they had been coordinating with the contractor. Mr. Ferguson stated as it continued to rain, it became harder and harder to make up those days. He stated they started having discussions with the contractor and the gutter supplier from Rhode Island a week and a half ago expressing their concern that they might not be able to make the date; and this past Thursday, after meeting with the contractor, he had to make the decision that the opening of the Pool would have to be delayed which was not what anyone wanted to do.

Mr. Ferguson stated they wanted to determine how many hours the Pool would be closed if they had to delay the opening that they would look to make up for. He stated the Pool opening schedule at this point will be a two-week delay to June 8 which is about a 95 hour reduction. Mr. Ferguson stated Ms. Tierney has worked very hard over the course of the last several days to try to do several things to make up for that two-week closing. He stated they recognize that there has been a desire by the members to open up the Pool to extended hours – earlier in the year and later in the year. He stated typically they are on a modified schedule in June when during the week they are open 3 to 9 and in August they go back to 3 to 9; and what they will do is to expand the hours beginning when they open June 8, and every Sunday they will be open from 9 to 9. He stated on Saturdays they will be open until 9 p.m. throughout the entire summer when typically they close at 8 p.m. He stated they will also go to the expanded hours of 12 to 9 starting the weeks of June 9 and August 25. He stated this will result in 97 additional hours offered to make up for the 95 hour reduction with the two-week delay.

Mr. Ferguson stated he and Ms. Tierney realize that the Memorial Day opening weekend is a “big deal” for a lot of people; and Ms. Tierney is putting together a plan for an event on Saturday of Memorial Day weekend, and there will be activities at Memorial Park including blow up slides, water slides, food, and entertainment which will be publicized starting tomorrow. He stated this will be an all-day event including a movie in the Park at night.

Mr. Ferguson stated when they discussed the need to make these improvements at the pool during the Budget discussion, one of the items he met with staff about was when they would start the project. He stated the pool had been patched and “held together” for the last eleven years, and they were losing 20,000 gallons of water a day from the pool. He stated one of the concerns was what would happen if there was a larger leak or larger issue during the summer that would require a full closure because it could not be patched, and what the impact of that would be. He stated they could have been looking at a construction time the following spring and dealing with the same possibilities of timing for the Memorial Day weekend. He stated he felt it was better to proceed with the project and not take the risk of people who purchased Memberships who did not get their money’s worth and then a risk the following year for the reasons he had stated. He stated the goal was to get the pool fixed, give back as many hours and in fact exceed them which they are able to, and have the project done where they are not leaking 20,000 gallons or 3 ½” a day of water off the pool. Mr. Ferguson stated this is not what he wanted to present, and he was holding out hope that they could get this done even though it was a tight timeframe. He stated he commends the contractor for his willingness to assist in everything they are doing, but the delay in terms of getting the gutter system delivered from Rhode Island and the rain did not make it possible to open on May 25.

Mr. Grenier stated this is disappointing for everyone especially the Pool members. He stated questions that have come up frequently are that there are four to five pools and whether it was possible to open any of the other pools; and he asked Mr. Ferguson to explain why they could not do that. Mr. Ferguson stated they did contemplate that, and he and Ms. Tierney met about that as late as last Friday. He stated they considered putting in barricades, but there is additional work that will be going on with the slides that will generate dust and fumes; and that will go on for six days, which is a project that they will discuss next on the Agenda. Mr. Ferguson stated had they been able to open the pool on May 25, they would be having a discussion about how they would not be able to use the slides because of the extensive work that they need. He stated they were also concerned about the seating and capacity if the area around the large pool would have been closed, and if they would be able to accommodate 3,000 people if that number of people were there Memorial Day weekend as that is not an uncommon number. Mr. Ferguson stated they felt that because the work needed to be done, because there would be clean-up needed to be done, and because there was a concern with the fumes associated with the work to be done on the slides, it was best to keep the Pool closed for two weeks and get the Pool cleaned and painted.

Mr. Grenier asked what this might do to Pool revenue, and if they anticipate people canceling memberships. Mr. Ferguson stated he cannot predict if this will make someone want to give up their Membership or ask for a refund. He stated the hours

themselves will be made up so on a financial basis for the Pool, it is a “wash.” He stated they needed to get this fixed, and he wanted to have the least impact as possible and the least risk of something larger happening. He stated if someone wants a refund that would be unfortunate; however, he cannot predict if that will happen. He stated last year was a very wet year, and it could have rained during the days that are being eliminated this year anyway.

Mr. Grenier asked how this impacts the current Contract with the food vendor, and he asked if the Contract indicates that the Pool has to be open a certain number of days or that there has to be a specific start date. Mr. Ferguson stated he will have to look into that. He stated as far as it relates to hours, they are adding back the hours lost. He stated that food vendor has been invited to be the exclusive food vendor at the Memorial Day event which they anticipate will be well attended. He stated the biggest day of the first two weeks at the Pool is the Saturday of Memorial Day weekend, and that is the Saturday they will have the event. Mr. Ferguson stated he believes that the vendor has agreed to be the food vendor for that event. Mr. Ferguson stated he and Ms. Tierney did discuss the impact on him, and their goal was that they would not be inviting anyone else to sell food at that event unless he indicated that he could not be there. Mr. Ferguson stated he is hoping that in the end that will offset the delayed opening in part.

Ms. Blundi asked how they will communicate this to the residents and the Pool members as soon as possible. Mr. Ferguson stated tomorrow Ms. Tierney will be reaching out to everyone. He stated they have e-mail lists and the Recreation Facebook page. He stated they will get in touch with everyone. Mr. Grenier asked about those who get swim lessons, and Mr. Ferguson stated they will coordinate with anyone who has any association with the Pool.

Ms. Tyler stated this is something that they have been considering for some time; and every time this topic has come up, they have asked for assurances that this project would stay on time, and clearly it did not. Ms. Tyler asked why the Board only heard about this yesterday when they have asked at every meeting if they were “on point.” Ms. Tyler stated not only did the Board only hear about this yesterday for the first time, but an entire alternative plan was constructed without consultation with the Board which knew nothing about it; and she feels that is a “failure.” Ms. Tyler stated she is not sure why the schedule was not maintained although she knows there was a late shipment. She stated she was told that there was only one installer; and had the Board known what was going on, they may have had an opportunity to get more workers on the site. Ms. Tyler stated she does not believe that the Township solicitor was consulted about this as to penalties in the Contract with regard to the delay of this job, and she stated she would like that looked into. Ms. Tyler asked why they

did not contemplate doing this major construction in the fall so they would not be running up against the opening day. She stated she is very disappointed in how this project “fell out,” and that none of this was communicated to the Board until the staff had come up with a complete plan. She stated she does feel that it is a good plan, making the best out of a bad situation, and she is also glad that the Pool members will get equal time back; however, she has had concerns about this project since the beginning, and there was “not a whisper” coming to her before she received a memo yesterday.

Mr. Lewis stated he agrees with Ms. Tyler, and he was equally troubled that he did not find out about this until yesterday. He stated he understood that the Township staff knew that this was going to be an issue last Thursday, and he feels that would have been the appropriate time to inform all of the Supervisors given its significance.

Mr. Grenier stated any project where they see a potential issue, they should work on the timing of notice to the Board. Mr. Ferguson stated he would be happy to let the Board know whenever they have a problem even before they have any details. He stated this would include Sandy Run and everything else if the Board wants to know. Mr. Ferguson stated he was trying to be responsible; and when they first got word of this, before he announced to the Board that there was going to be a delay, he was trying to get all the information so that he could answer questions. He stated he does take responsibility for this; however, he also wanted to be in the position to answer questions and come up with a plan so that it could be communicated effectively. He stated when they originally started the project, they had a short time window and they strongly believed that they could make the time up even with the delay in shipping; however, as the weather got worse, it became more and more questionable. He stated he was concerned about this about a week and a half ago.

Ms. Tyler asked Mr. Ferguson why he did not communicate this to the Board at that time. Mr. Ferguson asked what that would have done, and Ms. Tyler stated it would have given the Board the opportunity to maybe call the contractors. Mr. Ferguson stated they had already had done that. Ms. Tyler stated she received multiple texts about cars coming into the recycle yard, but she was not advised about what was going on at the Pool. Mr. Ferguson stated he will keep the Board advised on all projects and every problem that they have even if he does not have all the information. Ms. Tyler stated she has been asking about the Pool since the project started, and Mr. Ferguson stated it only got clarified in the last week and a half as he tried to determine the extent of the delay and whether there would be a delay. He stated he is not trying to keep information from anyone, but the “moving parts are not entirely easy to quantify.” Ms. Tyler advised Mr. Ferguson that he cannot keep any information from the Board. Mr. Ferguson stated he is happy to give the Board everything they want.

Mr. Ferguson stated the reason he did not wait until the fall to do the project was because there could have been a major burst in the wall during the season which could have required closing the pool, and he feels the Supervisors would have been asking why they waited since they would then have had to give \$900,000 in refunds and he would have been asked how they would be able to afford to fix the pool. Ms. Tyler stated they would have gotten through the season like they have in the past, and they could have then done the work in the fall. Mr. Ferguson stated he could not take that risk adding that they were losing 20,000 gallons of water a day.

Mr. Ferguson promised to start a list of all the projects, and he will let the Board know about all the problems they have even before they are quantified. Ms. Tyler stated this is not a “little problem” and it is a significant closure and delayed opening of one of the greatest assets we have in the Township. She stated this is a major project that they have expressed concerns about the timing since its inception. She stated this should have been communicated to the Board.

Dr. Weiss stated although he understands the frustration of members of the Board, he has to take into consideration the years of patchwork and the money that has been spent not only on patching the pool but also on the slides. He stated doing it now instead of the fall was a logical thing to do, but it is “sad” that the weather did not cooperate. He stated they are going to hear next about what it will cost to fix the slides which would also have been a delay so he feels that knowing now or knowing three days ago makes no difference to him. He stated he feels they should move forward and get this fixed. He stated at this point there is nothing else they can do. Dr. Weiss stated he does understand the need to notify the Board of problems as they come up so that the Board can be prepared and talk to the constituents.

Mr. Lewis stated he would like to reinforce Ms. Tyler’s remarks; and if Mr. Ferguson wants to improve his operations and management of projects going forward, the way to do that best is that as soon as he knows about a problem, it should be brought to the Board’s attention as the Board is responsible for the Township’s health, safety, and welfare and are ultimately responsible for what has happened here. Mr. Lewis stated it is frustrating for the Board when they do not have the ability to impact the direction on a particular issue. He stated he is not suggesting that the Board would have had a better strategy to address the delayed opening, but given the significance of the project and the asset and operations of the Township, it is one that they all should have been consulted on immediately. He stated the sooner the issues are raised, the better off everyone will be. He stated going forward, they need to work on this as a Municipality.

Mr. Grenier stated “over communication is a big deal,” and also having a mitigation plan is important which is what Mr. Ferguson was trying to do. Ms. Blundi stated she feels all ideas are welcome; and if there are ideas, they should be provided to Mr. Ferguson. Dr. Weiss stated Mr. Ferguson is the “COO of the company,” and we should allow our Manager certain latitude when emergencies come up to deal with situations. He stated he understands that the Board should be notified, which is what Mr. Ferguson feels he did in a timely manner. Dr. Weiss stated he is happy Mr. Ferguson is on our team, and that this is being fixed. He stated if they could control the weather, they would not be having these problems. He stated there was also the unforeseen circumstances of vendors not getting what they needed on time. Dr. Weiss stated he will allow his Township Manager to make these emergency decisions; and he is not concerned about when he gave the Board the information, and he feels he has received timely notice. He stated he appreciate the fact that Mr. Ferguson had a contingency plan whether they agree with it or not. Dr. Weiss stated he does not know what else could have been done, and he understands the need to do it now instead of in the fall.

Ms. Tyler stated there was only one welder regardless of the weather. Mr. Ferguson stated there was one welder, and they could not call in their own welder. He stated to have the work guaranteed, it had to be the company from Rhode Island’s welder, and that was the obstacle that they ran up against. Mr. Ferguson stated Mr. Pockl worked with the contractor to expand the hours of the welder, and the welder was willing to work weekends and evenings; but the first few days he was going to work, it rained. Ms. Tyler stated she feels they owe the Pool members an apology.

Mr. Grenier stated while they will open two weeks late, they will have a much better pool; and it will be a “real fix and not patchwork.” He stated they will also have better slides. He stated it is at the beginning of the summer when it is not as warm and when the children are still in School, and they can then extend hours when the members will be there the most.

Mr. Steve Sicilia, Sicilia Catering, stated he is the food vendor at the Lower Makefield Township Pool. Mr. Sicilia stated his relationship with the Township has been “fantastic,” and Mr. Majewski and Mr. Terry Fedorchak were a huge asset along with “John” helping him last year get started with some renovations. He stated he feels he “held up his end of the bargain” as well, and there were zero complaints last year to the Township. He stated he is going to continue that long-term relationship as well but would like to share some of his concerns. He stated he is concerned about lost revenue; and while he appreciates the hours that they are adding, hours do not make up days from his perspective; and they cannot make up Memorial Day from 8 p.m. to 9 p.m. on a Sunday night. Mr. Sicilia stated he is also concerned about his employees as a number of his employees are teachers who work seasonally for him as well as college students who rely on income that he will now be unable to provide for them.

Mr. Sicilia stated he appreciates the idea of a BBQ, and that he was invited to be the sole food provider. He asked if they are picking a date for that tonight adding that Ms. Tierney had indicated to him that it would be Memorial Day. Mr. Ferguson stated it will be Saturday with a rain date of Sunday. Mr. Sicilia asked if that is “set in stone,” and Mr. Ferguson agreed.

Mr. Sicilia stated he does not know why this work was not done last fall if they have patching it up for eleven years. He stated any work he has had done in his home has never been done on time. He stated last year they were completing the work at the Pool on 4 p.m. on Friday, and he had invited people for a “soft opening” that night. Mr. Sicilia stated he does not know what the feeling would have been of the Township if he had advised them that he would not be able to open at the Pool until two weeks late. He stated his Contract does say from Memorial Day to Labor Day. He stated as he noted earlier, his relationship has been fantastic with the Township; and he is looking forward to continuing that.

Mr. Sicilia asked who his contact person will be whether it is Ms. Tierney, Mr. Ferguson, or Mr. Lewis who sits on the Park & Rec Board. Mr. Ferguson stated Ms. Tierney would be his contact.

Mr. Lewis apologized to Mr. Sicilia adding that he has been a valued partner of the Township, and his work last year was “tremendous.” Mr. Lewis stated it is his hope that they will “make things right” by Mr. Sicilia, and that they will have an enduring relationship since it is a very difficult scheduling and logistical challenge for Mr. Sicilia. Mr. Lewis advised Mr. Sicilia that if he is not hearing from Ms. Tierney, he should contact Mr. Ferguson or the Board members.

Mr. Mike Brody asked why Saturday is “set in stone,” and why is Sunday or Monday not a possibility. Mr. Ferguson stated Ms. Tierney, in putting the plan together, felt that the most desirable day was Saturday; but if the Board wants to change this, they are just getting this together and the Board could set the date to be whatever they choose to set the day at.

Mr. Brody stated he is on the Park & Rec Board, and he believes that an FAQ was being written, and he asked where residents should go to get information about this. Mr. Ferguson stated the FAQ will be on the Website tomorrow, and they will provide it to the Board this evening. He stated any specific questions can be directed to Ms. Tierney or himself with regard to any particular situation.

Mr. Brody asked Mr. Sicilia what day he feels would be the best, and Mr. Sicilia stated he would prefer Sunday with a rain date of Monday.

Mr. Ferguson stated Ms. Tierney advised that the Yardley parade is on Monday. He stated he believes her opinion was that Saturday tended to be the busiest day of the Memorial Day weekend which is why she picked Saturday as the day.

Mr. Ethan Shiller stated he feels this is an “invalid perception.” He stated he does not care what day the Yardley Parade is, and our priority should be Lower Makefield Township. He stated if Sunday is the best recommendation from the vendor who is owed “a lot of kudos for his relationship here,” he feels the Board of Supervisors has the authority to change that date. Ms. Blundi stated Ms. Tierney indicated that looking at the dates and the amount of people going to the Pool, Saturday was traditionally the busiest day, which is why she picked Saturday. Ms. Blundi stated they could not pick Monday and then go back to Saturday if the weather was good or bad. Ms. Blundi stated they want the children to be safe so this is what they are doing.

Mr. Shiller stated he feels they should take the word of the individual who handles the sales and do this on Sunday. He stated while Ms. Tierney is one of the best Directors of Park & Rec, she does not run Mr. Sicilia’s business. Mr. Grenier stated while she does not run his business, she does have a lot of historical information, and Mr. Sicilia’s business does not run the Township. Mr. Grenier stated according to data from Ms. Tierney, she feels they would get the highest “usership” on Saturday with Sunday as a back-up day. Mr. Shiller asked if the Board is willing to allow Ms. Tierney to speak with Mr. Sicilia to work out the details as to which day is best. He asked that the Board of Supervisors be flexible and consider the recommendation of not only Ms. Tierney but also the person who has a Contract to serve the Pool community. Mr. Grenier stated this will be a community event for the community designed to benefit the community since they are without an asset, the Pool, which they feel is important. He stated while he wants Mr. Sicilia to do well, he is most concerned about the greatest usership of the community. Mr. Grenier stated he is willing to have Mr. Ferguson and Ms. Tierney go through the process to determine which days are historically the best. Mr. Ferguson stated Ms. Tierney does have a meeting scheduled with Mr. Sicilia on Monday.

Mr. Shiller asked if the Board is willing to indicate that it is not “set in stone” for Saturday since he does not know what the difference is historically between Saturday and Sunday at the Pool over Memorial Day weekend. Mr. Shiller asked that the Board allow the Township Manager, the Township Park & Rec Director, and the vendor to coordinate the day versus “putting it in stone tonight.” Mr. Grenier stated he is assuming that he and Ms. Tierney are having discussions as to the day; and Mr. Ferguson stated he provided no insight as to the day. He stated he asked Ms. Tierney if they were to have a Memorial Day event, which day did she feel would be the best day to have the heaviest attendance; and Ms. Tierney’s response based on the Pool opening as the

benchmark was that Saturday was by far the heavier attendance day, and she therefore picked that day. Mr. Ferguson stated the idea was that if the day was the Saturday with the Sunday as a rain date, that would be her preferred option; however, if the Board wants it to be something different, they will coordinate whatever day the Board wants.

Mr. Grenier stated the recommendation of the staff is to have the event on Saturday with a rain date of Sunday, but he does feel that the Board should weigh in on this. Mr. Grenier asked if anyone on the Board would like to make a Motion to accept the recommended date.

Dr. Weiss stated the forecast indicates that Saturday would be the best day.

Dr. Weiss moved and Mr. Grenier seconded that we hold the event on Saturday, May 25 with the rain date of Sunday and Monday because you never know what is going to happen.

Mr. Grenier asked if having two rain dates puts on any additional pressures; and Mr. Ferguson stated he does not believe so, but they will be renting equipment including water-related equipment, and that would be a function of the company being willing to give multiple back-up days as opposed to any internal restrictions. Mr. Grenier asked if they have any idea about additional costs associated with having two back-up days instead of one; and Mr. Ferguson stated he did not, but he could ask. He stated they put a tentative hold on items that Ms. Tierney picked out for Saturday with a rain date of Sunday.

Mr. Grenier asked Mr. Sicilia if two rain dates would work. Mr. Sicilia stated Sunday would work better for him than Saturday, but he appreciates the support. He stated the last time he looked at the long-term forecast, Saturday and Sunday were very similar with regard to the weather. He stated as far as Saturday being a better day than a Sunday, that is very weather dependent. He stated last year Saturdays were much better, and Sundays were “total wash-outs.” Mr. Sicilia stated he was just asking if it was “set in stone,” hoping that he and Ms. Tierney could discuss it.

Mr. Grenier stated the Motion is that the event will be set for Saturday with two back-up days both Sunday and Monday.

Motion carried unanimously.

Authorize SafeSlide to Conduct Additional work on Slides at a Cost not to Exceed \$11,000

Mr. Ferguson stated he had sent the Board an e-mail regarding the slides. He stated at the last meeting the Board had passed a Motion to retain SafeSlide to do significant repair work to both of the slides. He stated that approval was for \$28,000. Mr. Ferguson stated they came out to the Pool to look at the slides and found the damage to be far more extensive than their original estimate that had been approved. Mr. Ferguson stated they can still do the work with the \$28,000 approved; however, they will not be able to guarantee it because of the nature of the repairs that were done and the patchwork that was done. He stated they indicated that the way they would be able to guarantee it would be for them to sand it down further and do the treatments on it to assure the integrity of the slides. He stated when they purchased the slides a number of years ago, they were \$125,000 each. Mr. Ferguson stated previously there was an auto body shop that was sanding them down and using their chemicals without necessarily having the background to know if that really repaired the slide. Mr. Ferguson stated the company that went out to certify the slides stated that it did not, and that the work that would be needed to be done to restore them to certify them would be far more substantial. Mr. Ferguson stated there are only a few companies on the East Coast that do this. Mr. Ferguson stated if the Motion were approved the cost would be \$39,000 to repair the slides, with about \$3,500 a year toward a Maintenance Contract for the next five years which would bring the five year cost to \$56,500. He stated the amount of money they were spending with the auto body shop to sand and putty them every year over five years would be \$75,000 so even though it will be a "hit" this year to get them certified as safe, the long-term costs will be lower by approximately \$18,500.

Dr. Weiss moved and Ms. Blundi seconded to authorize SafeSlide to conduct additional work on the slides at a cost not to exceed \$11,000.

Ms. Tyler asked if they looked at the slides when they first came out and gave the original estimate; and Mr. Ferguson stated they gave an estimate on the base level of work based on the size, the width, and diameter of the slides which would be their standard price. He stated as part of that, before they do the work, they come out to inspect the slides and look at the integrity of the slides, and that is when they immediately came back and stated that they would do the work they indicated but that there was far more damage on the slide that the Rec Director would have seen. Mr. Ferguson stated they were not going to certify the slide even though they would have agreed to do the work. Ms. Tyler asked if this is all fiberglass work or does it also include support work. Mr. Ferguson stated it is just the slide itself, and not the supports themselves.

Mr. Grenier thanked Mr. Ferguson for bringing this to the Board's attention, and he stated there will be long-term savings. He stated he appreciates the idea of entering into a long-term Maintenance Contract which will put the onus on the company and not the Township to do this every year.

Ms. Tyler asked what will the timetable be assuming the Board approves the additional amount this evening. Mr. Ferguson stated the only reason this can be done over the timeframe that we have is because of the delay at the Pool. He stated had they opened on May 25, they would be having a discussion that the slides would have to be cordoned off. He stated he believes the work will be done between May 24 and May 30. He stated it will take three days to sand the slides, and the treatment will then be done over three days. He stated it then requires two days of curing. Ms. Tyler asked if they put in any kind of tenting/covering in the event of inclement weather; and if not, could they consider that to make sure that if there is a lot of rain, the job is not stopped. Mr. Ferguson stated they will look into that.

Mr. Lee Pedowicz, 247 Truman Way, asked if there is a deadline for them to complete the maintenance in the Maintenance Contract so that it would all be done by Memorial Day weekend. Mr. Ferguson stated that is reasonable, and they would want them to do that inspection in subsequent years before the Pool is opened. Mr. Pedowicz stated he feels that should be put in writing.

Motion carried unanimously.

#### SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:30 p.m. and items regarding security, litigation, collective bargaining, and personnel were discussed.

Approval of Second Addendum to Settlement Agreement Between Matrix/AEW Acquisitions, LLC; Residents Against Matrix, Dana Weyrick, Toll Pa XV, LP and Township of Lower Makefield Substituting a Walking Trail for the Proposed Pavilion on the 5-Acre Parcel to Be Conveyed to the Township

Mr. Truelove stated litigation ensued seventeen to eighteen years ago between the Township, Matrix, and Residents Against Matrix, which was a local community group and others as far as the manner in which that area was to be developed. He stated an Agreement was entered into on May 18, 2006. He noted Page 6 of that Agreement Item 6 Open Space which indicated that Matrix, which was the developer at the time,

agreed to convey to the Township five acres of land along Old Oxford Valley Road as depicted on the Concept Plan and it also included that the conveyance would occur within 120 days after substantial completion of a pavilion-like structure to be constructed by Matrix. Mr. Truelove stated over the years there was another Addendum Agreement that had to do with the make-up of the types of residences which was changed from the original Agreement.

Mr. Truelove stated recently there have been discussions between Toll, the current developer, and other individuals including Mr. Zachary Rubin, who was an Officer of RAM, Residents Against Matrix, to modify the Plan as it relates to the pavilion-like structure; and that will be removed, and in its place will be a walking trail. Mr. Truelove noted the Concept Plan being shown.

Dr. Weiss moved and Ms. Blundi seconded to accept the Second Addendum as noted.

Mr. Zachary Rubin reviewed the history of the project and the work done by RAM over the years. He stated part of the Settlement was that Matrix had to pay the Township \$1.375 million, and Matrix also agreed that every time there was a Certificate of Occupancy issued on the age-restricted housing, they would pay the Township \$1,650; and that money was supposed to be put into an Escrow Account which would go for the improvement of widening the bridge over I-95 on Big Oak Road if it was put on PennDOT's Ten-Year Improvement Plan. Mr. Rubin stated it was never put on that Plan so there is a separate fund in the Township. He stated if there are approximately 377 homes, at \$1,650 per C/O that comes to approximately \$622,000 that goes to the Township. Mr. Rubin stated Matrix also agreed to pay the Township \$75,000 per year for ten years in three payment, which is \$750,000. He stated they also agreed to put in five acres of open space with a pavilion. Mr. Rubin stated that Toll Bros. agreed to all of these conditions, but when it came to the pavilion, they stated they would put in the pavilion, but they would not put in a road or parking, water, or any other improvements; and the Township would have to expend that extra money. Mr. Rubin stated there been discussions with a number of people including those representing Residents Against Matrix and Regency who have indicated that they would like to see this open space as passive recreation and to have a walking track.

Mr. Rubin stated the road is called Robert Sugarman Way, because Mr. Sugarman represented them and spent hundreds of thousands of billable dollars which he never billed Residents Against Matrix; and to this day, we do not have Big Box Retail or single, two-story homes that would put pressure on the Pennsbury School District.

Mr. Truelove asked Mr. Rubin if he and the other members of RAM support this proposal, and Mr. Rubin stated they do.

Mr. Mark Paroly, 221 Grant Way, thanked the Township, Mr. Ferguson, and his staff for what he feels was an opportunity for all the parties to get together, have a voice, and come to an agreement. Mr. Paroly stated he is the President of the HOA Board of Regency at Yardley, and they are very much in agreement with this decision.

Mr. Grenier stated when they earlier discussed the Comprehensive Plan, there was discussion about pedestrian connections throughout the Township; and he noted there is no northern connection to Big Oak Road since there are no sidewalks so it would be pointless to connect, and Mr. Majewski agreed. He stated they will have further discussion later about the overall walking trail system around the Regency at Yardley development and the entire Matrix property. Mr. Majewski stated there is a sidewalk on the opposite side of Old Oxford Valley Road where the CVS is, but there is no connection across or going across Big Oak Road. He stated there is also no sidewalk along the Pediatrics office. Mr. Grenier stated the access to this loop is from Sunflower Way, and Mr. Majewski agreed. Mr. Majewski showed the five acre open space area and the proposed connection to Sunflower Way and the walkway system throughout the entirety of Regency south carriage homes. He added that there is a proposed crosswalk to go from Regency at Yardley north into the Matrix development to be called Yardley Woods, but that is some years away from being constructed.

Ms. Tyler asked if the Township will have to maintain the open space and mow it, and Mr. Majewski agreed. He stated while this will be Township open space, the primary beneficiary will be Regency at Yardley. Ms. Tyler stated Regency will be mowing around the perimeter, and she asked if they could talk to them and ask that they include this area in their maintenance plan. Mr. Ferguson stated he did ask Regency if they wanted the property, and they had no interest. He stated he did not discuss having them mow it. Mr. Grenier asked if the Township will have to clear the walking path if it snows in the winter, and Mr. Ferguson stated they will not since one of the provisions that is in the Addendum that was part of the discussion was that there would be an understanding that it would not be shoveled or salted, and it would only be maintained during usable times of the year.

Mr. Grenier asked what the trail surface will be, and Mr. Majewski stated it will be asphalt, 6' wide. Mr. Grenier stated he assumes it will not require stormwater management, and Mr. Majewski stated they will have to look into this with the Bucks County Conservation District as far as whether this fits into the current Permit or if they need to do something additional. Mr. Majewski stated the entirety of the Regency development and the Octagon Center is well below all of the original numbers that were contemplated for impervious surface. Mr. Majewski stated it could be that the 278 trees that will be planted will compensate for the stormwater management. Mr. Grenier stated they have to determine the ultimate costs to the Township.

Ms. Tyler asked if they have permission to put up signage so that the Township residents know that this is Township property, and Mr. Majewski stated they do. Mr. Majewski stated a Petition was submitted to the Township last year indicating that virtually all of the residents who live in the carriage homes were not in favor of the pavilion, and that is when the dialogue started with RAM, Toll Bros, Matrix, and Regency at Yardley. He stated they came up with the idea that a walking trail would be beneficial as opposed to a pavilion which might have garbage cans which would have to be emptied. Ms. Tyler asked if they did a price comparison as to the cost of a 2,500 square foot pavilion versus the cost of the asphalt walking trail; and Mr. Ferguson stated Toll indicated that they would build whatever was agreed to. He stated when the trail came up, a narrower trail was proposed, and Toll indicated that they would build a 6' asphalt trail. He stated they also discussed putting in some benches. Mr. Majewski stated the cost of a pavilion would have been less than the cost of what is now being proposed. Mr. Majewski stated the length of the trail is approximately 0.41 miles.

Mr. Grenier asked if someone outside of this community wanted to use the track, where would they park. Ms. Tyler asked how the Township residents will be able to access this. Mr. Majewski stated the plans from the beginning did not contemplate any parking. Mr. Grenier stated there is street parking on Sunflower Way. Mr. Majewski stated while he would have to check along Old Oxford Valley Road, which is a Township road, there may be room to park a car although that may block traffic. Mr. Grenier asked if this is a gated community, and Mr. Majewski stated he believes that the intent is that it will ultimately be a gated community. Mr. Grenier stated technically the only access would then be through an internal road that is part of a gated community. Ms. Tyler stated that is "not okay." Mr. Ferguson stated he believes that was the case when it was proposed to be a pavilion as well.

Mr. Alex Geiger, 1735 Mulberry Way, stated he lives in Regency at Yardley which adjoins this five acre parcel. He stated what Residents Against Matrix accomplished is "fantastic." He stated all who live in Lower Makefield Township owe them a debt of gratitude, and they could have had hundreds of thousands of square feet of big box stores all of which would be sitting vacant today because big box stores have gone out of fashion. He stated instead they have tax-paying properties in an age-qualified community.

Mr. Geiger stated this issue came up over a year ago, and they all saw the design for the pavilion which was really just a roof with no amenities and no access to it or parking. He stated 98% of the residents signed the Petition which was submitted to the Township. He stated the only thing that the Amendment changes is that Toll Bros. will put in this .4 mile paved, six foot wide walking trail with four benches and 98 trees instead of a pavilion so it will be an asset to the community. Mr. Geiger stated in terms of access the only thing separating anyone from coming in is 15' to 20'

of grass to get to the paved portion, and anyone can walk in as it will not be fenced and it will not keep anyone away from the trail. He stated the Amendment does not change any of the terms of the Settlement in terms of access, parking, or maintenance. Mr. Geiger stated everyone agrees that this is superior to the original pavilion. He stated a lot of people put in a lot of time to reach this Agreement.

Ms. Tyler asked if there is anything that would prohibit them from putting down gravel and making a parking area off the road so that the residents can pull in with their car and get out to walk to this, and Mr. Majewski stated they would have to review the safety of this with the Police Department and engineering considerations with the Township engineer. Mr. Grenier stated it might be grass now, but it seems that it will be 20' more of trees that will be in the way. Ms. Tyler stated the Township has to figure out how the Township residents at large can access this property and that they are aware that they have use of that property so that it does not become a private park.

Mr. Geiger stated Mr. Rubin was correct that one part of the Settlement Agreement is that Toll Bros. has to pay \$1,650 for every Certificate of Occupancy; and by the time the community is finished, that will be close to \$700,000. Mr. Geiger stated Mr. Ferguson has confirmed that money has been kept in a segregated account. Mr. Geiger stated that while it is true that what was contemplated was widening the bridge which will not happen, it is not true that since the bridge will not happen that money becomes unrestricted Township funds. He stated there is a provision that says what the money is supposed to be used for. Mr. Greiner stated that will be a discussion for another time.

Mr. Grenier stated he likes that there will be a trail, but he is concerned that this is totally shut off for Township access right now; and he feels they need to look at how to provide public access to this. Ms. Tyler stated while she agrees, she does not feel that prevents the Board from approving this tonight.

Ms. Helen Heinz stated this came up at the Historical Commission meeting. She stated this was called the Octagon Center because of the Octagon School House. The location of the School House was shown, and Mr. Majewski stated it is actually on a parcel that is not part of the overall Octagon Center project as developed by Bellemead and Matrix. He stated there is a sliver of land along Oxford Valley Road at the intersection of Big Oak Road, and that property is owned by a private individual who lives in Florida. Ms. Heinz stated it is a quarter acre of land at the end of Big Oak Road and old Big Oak Road and Robert Sugarman Way. Mr. Grenier asked if it is just the foundation left there, and Ms. Heinz stated there are just a "couple stones."

Ms. Heinz discussed the history of the Octagonal School House which was the first Octagonal School House in the United States of America. She stated it is one of the most significant sites in the Township. She stated she and Mr. Steve Santarsiero worked together to get the road moved to the south when they were constructing the intersection so that they would not touch this property. She stated it has never been Deeded to the Township, and it is “totally useless” because it is within the road right-of-way of Oxford Valley Road.

Ms. Tyler asked how this relates to what they are considering right now. Ms. Heinz stated the path they are discussing is Old Oxford Valley Road, and they could probably get six to seven cars down that asphalt road. Mr. Grenier stated the Motion that is being discussed is not that particular path, rather it is the five acre property across the street. Ms. Heinz stated it is the pavilion that Matrix/Toll originally agreed to do. She stated they were going to rebuild the Octagon and give the Township a pavilion so that the school children could come there and there could be some kind of demonstration of what it was like to go to an Octagonal School House. She stated the stones are actually there, and were within the frame of the building. She stated it was only six feet high, and it could be easily rebuilt with a number of Grants, donations, and volunteers. She asked that the Board condemn the property, which is what she has been asking for the last twenty years. She stated it is “useless,” and it could be added to Toll Bros’ “little park,” and the pavilion would then have a purpose. She stated she agrees it would be difficult coming out of the intersection, and they would have to have some kind of traffic device in order to be able to get out. She stated there is plenty of room for parking. She stated this would be an ideal pocket park, and people could connect from the western side of the Township to the Five Mile Woods. She asked that they keep this in mind since long term she feels this would be a “terrific” project that would generate a lot of interest for people in the community. She stated she is confident that volunteers and “the deep pockets in Lower Makefield” will come through and get this done.

Mr. Zachary Rubin stated there is an Octagonal School House on Swamp Road toward New Hope at 232. He stated that is what was at this intersection. He stated when Matrix decided to build their 300,000 square foot big box retail, the incentive to the Township was that they would take the foundation of the Octagon School and rebuild it, and have it for the school children in this area. He stated they did not realize that they did not own that property. He stated he agrees with Ms. Heinz that the strip should be condemned by eminent domain for educational reasons.

Mr. Ethan Shiller stated he agrees with Ms. Tyler in the direction she is going and he hopes all the Supervisors agree with her for the five acres. He stated with regard to the mowing, it would be similar to how the Board of Supervisors handled the Dog

Park working with the HOA at Makefield Glen to address some of the usage of the land. He stated the Board should engage the Board of Directors of Regency, and Mr. Paroly, to include the option in their Contract of landscaping which would be a simple modification of their Contract to have their landscapers provide the services and include it within their HOA documents.

Mr. Lee Pedowicz stated with regard to maintaining the walkways only when they are “usable,” he asked what is the definition of “usable.” Mr. Ferguson stated it would not be maintained from approximately November to March. Mr. Pedowicz stated there would be nothing to keep people from using it; and Mr. Ferguson agreed, but they would post that the trail is not actively maintained during that time. Mr. Truelove read from a portion of the Agreement which indicates that all Parties have agreed that the trail need not be cleared of snow or ice in the winter. Ms. Blundi asked if they should clarify what “winter” means and should they include specific dates or just leave it as “winter.” Mr. Truelove stated the Parties all seemed to understand what it meant.

Motion carried unanimously.

Discuss Proposed Walking Trail/Emergency Access Between Regency at Yardley Singles and the 62-Lot Matrix/Ryan Homes Subdivision

It was agreed to discuss this matter now as opposed to it being considered later under Discussion Items.

Mr. Majewski showed a photo of the property involved. He stated the approved Plan for Regency at Yardley contemplated that out the back of the project from Renaissance Boulevard which is in the back of the project to have a connection through to the other part of the development that was to be done by others. Mr. Majewski stated originally there was a through road from the part of the development along Big Oak Road and that was eliminated at some point, and they just had an emergency access and a pedestrian path connection between the condos that had been approved. He stated the Regency North singles have 197 homes, and the Regency South carriage homes on the south side of Big Oak Road have 180 townhouse units. He stated Yardley Woods, which was the Matrix Residential land pieces originally had 155 condos, but the second Addendum to the Development Agreement done in 2017 changed that to be 62 townhouse units.

Mr. Majewski stated when they did the Matrix project that was approved in December, 2016, they had approved an Addendum to the Settlement Agreement, and that Plan proposed a 12' wide trail heading into the 8' wide trail at the Regency at Yardley property.

Mr. Majewski stated the residents who live in Regency at Yardley do not like the connection between the two developments, and they feel that it is not their development; and the connection looks too much like a Commercial road connecting the two developments. He stated the residents' proposal is to eliminate that connection which would be the 8' path on their side and the 12' path on the Yardley Woods project which is now under construction. Mr. Majewski stated in lieu of that the residents were looking at an alternative which would be to do an alternate path to go down the abandoned right-of-way of Old Oxford Valley Road. Mr. Majewski stated the Township still owns the right-of-way, and they have not abandoned the right-of-way yet although it has been proposed to be abandoned. He stated currently it is a dirt road, although it was a paved road at one time prior to relocating Oxford Valley Road.

Mr. Majewski stated it would be good for walking except that it is a "little bit rough." He stated the residents would rather not have the pedestrian connection out the back to the other development that is not part of their Homeowners Association, and they would rather have a connection from their sidewalk adjacent to their parking lot at the Clubhouse down through the abandoned right-of-way of Old Oxford Valley Road that would connect into the proposed sidewalk for the day care that was recently approved by the Township. He stated for that project they are putting in a 5' wide sidewalk along the frontage of that property. Mr. Majewski stated he knows that ultimately the residents would like to have a connection between the south side of the project on the south side of Big Oak Road and the whole development on the north side. He stated that is where there were concerns about safety since there is a lot of traffic, and some day it might be good to have a light there.

Ms. Tyler stated Matrix Lower Makefield Residence LP, the adjoining lot, had an approved Plan as well; and Mr. Majewski agreed. Ms. Tyler asked if they were notified about this since they will be impacted if there is going to be a change. Mr. Majewski stated they would be impacted, and they should be consulted. He stated he has spoken to some representatives who originally questioned why they needed this trail. Mr. Majewski stated at one point he believes it was not on the Plan, and then the Township engineer at the time had them add it back on because it had gotten missed. He stated the developer would be more than happy not to build a long trail out the back of their project.

Mr. Grenier stated the approved trail would connect the three developments and ultimately the trail they have talked about tonight versus a short trail on property the Township already owns to get to a sidewalk that does not yet exist that would go toward the day care center.

Mr. Majewski stated there is some urgency to this even though this has been talked about for probably a year since Toll Bros. is getting near to the point where they will be finished with all of their improvements on the north side which are the singles. He stated in order to get on the Maintenance Bond once everything is ready, they would need to have the trail installed. He stated they want to install it now because if they wait a little longer, grass will not grow, and they will be held up because the grass is not growing. Mr. Majewski stated the Board could decide to keep the trail where it is, the Board could decide they prefer the alternate trail and get money from Toll Bros. as a Fee-In-Lieu of the trail, or the Board could decide to take that away from what would need to be accepted for the improvements so that it could be put in later or not; and then the Board would not have to make a decision right away, and Toll Bros. would not be under a time crunch. Mr. Majewski stated Mr. Pockl could confirm that Toll Bros. still has work to be done on Regency North to get it in position where all the public improvements are satisfactorily completed; and Mr. Pockl agreed that there is a significant punch list they are working on which will take time to complete. Mr. Majewski stated Toll Bros. would like some direction from the Board of Supervisors as to how to proceed.

Mr. Grenier stated the alternative location is an existing trail which is currently owned by the Township, and since it is on a Township-owned right-of-way, he assumes the Township would have to do the long-term maintenance. He asked if the Township would also “be on the hook” for the other trail. Mr. Majewski stated they would have to discuss this with the HOA as to how to proceed with that. Mr. Majewski stated he feels that the Township should look into abandoning the right-of-way. He stated it was contemplated on the Plan from the start to be abandoned, but it was never finalized or Recorded.

Mr. Mark Paroly stated they approached the Board of Supervisors close to two years ago about the path, and the issue then was safety. Mr. Grenier asked who approached the Board; and Mr. Paroly stated it was Regency at Yardley, although it was not the Board of Regency at Yardley, rather it was just a group of individual residents. Mr. Grenier stated it was a group that did not represent Regency, and Mr. Paroly stated that was true then, but it is not true now because they have since taken over the Board, and the three Board members are all residents and met as a group Monday night. Mr. Paroly stated he is speaking on behalf of hundreds of residents who showed up for that meeting as opposed to before when it was “random residents.”

Mr. Paroly stated that earlier tonight they talked about how Mr. Ferguson had set up meetings with all the interested parties involved, and he would ask that they do the same thing for this. He stated there may be Supervisors who might like to be involved in this. He stated Regency of Yardley wants to be part of it as does “Ryan” and the day care center. He stated their ultimate goal is to make the “carriages” part of their community, and they have a great concern as to how those residents can get to the amenities safely. He asked Mr. Ferguson and the Board to convene a meeting, and they will make themselves available. Mr. Grenier also asked that Ms. Tierney be involved if there is a meeting. Mr. Ferguson asked that the Board advise him who they would like to have involved, and he will set up whatever accommodates the list of people the Board feels is appropriate. Ms. Tyler stated Mr. Majewski would probably be the best one to give that information as to who are the stakeholders. Mr. Majewski stated they could come up with a list of people who would be appropriate. He stated if any Supervisors would like to attend, they could do that.

#### ZONING HEARING BOARD MATTERS

With regard to the Dhaval Jagirdar Variance request for the property located at 1157 Beech Court in order to permit construction of a fence in an easement, Ms. Tyler moved Ms. Blundi seconded and it was unanimously carried that the Township solicitor participate.

With regard to the Lower Makefield Corporate Center (South Campus Condominium Association) Variance request for the property located at the southeast corner of the intersection of Stony Hill Road and Township Line Road in order to permit portions of a cantilevered deck to be located within the natural resources setback, Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried that the Township solicitor participate.

With regard to the Daniel Swantko Variance request for the property located at 1413 N River Road to construct a stone driveway which will result in greater than permitted impervious surface and construction of a 4’ fence within the floodplain and located in the front yard, Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried that the Township solicitor participate.

#### DISCUSSION AND DENIAL OF DEDICATION OF FREEMAN’S FARM

Mr. Truelove stated there is a letter from Mr. Pockl dated May 5, 2019 indicating that they recommend Denial of the Dedication request of Freeman’s Farm since there are still a number of punch list items which have been enumerated in the letter.

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Mr. Pockl stated it is not only punch list items, it is also submission of As-Built Plans, Deeds of Dedication, Liquid Fuels documentation, and a significant amount of paperwork that should be provided prior to accepting Dedication.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to deny the Dedication of Freeman's Farm.

#### SUPERVISORS REPORTS

Mr. Lewis stated the Farmland Preservation Corporation met and reviewed Leases.

There being no further business, Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 11:55 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary