

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 5, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 5, 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

PROCLAMATION RECOGNIZING PENNSBURY HIGH SCHOOL BOYS ULTIMATE FRISBEE TEAM

Mr. Grenier stated the Pennsbury High School Boys Ultimate Frisbee Team is present this evening, and they recently won the State Championship. Mr. Grenier read the Proclamation into the Record, and the Proclamation was presented to the Team.

COMMUNITY ANNOUNCEMENTS

Mr. Grenier announced that the Pool will open June 8, and the pool are currently being filled. Mr. Grenier stated there are also Five Mile Woods Clean-Up days which occur throughout the summer.

Ms. Kristin Tyler stated Josh Goldinger was a young man from the community who died as a result of being struck by a car. She stated his parents are putting on an event to honor Josh's Squad House, which is their vision to make sure all our youth feel included and have a place to be. She stated the event will take place at the Pool parking lot by the tennis/ basketball courts. Ms. Tyler stated the Tech School built four Kan Jam walls, and there will be a Kan Jam competition, a DJ area, food, face-painting, and other events which will start at 10:00 a.m. on Saturday, June 26. She stated they would like to have people attend the event and also help run the event. She stated information can be found on Facebook at Josh's Squad House.

STATEMENT BY MR. GRENIER

Mr. Grenier stated following the last meeting and as a result of comments on Facebook, he feels it is necessary to apologize to Mr. Ferguson for how he has been treated at the last meeting and since that time as well. Mr. Grenier stated Mr. Ferguson has been working very hard on many issues. Mr. Grenier stated he is in the Township office frequently, and there have been some people coming in and making very rude and unprofessional comments to Mr. Ferguson and the Township staff. He stated they have even threatened Right-to-Know Requests for Mr. Ferguson's College transcripts. Mr. Grenier stated he does not feel any professional, especially one of Mr. Ferguson's stature and given the amount of work he is putting in, should ever be treated in this way. Mr. Grenier apologized on his behalf and on behalf of the Board.

Mr. Grenier stated at the last meeting, Mr. Ferguson advised the Board that the Pool would be opening a few weeks late due to a combination of issues associated with the re-construction of the pool; and that it would be opening June 8 as opposed to Memorial Day. Mr. Grenier stated the reason that this happened was that in addition to the wettest twelve months on record, the supplier for the gutter system did not ship approximately two hundred pieces of gutter that needed to be installed prior to the completion of the work on the pool. He stated this is well beyond anything Mr. Ferguson could have done himself. Mr. Grenier stated Mr. Ferguson took it upon himself to force the contractor to fabricate all of the pieces locally to ultimately get the Pool open by June 8. Mr. Grenier stated over the last eleven years, instead of fixing the decay of the wall that resulted in the loss of hundreds of thousands of gallons of water at a major cost to the Township, it was simply patched over and over again to the point that they could not insure the pool safety for the members anymore. He stated no one ever yelled at anyone about that.

Mr. Grenier stated while they were addressing the pool wall and gutter issue, they also found that the pool slides were in a severe state of disrepair. He stated over the last several years, the Township used an auto body shop to patch the fiberglass on the slides. Mr. Grenier stated according to the slide professionals that were hired to fix this, in their over 700 slide projects, they had never seen slides in such bad shape. Mr. Grenier stated they have worked over the Memorial Day weekend to insure that the Pool is open by June 8, and Mr. Ferguson got the contractors out to fix the slides pushing them to get it done. Mr. Grenier stated he has used the slides in the past, and he feels lucky that nothing happened last year when he was using the slides on almost a daily basis. He stated as a Supervisor he is also relieved because it is a liability issue, and is also a father whose children use the pools. He stated he is angry that they were never fixed properly, and no one ever yelled at anyone about that.

Mr. Grenier stated while he has been in the Office he has heard people talking about other things that they said were “Kurt’s fault, the management’s fault, or the staff’s fault.” Mr. Grenier stated one item that comes up often is the Budget and Audit. Mr. Grenier stated the 2017 Audit included a statement that the General Fund had a balance of approximately \$2.9 million; but they have since found that the actual General Fund balance was closer to zero, and had it not been for the sale of the cell tower and holding off on \$2 million worth of projects that were included in the previous Board’s 2018 Budget, the Township would have had a General Fund balance of probably negative \$2 million. Mr. Grenier stated our current Township Manager realized this situation, notified the Board, and developed a plan for addressing this issue.

Mr. Grenier stated with regard to the Dog Park, it was approved for a total cost of approximately \$211,000; and when he joined the Board he found out that the cost was close to \$500,000, and there were twelve Change Orders approved that were never discussed in Public Comment. Mr. Grenier stated the Dog Park was also built in violation of local, State, and Federal regulations. He stated it never went through Planning or Zoning Hearing Board review, and no local Boards or Commissions other than Park & Rec reviewed the design. Mr. Grenier stated approximately one year ago there was a major storm event over the Memorial Day weekend that washed out part of the fence on the side of the Dog Park. Mr. Grenier stated when he went out to check on this, he realized the problem; and he told the Township Manager at the time and came to find out that both the design and the Change Orders were not thoroughly vetted. He stated this led to self-reporting violations to DEP and incurred more cost to fix the violations. He stated no one was yelled at for that.

Mr. Grenier stated with regard to Memorial Park in 2009 the Planning Commission and the Board of Supervisors voted to approve a Final Site Plan for the west side of the Park which included multiple fields and other amenities. He stated they have not been built to date. Mr. Grenier stated a few years ago, the Board voted to build an arboretum and a path around the Park without a Planning Commission review. He stated an arboretum is the installation of a number of trees, and the cost to design the arboretum was over \$275,000. Mr. Grenier stated he personally has designed Plans for “a couple million trees,” and he never charged that much for that many trees. Mr. Grenier stated many of the trees that were installed at the arboretum at Memorial Park are dead or dying, and still have to be fixed; however, no one was yelled at for that.

Mr. Grenier stated with regard to the sewers, in 2012 the PA DEP placed a moratorium on new connections that would discharge to Philadelphia because of historically-poor water quality. He stated nearly every Township in Bucks County was

put on notice that their sewer systems would have to undergo a large number of expensive upgrades to reduce I & I and improve water quality within the Delaware River watershed where we get our drinking water from. He stated over time the Township barely invested in any sewer improvement projects until last year. He stated based on our approved 537 Plan, we now know that we have millions of dollars' worth of projects that must be implemented over the next several years to be in compliance with DEP regulations. He stated some of these projects could have possibly been implemented over the last seven years, but they were not; and now we will be addressing this over the next several years.

Mr. Grenier stated in 1998 the Township paid \$7.2 million to buy Patterson Farm which included 243 acres of farmland, several houses, barns, and other structures. He stated on the surface that "may look like a bargain for that much land;" however, at the time "nobody did any due diligence." He stated they have since found out that there were major structural and environmental issues associated with many of the structures on the site when they were purchased which has straddled the Township with liabilities. Mr. Grenier stated since 1998, the Township has spent more than \$1 million on just the Satterthwaite portion of the Farm alone trying to fix and stabilize the buildings in that portion of the Farm. He stated based on the recent studies, they know that the Township will be looking at hundreds of thousands of dollars more to fix this. He stated knowing that we do not have anywhere near that amount available in the Budget, they have started the process of doing an inventory of all Township properties so that they can methodically address these concerns over time as money becomes available.

Mr. Grenier stated with regard to the Community Center, they are still unsure as to how over-Budget this project went, but it was built without any phone lines or Ethernet, and the doors still do not work properly. He stated it was also built out of compliance with Township Ordinances. Mr. Grenier stated there were no plans for the building initially, but fortunately we have a Park & Rec Director who is working hard to develop programming to fill the building and make it a Township asset which it is; however, she is now "getting yelled out by various user groups on a regular basis as she is trying to work to keep this thing afloat." He stated he feels she is doing a great job.

Mr. Grenier stated with regard to Human Resources and Personnel, one of the biggest surprises when he took office as Supervisor was when he found that the Township has never had any sort of Personnel or Human Resource Program in place. He stated there was not a single policy - sexual harassment, equal employment, medical leave, military leave, drug testing, or background checks

in place in the Township. Mr. Grenier stated not having these policies in place opens the Township to many liability issues by an employee, and that is now changing because of our Township Manager; and he thanked Mr. Ferguson for that.

Mr. Grenier stated with regard to Professional Services Contracts, the Township hires engineers for general engineering, sewers, and traffic; and they hire attorneys as Township solicitor, conflict counsel, and Zoning Hearing Board solicitor. He stated they also hire other professional service providers for a variety of other roles in the Township. He stated like the HR program, he was surprised to find that the Township did not have a single Professional Services Contract prior to last year. He stated Professional Services Contracts include terms and conditions that are designed to spell out clear processes and procedures for errors, liability, payments, change orders, insurance, etc. and are designed to protect the Township. He stated in his line of work, he does not start a project until the Contract is signed. He stated for years the Township executed projects based on a rate sheet only, and that is changing now with the new RFPs; and our Township Manager has taken the lead in doing that.

Mr. Grenier stated other items have come up over time that were handled in “a similar way,” and he noted particularly Snipes and Sandy Run. He stated he is not blaming this on the Township Boards, the former Township Manager, or any one person in particular rather he is pointing out that there have been many major issues over the years that have occurred that continue to impact the Township where the Township Manager had been allowed to do his job without the public beratement. Mr. Grenier stated the current Township Manager and staff have inherited a “bit of a mess,” and they are doing a good job “peeling off years of Band-Aids and figuring out how to finally get some of these wounds to heal.” Mr. Grenier stated he is very thankful that we have this talented group of professionals addressing all of these issues, and he looks forward to working with them for years to come.

Mr. Grenier stated for the last few months, he keeps hearing from the staff that they are getting berated and blamed for things; and he is afraid that the Township will lose them. He stated we have a very good staff, and he feels they need to show support for them because they are handling a lot of issues.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, stated at the May 5 meeting he became aware for the first time that Lower Makefield Township had a Comprehensive Master Plan, and he found through the Internet that Bucks County has one as well.

Mr. Kupersmit stated a lot of work went into these projects, but the leadership does not follow any of it; and he noted particularly the “super bugs” which are not mentioned once. Mr. Kupersmit discussed a Supreme Court case on Public Comment.

Mr. Zachary Rubin, 1661 Covington Road, stated at the last meeting, the President of the Pennsylvania American Water Company was asked about the origin of Pennsylvania American Water becoming the sole provider of our water; and the President indicated that he would research it through his archives. Mr. Rubin asked if he has come back to the Board of Supervisors or Township Manager with an answer to that question; and Mr. Ferguson stated while he has not, he could follow up with his contact at the Water Company.

Mr. Jeff Hirko, 1450 Dolington Road, stated he is President of Patterson Farm Preservation; and they would like to request that they be on the next meeting’s Agenda. He stated Patterson Farm Preservation was incorporated in 2015 as a non-profit organization. He stated the objective of their proposal is to put forward an offer of an Agreement of Sale for the purchase of the Satterthwaite Farmstead and its adjacent accompanying buildings. Mr. Hirko stated the Township taxpayers will recognize the cost savings value with this venture. He stated Patterson Farm Preservation Incorporated presents an offer of \$1 to be paid at the date and time of Settlement for the Satterthwaite Farmstead. He stated in order to promote a mutually-agreeable effort of restoration and rehabilitation, this proposal will establish the terms and conditions under which the seller agrees to sell and to convey to the buyer who agrees to purchase the aforementioned property under the standard Agreement of Sale of Real Estate.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, stated she represents Patterson Farm Preservation; and she stated any proposal that they put forth would be for the mutual benefit of all parties. She stated they want to make sure that the property transitions well through time; and at the present time, it is not doing especially well. She stated they want to help the public understand the history and get involved with the preservation and the future of the property. She stated they want to restore the structures and the “landscape” to the benefit of the taxpayers. She stated they want to save dollars for the taxpayers. She stated the Township has owned the property for twenty-one years, and it has been in decline. She stated she would like to see that turn around, and they know they have the support and backing of the community to do that. Ms. Doan stated one of the objectives as a non-profit organization to take ownership of the property would be to immediately begin a large-scale fundraiser to get the property back in shape. She stated they have more

versatility than the Township has because they can apply for and obtain Grants, seek the help of foundations, and get private donors and matching donor challenges. Ms. Doan stated they would like to stabilize and restore the property, and they feel this is a worthy goal. She stated she feels this would be a place for small gatherings, and it would be low impact as they understand that the farming has to take place and there are other activities going on, and they would not want to upset the neighbors. Ms. Doan stated they will have a Flea Market on Saturday, June 22 at Veterans Square Park from 8 to 1. She stated there are vendor spaces still available. She stated more information can be found at Patterson Farm Preservation.com and also on their Website page.

Ms. Doan noted tomorrow is the 75th Anniversary D-Day, and they honor all who served.

Ms. Florence Wharton, 301 N. Bellevue Avenue, Langhorne, stated she is a member of Patterson Farm Preservation. She stated their proposal is a plan for feasible, realistic, and cost-saving opportunities for the Township and the taxpayers. She stated it would be a relief from the current and future financial, legal, and insurance costs. She stated the Board of Supervisors have discussed this in the past including discussions about the public purpose that would justify the continuing expenditure of taxpayer money to renovate and maintain historic buildings. Ms. Wharton stated this is an obvious burden to the Municipality. She stated there are Township engineer reports from 2018 about environmental hazards which indicated that the total cost estimate was \$172,000 and a structural evaluation report which stated the total cost estimate was \$405,720. Ms. Wharton stated the Board should review their proposal, and they look forward to a discussion if merited. She stated the Board would receive a standard Agreement of Sale from Patterson Farm Preservation; and the Board would then perform all of the required notices to the community, the required Public Meetings, and further requirements under the Pennsylvania Municipalities Planning Code. Ms. Wharton stated although they have provided a brief summary in the interest of time, they are requesting that the entire proposal be entered into the Record. (Attached to the Minutes). Ms. Wharton stated they can provide electronic copies of the proposal to those filling out her sign-up sheet.

Mr. Ethan Shiller, 1578 Willow Pond Drive, provided a written Motion to the Board this evening. He stated he is very familiar with the "financial areas" of the Township as he served as Chairman of the Budget Committee. Mr. Shiller stated he would like one of the Supervisors to present the Motion he has provided this evening. He would like it Seconded, but it does not necessarily mean that there has to be discussion about it, and he would like one of the Supervisors to make a Motion to Table it. He stated they will then know in the future, hopefully in the September timeframe, which would

give the Board members enough time to evaluate the Motion, and to put it through the Finance Committee which would make any necessary recommendations, even though it would come down to the Board of Supervisors making the decision. Mr. Shiller stated he recognizes that the Township solicitor would have to modify the Motion, but this would provide what he is looking for in order to have a Lower Makefield Sewer Trust set up for the residents no matter whether the sewers are placed for sale, lease, or there is a third-party operation. Mr. Shiller added that he would always be willing to go into the details.

Mr. Shiller read the Motion as follows: “The Lower Makefield Board of Supervisors would like to engage the legal services of Hill Wallack, LLP to determine the feasibility and legal option for the Lower Makefield Township owned and operated sewer asset proceeds. These proceeds from either the sale, lease, or other scenario from the Lower Makefield Township public sewer to a private or public entity or third party be placed into a Lower Makefield Residents Sewer Trust and only sewer debt or lien would be paid in full. The evaluation would include the specification of the Lower Makefield Residents Sewer Trust to include both the principal and income to be distributed to paying residents of Lower Makefield as an amortization to maintain the sewer rates at the current rate at the time of any sale or lease at the time Lower Makefield engages any outside maintenance or control to a third party. The timeframe for Hill Wallack LLP response shall not exceed sixty days and not exceed the cost of \$3,500.”

Mr. Shiller asked if any Supervisor would make this Motion adding it would be necessary for three Supervisors to pass the Motion. No Board member made a Motion at this time.

Ms. Tyler advised Mr. Shiller that he is premature with this; and while she appreciates his efforts and thought, it would be timely to contemplate this in the future. Mr. Shiller asked why it is premature to do an evaluation since they are doing an evaluation based upon what the Township Manager said specifically to the Board on April 17. Ms. Tyler stated she is aware of the history, and all they have done so far is to ask for an evaluation; and they are not going to incur legal fees on something that Mr. Shiller wants the Board to do. Ms. Tyler stated the Board has the situation well in hand, and they will be getting feedback and considering options. She stated what Mr. Shiller is requesting is too early to consider at this time. She stated it is also inappropriate for Mr. Shiller to instruct the Board how to proceed with their business although he is welcome to make comments.

Mr. Shiller advised Ms. Tyler that he thinks she specifically is “incompetent.” Mr. Grenier advised Mr. Shiller that he was being disrespectful. Mr. Shiller stated Ms. Tyler indicated that she felt they were competent, and he has a right to disagree; and the opposite word for “competent is incompetent.” Mr. Shiller stated he is “honest, direct, and straight-forward, and he is not political.” Mr. Grenier advised Mr. Shiller that his Public Comment time was up.

Mr. Angelo Gerbavac, 1504 Esther Lane, provided the Board a map showing Esther Lane, Jack Road, Irving Road, and Big Oak Road. He stated he has a Petition started to either add stop signs or speed bumps along Esther Lane because there are many children under the age of eleven in the area. Mr. Gerbavac stated he has been advised by those who have lived in the neighborhood for a long time that they had tried to get this done for years, but the Township would not do it indicating that speed bumps would impede emergency vehicles and there was no money for that. Mr. Gerbavac stated he feels if they will not do that, they could do stop signs which are the easiest and least expensive to do. He stated people are “flying” when they come off of Big Oak Road. He stated he has done everything he can to keep his children from going out into the road including putting a snow fence across the driveway. He stated they could put two, three-way stop signs at the corner of Jack and Irving which will definitely slow the drivers down and possibly save the life of a child.

Chief Coluzzi asked if he has brought this matter to the attention of the Police Department; and Mr. Gerbavac stated he discussed it with Thomas Roche the past few years, who had brought in the speed indicator. Mr. Gerbavac stated he advised Mr. Roche that would not solve the problem, and Mr. Roche stated they would have a Police Officer there; however, Mr. Gerbavac had indicated when the Officer is not there, someone will “come through.” He stated children run out into the streets, and there are no sidewalks.

Mr. Grenier stated he is looking at the intersection of Jack and Esther, and there is a stop sign. Mr. Gerbavac stated he wants to put one on Esther. Mr. Grenier stated he is looking to make it a three-way stop, and Mr. Gerbavac agreed adding that he knows three-way stop signs are common, and there are ones on Roelofs and W. Ferry.

Chief Coluzzi asked if Tom Roche, the Traffic Safety Officer, indicated that in order to put a stop sign up, it must meet Warrants or it is unenforceable. Chief Coluzzi stated that is why he put the machines up to count traffic to try to establish sufficient parameters to put up a stop sign. Chief Coluzzi stated while he understands the concerns, the Township and Police Department have to make sure that it is legal for them to put up the stop sign or it would have the reverse effect and someone

could be killed or injured because of that stop sign, and the Township could be liable for that. Chief Coluzzi stated he will personally look into this situation with Mr. Roche when he gets back from vacation and follow up with Mr. Gerbavac if he provides his contact information.

Mr. Grenier stated he went through this situation in his own neighborhood before he was a Supervisor; and in lieu of a stop sign, there are other measures that could be reviewed with the Citizens Traffic Commission where there is a process for looking at traffic-calming measures.

Mr. Steven Lucuski, 112 Glen Valley Road, stated he is concerned about the growing deer population. He stated he has lived on Glen Valley Road for thirteen years; and on average he would see two to three deer at a time, but over the past two years, he sees a dozen deer at one time. He stated it is completely out of control how the deer hunt has been dramatically shortened compared to what it was in the past. He stated two of his neighbors have contracted deer-borne illnesses. He stated he is constantly finding ticks on himself and his children. He stated a year ago a deer died on his front lawn; and since it was Memorial Day weekend, the Game and Wildlife Commission could not come out until Wednesday or Thursday of the following week, and within a few hours, they had over a dozen turkey vultures on their property and they could not go outside. He stated as a result of the restrictions on the hunt, the deer population has grown exponentially in his area.

Mr. Grenier stated there will be a presentation by BOWMA this evening. Mr. Ferguson stated the property that is closest to Mr. Lucuski's where they harvest deer does have restrictions which were put in due to concerns by neighbors in that area; and they did not want the hunt to begin there until after Thanksgiving with limited hours, and that has limited the ability of BOWMA to thin that herd.

Mr. Lucuski stated it is not unusual to see the deer coming through his property one to three times a day. He stated the deer are also running out onto the road. He stated it is more prevalent than it has ever been in the thirteen years he has lived here. Dr. Weiss stated he lives in that neighborhood, and he agrees with Mr. Lucuski that there are more deer than there have ever been.

APPROVAL OF MINUTES OF MAY 15, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of May 15, 2019 as written.

PRESENTATION BY BIG OAK WHITE TAIL MANAGEMENT ASSOCIATION (BOWMA) ON
2018/2019 DEER HUNT

Mr. Ferguson stated the Agreement with BOWMA is year-to-year, and they do provide a report as to their activity. Mr. Ferguson stated they would like BOWMA to continue on with the program.

Mr. Michael Ward, was present on behalf of BOWMA. He stated they have a yearly Contract with the Township to help reduce the deer population in the Township; and they have had tremendous success over the last ten years. He stated for the 2018 season, they were able to successfully remove 108 deer between Lower Makefield and Upper Makefield Townships. He stated they donate a lot of the deer meat to five food shelters in Bucks County, and last year they provided 7,000 servings for the homeless.

Mr. Ward stated this year they hope to keep their Contract with the Township and keep hunting within the Township. He stated he is very familiar with Mr. Lucuski's area. Mr. Ward stated the property they hunt there is a thirty-three acre Township property, and the challenge with that area is that it backs up to three hundred acres of Bucks County property, and they cannot hunt on County properties. He stated they have more success harvesting deer in smaller areas of woods. He stated in Mr. Lucuski's area they are also limited to weekdays only until Thanksgiving, and after Thanksgiving they can go in on Saturdays. He stated they require hourly minimums from their members, and some of their members can only do hours on Saturdays. Mr. Ward stated they also have to follow all State Game Laws. Mr. Lucuski asked if the County has a program, and Mr. Ward stated he does not believe they have a program. Mr. Lucuski stated he has an acre and half and they could hunt on his property, and Mr. Ward stated he could discuss hunting on his property following the meeting; adding they do have to make sure they follow all the requirements for distances from homes, etc.

Mr. Lewis thanked BOWMA for the work they have done over the years, adding he has been a strong advocate and supporter of their work, and he has also called other Municipalities to offer his endorsement of what they have done. Mr. Lewis stated he would like them to get more access to be able to harvest more deer safely. He stated the area where he feels there is potential opportunity is with some Farmland Preservation properties, where he feels stands could be set up; and he asked that BOWMA explore this with Farmland Preservation Corporation and the individual farmers leasing the land. Mr. Lewis stated this would be a great opportunity in the fall when the crops are down. Mr. Lewis stated he will always vote for renewal of the Contract because the value for the community has been proven. He also suggested that if there is a situation with County-owned lands,

he would not have a problem petitioning the County Commissioners on BOWMA's behalf and suggest that they consider a similar program on the County-owned lands. Mr. Lewis stated he has also noticed an increase in the deer population although he cannot quantify it.

Mr. Ward commented on the number of deer in Pennsylvania and the problem of diseases. Mr. Ward stated reaching out to the County would be helpful particularly for areas where County property connects to Township property. He stated if they have access to more property, they will be able to have greater results. He stated they are insured, and they make sure their hunters qualify every year. He stated they follow State regulations, and they require all of their members to apply for a minimum of eight doe tags. Mr. Lewis stated they are seeing that does are now having multiples as opposed to a single offspring.

Mr. Grenier stated the Township hired BOWMA to help cull the deer herd through archery. He stated he agrees that we are overpopulated with deer, and this is our approach to dealing with that especially in this densely-populated, residential area. He stated in addition to the County properties, he feels there are other areas in the Township where they are seeing access issues, and they need to look for a remedy to that if they are seeing an increase in the deer population in those areas. Mr. Ward stated access can be difficult for a lot of the properties where they hunt, but he feels they are doing fairly well on the properties where they hunt. He stated it would be helpful if they could get access to other properties that have more of the deer population on it now. Mr. Ward thanked the Board for their support.

Mr. Ferguson stated he likes the idea of opening this up to see what additional opportunities may be available versus just going back to the same properties. He stated he would like BOWMA to see how they could be more effective including working with the County. Mr. Gruen asked if they should go through that process first before they renew the Contract; and Mr. Ferguson stated if the Board is so inclined, they could renew the Contract, and if they come up with additional opportunities, they could present them back to the Board and that could be approved as an Addendum to the Agreement.

Mr. Ward stated there are HOA properties that have wooded sections that contain deer, and possibly they could work with the Township to talk to some of the HOA properties to see if they could get on those properties as well.

Dr. Weiss moved and Mr. Lewis seconded to approve the Agreement consistent with past Agreements with the option to explore additional hunting opportunities to expand the program.

Mr. Lewis stated he understands that the current Contract gives them access to Farmland Preservation lands provided the Lessee approves it. Mr. Ferguson stated he is not sure that is specifically in the Agreement, but he does know that getting some of those permissions has been problematic. He stated he believes that has been explored, but he does not know whether that is specifically quantified in the Agreement. Mr. Lewis stated he feels the direction of the Motion would empower the Township Manager to look into this, and Mr. Truelove stated he feels the way the Motion has been phrased is flexible enough so that could be done.

Mr. Lucuski stated while he was doing his landscaping, he recently had an incident where a male deer started to charge at him.

Motion carried unanimously.

Mr. Lewis stated he feels it would be good to advise the public the process if you hit a deer or if a deer dies on your property. Mr. Ferguson stated the Township's ability to go on private property is limited. He stated if a deer dies on a State road, that is the purview of the State; and they would call PennDOT. He stated if a deer dies on a Township road, they would reach out to the Pennsylvania Game Commission. Mr. Ferguson stated if a deer is struck on your property, you should call the Township first; and the Township would direct the call to the proper agency to assist with that. Chief Coluzzi agreed. He added that the Game Commission is not always able to respond promptly, so the Police Department tries to do the best they can to get to the property and relocate the deer. He stated sometimes the Road Department picks up the deer. He stated the proper routine is through the Game Commission adding they like to test the deer as well.

ENGINEER'S REPORT

Mr. Pockl stated he provided his Report in the Board's packet. He stated with regard to the 2019 Township Road Program, a pre-construction meeting has been scheduled for next Wednesday, and they anticipate work to begin at the end of the month.

Mr. Pockl stated he believes that the Creamery Road drainage improvements will be done first, and then they will mill all of the roads except Quarry Road; and then they will move onto Quarry Road. Mr. Pockl stated he will have a more definitive answer on that at the next meeting. Mr. Pockl stated they wanted to wait until the School year was over before they started.

Mr. Pockl stated with regard to the Woodside Road bike path, a Grant Application was submitted on May 31 to the DCED for the Greenways Trails and Recreation Grant in the amount of \$76,500, and the Township match is \$13,500. Mr. Pockl stated the award will be announced in September, 2019. Mr. Pockl stated DCED also has a Multi-Modal Grant Application which is due on July 30 which would be appropriate for the Woodside Road bike path construction. He stated the recent Grant Application submitted was for land acquisition, planning, and design.

Mr. Pockl stated with regard to the Township Railroad property, his office has completed and submitted the Conservation Easement to the County on May 24; and the County indicated it will be on the Commission's Agenda for their June 19 meeting.

Mr. Pockl stated in September, 2017 the Township submitted a pollution reduction plan; and one of the requirements of that was a map of the entire Municipal Separate Storm Sewer System for the Township. Mr. Pockl stated DEP has taken one and a half years to review that, and the Township has now received comments back. Mr. Pockl stated he is working to address those comments, and most of them are with regard to locations of outfalls which they want located on the streams and not back where the end wall of the pipe is. Mr. Grenier stated he assumes they will start discussing projects during the 2020 Budget process, and Mr. Pockl stated there was funding in the 2019 Budget to complete the Pollution Reduction Plan. He stated the process is to have DEP agree that this is the map of the Municipal Separate Storm Sewer System, and he is working to address their comments. He stated the Township will then re-submit to DEP and have them sign off on the map before the Pollution Reduction Plan can be put together. He stated there is still a lot of work to do, and we are dependent on a DEP review which could take some time.

Mr. Grenier stated the Township Railroad property Conservation Easement discussed earlier is the Oxford Valley Road silt pile Easement, and Mr. Pockl agreed.

Mr. Pockl stated with regard to the Regency Development, the contractor has been working on addressing punch list items on the north side of the development. He stated this included repairs to a storm sewer system that was installed; and when they televised it, it showed damage. He stated they needed to dig that up and replace it or line it in accordance with the Township engineer's recommendations. Mr. Pockl stated they have completed that work, and they have also completed the installation of the concrete sidewalk. He stated they will next address the landscaping and plantings; and once he gets notice from them that they have completed the plantings, he will go out to make sure it is in accordance with the Plan.

Mr. Pockl stated with regard to Caddis Healthcare at Dobry and Oxford Valley Roads, they have received several complaints about their sedimentation and erosion control measures being inadequate; and there was sediment that was tracked onto Dobry Road and some tree clearing that was done in advance of notification to the Township. Mr. Pockl stated his office met with the contractor on site, identified those issues, and had him clean up the road with a street sweeper; and they are consistently inspecting their work, and they are now on top of it.

Mr. Pockl stated while this item was not on the Engineer's Report, it came to their attention that Falls Township is pursuing a CMAQ Grant, which is a Congestion, Mitigation, and Air Quality Improvement Grant for upgrades to several traffic signals along Oxford Valley Road. He stated this would include adaptive traffic signal system technology, and the traffic signals would work in real time data as it relates to the timing of the traffic signals turning green to red. He stated it would constantly monitor the traffic passing through as opposed to the current system where it is based on a Traffic Study that is a single point in time data point for the analysis. Mr. Pockl stated as part of the CMAQ Application process, Falls Township met with PennDOT and DVRPC on May 23; and as a result of that meeting, PennDOT has requested that the limits be expanded to include the intersection of Oxford Valley Road and Big Oak Road. He stated this intersection is currently connected to the other signals that are in Falls Township; but to his knowledge the Township has not yet received any request from Falls Township to either contribute and funds or provide a letter of support of this Grant Application. Mr. Pockl stated the Grant is due June 30 so he anticipates that if something were to happen it would be in advance of the next meeting.

Mr. Lewis stated the Oxford Valley/Big Oak Road intersection has been a challenge with signaling for some time. He stated Chief Coluzzi fixed some signaling there recently where lights were out of sequence, adding we have had those issues previously. He asked if the adaptive signaling would help address some of those concerns since it seems that they get out of sequence at that intersection. Mr. Pockl stated he feels that is part of why PennDOT has recommended that intersection be included. Mr. Lewis stated it would be PennDOT doing the work on Big Oak and Oxford Valley, and Mr. Pockl stated it would be Falls Township getting the Grant from DVRPC; and included in that Grant Application are twenty-two intersections so it is a \$1 million Grant request. He stated the estimate is about \$50,000 per intersection to complete the signal upgrades. He stated this would be a project that would be bid out by Falls Township, and the work would be completed in accordance with PennDOT standards. Mr. Lewis asked if Lower Makefield would have to do a match for our portion, and Mr. Pockl stated currently that has not been requested.

Approval of Escrow Release #4 for Yardley Woods f/k/a Big Oak Partners, L.P./Matrix

Mr. Pockl stated based on the inspection of the work completed, they recommend the Township release be \$90,866.20 to the developer; and after this release the total amount of financial security remaining is \$1,739,150.62.

Dr. Weiss moved and Ms. Blundi seconded to approve Escrow Release #4 for Yardley Woods/Big Oak Partners, L.P./Matrix in the amount of \$90,866.20. Motion carried unanimously. Ms. Tyler was not present for the vote.

Approval of Pay Application No. 2 for Contract 1 of the 2018 Township Road Program Oxford Valley Road Improvements

Mr. Pockl stated the contractor completed the punch list items, and they are owed an amount that was a 10% retainage of their total completed work which would be \$57,197.11. Mr. Pockl stated as the Contract is currently at \$577,425.00, after this payment there would be \$27,485.90 remaining. He stated that would be processed as a Change Order credit back to the Township at the next meeting.

Mr. Ferguson asked if Oxford Valley Road is now done, and Mr. Pockl agreed. Mr. Ferguson stated the Township received a \$300,000 Grant toward this road, and asked if the Township can now submit for reimbursement from the State; and Mr. Pockl agreed.

Dr. Weiss moved and Ms. Blundi seconded to approve Pay Application No. 2 for Contract 1 of the 2018 Township Road Program Oxford Valley Road Improvements for a total of \$57,197.11. Motion carried unanimously. Ms. Tyler was not present for the vote.

Mr. Zachary Rubin stated he read that the Commonwealth of Pennsylvania awarded their Grants to neighboring Townships with the photo intersection funds, and he saw that Lower Makefield was not a recipient. He stated he knows the Township applied for those Grants; and he asked if the Application was not complete, were there other obstacles, or was it just arbitrarily awarded to other Townships. He asked why the Township did not get a Grant. Dr. Weiss stated last year or the year before we applied for and were approved for improvements to the signals and right turn lanes for Big Oak and Makefield Roads, and they are still waiting for that to take place. Mr. Rubin asked if that was from the photo intersection fund, however, Dr. Weiss stated it was not, and he does not believe we applied for that. Mr. Rubin

stated the Township did apply for that Grant. Mr. Lewis stated they have applied for it. Mr. Grenier stated he does not believe they received any information as to why we were unsuccessful. Mr. Rubin stated they should continue to apply for those funds.

PROJECT UPDATES

Mr. Ferguson stated with regard to the Makefield School crossing, the Board was provided information that when they were looking to put the markings in, there were problems with rain. He stated water had been seeping from the road; and since it has still been raining, he is not sure that they have an updated schedule. Mr. Pockl stated initially they were there on May 6 attempting to do the work. He stated they were heating up the asphalt in order to put the stamp down; but as they were heating it up, the asphalt was drawing the water to the surface. He stated they went out again on May 22 and had the same issue. He stated they are waiting for a dry spell.

Mr. Ferguson stated they should be going out to bid soon on Memorial Park. Mr. Pockl stated he expects to have the specifications and Plans completed by the end of next week.

Mr. Ferguson stated with regard to the Multi-Use Trail, the staff has been meeting with the Township traffic engineer who is putting the plans together; and they have been meeting with PennDOT on right-of-way issues. Mr. Grenier stated the trail goes around the ball fields. Mr. Ferguson stated they also made some additions to the project. He stated the project was budgeted for 2019 and included the Township match; and it will likely spill over to be a 2020 project, but what they will have to budget for in 2020 will be less since much of the match were the professional costs on the design. Mr. Ferguson stated they will be coming back to the Board on the addition of crosswalks at Roelofs and the Community Center with sensor-driven lighted crosswalks so that if someone does not push the button and goes out into the road, a driver will be notified that someone is in the crosswalk. He stated by the end of the year, they will be coming back to the Board with a package of how this will look; and they hope to bid this by late 2019 or 2020.

Mr. Ferguson stated he anticipates that if it is not at the next meeting, it will be at one of the July meetings with regard to the second phase of the Woodside bike path Grant with the July 31 deadline to move forward.

Pool Renovations Discussion

Mr. Ferguson stated with regard to the Pool project, they started as early as possible this year. Pictures were shown of the progress of the installation of the gutters as well as a picture of the area where the pool wall had a significant crack. Mr. Ferguson stated the slides also required some additional work including sanding required to be done by workers in Hazmat suits so that they could reapply the gel. He stated the work will be done and dry by tomorrow afternoon. He stated they have also started to fill the pool. He stated they had them treat the slides on the bottom first so that it would dry first, and so that as they filled the pool, it would have had enough time to cure so that they would not threaten the work that was done. Mr. Pockl noted where the gutter ties into the drain pipe in several locations, and the gutter takes the water back to the surge tank.

Mr. Ferguson stated he would recommend that they go into a Maintenance Agreement with the company that did the work on the slides, and they will come out every year to inspect, treat, and certify them.

Mr. Grenier asked if they will be able to use the slides on the first day the Pool is open, and Mr. Pockl agreed. Mr. Ferguson stated they will finish filling the pool Thursday/ Friday, and they have already started putting chemicals in so that it will be balanced by Saturday morning when they open.

Ms. Tyler asked if the trench is filled; and Mr. Pockl stated around the pool the trench has been backfilled with stone, and they will pour concrete behind the grates where they were disturbed. Ms. Tyler asked how long it takes to cure, and Mr. Pockl stated it is similar to a sidewalk. He stated they have high early strength concrete so as soon as it dries you can walk on it. He stated they are not driving heavy vehicles over it, so it will not have an impact on the strength of the concrete which will continue to cure even when they use it. Ms. Tyler asked how long it takes to cure; and Mr. Pockl stated it can vary from between fifteen days to thirty days to cure completely, but that just means it is gaining strength over time. Mr. Ferguson stated it can be accessed and used by the public, and they will be able to walk on it and not affect the integrity of the concrete. Ms. Tyler asked if the contractor has told us that, and she feels it is unusual to pour concrete two days before the Pool opens. Mr. Pockl stated when they pour the concrete they will have test cylinders that will be taken to a lab to measure the compression strength of the concrete. He stated they have done that with every concrete pour that they have done thus far.

Mr. Grenier asked what happens in the event that it fails, and it is not quite cured enough. Mr. Pockl stated the test will tell the compressive strength of the concrete; and typically the concrete for the deck is 4,000 pounds per square inch, and a human

being is 100 pounds per square inch. He stated it will be well above the loading. He stated it would not be a safety issue, and could only be an issue of damage to the concrete itself; and they do not anticipate that happening.

Mr. Pockl stated the diving boards will be installed on Friday. Mr. Ferguson stated the concrete that was put down for those was on Monday, and that will be inspected, and the diving board re-installed. He stated there were some issues with the diving board that was identified as part of the project that they did not initially anticipate. Mr. Ferguson stated clean-up will also take place all day Friday; and the contractor will do that, and there will be staff available if needed to get that completed so that they are ready for the Saturday morning opening.

Year-to-Date Financial Review

Mr. Ferguson stated a monthly Treasurer's Report is provided to the Board of Supervisors where they show the year-to-date with every item, and he felt it would be useful to take the time to note certain things from time to time. He stated the General Fund Revenue that was budgeted was \$13,197,000, and a straight percentage through April 30 would be a 33% collection which would be about \$4 million; however year-to-date we are at about \$9 million, and the reason for that is that one of the largest collection items are property taxes, the majority of which tend to be collected early in the year so that number will flatten out over time. He stated he will continue to provide updates so that the Board can see if there are items, particularly expenditure items, that are seriously out of context for what was budgeted.

Mr. Ferguson stated in 2018, the final projected numbers "beat" the year-end projections by about \$600,000. He stated his goal will always be to try to beat the year-end projections by 3% to 5%. Mr. Ferguson stated he also noted in the Manager's Report that the two main areas of revenues where this came about were that we beat our year-end projections for Real Estate Transfer taxes and we also got a reimbursement from insurance that we had that was reimbursed out of a heart and lung benefit for a Police Officer who had been off for time.

Mr. Ferguson stated with regard to Real Estates Transfer taxes, these are tracked every month. He stated we budgeted \$1.325 million this year and other than property taxes, this is one of the biggest line items we have. He stated in order to reach the \$1.325 million, the monthly average would be \$110,416. He showed the current total, and he added he expects that they will see June, July, and

August will be big months. He stated using the budgeted average, we would currently be \$73,000 short because January through March months are below the average, but that is what is seen every year.

Mr. Ferguson provided information about the Expenditures and stated he broke this out by category, and the budgeted benchmark would be 33% of the expenditure items. He noted General Government which tends to be the highest because it includes all the health insurance, and he stated the April statement includes two quarterly payments for workers' compensation, and each of those payments are \$63,000. He stated if that is taken out, they would be right at the amount they would expect for one third of the year. He also noted Tax Collector where they are at 83%; and he noted the Tax Collector gets paid twice a year, with the larger amount being paid in the spring.

Mr. Ferguson noted an item under Recycling, and he stated that is a contracted service for the company that puts together the Performance Grant, and that was a one-time payment of \$9,310. He noted Transfers which appears artificially low, and added the majority of that is the Pension payment (MMO payments) that will be upwards of \$800,000 to \$900,000; and that will take place sometime in September and October.

Mr. Ferguson stated extra money was spent at the pool for the slides and the Pool is membership driven which can be volatile. He stated he will do the same analysis with a break-out for where we are year-to-date with the Pool.

Mr. Ferguson stated as part of the Manager's Report, he broke out all of the debt we have as far as principal and interest payments and how it relates to Golf, Sewer, and General Fund Debt. He stated the total principal Bond Debt at this time is \$38,137,534; and if you factor in principal and interest it is \$51,994,973.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:30 p.m. and items related to litigation, Real Estate, collective bargaining, personnel, and informational items were discussed.

ZONING HEARING BOARD MATTERS

With regard to the Michael Weinstein Variance request for property located at 335 Michael Road in order to permit construction of a patio resulting in greater than the permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

DISCUSSION AND AUTHORIZING ADVERTISEMENT OF THE COMPREHENSIVE MASTER PLAN UPDATE

Mr. Jim Majewski was present. Mr. Grenier stated at the last meeting the Bucks County Planning Commission was present to provide a thorough review of the Comprehensive Master Plan Update. He stated Ms. Wolff from Bucks County is present this evening as well.

Mr. Majewski stated they made a few minor corrections of typographical errors and they updated the status of the Act 537 Plans. He stated the Township did adopt the Yardley Borough Act 537 in the spring of 2018. He stated they also adopted the Neshaminy Interceptor Act 537 in September, 2018; and both of those are formally incorporated into our overall Act 537 Plan. Mr. Majewski stated the last component that needs to be done is the Morrisville Municipal Authority portion of the Act 537 Plan which is underway. Mr. Majewski stated the language that was done in 2015 was updated in 2018 by our sewer engineer to be a more thorough accounting of the sewers as to how and where it flows. He stated this latest update advises that we actually accomplished what we said we were going to be doing in 2015 and 2018.

Mr. Majewski stated there was also a minor edit to a portion of the Traffic recommendations, and Ms. Sue Herman from the Citizens Traffic Commission had pointed out that one of the items said “weight restrictions” when actually it should be “length and route restrictions;” and that change has been made.

Mr. Majewski stated the last issue is the discussion related to future needs and recommendations for action for the Land Use Plan. Mr. Majewski stated as he had noted previously in 2017 when they came back after the two-year hiatus for the Master Plan, they discussed various alternatives to the O/R District. He stated the vacancy rates are high in the O/R District; and even with the current increase in activity there, there is still an approved Plan located in one area that has been approved for ten years, and no one wants to buy it. Mr. Majewski stated in 2017 the Township had looked at some alternatives to

incorporate more mixed uses in that area either as a Permitted Use or as an Overlay District; and at that time they had come up with some language which is the language he had provided to the Board of Supervisors. Mr. Majewski stated in 2018, the Planning Commission decided to leave the Uses as they were which are primary Office, Research, Restaurant as an Accessory Use to an Office Park, Warehouses as a Special Exception, and Hospitals which is a Use permitted by Special Exception. He stated a Special Exception is a Use contemplated by the State and the Comprehensive Plan that would be permitted under certain conditions. Mr. Majewski stated that was the language that was before the Board of Supervisors; however, Mr. Grenier had indicated that he felt that the language that the Planning Commission had previously recommended was better than the earlier language that just stated they should review permitted uses.

Ms. Tyler asked Mr. Majewski to summarize the difference in the language. Mr. Majewski stated what the Planning Commission had discussed in 2017 was to “Review permitted uses in the O/R District to identify and incorporate additional uses and 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.” Mr. Majewski stated an Overlay District would essentially put certain conditions on it that it could be in a certain location either along the highway at some distance or overall throughout the District. He stated that would be a supplement to the Permitted Uses.

Mr. Majewski stated the language also said, “Review the design standards to reflect the current ways that allow uses to operate.” Mr. Majewski stated one of the things that they discussed at a number of Planning Commission meetings and throughout the Ordinance review process was that a lot of our standards are out of date, and they were written twenty to thirty years ago. He stated our parking requirements do not mesh with current ways that businesses operate, and are either too intensive or not intensive enough depending on the situation. He stated there should be a general update.

Mr. Majewski stated that is the language that Mr. Grenier had proposed at the last meeting, and the prior language just said, “Review permitted uses and standards in the O/R Office/Research District.” Mr. Majewski stated they both say, “Take into account the nature of pending or approved development within the District.”

Ms. Tyler asked Mr. Majewski if he has a preference with regard to the language. Ms. Tyler stated the Planning Commission liked the original language. Mr. Majewski stated the Planning Commission subsequently changed their minds and liked the “prior original language.” He stated there was the original language and there was the suggested

language in 2017 that the Planning Commission was in favor of; however, in 2018 the Planning Commission had second thoughts and decided it would be easier to have everyone go for Variances. Mr. Majewski stated that can be problematic. Ms. Tyler asked what language Mr. Majewski recommends; and Mr. Majewski stated he read the Meeting Minutes from when the Planning Commission discussed the Comprehensive Master Plan, and after they forwarded that to the Board of Supervisors in 2015, the Planning Commission continued to discuss various alternatives in the O/R Zoning District. He stated one of the things that almost every Planning Commission member agreed on at one time or another was that the O/R as Office primarily has not worked, and that opening it up to alternative uses was a good idea whether as a Permitted Use or as an Overlay. He stated last year the Planning Commission had a change of mind. Mr. Majewski stated he feels that the language that is before the Board more accurately conveys the sentiment of five years of discussions about the O/R District being opened up to other uses.

Mr. Grenier stated the most recent recommended language from the Planning Commission would be less flexible than the language that was previously included that he personally has been promoting, and that Mr. Majewski would agree is a more flexible option for this particular District; and Mr. Majewski agreed.

Ms. Tyler moved and Ms. Blundi seconded to authorize advertisement of the Comprehensive Master Plan as presented by Mr. Majewski.

Ms. Tyler stated she has been on the Board of Supervisors a long time, and it not necessarily the job of the Supervisors to fill the land in O/R or to make it easier for people to change the scope of the vision of the Township that has endured. She asked the other Board members to see the planning that went into the Township, adding she understands that O/R may or may not work out any more and she understands about the vacancy rates, and to look at Appeals; however, the Board can always authorize what would make sense for that area. She stated she was advised by one of her mentors to be very reluctant to change the Zoning in the Township as it was done for a reason and for a purpose, adding everything has impact and ramifications. Ms. Tyler stated she has been involved with this Comprehensive Master Plan for years, and she encouraged the residents to review this historical and vision document.

Mr. Zachary Rubin asked that they read the language that will be incorporated for the O/R.

Mr. Grenier read the language to be included as follows: “Office, Commercial, and Industrial Development – Review permitted uses in the O/R Office Research District to identify and incorporate additional uses taking into account also the nature of pending or approved development within the District and in 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. Rubin asked for the definition of mixed-use, and Mr. Truelove stated it would be Retail/Commercial/Office. He noted a project in Newtown Borough which has mixed use. Mr. Rubin stated he agrees with Ms. Tyler that we have Zoning Ordinances; and when people move into our Township, the Zoning Ordinances are to protect them to know exactly what will be in their neighborhood, and it is not there to protect developers. Mr. Rubin stated everything that was just stated in mixed-use, we have covered in other Zoning areas. He stated he does not feel the Township is therefore open to any exposure for Curative Amendments. Mr. Rubin stated it is not the object of the Board of Supervisors to protect developers if they cannot develop their land. He stated the object of the Supervisors is to protect the residents to know exactly what will be in their neighborhood when they buy and sell a house. He stated he does not feel they should be incorporating expansive language into the Comprehensive Plan. He stated he knows that the Comprehensive Plan is just a template, and that the Board would have to change the Zoning Ordinances, but he agrees with Ms. Tyler.

Motion carried unanimously.

Mr. Majewski stated that the next step is that the Plan will need to be sent out to the Bucks County Planning Commission for their recommendations. Mr. Majewski stated even though the Bucks County Planning Commission primarily prepared the Plan, it is still a requirement that they review it. He stated the Township also needs to forward copies to all the contiguous Municipalities which would include Upper Makefield, Newtown, Middletown, Falls Township, Morrisville Borough, and Yardley Borough for their review and comment as well as the Pennsbury School District. Mr. Majewski stated they have forty-five days in which to review it; and after that forty-five days, the Township can hold a Public Hearing which must be advertised. Mr. Majewski stated as soon as they have made the corrections discussed, they will make the document available for the general public to review at their leisure. Mr. Grenier asked when he feels they will get through everything, and Mr. Majewski stated it is possible it could be considered in August.

DISCUSSION ITEMS

Draft Professional Services Request for Proposals

Mr. Grenier stated Mr. Ferguson has provided to the Board two RFPs. Mr. Ferguson stated he has also done additional RFPs that have not been submitted yet.

Mr. Grenier stated he would like to move ahead with this and provide Mr. Ferguson more guidance in terms of the drafts that he has provided including items to be included potentially in those drafts as well as the others that he is finishing up.

Mr. Grenier stated he had sent Mr. Ferguson comments and questions. Mr. Grenier particularly noted the engineering RFP, adding he sent a more generic version of the engineering Contract Terms and Conditions that they had set up with Remington Vernick since they had vetted that pretty well last year and used some of those Terms and Conditions as the framework for the engineering specific items.

Mr. Grenier stated he would also like to see Resolution #2391 about Professional Services attached to any RFP. Mr. Grenier stated he had also provided some questions that would go out to prospective Bidders asking for copies of various documents. He stated Mr. Lewis had also posed some questions about lawsuits they may have.

Ms. Tyler stated she feels they should provide these to Mr. Truelove to review and see if they are appropriate. Mr. Grenier reviewed some of the items he had asked to be included, adding he often signs these as part of his employment. Ms. Tyler asked that they be reviewed by Mr. Truelove first since the Township is a Second Class Township and not a private company so what the Township can and cannot do may be different; and once they have been reviewed by Mr. Truelove, they can then move forward.

Ms. Blundi stated she had sent some language to Mr. Ferguson as well from her experience writing RFPs.

Ms. Tyler stated Mr. Truelove should review the engineers RFP, but not the one for solicitor. Mr. Ferguson stated all Mr. Truelove would be reviewing are the additions, and not the details of the RFPs.

Elcon Comment Letter to PADEP

Mr. Grenier stated the DEP had issued a statement that they were recommending denial of the Elcon Recycling Services LLC Phase 2 RCRA Hazardous Waste Permit Application. Mr. Grenier stated he came up with a draft letter which incorporates

two primary items. Mr. Grenier stated the Board had their EAC review the Elcon Application and provide comments, and those have been included in his draft letter. He stated the other comments are items that were raised at the Falls Township meeting which he felt were important to be included in the draft letter. Mr. Grenier stated the tone of the letter was to point out some technical questions, concerns, and comments and was not to try to dictate how the DEP should come down on their decision. Mr. Grenier stated he would like to submit this as part of the Public Comment period on the Permit Application which began June 1 and will run until July 15.

Mr. Grenier stated the Board could vote to direct the Township Manager to submit this as our official Lower Makefield Township Board of Supervisors' comments on the Permit.

Ms. Tyler stated if she wants to send something and take a position, she will do so on her own; but she has no objection to the letter being sent.

Mr. Lewis stated he feels the format should eliminate bullets and use a number system since they want DEP to respond to each one of their comments specifically and it would be easier for them to do so if they have a numbering system. Mr. Lewis stated most of the EAC comments from the April 11 memo were truncated, and he would prefer the full details of the EAC memo be incorporated so that there are more details. He stated he feels the more detail we give, the better response we will get back.

Mr. Lewis stated the first comment on the truck route should mention the August 24, 2015 letter to Elcon. He also noted that in the second paragraph it states that Elcon is six miles from LMT, and the EAC stated it was five miles; however, Mr. Lewis stated if you go "as the crow flies," it is actually 3.65 miles to the nearest point in Lower Makefield so there is an even greater impact. Mr. Lewis stated the last two comments of the EAC 4/11 letter were about air quality, and those have been omitted; and he feels those would be for a letter on air quality in the future.

Mr. Grenier stated the reason some of the EAC comments were truncated was because the direction the Board had discussed previously was to keep it technical and not take a clear position per se, and many of the EAC comments were taking very clear positions on things; so based on the discussion of the Board, he tried to limit that and keep it very technical. Mr. Grenier stated they were also trying to be specific to the Application.

Mr. Lewis stated while he is not sure that this should be included in the letter or not, Elcon did appear before Lower Makefield Township in 2016; and at that time they failed to provide follow-up answers to our questions. Mr. Lewis stated he does not feel it is inappropriate to suggest the fact that they did not respond is a concern with respect to Elcon. Mr. Lewis stated he feels the more detail that can be provided the better, and the more neutral the tone of the letter the better. Mr. Lewis stated he feels they should continue respectful dialogue with the DEP and to provide our significant concerns. Mr. Lewis stated he can provide Mr. Grenier with the write up he has done.

Mr. Grenier stated the Board could provide guidance to incorporate the comments and provide it to Mr. Ferguson so he can send it out. He noted they do have time since the date of the next Board of Supervisors meeting is June 19, and the Public Comment period ends after that. Ms. Tyler suggested that he incorporate Mr. Lewis' suggestions, and then have Mr. Ferguson send it out. This was acceptable to the Board. Mr. Grenier asked Mr. Truelove if a Motion was required, and Mr. Truelove stated a Motion was not required.

SUPERVISORS REPORTS

Dr. Weiss stated the Economic Development Committee met, and they will be starting the process of mailing out the 2019 Business Survey.

Ms. Blundi stated the Trenton Mercer Airport Review Panel met, and they invited neighbors from New Jersey to work together to coordinate discussions with local officials on the Jersey side. Mr. Grenier stated he heard that Congressman Fitzpatrick sent a letter out to the Secretary of Transportation, and he may be meeting with the Airport this week.

Ms. Tyler stated the Golf Committee is focusing on the rebranding, new menu, and the new chef at the Makefield Highlands Golf Course; and she asked that people try it for lunch and dinner as there is a great new menu and a great view. Ms. Tyler stated the Course is being played when the weather permits.

Mr. Lewis stated Farmland Preservation met May 28 and reviewed its draft Lease structure for all its lease holders and analyzed the first batch of their investment results. He stated they have also developed a list of follow-up items where individual members of Farmland Preservation will visit the individual farms to check on drainage, bamboo, etc. He stated some of the items involved Code

Enforcement, and those were all forwarded to the Township Manager/Mike Kirk for continued follow up. Mr. Lewis stated Farmland Preservation also provided their tax returns and auditor's letter of the tax returns to the Township last week.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved, Ms. Tyler seconded and it was unanimously carried to re-appoint James Frawley to Emergency Management and Joan Kamens to the Economic Development Committee.

Dr. Weiss moved, Ms. Tyler seconded and it was unanimously carried to appoint Joseph Daddario to the Golf Committee.

There being no further business, Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary