

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 7, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 7, 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

Mr. Grenier stated after speaking with the staff it has been determined that there are no pending Agenda items for August 21 so that meeting will be canceled in keeping with the summer tradition.

PUBLIC COMMENT

Ms. Maureen Mctague, 1512 Miller Place, stated since she had little knowledge of privatization of a public utility, she looked for best practices from other Municipalities that had considered privatization for their water and sewer systems. She stated she found that privatization presents major challenges for the Municipalities and from a business perspective she feels that privatizing the water and sewer systems seemed to have more upside benefit for the private companies and not the ratepayers. She reviewed some examples in other areas where the determination was made that privatization of a public utility would not be a benefit to the ratepayers with higher ratepayer costs being the one constant. Ms. Mctague stated she feels Lower Makefield can benefit from these examples. She stated both the cost and the quality of the services are in our hands, and she questions if we want to give this up. She stated based on the data found, she believes that Lower Makefield should retain ownership of the sewer system.

Ms. Beth Cawley, James Court, stated she watched the previous Board of Supervisors' meeting; and she recalls that Ms. Blundi stated she was not interested in fifty years out, but she assumes Ms. Blundi is interested in ten to twenty years out. Ms. Cawley stated Ms. Blundi also seemed very interested in moving the sale along quickly. She asked Ms. Blundi how selling the sewer system will benefit the residents of the Township in the long run. Ms. Blundi stated she believes that what she said was that there is not one single question; but when they find the answer to the questions, they will know what the path forward is. Ms. Blundi stated they need to look at where we are today and where we will be in the future. She stated she is in the process of collecting information so that they can make a decision. Ms. Cawley asked Ms. Blundi how she views the fiduciary responsibility of the Board with regard to protecting the residents of the Township regarding the sewer. Ms. Blundi stated she feels they are here to try to make the best decisions they can for the Township. Ms. Cawley stated she feels that would be protecting the residents with the lowest cost sewer rates for the residents over the next twenty years. Ms. Blundi stated that is one thing to consider. She stated there are a lot of different issues. She noted that Ms. Cawley was one of the people who brought to attention the various levels of debt we have and the concerns Ms. Cawley had about that debt. Ms. Cawley stated she believes that if the Township "pulls its Budget in for the next ten years and only does necessities, things would even out over time without the sale of the largest asset." Ms. Blundi stated that might be accurate; and once they have information, they will be in a position to make decisions.

Ms. Cawley stated she was confused after the last meeting whether the Township actually executed an Agreement with PFM for Phase 2 services, and Mr. Ferguson stated they did. He stated the Board passed a Motion to do Phase 2 and Phase 3 which is the RFQ and the RFP. Ms. Cawley asked what was the final language for the payment to PFM. Mr. Ferguson stated it was a dollar amount not to exceed \$60,000 in Phase 2; and for Phase 3, only in the event that there is a sale, .85% of the sale; and it is all contingent, and if the Board stops in Phase 2, for Phase 3 the payment to PFM would be zero.

Ms. Vanessa Fiori, 1995 Woodside Road, noted Item XII B – Cedar Crossing Investors, L.P. Variance request in order to permit eleven single-family attached dwellings within the R-2 Zoning District at the intersection of Sutphin Road and Yardley-Morrisville Road; and she stated she assume this would be more housing than currently allowed there. Mr. Grenier stated they will be discussing that under XII B rather than Public Comment; however, he stated this is really something for the Zoning Hearing Board to discuss rather than the Board of Supervisors tonight, and the only reason it is on the Agenda is for the Board to decide whether or not they are going to participate. Ms. Fiori stated in view of the sewage issues, she feels adding lots of houses will stretch our abilities.

RECOGNITION OF KATHARINE BURKE FOR EFFORTS ASSOCIATED WITH THE OXFORD VALLEY ROAD PARCEL (SILT PILE) CONSERVATION EASEMENT

Mr. Grenier stated the issue with regard to the Oxford Valley Road parcel, the silt pile, has been going on for many years. He stated Mr. Truelove has provided him the receipt finalizing the Conservation Easement over that parcel. He stated many people in the Township have put a lot of time and effort into this Conservation Easement; however, as a Board a decision was made to specifically recognize Ms. Katharine Burke for her efforts. He stated when Ms. Burke was fourteen she attended a Supervisors meeting and read from *The Lorax*, and they have now been able to bring closure to this with the Conservation Easement. Mr. Grenier read the Proclamation into the Record recognizing Ms. Burke for her conservation efforts associated with the preservation of the Oxford Valley Road parcel, and the Proclamation was presented to Ms. Burke.

Ms. Burke thanked the Board of Supervisors and all the people over the years who have been looking forward to this day for a very long time, and the conservation would not have been possible without the help of all the Lower Makefield residents who lobbied for the preservation of the woods over the last several years. She also acknowledged Riverstone Church for being a good neighbor throughout the years, and being sensitive to the community's wishes. Ms. Burke stated she had a small part in a larger effort to save the woods that so many in our Township treasure. She stated in 2012, when she was fourteen, her parents and many of their neighbors worked to raise community awareness about a proposal by Bible Fellowship Church, now known as Riverstone Church, to acquire the woods in order to put a parking lot there. She stated she attended a Township meeting with her parents and quoted a line from *The Lorax* during Public Comment. She stated representatives from Riverstone Church again proposed to buy the land in 2016/2017 and she photographed as much wildlife as she could when she was home from college in the winter, and she e-mailed the photographs to the Board of Supervisors showing that there was a vibrant wildlife population in the silt pile behind her home. She stated in the spring she spoke before the Board of Supervisors about the importance of the tract of land to the local ecosystem. She stated today she is relieved to know that the woods will continue to be a beautiful constant for others.

APPROVAL OF MINUTES OF JULY 17, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of July 17, 2019 as written.

## APPROVE ADOPTION OF COMPREHENSIVE MASTER PLAN UPDATE

Mr. Truelove stated a Court Reporter is present this evening because under the Municipalities Planning Code, this is technically a Hearing; and it requires that those Testifying provide their name and address. Mr. Truelove stated there should be no shouting out, and those wishing to be heard will be heard in an orderly fashion so that an appropriate Record can be made.

Mr. Truelove stated this has not been done since 2003 which is not unusual for a lot of Municipalities in the area to go longer than the ten years prescribed under the MPC. Mr. Truelove stated the Public Hearing is to consider the 2019 Comprehensive Master Plan update, and it was advertised in the Bucks County Courier Times on July 18 and July 25. He stated a copy of the proposed Plan was made available for public review at the Township Building and on the Township Website. He stated a copy of the Plan was sent to all adjoining Municipalities and the Pennsbury School District as required by the Municipalities Planning Code and no comments were received. Mr. Truelove stated the Bucks County Planning Commission reviewed the Plan and recommended adoption of the Plan at its July 3 meeting.

Mr. Truelove stated the Municipalities Planning Code requires that the Comprehensive Plan be reviewed at least every ten years, and the last Comprehensive Master Plan was adopted by the Board of Supervisors on October 20, 2003 so it has been almost sixteen years. He stated the Township Planning Commission began work on this update in 2013 with the assistance of the Bucks County Planning Commission and has held over thirty Public Meetings to discuss the Plan. Mr. Truelove stated the Township Planning Commission recommended approval of the Comprehensive Master Plan update on May 13.

Mr. Truelove stated the Board of Supervisors unanimously authorized the advertisement of the Public Hearing at its May 15 meeting with some minor corrections and a proposed revision to the Land Use Plan Future Needs and Recommendations for Action. He stated this revision would 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. Truelove stated this wording had been included in a prior draft of the Plan reviewed by the Planning Commission in 2017, but was removed by the Planning Commission in 2018.

Mr. Truelove stated the adoption process results in a Comprehensive Plan that is not a legal document nor is it a Land Use Ordinance or a Zoning Ordinance. He stated Amendments to the Zoning Ordinance and the Subdivision and Land

Development Ordinance are still required to go through a completely separate process that is regulated by the same Statute, the Municipalities Planning Code, and includes notifications, Public Meetings, recommendations by the Planning Commission, and adoption by the Board of Supervisors. He stated adoption of the Master Plan does not change any of the Ordinances neither Zoning nor Subdivision and Land Development, and it is a guide or vision statement that is set forth in the MPC. He stated the Comprehensive Plan examines where the Township has been, provides a snapshot of where we are now, and presents a blueprint for the future of the Township.

Mr. Truelove read from the MPC Section 303C with regard to the Master Plan as follows: “Notwithstanding any other provisions of this Act, no action by the Governing body of the Municipality,” which in this case would be the Board of Supervisors, “shall be invalid nor shall the same be subject to challenge or Appeal on the basis that such action is inconsistent with, or fails to comply with the provision of a Comprehensive Plan.”

Mr. Truelove stated while the Comprehensive Plan is an important document it is not itself a legally-binding document. It stated it important because it involves a lot of work and is a snapshot of where we are now and where we may be in a number of years. He stated the prior Master Plan from 2003 envisioned some changes to the Township which were implemented; however, with regard to the Office Retail area, which is noted in the draft that is being considered for adoption this evening, that what has happened is that many of the uses there have not been “as useful” as was anticipated. He stated that is a reflection of 9/11 when it was felt that Office space would be spread out well beyond the boundary of New York City; however, what has happened is just the opposite. He stated not only in Lower Makefield but also in Newtown and in New Jersey a lot of buildings are vacant or have high vacancy rates. He stated some weeks ago a representative from Lower Makefield Corporate Center was present who discussed the vacancy rates and also the reduced rents at that location.

Mr. Truelove stated the Comprehensive Master Plan is an attempt to predict where the Township might be based on demographics, trends, and other things; and it is all reflected in this multi-page document. He stated this is not something that is etched in stone; and anything that has to be done in terms of SALDO, Zoning, etc. requires a completely separate process for approval which would require Public Hearings and notifications. He stated this document is nothing more than a blueprint or a guide.

Mr. Majewski was present and stated in 2013 the Township engaged the Bucks County Planning Commission to help assist with the preparation of the Plan. He stated they provided background, demographics, and additional information used for the Plan to see where we are and where we have been. He stated they worked with the Township's Planning Commission at numerous meetings; and they reached out to all of the Township Committees, Township Departments, and staff to gather input on what their thoughts were for the future. He stated they compiled all that information, and the Planning Commission then developed the draft with the Bucks County Planning Commission's assistance and held over twenty-five Public Meetings between 2013 and 2015.

Mr. Majewski stated the Plan lay dormant for about two years, and was picked up again after that time by the Planning Commission; and they looked at updating some of the information based on the prior two years. He stated the main discussion was about the O/R District. He stated one of the developers had proposed some Amendments to the O/R District. He stated at that time they had over a 50% vacancy rate, as well as the fact that previously it had been considered Class A Office space with higher rents, and it had been dropping below that to a lower rent. He stated the developer/owner of the Lower Makefield Corporate Center North and South gave it back to the bank because they could not afford to own it any more. Mr. Majewski stated the thought was that the Township should start looking at some other possible uses in that District such as a mixture of Residential and Commercial, and blending in the Offices to tie the area together.

Mr. Majewski stated in 2017 they came up with the language that Mr. Truelove mentioned that talked about allowing for Mixed Use; however, a year later the Planning Commission decided that they wanted to take that out and go with the old language which basically just stated they would review Permitted Uses and Standards to determine if updating is available. He stated he feels this was "bland language" that did not really capture the sentiment of everything that the Planning Commission had discussed in the prior years. Mr. Majewski stated the Master Plan came back to the Board of Supervisors, and there was discussion about putting the language that was discussed by the Planning Commission in 2017, back into the Plan.

Mr. Majewski stated they also from 2015, 2017, and 2019 updated all of the demographics since by that time the 2013 original demographics were from six to seven years old. He stated the Bucks County Planning Commission did an incredible job updating it and looking at all the trends and market analyses which has been provided. He stated there is a lot of information that is highly useful to the community. Mr. Majewski stated the Bucks County Planning Commission also updated all the population and demographics with regard to working and commuting.

Mr. Majewski thanked the past Planning Commission members who worked on this, the Board of Supervisors Liaisons, the current Planning Commission members, and the Bucks County Planning Commission.

Mr. Majewski stated with regard to the contents of the Plan, there is an Introduction and Summary which discusses what a Comprehensive Plan is and how it is implemented. He stated there is an early history of the Township, and a vision of the future; and items such as the natural environment, natural systems, development today and projected changes, community facilities and services, Park & Recreation planning, open space and conservation planning, energy conservation, historic resources of the Township, transportation planning, Planning and Zoning of surrounding Municipalities, and implementation. He stated there are also various Appendices, Tables, and Maps. He stated it is a 180-page document which is available on the Township Website.

Mr. Grenier thanked everyone who worked on this including prior Boards and various Boards and Commissions who provided insights and expertise, the prior and current Manager, the solicitor, and the Bucks County Planning Commission. He stated this was a monumental task that took many, many years to put together. He stated he feels this is a “very nice” vision statement and provides great information as to our history, the environment, and demographic information.

Mr. Lewis moved and Dr. Weiss seconded to adopt the Comprehensive Plan Update as drafted.

Mr. Lewis thanked the staff and the Planning Commission and everyone else who worked on this. He stated the Bucks County Planning Commission made a number of significant improvements to the document over the last year, and he urged everyone to read the document as you can learn a lot about the community and our history.

Dr. Weiss thanked the scores of people over the last six to seven years who have contributed to this document.

Ms. Blundi thanked the volunteer groups including Citizens Traffic and the EAC since without their work and review, we would have lost a lot of the details that are now included.

Ms. Tyler asked about the language that was approved by the Planning Commission versus the language that appears in the document tonight, and she asked Mr. Majewski to read that into the Record.

Mr. Majewski read Page 44 from the draft that is before the Board under Future Needs and Recommendations for Action to the Land Use Plan – Item 1- Office, Commercial, and Industrial Development as follows: “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 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 the rest is the same as the older version.

Mr. Tyler asked that Mr. Majewski read the Planning Commission approved language.

Mr. Majewski stated that was on Page 46 and he read as follows: “Item 1 Office, Commercial, and Industrial Development – Review permitted uses and standards in the O/R Office Research District to determine if other updating is desirable taking into account also the nature of pending or approved development within the District.”

Ms. Tyler asked if the Planning Commission was presented with the language that was changed by the Board of Supervisors; and Mr. Majewski stated that language was in the draft in 2017, and the Planning Commission at that time was in favor of that language. He stated in 2018 the Planning Commission decided they wanted to go back to what had been in the 2015 draft, and that is what they recommended.

Ms. Tyler asked Mr. Truelove what is the Planning Commission’s role because this is a Master Plan, and she asked if we are in compliance with procedural law. Mr. Truelove stated we are in compliance. He stated the Planning Commission, which is an important component of the Township, is still an Advisory Board; and the Township Board of Supervisors ultimately is the decider of the final version of the document.

Mr. Grenier stated they will open it up to public comment adding that this relates to the Comprehensive Plan, and it has nothing to do with any specific developments that may be proposed in the Township.

Mr. Bryan McNamara, 1412 Heather Circle, asked why the Board went back to the other language. He also asked what would be an Entertainment use and other similar uses. He stated this is now a blueprint for developers to build here, and we already know what two developers want to build because they have already proposed a Zoning Ordinance for a Mixed Use. Mr. McNamara also asked the Board what is their overall goal for this piece of property; and he asked if it is

something like what is being built in King of Prussia near the Turnpike with the Mixed Use of Retail and Residential and a Town Center they are building there. Mr. McNamara stated while the Board may say this is not a Zoning change, in fact this is a Zoning change because it allows a developer to sue the Township if the Board does not consider their proposals. Mr. McNamara stated they already know what two developers are proposing right now. He stated this is a direct result of a 2016 meeting when Bob Dwyer was here with Equus to put this language in there, and it sounds like something Mr. Dwyer could have possibly written to put in here. Mr. McNamara stated as Mr. Majewski just mentioned consideration of these other uses was not put in until 2017, and Mr. Dwyer was here in 2016 with Lynn Bush of the Planning Commission; and this is exactly how she said they would have to change the Master Plan if they wanted to allow this type of development to come in.

Mr. McNamara asked if this also includes the Office Research land that is on Shady Brook as well or is it just the Equus piece and the Prickett piece. Mr. Grenier stated the "O/R District is the O/R District," so for anything that is currently Zoned within O/R this is a generalized statement for what could go there. He stated Mr. Truelove earlier discussed what the Comprehensive Plan is versus what our SALDO is, so that there are still Zones, Permitted Uses, Special Exceptions, and requirements for building within those Zones. He stated the Comprehensive Plan does not automatically allow specific developments to be built, and they would have to go through the Land Use Development process. Mr. Grenier stated to differentiate between the Comprehensive Plan and the SALDO in terms of all of the items that are discussed, the Comprehensive Plan is not specific to any type of development, but is opening it up for consideration of what else could be done there.

Mr. Grenier stated with regard to the history of this, he was the Planning Commission Liaison in 2018 when they discussed this. He stated at that time the Planning Commission was very much in favor of considering additional uses in the O/R District; however, what they wanted to do was to "kick it back" to the Zoning Hearing Board and make the Zoning Hearing Board decide every potential development that would come up. Mr. Grenier stated on the recommendation of staff this year, the Board went back to the earlier language because of what they had heard from Bucks County Planning Commission over the years as well as Township staff related to the issues associated with the O/R District over the years.

Mr. Ferguson stated he has experience in this area, and he believes that language that is open for consideration makes the Township less likely to be sued because it expresses a willingness to consider things and not exclude things as part of the Comprehensive Plan. He stated this does not open the Township to be obligated to do anything, and it merely suggests a willingness to consider things.

Mr. Majewski stated with regard to Entertainment Uses when they discussed this at the Planning Commission they had discussed that it would be nice if the Township had some amenities that are found in other towns that our citizens could use such as go-cart tracks, batting cages, a skydiving simulator, bowling, and other entertainment uses that would be useful to residents of our community so they would not have to go elsewhere. Mr. Grenier stated this would be subject to Land Use Approval by going through the formal regulatory process; and Mr. Majewski agreed adding these were just general ideas that were discussed at the Planning Commission meeting. He stated once they consider the details, it would be more difficult because developers may try to put too much on the property or the lay-out might not be conducive to what you want, or the mix is not right. He stated they would have to make sure that once an Ordinance is drafted to allow anything like this, you would try to take into account what could happen.

Mr. McNamara asked what “other similar uses” would mean since that is a broad statement. Mr. Truelove stated it would anticipate uses that may not be contemplated now. He stated ten to fifteen years in the future there may be things that we do not consider right now that could be part of this. He stated e-sports is a huge activity, and there could be something available for that. He stated the idea is to be flexible enough so that if certain uses do become popular and are suitable for this area and meet all the requirements of the SALDO and the Zoning, perhaps they would be considered. Mr. McNamara stated it could be “pretty much anything.” Mr. Truelove stated that is incorrect, and it would be similar uses that follow the particular predicates of Residential, Office, Retail, Entertainment, and other Similar Uses. Mr. Truelove asked Mr. McNamara for a use that would not be included. He stated they still have to meet the SALDO and the Zoning Ordinance standards, and they could not “shoehorn” something in there that does not meet those requirements. Mr. Truelove stated this is a Vision Statement, and it is not something that binds anything, and they are just stating that they want to be able to look at opportunities that may come before the Township if there is something suitable that they cannot envision today. Mr. Majewski stated as far as what uses would not be similar, he noted a warehouse, self-storage, a hospital, or a marijuana-growing facility which is not compatible with Residential, Retail, and Offices.

Mr. McNamara stated right now there are Zoning Ordinance changes before the Board submitted by two developers; however, Mr. Grenier stated that is before the Planning Commission. Mr. McNamara stated he feels that by adding this language all they are doing is making it easier for developers to come back and sue if they do not like what the Township has decided on.

Mr. McNamara stated they also discussed high vacancy rates of 30% to 50%, but at the last Board of Supervisors meeting it was indicated the North Campus was now 85% full so he does not feel that is “an accurate reading.” Mr. McNamara also noted the Lockheed Martin site was purchased by a pharmaceutical company within six months. Mr. Ferguson stated one of the points that was made by the developer from the Corporate Center was that if he was starting from scratch, he would not build Offices because he could not afford to do it because of the rents. He stated he had an opportunity because the buildings were picked up in foreclosure, and he bought them much cheaper which afforded him the ability to invest the money for the upgrades and still collect a rent, although not a “top-flight rate rent, ” and still be profitable.

Mr. McNamara stated the point has been made numerous times at the Township that Office space will never come back, but it has. Mr. Ferguson stated the Corporate Center representative had made the point that he did not believe that it would, and his was a unique opportunity because of how inexpensively he bought the property; however, he indicated that under normal circumstances the Office market here and in many places in Bucks County is very soft, and there are high vacancy rates, with the rents having come down to where it has become difficult to re-invest back into those properties and keep them high quality.

Mr. McNamara stated he believes that things have changed and they are fluctuating; and he noted the new bridge over 95 which will be charging tolls and the fact that there is no EIT in the Township which makes Lower Makefield an attractive spot for a lot of reasons. Mr. McNamara stated he reviewed Minutes from Planning Commission and Board of Supervisors meetings where Mr. Dwyer had indicated that there was no way that Office was coming back into this area, but six months later, things have come in, although he recognizes that it is at a lower rate. He noted Crown, Cork & Seal left Philadelphia due to their tax situation and have come here. Mr. Ferguson stated what is proposed does not exclude Offices from being built, and Mr. McNamara agreed although he added we already know that two developers are coming in for non-Office uses. Mr. Ferguson stated that is true for that property; however, there are other properties still in the O/R District that should they want to sell, they could contemplate that possibility.

Mr. McNamara stated as a Commonwealth, we have limited restrictions on development; and we have to Zone for all types of development, and we have successfully Zoned for all of that. He stated by putting this language in the Master Plan, we are making it easier for someone to come in and sue the Township. He stated right now they could come in and talk about different changes, and this language does not have to be put in the Master Plan to consider other changes as we are doing that already. He stated Mr. Dwyer and Mr. DeLuca have come here and discussed this so this does not have to be put in the Comprehensive Plan.

Mr. Ferguson asked how Mr. McNamara thinks it makes it easier for developers to sue the Township if there is a Vision Statement in the Comprehensive Plan that the Township would be open minded to look at opportunities. Mr. McNamara stated if they do not like what the Township considered, they would have a reason to sue. He stated otherwise, the Township could say it does not fit within out Zoning, which would be the last layer we have to “fight developers.” He stated the Township could still consider it since they are considering it now. Mr. Ferguson asked if he does not think if they were to sue they would say that the Township provides no opportunity in any document to consider something, and Mr. McNamara stated he does not since he feels we are “properly Zoned.” Mr. McNamara stated no developer could come into the Township and say we do not have a fair allotment of high-density housing or Commercial development. Mr. McNamara stated the Comprehensive Master Plan has not been challenged over the years, and they cannot say that we do not allow for a certain type of development since we do. He stated these are the last pieces that are not built on, “so if they could have done it, they would have done it.” Mr. McNamara stated the Township has Zoned for every type of use, and we have not been sued for any of it other than when the prior Supervisors went against their own Zoning and tried to put a different type of development in which was Matrix which was big-box.

Ms. Tyler asked Mr. Ferguson if he was able to verify the vacancy rates, and Mr. Ferguson stated he did not do that.

Mr. McNamara stated the Grey Nun property is being built, and he asked why this would not potentially open it up for someone to say they want an Overlay “section there or maybe the Torbert Farm.” Mr. McNamara stated this is opening “Pandora’s Box” by putting this language in there. He stated they are considering things now, and they do not have to put it in the Comprehensive Master Plan to make it official.

Ms. Tyler asked Mr. Majewski if there is a map showing the O/R District so they can understand the scope of the O/R. A map was shown, and Mr. Majewski noted the area in grey on the map is the O/R. He stated the O/R District is bounded by

Newtown Township on the west, Route 332 to the north, I-295 on the east, and by Yardley-Langhorne Road on the south. He stated it encompasses all of Floral Vale, Lower Makefield Corporate Center South, 777 Township Line Road Office Building, Shady Brook Farm, the Prickett Estate, Capstone Terrace, and Lower Makefield Corporate Center North. Ms. Tyler asked about the other side of 332, and Mr. Majewski stated that is not included. Mr. Grenier stated the Torbert Farm is therefore not included in the O/R District, and Mr. Majewski agreed.

Mr. Lewis asked Mr. Majewski the Zoning of the property owned by Jefferson Hospital, and Mr. Majewski stated the piece that was formerly owned by Shady Brook Farm which was bought by Aria/Jefferson is also Zoned Office Research. Mr. Lewis stated it does not indicate that on the map since that is north of Newtown-Yardley Road. Mr. Majewski stated the Aria parcel is a portion of Shady Brook Farm that abuts Route 332, and it is south of 332. He stated north of 332 is the Wright Farm. He stated the Wright Farm on in the left side is preserved through a Township Easement, and the other Wright Farm on the right side abutting Patterson Lane and I-295 is Zoned for Low-Density Residential.

Mr. Lewis stated the Grey Nun property was referenced, and that is currently Zoned Low-Density Residential; and Mr. Majewski agreed. Mr. Majewski stated they had a School there which recently closed. He stated they also formerly had a nunnery there and also did some assisted-living for the nuns at one point; however, he believes that everything will be vacant shortly. Mr. Lewis asked if that property had a Variance for the School and/or the Assisted Living facility for the Order. Mr. Majewski stated he is not sure as he is not sure when it was built. He stated it is an existing non-conformity although he is not sure if that was through a Variance or they pre-dated the Zoning.

Mr. Majewski stated for every piece of property in the Township that is vacant someone has “floated ideas for anything and everything on them.” Mr. McNamara stated the Township is therefore able to consider them, and they do not have to put it into the actual Master Plan as the Township can still consider these ideas.

Mr. McNamara asked why they cannot consider the economic impact since there are two developments proposed, one being a stand-alone 1,000 square foot store. He asked why they cannot look at the economic impact these types of developments will have on the rest of the developed areas we have before we actually put it into the Zoning. He particularly noted the Wegmans. Mr. Grenier stated at this point they are only talking about the Comprehensive Plan and not the actual Zoning changes. Mr. Grenier stated the Board of Supervisors has only seen a Concept Plan. Mr. McNamara stated that means they can consider that, and they do not have to

put it in the Master Plan. He stated they should also consider the economic impact on existing businesses because it does not make sense to put a Wegmans in “because people like Wegmans better than Giant.” Mr. Grenier stated the Wegmans has nothing legally to do with the Master Plan.

Mr. Grenier noted the extended period of time Mr. McNamara has been speaking and asked that he make his final point.

Mr. McNamara stated he believes they should be looking at the economic impact of this on the existing businesses we have, and he feels that this could lead to eventually an empty shopping center. Mr. Grenier stated the Board has to consider any development against the SALDO and not against the other businesses in the Township. Mr. Truelove stated the Township, as a public entity, cannot take up the cause of a private landowner to protect it in the event that there is some development that might have a competing interest. Ms. Tyler stated they can take into account the economic impact of a development that is not by-right. Mr. Truelove stated naming one particular business that would be impacted by a potential Wegmans and then have the Board take a position that would protect a particular business would not be legal. Mr. McNamara stated they could do this because this land is not Zoned for that use as it stands now.

Mr. Lewis stated some of this is “cart before the horse.” He stated the Comprehensive Master Plan is stating that they should potentially consider these things. He stated the Planning Commission is currently reviewing a proposed Ordinance drafted by a developer related to the O/R District and specifically putting an Overlay over a portion of it. He stated the Planning Commission can consider the impact of that Ordinance on the health, safety, and welfare of the community including the economic impact, the Police impact, etc.; and they are welcome to consider all of those things with regard to that Ordinance. Mr. Lewis stated that Ordinance does not specifically say that it is a specific development with a specific big box grocery store or a specific chain restaurant. He stated it is an Ordinance that indicates it is an Overlay for multiple uses. Mr. Lewis stated the next thing would be the “proposed use case for that, and there is a lot to argue specifics around that.” He stated those are two separate steps from tonight’s Comprehensive Master Plan.

Mr. McNamara stated while he understands the Ordinance they are proposing is not before Board, the Board does have leverage right now by keeping the Comprehensive Plan the way it is. Mr. McNamara stated when there is a Zoning Change, it will fully maximize the development rights with more apartments there per acre than presently allowed, and building out the Prickett Farm property.

Mr. Lewis stated the developer's proposal would be considered a "first bid," and the Ordinance that they drafted and presented to the Planning Commission is a "first bid." He urged the community to assess that. Mr. Lewis stated typically the Board does not view Ordinances written by developers and just "pass them straight up." He stated this is a multi-stage process, and it is important to get the Comprehensive Master Plan done after many, many years; and this language whether it is in or out is not "that big of a deal."

Mr. McNamara stated his concern was just with the one line which he feels takes away one of the Board's defenses from stopping things that he "does not want in here."

Mr. Larry Borda, 508 Heritage Oak Drive, stated on one hand they say this document is not important, but then they say it is important and they "have to deal with it." He stated on one hand they say the language at issue, which was the language that was deleted by the Planning Commission, is not important; but the Planning Commission felt it was important. He stated there is some significance to this language although he is not sure what the significance is. He stated he feels at the very least it is sending a signal to the developers that Lower Makefield will be more amenable to not adhering strictly to what was the old definition and Office Research, and that they will be more open to considering other options. Mr. Borda stated he does not know whether from a legal standpoint that makes it a stronger position for the Township or if it makes it a weaker position for the Township. He stated he would like to hear from a Zoning lawyer what the impact of this language is. He stated it has impact, and it is in there for a reason. He stated if he is being told that the reason is because they are trying to strengthen the Zoning laws, he is not sure the way to do that is by weakening the Zoning laws and say that they are going to allow or consider something that they were not considering before. He stated he feels there should be Zoning laws that are specific and have been historically in the Township "forever" with respect to Office Research, and it was determined by a lot of people a long time ago that this area was not something they wanted to have opened up for something other than Office Research. He stated if someone comes in with an alternative use that they feel is viable "but the Office Zoning is not appropriate," there are vehicles to do that. He stated he does not understand why they are making it easier and sending a signal to the developers that the Township is going to make it easier for the developers.

Mr. Borda asked what is the urgency that in the middle of the summer, they are rushing through something that was just publicized in June and July; and now in August when "nobody is around," they are considering this important document that will have an impact on the Township that will effect a major artery of the Township in some fashion. He asked what is the hurry. He asked why they do not wait until people come back from vacation and have a chance to look at this. He stated he would like to hear from and talk to a Zoning lawyer, which he has not had a chance

to do himself. He stated he does not understand the urgency in dealing with this tonight. He stated he does not feel well prepared or well informed in terms of what the ultimate impact of this specific language is. He stated the document “in general is great,” and a lot of people put a lot of effort into it; but there is significance to this specific language that has to be considered in terms of what its ramifications are. He stated he feels this means something, and it meant something to the Planning Commission. He stated this is something that has to be given serious thought and debate to by people who are very knowledgeable in these areas as to whether or not we are opening up the Township to something that we do not necessarily want.

Mr. Borda stated he is fine with it being Office Research, and he is fine with it not being developed because it is Office Research. He stated he does not feel there is a rush to develop what is open ground, which is supposedly one of the goals of the Township historically. He stated they should not rush to judgment on this, and they should put it back on the Agenda in the fall when people have a chance to think about it.

Mr. Borda noted the Township’s Fall Community Guide which was put out and tells the Township residents who do not have access to computers or who do not go on Websites to get updates, what is going on in the Township. He stated there is a section on Zoning and Planning, but the only thing it talks about is the floodplain, and it does not say anything about what is being done in terms of comprehensive land planning. He stated he feels that is not informing the Township residents adequately of what is being contemplated here and what potentially the ramifications are.

Mr. Grenier asked if Mr. Borda considers seven years rushing things since that is how long this process has taken. He stated in 2017 the Planning Commission put in the exact language they are considering. He stated in early 2018, the Board of Supervisors directed the Planning Commission to reinitiate the process that had been stalled. He stated on April 23, 2018 the Planning Commission had a public comment period, and that is when the Planning Commission moved forward with this process; and since then there have been several public meetings. He stated this has been publicly advertised and the Bucks County Planning Commission has come in twice to give presentations. He stated it has been vetted by staff and all the Township Boards and Commissions, all of whom have had comments. He stated this is by no means a rush to vote on anything, and they have been very deliberate, very slow, and very thoughtful. He stated he takes exception to the comment, and they are not rushing anything. He stated the room is full tonight and people have been talking about this on Facebook and other places non-stop. He stated there is even a group called Citizens Aligned for Lower Makefield who are selling

advertisements to talk about this and who are spreading misinformation. Mr. Grenier stated he has also seen e-mails sent out by the LMT Republican Committee, and there are “lots of folks” spreading misinformation about this specific Plan.

Ms. Tyler stated that is incorrect as she received the e-mail, and all it stated was that tonight the Comprehensive Master Plan is up for consideration; and that we are considering changes to the O/R, and there was no misinformation in that e-mail.

Dr. Weiss stated it also stated that we were considering changing the wording to be what is now proposed, which was already done in June. Ms. Tyler stated they voted to advertise in June. Dr. Weiss added it was with that wording. Ms. Tyler stated they also discussed that the Board could re-visit that language, and Mr. Grenier agreed.

Mr. Grenier stated with regard to the specific misinformation that has been spread he read as follows: “The LMT Board of Supervisors will be voting to adopt a Comprehensive Plan that will be changing certain Zoning Districts in the Township.”

Mr. Grenier stated they are not changing any Zoning Districts in the Township.

Mr. Borda stated he did not say the Board was, and he is not sure why he is discussing this because it does not relate to his comments. Mr. Grenier stated Mr. Borda had stated that people are unaware of what is going on, and Mr. Borda stated he did not say people were unaware. He stated what he said was that it was just advertised in June and July that this vote was going to be taken, and what that means is that is when people focus and know that something specific is going to happen that will have a binding effect. He stated his point was “to the extent that they are around since it is the height of vacation and to the extent that they are looking at the Website in terms of what you are talking about,” and that was his only point.

Mr. Grenier stated there is a specific regulatory process that is laid out for accepting Comprehensive Master Plans, and the Township has followed that to the letter.

Mr. Borda asked why it had to be done in June and July, and he asked why they could not wait until September/October. He asked what is the rush. He asked why this is going through in the summer months when people are not around and not focused.

Mr. Grenier stated the room tonight is full. Mr. Borda stated the fact that the room is full does not mean “that people are not running around at the last minute trying to figure out what is going on because they have been put into a position where they have not been adequately given enough time and information to properly weigh in on this.” Mr. Borda stated he is not saying that “this is even a bad idea.” He stated he is saying that he does not believe, given its ramifications, that the Board has picked the proper time to put something like this up for a vote. Mr. Borda

stated they may be legally correct that they have done everything according to the Statutes, but that does not mean they have given people consideration for “having busy lives,” and being on vacation and not focused on this issue.

Mr. Borda stated there is other language in paragraph 2 under Land Planning that talks about how one of the main goals of Land Planning is to maintain Edgewood Village and sustain its viability. Mr. Borda stated while he realizes that there is not a specific proposal which is the subject of the Comprehensive Master Plan, he feels there is the potential that if they are offering to “create a town within a town,” he does not see how that helps to maintain the viability of Edgewood Village; and in fact he thinks it is the reverse.

Ms. Vanessa Fiori, 1995 Woodside Road, stated she does not understand how they can have a Master Plan when they have a sewage issues that will probably not even accommodate half of the development they are planning for. She stated they are talking about multi-density housing at the Prickett property, and we do not “have the sewage that can take care of it.” She stated she does not feel they can have a Master Plan unless that is taken care of first. She stated she feels most of the residents of the Township would like to “keep the sewage within our own control which would mean no expansion.” Mr. Grenier asked that Ms. Fiori stick to the Comprehensive Plan, and Ms. Fiori stated that is part of it. She asked if they are going to be having housing that requires sewage, how are they going to accommodate that.

Mr. Ferguson stated it can be accommodated. He stated the Township passed a 537 which is a sewage planning document that every Bucks County community under DEP order is required to pass. He stated they will be discussing that Plan throughout the rest of the year, and the requirements that will be mandated of the Township. He stated if you stay in compliance with that Plan, which is operating systems and spending money, DEP will consider and allow for connections whether they be Residential, an individual house, or something larger provided the Township is in compliance with the Plan. He stated they currently have a Connection Management Plan which outlines various projects, and that allowed the Caddis Assisted Living Facility to be approved in the past year. He stated while there may be some restrictions as to how projects may be staged or how the new flows will be connected, the passage of the Plan which is required of all the Bucks County Municipalities deals with repairs to the system and also allows for new connections to the system. Ms. Fiori asked if allowing connections is a requirement. Mr. Ferguson stated it is permitted. Ms. Fiori stated maybe “we could have a cheaper plan that would not necessarily accommodate those things.” Mr. Ferguson stated if you are going to build a house and connect one sewage line, he is not sure the Township

wants to say they would not allow that. Ms. Fiori stated she is not talking about one or two houses, but this is 160 units. Mr. Ferguson stated there is a sign-off by DEP, and any developer has to complete a Sewage Planning Module which shows how much flow there will be, where it will go, and whether the City of Philadelphia can accommodate it when it eventually makes its way there. He stated it is DEP that will ultimately sign off on any project.

Mr. Grenier stated the 537 is not just for a development or allowing for connections, rather it is to maintain the system even if there were no more development. Ms. Fiori asked if we have to have a “Cadillac plan” that would accommodate huge development. Mr. Grenier stated we have specific requirements that have been signed off on by DEP to address our current system. He stated whether or not that allows for new connections is not the goal of the 537 plan per se, rather it is to fix our system so we reduce I & I and so that our rates do not continue to go up.

Mr. Lewis stated Page 55 talks about sewage facilities in Lower Makefield. He stated what is important for tonight is that the Comprehensive Master Plan does not indicate that development will or will not occur, rather it is a vision for where the Township is going and how we envision land use among a number of other items that are in the Plan. He stated he understands people are seeing this as “a fight that is a precursor to another issue,” and he feels they should take the Comprehensive Master Plan on its own and view it as the document that it is and understand its role within the Township and the MPC and Land Use. Ms. Fiori asked if they can make suggestions, and Mr. Lewis stated it has gone to multiple Municipalities some of which have used what we have done. Mr. Lewis stated the Comprehensive Master Plan does not specify that “developer X will build development Y.” Mr. Lewis noted that most of Lower Makefield is built out, and there are less than 1,000 undeveloped acres, so there will not be “wholesale, large development throughout the Township” since that is not the case. He stated he wants to be fair to the process and the Plan separate from any individual land use. Mr. Lewis stated many of the points made by prior speakers tonight will be very valid once they start to talk about what those developers are considering, but the Master Plan should stand on its own.

Ms. Fiori stated she would suggest that for Prickett and the adjoining property, they should put the Snipes fields there since they could “have all the lights they want, and it is not going to affect anybody, and they could have all the noise they want and it is not going to affect anybody.” She stated it is a flat piece of land, and she feels it would be a great place for ball fields and soccer fields.

Mr. Lewis stated the Planning Commission is meeting August 12 with the developer of that property.

Mr. Grenier stated the Lower Makefield Zoning Map can be found by doing a Google search and it answers a lot of questions in terms of the limits of the O/R District and what is and is not included.

Ms. Fiori stated she is concerned about the “spill-over effect.”

Mr. Grenier reviewed the limits of the O/R District noting that the eastern boundary is 295 so it backs right up to 295. Ms. Fiori stated that would be perfect for “kids playing ball.” Mr. Grenier stated the Township does not own that property although he understands Ms. Fiori’s concern. Mr. Grenier stated specific to the concerns with some of the proposed developments, the Comprehensive Plan does not afford that much opportunity to change those Plans. He stated there are opportunities to impact those Plans in a positive way when it goes through the Land Development SALDO process. He suggested that residents go to the Planning Commission meetings to see the proposed Zoning changes and the proposed design and make comments there.

Ms. Fiori stated the Planning Commission is an Advisory Board, and it is the Board of Supervisors that has to approve it. Mr. Grenier stated while that is correct, there is a process; and despite the fact that the Board has changed two sentences in the Comprehensive Plan that the Planning Commission put forth, the Board of Supervisors agrees with the Planning Commission on a lot as they are “very thoughtful people,” as is the Board of Supervisors.

Ms. Beth Cawley, James Court, stated in the brochure from “the Parks,” there was no mention of the sale of the sewer; and that would have been a good venue for all Township residents to see “that it is for sale.” She asked if that was an oversight that it was not put in the brochure. Mr. Ferguson stated it was not an oversight, and it is not being sold, and the system is just being evaluated. He stated any decision on any sale is months away, and there will be many Public meetings about it. He stated the brochure was done internally, and the Department Heads wrote different articles of with a fall reader in mind. Ms. Cawley asked if they will still have the other newsletter that was smaller – “the glossy one that was only two pages.” Mr. Ferguson stated they will have a winter newsletter like the one that was just sent out for the fall, and they will continue to put articles of interest out to the public. Ms. Cawley asked if the sewer evaluation will be in that, and Mr. Ferguson stated the evaluation itself will not be published in that. Ms. Cawley asked how could the residents find out about the proposed evaluation of the sewer system and “the thought that it is being sold,” if it is not put out in print. Mr. Ferguson stated they will put it on the Website and Facebook. Ms. Cawley stated Mr. Grenier indicated that the brochure “was a way to reach people who do not have e-mail.” She asked

if someone does not have e-mail or the Internet, why would it not be put in a hard copy. Mr. Ferguson stated he is not saying it will not be, rather he is saying it was not put in this fall one since they are months away from a decision. He stated he is trying to do something timely, and it could go in the next one.

Ms. Cawley stated she understands Mr. Truelove's comment that they cannot protect one business in lieu of another or they could get sued, but she asked why the Township is protecting the person who purchased the land who is not going to be able to rent it as Office space. She stated she does not feel developers should be "bailed out," since sometimes you make a bad purchase. She asked why the Township is altering the O/R Zoning so that a developer can have a successful return on his "capital." Mr. Truelove stated that is not the purpose as he understands it. He stated Master Plans go through different evolutions, and the O/R District has not been there forever; and it was envisioned at a time when people thought the Office market was going to be higher. Mr. Truelove stated one thing that does hurt the Township, as it currently stands, is that office buildings can seek re-assessments because of vacancies or lower rentals; and that hurts the tax base in the Township. He stated without some type of ability to provide some flexibility to see if something else would help the tax base, we may be "stuck with that." Mr. Truelove stated his Office is in 777 which has 80% occupancy which is better than most of the buildings in the area; however, the rates were lowered. Mr. Truelove stated this was referenced in the Comprehensive Plan.

Ms. Cawley stated she sees a lot of new Office buildings going up in Newtown so they must be getting tenants. Mr. Truelove noted the Lockheed Martin site is still vacant. Mr. Ferguson stated they are converting a lot of the buildings for medical use, and what is being suggested in the Master Plan would not restrict that. He stated the language is not saying that Offices will not be positively considered. Mr. Truelove agreed that the Comprehensive Master Plan language does not restrict that. He noted the one parcel that Aria wanted to develop for a hospital, is available to be used by right for medical offices. He stated the Aria decision was in 2011/2012, and that land is still available.

Mr. Larry Wind, 1054 Buck Creek Circle, stated the Comprehensive Plans seems like "we will have a grand bazaar, anything goes, whatever you want." He stated in Philadelphia, they substantially changed their Zoning laws; and now developers have to go "hat in hand" but they have to pay an entrance fee in order to provide for moderate to low-income housing, the "IZ Zone." He stated he knows there have been discussions in Harrisburg similar to that possibly making it a State-wide requirement that Comprehensive Plans now provide for set-asides. He asked if our

proposed new Plan has any consideration about IZs in it at this point. Ms. Tyler stated it does not. Mr. Wind asked if it could, and Ms. Tyler stated she does not believe we would qualify. Mr. Wind stated they can put in 260 apartments. Ms. Tyler stated the purpose of the IZ Zone Program is to revitalize depressed neighborhood, and Lower Makefield would not be a target for that program. Mr. Wind stated there is another side as some communities are so expensive to live in that they want to have set-asides for people so that they can actually afford to live in those communities.

Mr. Truelove stated in the current Zoning Ordinance, some of the Zones permit mobile homes; and the Comprehensive Master Plan has no impact on that at all. He stated currently the way the Zoning Ordinance exists, there are permitted uses that include that. Mr. Lewis stated R-4 is where there is an option for a mobile home park. He stated manufactured housing and small housing does not necessarily have to be low income, and it can attract high-income people as well.

Ms. Janet Smith, 15 Ivy Lane, stated she has lived here for fifty-four years, and she feels very uncertain as to what is happening. She asked if there was any reference to this change in the Zoning and Planning brochure that went out. Mr. Grenier stated they are not changing the Zoning. He stated they are considering the adoption of the Comprehensive Master Plan for the Township. He stated it is a long-term plan which is generally a vision statement for the Township. He stated it is a ten-year document, and there are sections about the history of the Township, the geography, a description of the different Zoning Districts in the Township, and it describes other key infrastructure items within the Township. He stated it is a general description of what is here, and what they see potentially happening in the future. He stated it does not affect the Subdivision and Land Development Ordinance (SALDO), the Zoning, or the building requirements. Mr. Grenier stated they are not changing those or adopting anything new with respect to our Zoning and Subdivision and Land Development Ordinances which is what builders and others build to. He stated the Comprehensive Plan is a more generalized document, which while lengthy, is “more prose than technical.” He stated it also discusses population, socio-economic breakdowns, and demographics. Mr. Grenier stated it is not at all changing the Zoning. He stated anything with respect to Zoning changes that would be proposed would have to go through a very specific Subdivision and Land Development Ordinance review process with the Planning Commission and the Board of Supervisors.

Ms. Tyler stated she believes that what this document is doing is contemplating and “signaling” that the O/R is not a “solid O/R District anymore;” and that the Township is going to give consideration to other uses for the property.

Ms. Smith stated she is very concerned that she read in the newspaper that there is a Wegmans coming in. She stated she feels many people are excited about a Wegmans, but she can imagine “the chaos” if the Plan that was shown in the paper that included apartments and a Wegmans goes through. She stated she feels it will destroy the community if they have a “box” supermarket, and that will not “be pleasant for the Township.” She stated people are putting the Plan that was in the newspaper into what the Board is “saying is not going to happen.” She stated she is most concerned about the traffic and what it will do to the quality of life if we have another situation like is going on in so many communities, and she has great opposition.

Mr. Grenier stated there has been a proposal put out which was put in the newspaper, and that concept was before the Board of Supervisors; and he believes that all of the Supervisors have some concern with certain aspects of that proposal. He stated it has not come to the Board for approval or denial at all; however, they have seen it.

Mr. Grenier stated he personally is concerned about the traffic. He stated they are State roads, and the developers will have to deal with PennDOT. Mr. Grenier encouraged Ms. Smith to attend the Planning Commission meetings when the developer are present going through the details of their design so that she can voice her concerns. Mr. Grenier stated it will then also come before the Board of Supervisors.

Mr. Ferguson stated with regard to the traffic, it will require PennDOT approval which is another entity that would have to sign off. He stated as part of the process they will have to do a significant Traffic Study as far as the cars, traffic, congestion and the impact that would be part of that process; and that would have to be signed off by PennDOT and the Township’s traffic engineer. Mr. Ferguson stated this would be presented to the Board of Supervisors as part of any consideration, and will have to be adequately addressed.

Ms. Smith stated she feels they are “getting the cart before the horse because all of this has been out there in diagrams and pictures.” She stated the community does not know what is going on, and they do not have confidence that they will be treated fairly. Mr. Ferguson stated developers have the right to propose what they want, and they put Sketch Plans and drawings preliminarily to give a sense of what they are talking about. He stated newspapers tend to put that in the paper. He stated there has not been any preliminary consideration or Traffic Studies, and this is just a concept being presented by a developer that the newspaper put in the paper.

Mr. William Clark, 554 Scattergood Court, stated he is an Elected Auditor of the Township, adding he used to be on the “Committee that re-wrote the Master Plan in 2003.” He stated the intent of the Plan was to “make Yardley follow what our

Founders envisioned and keep it a nice place to live.” He stated he hopes that is what they are trying to do here. He stated they “did not fool with the language as far as the Zoning was concerned that they are talking about here tonight.”

Mr. Clark stated he is part of the BCETO – the Bucks County Elected Officials; and at one of the last annual meeting he went to, they discussed the low-income housing that is going to be coming down from the Federal Government and the State that each Township has to have those types of places for low-income housing. He asked if the Wegmans development is where they are looking to get the low-income housing.

Mr. Ferguson stated that was discussed, but it never passed; and none of those requirements have been dictated to Townships, and he does not feel they will be, and are not on the radar for anyone to approve. He stated there is no project proposed that would ever be a mandate of the Township or a developer in Lower Makefield.

Ms. Tyler stated her issue is with the language which she feels is missing a few things as it does not give contemplation to purchasing it as open space. She stated also not considered in the language is that if we are going to consider a change in O/R to other all-encompassing uses, we should also be specific that it is subject to the Economic and Traffic Impact Studies since this is a main corridor in the Township. Ms. Tyler suggested that with regard to the language they should either be far more general in that the Township would consider changes to the O/R should the right proposal come in or be more specific and consider open space and a qualifier as to what considerations they would give with regard to economic and traffic impacts.

Mr. Grenier stated relative to open space, the paragraph immediately preceding Office, Commercial and Industrial Development on page 44 discusses how the Township does have a preference for park land, farmland, or open space; and it goes on to say: “Although it may not be possible to maintain privately-owned land undeveloped in perpetuity, the Township seeks through its land use and regulations to maximize and encourage the preservation of farmland and open space across the board.” Ms. Tyler stated she does not feel that is the same thing, and she is concerned with the language that Mr. Majewski quoted which included “other such uses;” and that is specific to the items enumerated in the language. Mr. Grenier stated while he understands the sentiment, he would disagree; and he does not feel it precludes that.

Ms. Tyler stated she feels we are inviting people to “throw any development at us,” which they are entitled to do; however, she feels that we are now signaling that we “are open and we are listening.” Ms. Tyler stated she feels this specific language that she has an issue with is tailored to the Sketch Plan that was presented to the Board

of Supervisors, and she feels that the developer could have written the language for us that has been put in. She asked if the Board would entertain amending and changing that language to be more generalized, less specific, and less inviting.

Mr. Lewis stated he prefers “the other language but was willing to pass it given the circumstances.” He asked Mr. Truelove if they were to edit this would it be considered a significant change, and Mr. Truelove stated it would. Mr. Lewis stated he feels Ms. Tyler has made an excellent point, and he would be willing to Second a Motion, but the challenge is they have worked on this 180-page document and “the heat and light” put on one paragraph is sometimes at the expense of the 180 other pages.

Ms. Tyler asked what it would mean if it is a substantial change, and Mr. Truelove stated he believes that it would have to go back to the Bucks County Planning Commission for their comments again and then go again through the Comment period for the other entities surrounding us as well as the advertisement process so it could be another four months. Ms. Tyler asked when the language was changed to the language they have tonight, did that language go back to the Bucks County Planning Commission; and it was noted that it did. Mr. Majewski stated although they actually assisted in the preparation and compiled the document, we were still required to submit it to them for their review; and their review recommended that it be adopted.

Mr. Lewis stated whether that language is in or out of the Comprehensive Master Plan, that has nothing to do with any proposed development at all; and it does not help or hurt the developer in any of the upcoming projects that are going to be reviewed. Mr. Lewis stated he did not prefer the current language but was willing to proceed to get the Plan approved. Ms. Tyler stated she was willing to do that for the advertisement, but she was hoping that tonight the Board could come to some agreement to be careful with the language. Mr. Lewis asked if there was a third Board member who would be open to that or the discussion might be moot.

Mr. Grenier read from page 45 which is part of O/R as follows: “Vacant or underused Office and Light Industrial space can adversely affect the tax base through successful Tax appeals that result in reduced assessment values as well as loss of potential consumer spending by companies and individual workers. In reviewing uses for the O/R District particular attention should be directed to the viability and marketability of the resultant development types. Regarding design standards, it is important to foster pedestrian connectivity to and economic synergies with Edgewood Village and to promote efficient traffic flow and vehicular access to and from Stony Hill Road/Newtown By-Pass

intersection. The outcome of pending Plans for the Shady Brook Farm site may also factor into the review of Uses and Standards to insure compatibility of uses, design, and vehicular access.” Mr. Grenier stated he feels their general concerns have been contemplated for this District relative to vehicles, marketability, and economic impact.

Mr. Lewis stated he feels the challenge the Board has collectively is that the Board has concerns about a potential Zoning Ordinance change in that area and its impact on the community in the long run. He stated the Board could agree to pass the Comprehensive Plan tonight, but also agree that prior to considering any Ordinance that would change the make-up of the O/R, they would consult with the Bucks County Planning Commission and allow them to do a comprehensive review of any proposed Ordinance change including all potential impacts – not just economic or traffic – but budgetary for the Township as well.

Mr. Grenier stated there is an upcoming Zoning change request, and they would have to propose it, advertise it, and have it voted on; and he asked Mr. Majewski to review the process. Mr. Majewski stated Mr. Grenier has outlined several of the items, and it also needs to go through the Township Planning Commission for their recommendation and to the Bucks County Planning Commission for their review and recommendation. Mr. Majewski stated it also goes to all the surrounding Municipalities and School Districts for their review and comments. He stated there is also Public Comment, and it will have to be advertised in the newspaper. He stated it will also be put on the Township Website as was done with the Comprehensive Plan.

Mr. Lewis stated he would want there to be a more thorough review of the impact by the Bucks County Planning Commission. Mr. Majewski stated the Planning Commission can ask that they provide data on traffic and economic impact since if they are changing what the mix of uses are, they need to know the traffic impact of 500,000 square feet of Office space versus what the Ordinance would allow and what would be the economic impact to the School District and to the Municipality. He stated while the Board of Supervisors is concerned with the Municipal impact on our tax base, the residents of the community pay School taxes as well so the impact on the Schools is also important to consider. Mr. Lewis stated he would want there to be a significant analysis of what the impact would be economically and not just how many dollars of revenue they are going to get since if other Commercial properties go vacant, there will be deductions in terms of tax revenue for those parcels. Mr. Lewis stated Municipal budgetary considerations should also include potential Police and Fire expansion. He noted the amount of crime related to retail which is significant in the community, and that incurs costs which need to be accounted for.

Mr. Lewis asked Ms. Tyler if she would be more comfortable if the Board collectively asked for significant details from the Bucks County Planning Commission in reviewing any Zoning changes. Ms. Tyler asked how they would make that binding, and Mr. Lewis stated he feels they could draft a Resolution. Mr. Lewis stated he feels they could request this from the Bucks County Planning Commission and list the items they want covered in their review so that they can have a fair assessment of what the impact would be from a big box grocery store or a certain number of apartments. He stated in that way they would all have a better understanding of the potential impacts.

Ms. Blundi stated she feels the Comprehensive Master Plan is a document that shows “where we were and where we might be.” She stated if they just look at one line or one paragraph, they miss the “gist of the whole document.” She stated there is a considerable section on the Township’s commitment to open space, and there is a considerable section about their concerns about traffic. She stated while she is not a Zoning attorney, she does do interpretation and policy work; and this document is not just about one sentence or clause, and it is not how this document is to be used. Ms. Blundi stated she recognizes that the other issue is “looming,” which is why people are here expressing their concern; however, they will deal with that if that developer comes back. She stated tonight they are trying to finish the Plan that the Township has been working on for sixteen years.

Motion carried with Ms. Tyler opposed.

#### APPROVE RESOLUTION NO. 2341

Mr. Majewski stated one of the requirements for the Master Plan is that once it is adopted by the Board of Supervisors, they also need to adopt a Resolution approving and adopting the Plan. Mr. Majewski stated the Resolution has been provided to the Board.

Mr. Truelove stated it is the same Resolution that was passed in 2003 for that Plan.

Dr. Weiss moved and Ms. Blundi seconded to adopt Resolution No. 2341 approving adoption of the Lower Makefield Township Comprehensive Plan Update 2019.

Motion carried with Ms. Tyler opposed.

## ENGINEER'S REPORT

Mr. Pockl stated he provided the Board of Supervisors with his report on the status of the Capital projects and the Land Development work his office has been working on as well as the status of the on-going construction of development projects.

### Authorize Release of Escrow Funds for 109 Ovington Road (Bullard Subdivision)

Mr. Pockl stated this is an authorized Release of Escrow Funds to the property owners at 109 Ovington Road in the amount of \$21,956.94. After this Release, the total amount of financial security remaining is \$17,193.06. He stated they have visited the site and the improvements made reflect the amount of \$21,956.94.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize the Release of Escrow Funds for 109 Ovington Road in the amount of \$21,956.94 as outlined by the Township engineer.

## PROJECT UPDATES

### Makefield Road School Crossing

Mr. Ferguson stated the School Crossing has been an ongoing discussion primarily because of all the rain. He stated they have attempted to put the decorative lines in, but even trying to manually dry the pavement has proven problematic because it has been so wet. Mr. Ferguson stated as outlined in his Manager's Report, they feel they should paint the markings to look similar to and follow the same process that they have for other School crosswalks in the Township so that it is done prior to School starting recognizing that it will look a little different from what they had originally contemplated. He stated on an annual basis or whenever it is needed, they will have to paint these like they would any other crosswalk. He stated they have tried to get this done all summer in advance of School, and the start of School is almost here. Mr. Ferguson stated the contractor could get this done as soon as possible so that it is done before School starts.

Mr. Pockl stated the major problem is when they are putting down this type of decorative crosswalk that has the red color in the middle and the herringbone pattern, it is a flat piece of colored mat; and they heat the pavement to 1,500 degrees. He stated what has happened is that they were drawing the groundwater up to the surface of the paving, and they cannot get it off of the surface of the

pavement because they have to heat the asphalt again, and if you do that multiple times, you start to degrade the asphalt. He stated the crosswalk would have the white lines as discussed previously so there would still be the change in elevation; and although it would be thin, vehicles going over it would be able to feel that. Mr. Pockl stated this was the recommendation made by the traffic engineer.

Mr. Grenier stated because there has been two years of record-breaking rain, the groundwater is elevated; and Mr. Pockl agreed adding groundwater is not static, and it fluctuates. Mr. Grenier asked Mr. Pockl to describe what the crosswalk will look like and what the experience will be for the walker crossing it and the experience for the person driving over it. Mr. Pockl stated he wanted to get clarification from TPD on their recommendation and whether it was thermoplastic within the crosswalk or whether it is just the lines. Mr. Pockl stated crossing as a pedestrian it would be a typical crosswalk with two white lines approximately 8' apart and perpendicular lines going across the roadway. Mr. Pockl stated for a vehicle crossing over, the vehicle would cross over the first set of white lines that would run the entire width of the roadway, and the second set of white lines would be 8' after that that run the entire width of the roadway. Mr. Grenier asked if there is a gradient change at all as you cross over; and Mr. Pockl stated as the asphalt has currently been installed, there is a minor lip with a ramp down at either edge. He added that the thermoplastic would be on the ramp.

Mr. Grenier asked Mr. Ferguson where we are with regard to the Budget with this project since the contractor has not been able to deliver what was designed. Mr. Ferguson stated he believes that there will be savings for the Township in the amount of \$5,000 to \$6,000. Mr. Pockl stated currently the Township is still holding about \$10,000 from the contractor, and he feels that putting what is now proposed in would not be \$10,000 so that the Township would be getting a credit back as a final Change Order.

Mr. Grenier stated after this portion is done, there was discussion about other items on the Road; and Chief Coluzzi stated they will have to go out on site to look into this as it has been a long time. He stated he believes the rumble strips and reflectors are in place. He stated at some point the lane narrowing may need to be adjusted, as he feels it is still too wide; but they will look into that again. He stated getting the crosswalk was the priority.

Ms. Blundi stated members of Citizens Traffic were on site taking photos of what it looks like now, and she does not feel “it looks like anything.” She stated she would like to get this part done, and then go back to see if they can improve the situation or not.

Mr. Lewis asked if the line painting could be done soon after they do the crosswalk so that it can be done before the start of School, and Chief Coluzzi stated he did not see why they could not do that. Mr. Pockl asked if they are talking about a contractor doing the line painting or the Township; and Chief Coluzzi stated they may have to get a contractor, and Mr. Ferguson agreed. Mr. Pockl stated the 2019 Road Program is taking place at this time, and it is the same sub-contractor who is on the list for the 2019 Road Program so it is possible they could incorporate this into the 2019 Road Program. Chief Coluzzi stated he feels they could have an answer on the narrowing within the next two weeks. Mr. Lewis asked about the cost, and Mr. Pockl stated typically line striping is approximately \$1 per linear foot. Mr. Lewis stated he would be in support of this and getting it done before the start of the School year. He stated he also feels they should wait for about six months to determine if it is solving the problem we had hoped it would for the traffic calming, as there could be opportunities to calm the traffic down on ancillary roads as well.

Ms. Blundi stated she was going to ask that this be approached more aggressively since this is a 2018 project; and if they have to get staff to make improvements, she feels they should do that. Mr. Ferguson stated the first goal is to get it painted, and they will do whatever is the most efficient way to get that done. He stated if the contractor indicates that they cannot get this done before School starts, we will look internally to do that. Mr. Ferguson stated Mr. Pockl has talked to the contractor, and they are as anxious to get the crosswalk done as we are to have them get it done. He stated with regard to the lines the Township may be able to get those done.

### 2019 Road Program

Mr. Pockl stated they have milled Quarry Road and Creamery Road, completed minor base repairs on Creamery Road, and they anticipate completing the drainage improvements. Mr. Pockl stated when they milled Quarry Road, there was a bridge over Core Creek on Quarry Road which is a bridge with box beams; and there is an abutment on either side and then box beams, which are rectangular tubes from one abutment to the other for the entire width of the bridge. He stated on top of that there is a concrete deck that protects the structure. Mr. Pockl stated on top of that there was a very thin of asphalt; and when the contractor milled the roadway, the

concrete deck had deteriorated to such an extent that they milled right through it so there are concrete repairs that are required because of the extensive deterioration of the concrete deck. Mr. Pockl stated he had his bridge engineer go to the site, and he outlined the repairs that were needed. Mr. Pockl stated he sent that information to the contractor who has provided the Township with a price. Mr. Pockl stated he feels this is within the Budget; and if the contractor is given authorization to proceed, they could be there on Friday making the improvements, Friday, Monday, and Tuesday to the bridge. He stated they can then pave Quarry Road Wednesday and Thursday, and they would then move to Creamery Road. He stated they would do the improvements on Creamery Road; and while they are doing the drainage improvements on Creamery Road, they will mill Ginko, Plowshare, and Black Rock. He stated after they are done with the drainage improvements, they will complete the asphalt paving on the remainder of the roads.

Mr. Pockl stated he has looked at the Guide Manual for Liquid Fuels, and any work to bridges is considered Liquid Fuels eligible.

Mr. Ferguson stated the Budget for the Road Program for this year is “overwhelming out of the Liquid Fuels Fund.” He stated we are below the budgeted amount we were going to spend this year as quantities have been less and some of the improvements were not as substantial as had been anticipated. He stated even with the cost of the bridge repair that Mr. Pockl is discussing, we should still be within the Budget. He stated Mr. Pockl put together a conservative paving budget assuming worst-case scenarios, and they have not all been worst-case scenarios so we have realized some savings which gives us room to do this work without impacting anything financially for the Road Program.

Ms. Tyler asked Mr. Pockl how common is the situation he described with the cement underneath and the overlay. Mr. Pockl stated that situation is fairly common. He added he suspects that the concrete surface was the driving surface, and that deteriorated over time; and the last time the road was paved instead of making improvements to the bridge at that point, it was paved over with an asphalt layer. Ms. Tyler asked if the contractor did not see that the milling was causing damage to the road, and she asked why the Township is assuming the liability. Mr. Pockl stated under normal circumstances the milling machine would not have gone through the concrete deck, and it was because the bridge was so deteriorated. Mr. Ferguson stated the contractor saw that this was happening; and if they just had paved over it, it would be much more deteriorated and would have been much more expensive.

Mr. Grenier asked if the Township is getting enough communication from the Bridge Commission about that project, and Chief Coluzzi stated he is satisfied with the amount of communication they are receiving.

#### Memorial Park Project/Laurel Lane Project Discussion

Mr. Ferguson stated he discussed the Memorial Park project with the Board at the last meeting. He stated they had empowered Mr. Pockl at that meeting to re-bid the project. Mr. Pockl stated there was a pre-bid meeting today for Laurel Lane, and the contractor who is interested in Laurel Lane is also interested in the Memorial Park project and offered some comments on that. Mr. Ferguson asked the deadline for the Memorial Park project, and Mr. Pockl stated his office is still in the process of making changes to the drawings based on comments received from Mr. Majewski. He stated based on comments discussed with the contractor today, they are going to be making some other changes as well.

Mr. Ferguson asked about the deadline for the Laurel Lane project; and Mr. Pockl stated the Bid opening will not be next Monday, but the following Monday. Mr. Ferguson stated there are some residents approximate to that project that have expressed some concerns that the staff, Mr. Pockl, and the Public Works Director will be reviewing.

#### Multi-Use Trail

Mr. Ferguson stated there is a meeting scheduled for tomorrow on the multi-use trail with representatives from TPD. He stated this is the trail that is going around the fields. Mr. Ferguson stated the Police Department has been involved in these meetings as well, and he has talked to the Board about crosswalks at the Community Center and “related areas” that would be an addition to the project that was originally contemplated. He stated this will be a 2020 project that will have to be carried over. He stated he feels the costs will be “comparable on a year-to-year basis” so even though the crosswalks will add additional expense, we have assumed some of the costs this year including the soft costs, and the engineering and design costs that will be coming out of the Budget for next year to be re-approved.

Woodside Bike Path

Mr. Ferguson stated the paperwork has been submitted and they have the Memorandum of Understanding for the initial Grant regarding the Easements. He stated we also have the agreement with the property owners. He stated the second Grant, the Multi-Modal Grant, was submitted by July 31. Mr. Pockl stated everything is now in DCED's hands at this point.

BUDGET DISCUSSION

Mr. Ferguson stated for this year's Budget they will include a variety of items in that document that the Board should be aware of. He stated they will create a multi-year paving plan, probably three or four years, which is a reasonable expectation of when they could get to roads. He stated they will come up with a road line paving plan for lines around the Township that are faded, but where the road itself may not be proposed to be paved. He stated that can be a safety issue. He stated they may name specific streets or divide the Township up into quadrants; and along with the road paving plan, they would have a separate plan to have those companies when they come in, repaint lines throughout the Township. Mr. Ferguson stated they will also be developing a multi-year trail maintenance plan for the existing trails we have. He stated there will also be a number of other items he will want to introduce to start discussing longer-term items.

Mr. Truelove stated the Board met in Executive Session beginning at 7 p.m. and items related to Real Estate, security, personnel, and litigation were discussed.

ZONING HEARING BOARD

With regard to the Maria Jimenez Galvis Variance request for the property located at 236 Oxford Valley Road in order to allow greater than permitted impervious surface Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to have the solicitor participate.

Mr. Truelove stated Cedar Crossing Investors, L.P. is requesting Variance requests in order to permit eleven single-family attached dwellings within the R-2 Zoning District at the intersection of Sutphin Road and Yardley-Morrisville Road. Mr. Truelove stated

this is the Marrazzo Florist area, and the developer is requesting to convert that area into eleven single-family attached dwellings. They would recommend that the solicitor participate.

Ms. Tyler stated at times the Board has directed the solicitor to oppose a Variance request, and she asked the procedural difference between that and just having the solicitor participate. Mr. Truelove stated when the solicitor is directed to participate, they do not take a position; and they are just making sure that all the appropriate Zoning issues are addressed. He stated if there is anything additional that they need to be aware of, they would review that. He stated with regard to opposition, that would be similar to the Aria project years ago when the Township took a specific position opposing the project for various reasons. He stated with this Application, he does not feel they have sufficient information to determine whether opposition is appropriate. He stated given the scope of the matter, he feels it could be before the Zoning Hearing Board on more than one occasion.

Ms. Tyler stated she understands that this parcel as Zoned would permit one or two houses. Mr. Truelove stated it is a non-conforming Use, and he understands there is also a Variance request for height. Mr. Majewski stated the parcel is approximately three acres, and based on the setbacks from the roads, they may be able to get three to four Lots under the R-2 Zoning. He stated what they are requesting relief for is to mimic the Zoning for the Sutphin Pines development. He stated it is a much higher density but it is consistent with what is existing surrounding it on the Sutphin Pines property. Mr. Majewski stated Sutphin Pines was put in by Court Order as a developer had proposed a Plan which the Township denied; and the developer went to Court and got a judgment overturning the Zoning Hearing Board Decision which allowed higher density.

Ms. Tyler moved and Mr. Lewis seconded to direct the solicitor to participate and oppose the Cedar Crossing Investors, L.P. development before the Zoning Hearing Board.

Dr. Weiss stated he will be recusing himself from this matter since he lives across the street.

Mr. Grenier stated in listening to the solicitor, he does not feel he is ready to oppose it although he does want to participate; and hearing that it may go before the Zoning Hearing Board more than once, he would like to first hear about the matter and then make a decision as to how he would like to proceed after that.

Ms. Tyler stated it is a density issues; and by right they can put in three houses, but they want to put in eleven, and they want to mimic something that was forced upon the Township by Court Order so she feels it is appropriate to oppose.

Mr. Lewis stated the Zoning Hearing Board is an independent, quasi-judicial body so opposition by the Board of Supervisors does not indicate how the Zoning Hearing Board will decide. Mr. Lewis stated until recently he did not know that was the density requirements, and he feels they would want to preserve that density requirement.

Ms. Blundi stated at some point she might agree with Ms. Tyler; however, because the Township was overturned once with a Decision, she would not want to be put back in that position where there is precedent, and the Township be at the losing end of a challenge and just incurring fees. She stated she would be in favor of participating at this point, and at some point they would be in a better position to address the potential change. Ms. Tyler stated her concern is that the Zoning Hearing Board could make a Decision that first night, and the Board of Supervisors would not be in a position to oppose. Mr. Truelove stated even if the Township is only participating, if they do not like the Decision, the Township could still file an Appeal. He stated the Board of Supervisors could authorize the solicitor at the ensuing Supervisors' meeting to file an Appeal.

Ms. Tyler withdrew her Motion.

Ms. Tyler moved and Ms. Blundi seconded to direct the solicitor to participate in the Zoning Hearing Board matter involving Cedar Crossing Investors.

Mr. Bryan McNamara stated he has served on the Zoning Hearing Board, and they do follow very closely what the solicitor opposes. He stated they are requesting triple the density of what is allowed. He stated Sutphin Pines was originally to be 55 and older when they sued in the 1970s/80s, and he does not believe our Zoning at that time was "as tight as it is now" so he does not see why they should not oppose. He stated not giving the Zoning Hearing Board an indication, the Zoning Hearing Board might approve it which would cost more legal fees. Ms. Tyler stated while she feels it is the right move to oppose, at this point we are not giving anything up. Mr. McNamara stated he feels we are giving something up and it will cost us money to Appeal the Zoning Hearing Board's Decision. Ms. Blundi stated we will get better information when the solicitor participates, and they can then be on a "cost-effective track."

Mr. Truelove stated he believes that there will also be a number of residents present at the Zoning Hearing Board meeting who will want to Testify and possibly request Party Status. He stated he believes the possibility of having more than one Hearing is likely. Mr. Majewski stated the Township can always request that the Zoning Hearing Board defer to the next Hearing in order to present Witnesses and Evidence.

Mr. McNamara again stated that it is his experience from having served on the Zoning Hearing Board the Township coming in to oppose a developer does carry weight.

Mr. Lewis stated now that they have agreed to participate the Board can express their concerns to Ms. Kirk who can advocate for the Board. He noted that Dr. Weiss is the Supervisor Liaison to the Zoning Hearing Board and would not be in a position to advocate in this particular case. Mr. Truelove stated he will discuss the situation with Ms. Kirk who will handle the situation for the Township. Ms. Tyler asked that they make sure that she reports right away to the Board as to what occurs at the meeting.

Mr. Grenier asked that since Dr. Weiss is the Supervisor Liaison to the Zoning Hearing Board would be appropriate for another Board member to attend since Dr. Weiss is recusing himself; and Mr. Truelove agreed it would be appropriate to have an alternate Zoning Hearing Board Liaison for this matter.

Mr. Ferguson stated Mr. Majewski attends the Zoning Hearing Board meetings, and he could provide a summary to the Board of Supervisors the morning following the meeting.

Mr. Grenier stated he agrees with Mr. McNamara that having a Board member there making certain statements does carry some weight.

Motion carried with Dr. Weiss abstained.

#### APPROVE RESOLUTION NO. 2340 ESTABLISHING A FEE SCHEDULE FOR GREASE TRAP PERMIT

Mr. Majewski stated in March the Township passed an Ordinance to regulate grease traps, and as part of that Ordinance it called for the Township to establish Fees in order to administer the program. He stated this Resolution will establish a Fee Schedule for the Application, operation, enforcement, administration, and reimbursement of costs incurred pursuant to Ordinance 417 for the regulation of discharge of fats, oil, grease (FOG), and other similar substances into the Township's sewer system.

Mr. Majewski stated they came up with a number for an Annual Permit Application Fee of \$100. He stated this was discussed with the Township's Public Works Director and the Township sewer engineer; and looking at the staff time involved in order to start the program, start the initial inspections, and having the sewer engineer train the Township staff as to what to look for during the inspections, they came up with this Fee. He added that the cost may be a little more than that this year, but they felt they should start lower. He stated this will be a financial benefit to the Township as they start to better manage the grease coming from establishments, and it will be saving money that had been spent cleaning out pump stations and other places that accumulate grease.

Mr. Majewski stated as part of the Fee Schedule they have established a fine and a penalty, and violations shall be liable for a fine of not less than \$100 or more than \$1,000. He stated this is a fairly typical fine for those who do not comply with the Ordinance.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution No. 2340 as outlined by the Building, Planning, & Zoning Director.

Mr. Lewis stated there was one company that did not have a grease trap, and he asked if that company got a grease trap, and has it been inspected. Mr. Majewski stated they were still working out the parameters of the program and the notification; and now that this Fee has been adopted, they will be notifying that establishment.

#### DISCUSS PROPOSED WALKING TRAIL/EMERGENCY ACCESS BETWEEN REGENCY AT YARDLEY SINGLES AND THE 62-LOT MATRIX/RYAN HOMES SUBDIVISION

Mr. Majewski stated at a prior meeting they discussed the issue of Regency at Yardley and their trail connection to Yardley Woods which is the Matrix/Lower Makefield Residential development along Big Oak Road that is currently under construction. Mr. Majewski stated the residents from Regency at Yardley wish to remove the requirement to put the trail in on their part of the property in the back that goes out to the area that is Yardley Woods. Mr. Majewski showed a graphic of the properties with Yardley Woods near I-295. He stated the connection is the area that goes from the back of Regency at Yardley, out through an open area that has already been cleared out and was a former road where there is a sewer line going through. He stated the Plans for the Regency at Yardley Development and Yardley Woods both proposed to have a connection there.

Mr. Majewski showed the original Exhibit for the overall development of the Octagon Center Project; and at one time, a road was contemplated to go through there. Mr. Majewski stated the Yardley Woods portion of the project was slated at that time to be condominiums; however, that was changed by an Amendment to the Settlement Agreement which allowed for sixty-two townhomes in lieu of one hundred fifty-five condo units.

Mr. Majewski showed another graphic with an area highlighted in red, and he stated the Plans for Regency at Yardley contemplated an 8' paved, emergency-access pedestrian trail; and this was approved in 2010. He stated with regard to the Octagon Center/Matrix project that was one hundred fifty-five condo units, at one time they removed the road and made it into a trail between the two developments. He stated for the Matrix/Lower Makefield residential project, now known as Yardley Woods on Big Oak Road which is currently under construction, their Plans called for a proposed 12' wide trail connecting to the 8' wide trail.

Mr. Grenier asked what material is the trail, and Mr. Majewski stated both Plans called for them to be asphalt pavement. Mr. Majewski stated the one at Regency at Yardley had some grass pavers on either side of it so that an emergency vehicle could run on the grass pavers as well as on the asphalt portion.

Mr. Majewski stated the Regency HOA is asking the Board of Supervisors if they could eliminate their proposed trail that hooks up into Yardley Woods and instead put in a trail that would go from where their club house and tennis courts are on the east side of the property on the old road bed of Old Oxford Road to connect to the Lower Bucks Pediatrics/Day Care sidewalk. Mr. Majewski showed a graphic of that location. He showed the stone road that was from the old road that went through.

Mr. Majewski stated when the Board of Supervisors looked at this previously, he was directed to have a meeting with all the parties; and on June 26, he met with Toll Bros., Big Oak Partners, which is the developer of the Yardley Woods project, and the HOA President and another HOA representative from Regency at Yardley to discuss eliminating or modifying the trail. Mr. Majewski stated they discussed logistical issues, costs, re-doing Plans, etc.; and he feels everyone was in favor provided that it did not cost a lot of time or money. He stated a representative from Big Oak Partners had expressed that since in the end Ryan Homes would be the home builder and will buy all of the improved Lots, they would need to check with them. Mr. Majewski stated he was advised shortly thereafter by Big Oak Partners that Ryan Homes wanted to keep the trail in since they felt it would be an amenity for their potential homeowners to have a safe place to walk from their community,

which is isolated on Big Oak Road, and to connect back through Regency of Yardley and have access through the Regency at Yardley project ultimately to the trail system along Old Oxford Valley Road.

Mr. Majewski stated a decision needs to be made so that they can give direction to Toll Bros. and Big Oak Partners as to how to proceed with or without the trail.

Ms. Tyler asked to see the graphic as to what has been approved, what would be the change, and what Mr. Majewski would recommend. Mr. Majewski showed a graphic showing what was approved in orange; and both the approved Plans for Regency and the approved Plans for Yardley Woods have the trail shown in orange. Ms. Tyler asked what was the consensus of the residents and did they want what is shown in orange or what is shown in yellow. Mr. Majewski stated the Regency at Yardley residents would prefer that the orange trail not be constructed, and that the yellow path be constructed instead. Ms. Tyler asked where the yellow path would go, and she stated it appears it would go to the main road with no crosswalk to their club house. Mr. Majewski stated eventually when the Big Oak Day Care is built, there will be a sidewalk along their frontage that will hook up with the yellow alternative path that goes to the right-of-way of Old Oxford Valley Road; however, when you get to the property line at the Yardley Woods project, it would end.

Mr. Grenier stated the Township currently owns the road bed where the yellow line is, and Mr. Majewski agreed. He stated it was the Township's right-of-way; and at one time the Township was supposed to abandon it back to the other property owners, but that was never done.

Ms. Tyler asked what was the objection to the orange line, and Mr. Majewski stated a number of residents are present this evening who could speak to that.

Mr. Mark Paroly, 221 Grant Way, stated they had a meeting with over one hundred of their residents present, and the consensus was that they did not want the path because it served no purpose. He stated at one point in time when the yellow line was first proposed, the objection was what the residents would do when they got to Big Oak Road and it was not a safe crossing. Mr. Paroly stated if that path were to exist between Regency at Yardley and Yardley Woods for the Regency at Yardley residents to cross over, there is still no safe way for people to cross not only from the single-family homes but also for the carriages that are on the other side of Big Oak which are part of Regency at Yardley. He stated the amenities, which they paid for, are on the other side of the road. He stated they are still looking for a safe way to have people cross over there. Mr. Paroly stated he is not sure what happened in 2010 as to what the thought was on how the people would get from the carriages

to the amenities short of driving. He stated two to three years ago, there was a discussion, and the decision back then was that there was no safe way for people to get across Big Oak Road. He stated the same thing is going to exist with this “other path.”

Mr. Paroly stated now they are going to have a walking path where the pavilion was previously going to be located; and people in the carriages will now be able to walk within the community to the walking path. He stated if there was a safe way to cross, they could get across Big Oak Road and come up the path. Mr. Paroly stated the sidewalk would not have as much impact on Big Oak Road because there would be a safe way for people to get across.

Mr. Grenier stated Fern Drive in Regency South lines up directly with the entrance to Yardley Woods which would then have pedestrian access from Regency South through that back path all the way through Regency North and loop back into all of the amenities as well as the sidewalks along Oxford Valley Road; and Mr. Majewski agreed. Mr. Majewski added that the Plans for both Regency at Yardley and Yardley Woods both show just a crosswalk at that intersection, although to Mr. Paroly’s point, he is not sure how safe that is. He stated for most of the day it is safe; but at certain times of the day, it is not safe to cross.

Ms. Tyler stated the yellow line is the one the residents want but that would put the residents on Big Oak Road without a safe place to cross, and Mr. Majewski agreed. Mr. Paroly stated that is really not what they want; and his goal, representing the community as the HOA President, is to create a safe passage for people in the carriages on the other side of Big Oak Road to cross over to the amenities. He stated if the Board agreed that there would be a traffic light at Fern and the entrance into Yardley Woods, then the path would make sense. Ms. Tyler stated they do not have that; and Mr. Paroly stated while he understands that, his point is he does not want the Township to make a decision because the developers want to get a decision. He stated he does not feel that is fair to Yardley Woods or Regency at Yardley if that is not what they ultimately want in the future. He suggested that they take the money and put it in escrow which would make more sense as he does not feel the developers should be making the decision. He stated there are no Yardley Woods residents yet since it is only in development, and he knows that Toll wants to get their money and get out of there, and Yardley Woods is prepared to do the path; but he feels the Township should be making that decision and not the developers.

Ms. Tyler asked if they could hold the value of the orange path from the developers and put it in an Escrow Account with an Agreement that it will be used for walking trails. Mr. Majewski stated while they can the one issue that both developers have is that they have Approved Plans from the Township. He stated particularly for the developer of Yardley Woods, they will be marketing that development; and without the path out the back, the development residents would need to drive everywhere. Mr. Majewski stated the goal of the Regency HOA is the proper goal we should have of connectivity between the south carriage homes to the properties on the north that are the singles, Yardley Woods, and the Day Care. Mr. Majewski stated he would like to see both the orange path and the yellow path built along with a safe way to cross Big Oak Road, and Ms. Tyler agreed.

Mr. Grenier stated he currently “runs the yellow line,” and it is fine to run on, and the Township owns it. He stated from a trail-planning perspective, the yellow line already exists for the most part and is usable. He stated the ultimate connectivity of Regency North, Yardley Woods, and Regency South in the safest way possible at this time is to do the orange line which would create connectivity from the south all the way through to Yardley Woods and to the existing walkway system along Oxford Valley that connects to the rest of the Township. He stated just doing the yellow line brings you out to Big Oak and nothing else.

Ms. Tyler asked the length of the yellow line if it were to be paved. She stated if the developer wants certainty now, they could do both, or they could wait for the Township to make a decision. Mr. Paroly asked if there would be a safe way to cross.

Ms. Blundi stated currently they are in a situation where the one developer has indicated they do not support the change, and there are also residents present who do support the change. She stated there are approved Plans. Mr. Ferguson stated the change that would have to be made was that if they were going to do anything different, an Amended Plan would have to be filed, submitted, and approved so that it could be Recorded. He stated the developers already have approval for the orange line.

Mr. Grenier stated the yellow line would require crossing six and a half lanes of traffic. He stated if they went over to Fern, it would be only three lanes so that would be a much safer crossing and many feet further down the road from one of the busiest intersections in the entire Township. He stated the yellow line would be just a few feet from that intersection. Mr. Grenier stated he does not feel the yellow line is near as good as the orange line from a safety, walkability, or connectivity perspective.

Mr. Paroly stated looking at the yellow line out onto Big Oak, there is no necessity to cross at that point. He stated if there were no orange path, that could be a sidewalk along Big Oak Road which could then lead to the entrance into Fern. He stated the thought is that in the future what makes the most sense is to have a traffic light at Fern and the entrance to Yardley Woods; and if the “master plan” two to five years in the future is to have a light there, it could still be accomplished by putting the sidewalk in rather than the path along Big Oak Road.

Mr. Grenier stated if something were to go in where the Dunkin’ Donuts was proposed, ultimately they would work with that developer to look at a light and they would make the path a “big circle;” however, at this time, he feels that what makes the most sense is the orange path, and they would then plan for the future to complete the circuit.

Mr. Paroly asked how they would deal with the crossing of Big Oak Road.

Mr. Ferguson stated the project originally proposed would have had the requirement to put a light in. He stated when the developer of the Dunkin’ Donuts stepped back they indicated that they were stepping back at the time, but the statement was not made that they were “out.” He stated while there is no proposal before the Township, he would not rule out that at some point that could come back forward. He stated what would kick in the requirement for the light would be if there were a drive-through. He stated if they built it without a drive-through, it would not kick in the requirement for a light. Mr. Ferguson stated he has not had a status update from the attorney who was representing them, although he had indicated previously that could be something that could re-emerge at some point.

Ms. Tyler stated there is no mechanism to alter the Approval Plan; and if the developer wants to build the orange path, they will build the orange path. She stated she feels there could be a “path forward,” but at this time she feels this should be Tabled. She stated she feels Mr. Majewski should ask the developers to be patient with the Township as they are looking for a resolution as the Township cares very much what the residents are thinking and how they can access their amenities. Ms. Tyler asked what tabling this would do with regard to the developers, and Mr. Majewski stated he knows they are anxious to complete the Regency portion and that Yardley Woods is getting to the point where they will be in a position to pave the path. Ms. Tyler stated that path is approved, and she does not see how the Township could alter orange; and if the developer is that anxious to move forward, Mr. Majewski could ask them to do the yellow as well, otherwise they can wait for a decision from the Township.

Mr. Ferguson stated he does not know what the Township's ability is to restrict them from putting the orange path in since it is on an Approved Plan, and Ms. Tyler agreed. Mr. Ferguson stated what has happened in this interim time is that they appealed to them and worked with them to get some other items done and dealt with the release of Escrow on non-trail related issues rather than just having one release, although that has not been finalized. He stated they could reach out to the developer about this again.

Mr. Paroly stated in reviewing the Minutes from 2017 there was some discussion about not putting in blacktop, and Ms. Reis had directed him to look at a location where they had used pavers with holes that were not as conspicuous. Mr. Paroly asked if this is going to go in, could they look at those pavers as well. Mr. Lewis stated there is some maintenance with those that is challenging.

Mr. Lewis stated they costed out the yellow path last year; and Mr. Majewski stated it was \$14,000 to \$25,000 primarily because the yellow line through Old Oxford Valley Road is already a stone road which is in fairly good shape, and they would just need to add some more stone and pave over it. He stated there would be no earthwork involved. Mr. Lewis stated last year when this was being discussed, the challenge was a safe exit; and they would be encouraging people to walk to an area where they could not safely cross the street. Mr. Lewis stated he does not believe they could tell the developer not to complete the orange path. Mr. Ferguson stated they would have to ask the developer to file an Amended Plan at their cost. Ms. Blundi stated Yardley Woods has indicated that they would not do that; and Mr. Ferguson stated while he would not dispute that, he has not had that discussion with them. He stated even if they were agreeable to it, it would still require a process of multiple meetings, etc.

Ms. Blundi asked if there is any chance they could get Toll Bros. to say that since it is a de minimous amount, they would build the yellow path as well. Mr. Majewski stated he has broached that subject with Toll Bros., and the answer was no. Ms. Blundi asked about an Easement over the Regency at Yardley property and use some of the "bridge money" to get the path built for Regency at Yardley who would then be responsible for the maintenance going forward. She stated they would then get the yellow path and the orange path. Mr. Majewski stated that is something he feels is possible. He stated the limits on the bridge money are that it be spent in a certain area and that we consult with RAM about the expenditure of that money; and he does not see that they would have an objection to improving the pedestrian circulation around the community.

Mr. Paroly asked about including in that the continuation of the sidewalk after the Day Care. He stated when the people from Yardley Woods get out into Big Oak they have nothing to walk on, and they would have to exit by vehicle. He stated if the sidewalk to the Day Care Center is an obligation of the Day Care Center to build for their Plan, if that sidewalk could be extended as well, that would also help the situation with the yellow path to provide a walking area. He stated he believes there is approximately a 5' to 6' area that is missing because the 4,500 square foot pad is not occupied.

Mr. Grenier stated while he is not opposed to any of this in concept, the concern is the cost. He stated they do have the bridge money, and there is a cost associated with the yellow line; and they would need to determine the cost of that and what impact that would have on the bridge money available. He stated there might also be other projects that have not been discussed yet where they may also need to use some of that money. He stated they would also have to consider what Mr. Paroly is discussing to make a loop, while some of that may be completed by the Day Care. He stated if another development would come in, they may not have to spend some of the bridge money, as the developer may have to do some of that work; and they may want to wait to see if that would be a reasonable amount of time.

Mr. Majewski stated they would not meet any Warrants for a light at Fern Drive and Griffin Way at this time, and it would all depend on what happens with the third pad at the Day Care/Pediatrics area. He stated the carriage homes are not all built yet. He stated looking into the yellow line would make sense in conjunction with when the Day Care installs their sidewalk; and where their sidewalk ends, there would need to be a connection back into Yardley Woods. He stated the timing for that would be next year. He stated the orange line is approved; and if Yardley Woods had indicated they did not want that, it may have made sense to eliminate it, but ultimately he believes it does make sense to keep the path between Regency and Yardley Woods.

Ms. Tyler stated the pathways through Regency that front Oxford Valley Road are public access, and Mr. Majewski agreed. Ms. Tyler asked if that would hold true for the yellow path and the orange path. Mr. Majewski stated they are private communities, but they have been developed in conjunction with each other. Ms. Tyler stated the frontage on Oxford Valley Road, even though it goes into Regency, is not private; and it is a public path. Mr. Majewski stated the area where the yellow path would go is currently Township property. Ms. Tyler asked if they could Dedicate the yellow path. Mr. Majewski stated primarily the people who would use it would be the residents of Regency and Yardley Woods although there may be people who want to go across the street to where the pavilion was proposed which will be a pathway in open space.

Mr. Majewski stated having heard the comments this evening, he understands that a majority of the Board would be in favor of allowing the path to be built since it is on both Approved Plans. Mr. Majewski stated he and Mr. Pockl met on site with some members of Regency at Yardley, and they discussed rather than having a straight-shot path, have it curve somewhat since there will be trees lining it. He stated that would break it up visually somewhat which would allay some of the concerns the residents had that it would be a “drag strip” running down between the two developments.

Mr. Paroly asked if there is a concern that the orange path might be used as an emergency access since at one point in time that is what it was considered, and Mr. Grenier stated it is only 8’ wide. Mr. Majewski stated even though it is only 8’ wide, on either side there are the grass pavers that could support a vehicle. He stated it will still be an emergency access; however, the use of that would be very limited since in most emergency situations emergency vehicles would not drive all the way through Regency at Yardley to go out the back to get to Yardley Woods unless Oxford Valley Road were closed in several locations. He stated an occasional sewer maintenance vehicle might also go there to check on the sanitary sewer manholes. He stated it would not be an everyday occurrence that vehicles would be going on that emergency access.

Ms. Blundi stated she feels that they should go forward with the orange path, and then they will need someone to “scope out” what the yellow path would look like and how much of the yellow path they could achieve. Mr. Ferguson stated they will need to estimate the cost of it. He stated they would also need to decide if that would be dedicated over to the HOA. He stated they started the year with \$390,000 in the bridge fund.

It was noted that no Motion was required this evening.

Mr. Majewski stated he will continue to coordinate with the HOA as they are a major stakeholder in this. He stated Remington Vernick has also looked into this and did a cost estimate some time ago.

Mr. Lawrence Karp, 219 Grant Way, stated when he purchased his Lot from Toll, they showed him a map and stated that the roadway was an unimproved gravel road just to be used for access. He stated now there are two access points, and he feels the idea of having an emergency road is “null and void” as there is no need for it any longer. He stated he attended a Township meeting in May, 2017 and this was discussed; and the “final verdict at that time was that it will not be an improved road, it will not be a gravel road, but it will be paved with pavers that grass could go through.” Mr. Karp stated “they all left and said they achieved

what they liked.” He stated they are a gated community, and they have an ability to “maintain ourselves rather than have other communities walking through.” Mr. Karp stated the idea of the paved trail was to get the people from the townhouses into the development so they could get to their amenities. He stated the distance to travel from the townhouses up into the development “and then go backwards” to the club house is more than triple what it would be if they had the Old Oxford Valley roadway. Mr. Karp stated he has now heard that the Board wants the residents at Regency to give up their privacy so that they can accommodate another development.

Ms. Tyler stated the orange road in the back was approved, and the Board has very little they can do about that. She stated the Board is suggesting that perhaps they would dedicate Township-owned land to help the residents with the connectivity they are looking for, but it would be public access. Mr. Karp stated he understands, but his point is they would rather not have the trail between them and the Ryan Development; but if they have to accept it, he would like the Board to honor their commitment that they did in May, 2017 that the roadway will be paved with “blocks so that grass can grow through it and it will not be unsightly.” Ms. Tyler stated they are committed to the Development Plan that was approved and on file with the County. Mr. Karp asked if that is the case, are they going to go back to the pavilion that was supposed to be at the townhouses, since that was changed.

Mr. Karp stated he does not want the orange path, and he believes that a majority of the people at Regency do not want it; however, if it has to be there it should be designed so that it is less intrusive with blocks going through. He stated he feels an 8’ wide asphalt road is a “runway.” Ms. Tyler stated it is a walking path. Mr. Grenier stated that is a standard multi-use bike path. Mr. Karp stated on the original Plans it was a walking path, “not a trail, not a roadway.” He stated 8’ is not a walking trail. He stated they have walkways around their development now that are 6’ or less. Mr. Grenier stated those are sidewalks, and not walkways. Mr. Karp disagreed adding it is a walkway between the two main entrances that “goes around” which is 4’ or 5’. He stated they are putting in an 8’ asphalt roadway when he was assured at the meeting in May, 2017 that it would be paved with pavers. He stated they left that meeting, and now two years later they are again talking about an 8’ asphalt road.

Mr. Ferguson asked Mr. Majewski if there is something in the Plans that were approved that describes the materials to be used for the trail. Mr. Majewski stated there is a detail for that trail which shows an 8’ wide paved portion of the trail, and

there would be grass pavers on either side so that they would have the full width for an emergency vehicle to get through; but it would be the Lower Makefield standard bike path/walkway.

Mr. Karp asked what is a gated community. He stated they have this “runway” going through their property so it is no longer a gated community, and it is welcoming people from another development to use their walkways; and that was not the intention of their gated community, and this was not his intention when buying into a gated community. Ms. Tyler stated that would be an issue for his developer.

Mr. Joe Marinaro, 1737 Mulberry Way, Regency of Yardley South, stated he does take his bike across Big Oak and tries to get into the part where the yellow line is while the cars are merging from two lanes to one and not looking at him as he tries to get in there. He stated that is Township-owned property right now; and in that area is an overfilled dumpster that is never emptied, and beside it people are now piling furniture so that it has become a dumping ground. Mr. Marinaro asked if the Board is aware of this, and Mr. Majewski stated they were not. Ms. Tyler asked that the dumpster be taken out. Mr. Marinaro stated there is also a “truck tractor-trailer” that has been parked there for two years. Mr. Ferguson asked Mr. Marinaro if he had called the Township about these issues; and Mr. Marinaro stated he did not, but he is “here now.” He stated he recalls someone on the Board indicating that they jogged in that area so they should have seen that. Mr. Ferguson stated they will check this out; and he asked Mr. Marinaro if he sees things that are out of order such as that, he should contact the Township so that they can go out and take action on such things fairly quickly.

Mr. Marinaro stated he is a personal injury attorney, and he once sued a Township because they were aware that people were crossing at an intersection where there was a crosswalk but there was not safe pedestrian access. He stated he won, and it was a large six figure settlement. He stated he knows they will not get a light yet, and he understands the Warrants that are required for that; however, they need to do something with that intersection right now because people like him are crossing there to get to the other side. Ms. Blundi asked Mr. Marinaro that he not cross there any more as it is not safe. Mr. Marinaro stated he has no other way to get there. Ms. Blundi stated as a defense attorney she is telling him not to cross there. Mr. Marinaro stated the Township Officials are aware that people are crossing there, and that was the basis of him getting the six-figure verdict against another Township. Ms. Blundi advised Mr. Marinaro that he has been told not to cross there. Mr. Marinaro stated while he understands that, if they put a crosswalk there they should possibly have speed strips and more and better signage which could say “Brake for Pedestrians

Crossing the Street.” He stated they should do something to make it safe for them to get across the street to the other side. Mr. Marinaro was again advised not to cross there; however, Mr. Mariano stated he will still cross there anyway. He was again advised by multiple Supervisors not to cross there. Mr. Marinaro stated he will continue to cross there on his bike.

Mr. Carl Sposato, 1721 Buchanan Way, Regency, asked if there is any way they could put off this decision to install the “orange line.” He stated they pay “pretty hefty Association Fees” because they have a lot of amenities. He stated the new development going in behind them will not have any amenities; and there will be a problem because those people will be walking onto their property and using their facilities. Mr. Sposato stated by putting in this pathway, it will encourage people to go from the Yardley Woods development to his development and use the Regency amenities; and he does not feel that is right. He stated he feels if they went to Toll and told them not to spend the money, Toll would be happy not to spend money. He stated what they are considering is the wrong decision, and there will be a lot of unhappy residents. He stated this was sold to them as a gated community, and it is not a gated community because they will have one entrance that is not gated. He stated with regard to an emergency road, they are going to have to jump the curbing of the sidewalk to use it; and he does not feel there will be many ambulances that can do that or even Police cars although a fire truck may be able to. He stated the emergency entrance is “worthless” if there is not a way to get onto the road.

Ms. Tyler asked Mr. Majewski if the orange road was part of the original Plan, and Mr. Majewski stated it was. Ms. Tyler stated the Board is not making a decision tonight, adding the decision was already approved by a Court. She stated the fact that that path was going to be there should have been known to the purchasers when they bought their properties because it was part of the Plan. She suggested that it be looked at as an exercise path, and a place to walk on; and she feels it will build a nice community. She stated there is nothing the Board can do to change the approved path. Mr. Sposato stated he may have to speak to their Board President to see if they can do something as far as going to Toll Bros. Ms. Tyler stated this was not a normal Land Development; and even if it was, there would probably nothing the Board could do. Mr. Sposato stated while he understands, he does not feel they should be forced to make a decision at this time.

Mr. Lee Pedowicz, 247 Truman Way, stated he understands that the orange line is approved; and he asked if before construction starts, does Toll have to notify anyone or could then come in tomorrow and start building. Mr. Ferguson stated it is part of the approved Plan; and while he feels Toll will let the Township know that they are beginning construction, they do not have to. Mr. Grenier asked if it is the Regency

Association Agreement that Toll has to notify them separate from the Township. Mr. Pockl stated they have had multiple discussions with them, and they have held off on the construction of it until the issue was brought before the Board. He stated he does not believe the Township has any legal standing to stop them. Mr. Grenier stated he believes that Mr. Pedowicz wants to know if there is a Stipulation in the Agreement or with the HOA that Toll has to notify anyone. Mr. Pockl stated he could reach out to Toll and have them contact the Township so that there can be an inspection there, and he will then notify the HOA.

Mr. Paroly stated the HOA has a reasonable relationship with Toll, and they would notify the HOA before they put a shovel in the ground to do that path. He stated he feels it would make sense that they would do it the same time they do the final paving which he believes will be in the fall.

Mr. Pockl stated currently along Renaissance where the path connects, there is a full height curb; but the Plan does show a depressed curb for emergency-vehicle access so the curb installed by Toll was not in accordance with the Plan.

#### DISCUSSION ITEMS – SPECIAL EVENTS PERMIT REQUIREMENTS

Mr. Grenier stated Lower Makefield is one of the few Townships in the region without a “Special Events Permit.” He stated this would not be meant to be a revenue generator, rather it is meant to be a “standard operating procedure, checklist of items” that anyone having a Special Event, which would need to be defined, would go through to make sure that their event is safely organized and coordinated with the Township, Rescue Squad, etc. so that when major events are going on in the Township everyone who needs to know about it, does know about it so that in case of an emergency they can deal with it.

Ms. Tyler asked for an example of a Special Event. Mr. Ferguson showed the form that he created when he was in Newtown. He stated the way the process would go would be that if someone were planning an event, typically the Police Chief would make a determination if what they are planning would rise to the level that it could impact the public, traffic, etc. He stated there could be parades, fund-raising events, and festivals; and while many of them would not qualify, for other events there would be a Special Event Permit. He gave an example of a big baseball tournament with over one hundred teams involved and thousands of people. He stated the point is to have them coordinate with Public Safety professionals to make sure that the Township has points of contact, possibly to have an Officer on hand to direct traffic, to make sure that there is emergency

access if needed, and where overflow parking could go. He stated it is meant to be a planning process for an event that would be deemed by staff that rises to that level as well as a means of public notification if there could be an impact to the public.

Ms. Tyler stated she is trying to understand an instance where they would not have to go through Park & Recreation anyway to reserve a space. Mr. Grenier stated in October there is an upcoming 5K which will run through the Township streets; but it is not a Park & Rec event. Mr. Ferguson stated the Township or the Chief could indicate that a specific event should just go through the normal Park & Rec process, and that it would not rise to the level that they would need to get the ambulance service or the Police Department involved to evaluate. Mr. Ferguson stated it is a good process by which people become aware that they have to check in with the Township so that they can be directed properly to make sure things go smoothly.

Ms. Tyler noted specifically the insurance requirement with a \$2 million policy. Mr. Ferguson stated this is a template Agreement. He stated there is an insurance requirement if someone were to rent a park out for a concert. He stated this was just a starting point for discussion. Ms. Tyler stated she would like to have the opportunity to review this. She also asked that Ms. Tierney review it and see how it dovetails with what she deals with already. She stated the Police Department and Public Works should also consider this. Mr. Ferguson stated in Newtown the Department Heads were made aware of the events, and they would then collaborate particularly with the Police Chief who would weigh in. Mr. Ferguson stated in Newtown they had times when they would bring people in to discuss what they wanted to do, and the Township would advise them that the Permit would not be required.

Mr. Grenier stated there are other Townships that have different versions of this. Ms. Tyler asked if they perceived a need for this; and Mr. Grenier stated they are starting to see more events getting organized, and it is just putting in procedures so that the Township can be kept safe.

Mr. Lewis stated in general he is supportive of the structure as long as things that are small get exempted. He stated over the last ten years they have had a couple of events that have been significant expenses for first responders, and the Township was not fully compensated. He stated anytime they have a major event, we need to make sure that we are compensated up front when we will be using our resources. He stated in the past there has been a significant amount of unfunded support that the Township provided for particular events. He stated they need to make sure that there is a structure in place that exempts the small events, but for major events they should get the money up front before the event occurs as well as the insurances.

Mr. Ferguson stated he agrees. He stated that there have been events he has done previously where the Newtown Chief's conclusion was that there would have to be an off-duty Police Officer to manage traffic, parking, etc. Mr. Ferguson stated this would not just be for the use of Township property, as these could be events that would have an impact on the public. Ms. Tyler noted the Shady Brook Farm light show, and Mr. Ferguson stated they would consider events that could impact traffic with things they could plan for.

#### SUPERVISOR REPORTS

Mr. Lewis stated the Park & Recreation Board had their Annual Tour. He stated the Planning Commission will discuss a potential Ordinance for Multiple-Use in the O/R District. He stated at their next meeting Farmland Preservation will be reviewing its current Lease Program and will potentially require Mr. Truelove to review Leases when they come through.

#### APPROVE POLICE PROMOTIONS

Chief Coluzzi noted the recent competitive test which was given with three individuals doing very well, and he is asking the Board to approve three promotions.

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to promote the following: Corporal Kurt Bradley to Sergeant, Corporal Lawrence Hilghman to Sergeant, and Officer David Kasprysz to Corporal.

The Board congratulated those Officers and thanked all of the Police Department staff.

Chief Coluzzi stated they are currently involved in four background investigations for Police hires; and at the next meeting which will be held in September, he will have the names of those individuals if they successfully complete the background investigation.

OTHER BUSINESS

Mr. Ferguson stated he sent the Board an e-mail that at the next meeting he would like there to be a discussion about the bow hunting as far as allowing a Saturday hunt throughout the year at Snipes which was what was done six to seven years ago which was limited because of the two Schools that are nearby. He stated there have been a lot of residents expressing their concerns. He stated there were some other properties that BOWMA inquired about that they cannot permit for a variety of reasons; but this is one that they have done in the past that he would like to discuss at the next meeting as BOWMA is currently coordinating their hunters. Mr. Grenier agreed to have this put on the Agenda.

There being no further business, Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 11:30 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary