

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MAY 20, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on May 20, 2020. Dr. Weiss called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors:                      Frederic K. Weiss, Chair  
   Daniel Grenier, Vice Chair  
   James McCartney, 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  
   Monica Tierney, Park & Recreation Director

COVID 19 UPDATE

Mr. Ferguson stated we continue to progress under the same conditions we had at the last Board of Supervisors' meeting. He stated later on the Agenda, the Park & Rec Director will provide an update as to how the parks and facilities will be re-opened. He stated at the Township Building they continue to work remotely. He stated there has been discussion regarding the possibility of Bucks County moving into the yellow phase the first week of June; and if that happens, Township staff will continue to work remotely as suggested in the yellow phase. He stated they are taking measures now in anticipation of eventually re-opening with regard to the safety of the staff and the residents. He stated they are considering shifts for the staff and the protections that will be offered to people coming into the building. He stated they installed plexiglass in the Administration Building and the Tax Office for protection once they are back open.

Mr. Ferguson stated under the Manager's Report he will be going over the Revenue categories in the Budget for 2020 that they are watching closely as far as any impact from COVID 19.

#### COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated Park & Recreation is offering digital recreation opportunities and information about these can be found on the Township Website.

Ms. Blundi stated the PennDOT District 6 Middle School Safety Drawing Contest is open to all Bucks County students in fifth through eighth grade. She stated the theme this year is bike safety, and entries are due June 12. She stated the size of the drawing submitted should be 8 ½" by 11". Ms. Blundi stated more information can be found on the PennDOT Website or contact by e-mail Rob Briggs at PA.GOV.

#### APPROVAL OF MINUTES

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of May 6, 2020 as written.

#### TREASURER'S REPORT

##### Approval of Warrant Lists from April 20, 2020, May 4, 2020, and May 18, 2020

Ms. Blundi moved, Mr. McCarthy seconded and it was unanimously carried to approve the Warrants Lists from April 20, 2020, May 4, 2020, and May 18, 2020 as attached to the Minutes.

##### Approval of April Interfund Transfers

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the April Interfund Transfers as attached to the Minutes.

#### ENGINEER'S REPORT

Mr. Pockl stated he provided his report dated May 14, 2020 to the Board of Supervisors in their packet.

Mr. Pockl stated the Township Road Program is under way. He stated the contractor started today and milled the surface of Heacock Road. Weather permitting, they plan on paving and the line striping on Friday. He stated they will then move over to Rose Hollow Drive and Thrush Court. He stated they continue to complete inlet repairs and ADA upgrades where necessary.

Mr. Pockl stated at the Planning Commission meeting last night, he made a public education presentation which is a requirement of the MS4 Permit. He stated the presentation was on helpful hints for homeowners on how they can improve stormwater quality and reduce the run-off from their property. He stated it will be put on the Township Website for those who wish to review it if they did not see the presentation last evening.

Mr. Pockl stated the outfall repairs to Laurel Lane were mostly completed last fall, but the contractor needs to return in the spring to take care of any erosion problems that occurred over the winter, re-seed to make sure that the grass is stabilized, and also pave the driveway of an adjacent resident since they used that driveway for site access. Mr. Pockl stated the contractor will be returning tomorrow to complete the over-seeding, and they will be paving the driveway on Friday.

Mr. Pockl stated with regard to the Sandy Run intersection improvements, they are scheduled to complete the field work for the survey next week. He stated Mr. Majewski will meet the crew on site to make sure they have the exact scope of what needs to be sent to the design engineer.

Mr. Pockl stated with regard to the Bike Path Maintenance Program, they sent the Contract to Polaris Construction last Friday. He stated Polaris sent in their product submittals which he is in the process of reviewing. He stated he feels the only item that will be rejected is the joint compound that they were going to put in the cracks which was not PennDOT compliant. Mr. Pockl stated once the Contracts are received back from Polaris, they will forward them to the Township so they can get the project started as soon as possible.

Mr. Pockl stated with regard to development projects, the PA American Water Company has the Quarry Road booster pump station project; and his office reviewed a Revised submission on May, and they had no further comments. He stated PA American Water also has the Edgewood Road

Water Treatment facility project. He stated his office reviewed that the end of April, and it was before the Planning Commission last evening, and they recommended approval.

Mr. Pockl stated their landscape architect went out to several developments and reviewed the plantings to make sure that they survived the winter before releasing the Performance Bonds on some of the developments that were scheduled to be closed out. He stated they have issued their reports to the developers.

Mr. Pockl stated at the last meeting there was a discussion about Scammel's Corner. He stated they met with the representative from the Bucks County Conservation District who agreed that the rain garden in the middle of the cul-de-sac is not acceptable; however, he will not agree to any kind of reduction in that BMP. Mr. Pockl stated they met with the developer who seems to be receptive to some of the homeowners' suggestions as far as putting in pervious pavers around the edge of the rain garden to eliminate the potential of someone driving into the rain garden, putting in an underground stone seepage pit that would take the run-off, and doing some additional planting on top. He stated the developer is going to provide a Plan to his office for review, and he will provide that to the homeowners and the Conservation District for their review and approval.

Mr. Grenier stated the Board of Supervisors saw some photographs of the rain garden and other BMPs in the area. He asked Mr. Pockl when they did the site walk with the representative from Conservation District, did he only call out the rain garden as being an issue or did he discuss other parts of the entire stormwater management system that may have had issues as well. Mr. Grenier stated he had noticed that the large stormwater management basin did not appear to be draining. He asked if there are other BMPs in the overall system that need remediation. Mr. Pockl stated there is some additional work that needs to be done, and the representative from the Conservation District recognized that based on multiple meetings they have had going back to last year. He stated the rain garden in the middle of the cul-de-sac is not the only issue that needs to be addressed prior to the developer receiving the Notice of Termination. Mr. Grenier asked if DEP has delegated this to the County or will DEP get involved as well, and Mr. Pockl stated at this point DEP has delegated it to the Bucks County Conservation District.



Mr. Grenier stated with regard to the Road Program, he has been getting some questions, and he wanted to highlight that Big Oak Road is a State road and not a Township road so it is not the Township's responsibility to pave; however, he knows that the Public Works Director is discussing this with PennDOT District 6, and the goal was to do it this summer although he is not sure that it will not get pushed to next year given the COVID-19 situation. Mr. Ferguson stated he understands that PennDOT's goal is to have that underway in August; and once they get word about this, it will be posted on the Township's Website and Facebook page.

Mr. Lewis stated there is a map on-line of which roads are Township roads and which are PennDOT roads, and he encouraged people to look at that. He stated in general PennDOT has been very responsive in the last few years.

Mr. McCartney asked if there is a timeline with regard to the Scammel's Corner project. Mr. Pockl stated the developer has indicated they could address some of the other items while they are waiting for the Sketch Plan to be submitted and reviewed for the rain garden in the middle of the cul-de-sac. He stated their only trepidation was that they did not want to go out and make repairs and then have someone drive through it and then have to go back out to fix it. He stated the Township could order them to do everything else on site with the exception of the rain garden in the middle of the cul-de-sac. He stated he feels they could have that work completed in the next few weeks.

Mr. McCartney asked Mr. Ferguson if there is any reason that the Township would hold them back from doing that work. Mr. Ferguson stated he feels it would be good for the staff to discuss the pros and cons of holding them back. He stated if Mr. Pockl and Mr. Majewski feel that it is wise to move quickly, he does not know a reason why the Township would hold them back from doing the other things that they need to do.

## PARK & RECREATION ITEMS

### Discussion of Canceling Camp LMT for 2020

Ms. Tierney stated her recommendation is to cancel Camp LMT this year as they would not be able to offer what people signed up for. She stated she is looking at an alternative, but she is still waiting on guidance. She stated she is looking to offer something for parents as they go back to work under the recommendations of the CDC, the County, and the State. Ms. Tierney asked if the Board is in support of the cancellation of Camp LMT.

Mr. Grenier asked Ms. Tierney to explain what Camp LMT is. Ms. Tierney stated it is a sixty-camper Camp run out of the Community Center for ages six to twelve years old. She stated it is generally “pretty close quarters.” She stated they go to the Pool every Friday, trips every Wednesday, and smaller trips around the community such as to the Five Mile Woods. She stated they are on the bus a lot and traveling together in close quarters. She stated she does not feel that they would be able to go on any trips at this time. She stated she does not feel it would be right to promise parents one thing, but not be able to offer what was promised. She stated she feels they should cancel Camp LMT and come up with an alternative for parents who are residents versus the standard Camp that they offer.

It was the consensus of the Board of Supervisors to cancel Camp LMT for 2020.

#### COVID 19 Recovery and Reconnection Plan

Ms. Tierney stated she created a Plan for the Township as she understands the situation at this time recognizing that things are always changing. She stated currently we are in the red phase under Governor Wolf’s order, and there are many limitations. She stated in the Township they did recently open Memorial Park trails and parking and the community gardens, and they opened Macclesfield trails although the parking is closed. She stated in the red phase they are making phone calls to Senior households and they are offering some on-line classes. She stated they are looking into potential on-line special events such as a virtual 5K.

Ms. Tierney stated while they have canceled Camp LMT, they are looking to offer Camp in a Bag which will be a subscription service where you get a week’s worth of activities to do at home including physical activities, science activities, and crafts. She stated the Bucks County Park & Rec Council has come together and the Council will fund the bags for the Camp, and they are all working together as Bucks County to offer this to our Municipalities. She stated the bags will be supplied by the County Council, and we will then fill them with different activities. She stated they are hoping to keep the cost to under \$25. She stated they are looking to have the participants share their completed work on-line.

Ms. Tierney stated they are calling local businesses to see how the Township can help them and see how they are operating. She stated they may be able to help the Township with Camp in a Bag including providing information about their business or provide a craft.

Ms. Tierney stated they did a survey of their Camp families and 88% of them stated they did not want to do anything virtual, and this seems to be the trend across all of the Municipalities.

Ms. Tierney stated with regard to staffing, they are still doing tele-work, but the maintenance staff is on-site mowing. She stated Penn State reached out to the Township about an Internship Program, and they now have two Interns working on the Risk Management Plan specific to Park & Recreation that is needed for the CAPR Accreditation.

Ms. Tierney stated with regard to cost mitigation, we are not hiring the summer help. She stated generally they bring on five employees for approximately thirty hours a week to mow, and they are not hiring them this year; and the staff has been shifted in order to cover the mowing. She stated they will also not be hiring the budgeted, full-time employee this year, so they are working at a minimum.

Ms. Tierney stated they will move forward with the HVAC Pool project, the 2020 bike path maintenance which was approved by the Board at their last meeting, the core boring at the Pool as part of the Feasibility Study, and making some small modifications in the Office at the Community Center to make it safer once they do open. She stated the Oxford Valley Road bike path, Memorial Park project, and the doors at the Community Center are on hold at this time.

Mr. Grenier asked with regard to the phases if the Township will “just be told what phase we are in.” He also asked what moving into other phases is based on. Ms. Tierney stated they just follow State guidance. She stated moving into the yellow phase, it needs to be understood that a lot of the equipment that will be needed to stay safe is not easily available, so that will need to be considered moving forward even with regard to bringing the staff back.

Ms. Tierney stated she does not plan to speak tonight as to the specifics of how the logistics will work in each of the scenarios unless there are specific questions, but she does plan to put that out on the Township Website including how to protect yourself.

Mr. Grenier stated he assumes Ms. Tierney is coordinating everything with Chief Coluzzi, who is the Emergency Management Coordinator; and Ms. Tierney stated she is.

Ms. Tierney stated as we move into the yellow phase based on the Governor's guidance as well as Park professionals, they are looking to open the parking at Macclesfield. She stated while they are looking to open the Dog Park at this phase, it may not happen on the first day as they need to go through all the accounts to make sure shots and other information are up to date. She stated Five Mile Woods will open as will tennis, pickle ball, and bocce.

Ms. Tierney stated the Bucks County Park & Rec Council is trying to work together to create a schedule for drive-in movies throughout the County. She stated she hopes that the first one will be at the Oxford Valley Mall; and after that she is hoping there will be one in Lower Makefield, and she feels the best site for that would be Memorial Park on the east side that is undeveloped at this time. She stated they will need to work on the logistics regarding cars, and she will work closely with Chief Coluzzi on this.

Ms. Tierney stated she has been in touch with the Bucks County Department of Health, and they are willing to review any of our Plans and provide guidance.

Ms. Tierney stated she is looking to run a break-even Camp – Camp Essential – which would be all outdoors, and it would be limited groups that would be together all the time following the guidance of the CDC, Camp America, the State, and the County. She would also have this reviewed by the County Health Department.

Ms. Tierney stated in the yellow phase she feels that there will some staggered re-entry, particularly if they will be having the Camp; and they will have to do significant training for the staff.

Mr. Ferguson stated they have re-purposed Park & Rec staff calling the over 300 Senior households weekly, and they will continue to do this in the yellow phase. Ms. Tierney stated she feels it would be good to continue this into the green phase as well.

Ms. Tierney stated as they move forward into the green phase, this is the phase that they know the least about, and they are still getting guidance on this. She stated based on what she sees now she feels that in the green phase they will be able to open all of the Parks and the Community Center as well as pavilion rentals. She stated the Pool would remain closed in 2020, and still closed initially in the green phase would be the programs, rentals, and the Senior programming. She stated the Five Mile Woods programs and some in-person classes would come back. She stated the Leagues would come back

but it would still be limited in size as to the way that the Leagues can operate. She stated they will have on-site work and tele-work where needed. She stated the maintenance staff will be on-site. She stated while the Interns would still tele-work, she hopes that they will be able to do site visits. Ms. Tierney stated the Community Center will start a deep cleaning on a very regular basis.

Ms. Tierney stated the last phase is what she is calling “Phase-Out,” and that would be after the green phase which would be back to normal.

Ms. Tierney stated they need to consider some of the events that are coming up in the near future. She stated the organizer of the Pennsbury Tournament changed the date to August 5 through August 9, and she has been in touch with the organizer of that Tournament as to how the tournament could be modified if it were to be offered at all. She stated they need to consider if people will want to travel here and if we want people to travel to Lower Makefield at that time.

Ms. Tierney stated they were scheduled to have a Food Truck event, and they are looking to move that to October 17; and a decision on that would be needed this evening. Ms. Tierney stated they would need to make a decision about Community Day by July 1. Ms. Tierney stated at this point with regard to Community Day, while they may be able to do something, she does not feel it will look like what Community Day ordinarily looks like. Ms. Tierney stated they are also going to have to consider 9-11 recognizing that we do not know what state we will be in by that time. She stated the evening event is usually very crowded, and this year it would be on a Friday night. She stated they also have to consider the Veterans’ Day parade/event and the Family Fun nights.

Ms. Tierney showed a slide which lists the resources that she used as well as having discussions with colleagues in order to prepare this presentation.

The Board members thanked Ms. Tierney for all the work she has been doing.

Mr. Ferguson asked Ms. Tierney how what is being presented with regard to the staging compares with what other Townships are doing. Ms. Tierney stated she speaks with the other Directors almost daily, and they have been meeting weekly with the Bucks County Council. She stated they did align together so that one Township would not open and then be inundated by everyone in the area traveling to that Township. Ms. Tierney stated she knows that Falls Township just closed their Camp and their Pool. She stated there are some

ways we operate differently from other Townships; however, for the most part, we are close. She stated some of the Townships used her slides and adapted them to their Township.

Ms. Blundi stated she is pleased that they were able to provide the Internships. She stated she is also very pleased with the work she and the Chief are doing with the elderly in the community, and she would like to see how they could continue that even after COVID, including possibly making it a volunteer opportunity in the Township. Ms. Tierney stated she agrees that this is a great program.

Dr. Weiss thanked Ms. Tierney for presenting the Plan which he knows was approved by the Park & Recreation Board as well.

Mr. Ferguson stated Ms. Tierney had a slide about the Food Truck event, and the Board would need to make a decision this evening about changing the date to October. Mr. Grenier asked if this would be a “hard date or a place-holder date;” and Ms. Tierney stated she feels everything is a place-holder date since they do not know what to expect.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve changing the Food Truck event to October 17.

## PROJECT UPDATES

Mr. Lewis asked if they are on track to complete Sandy Run by the end of the year. Mr. Ferguson stated this project did get pushed back a few weeks, but he still feels the end of the year is the goal.

Mr. Lewis asked for an update on the sewer projects. Mr. Ferguson stated this includes the two pump station projects – Brookstone and Stackhouse, as well as the sewer lining, and these will be presented to the Sewer Authority tomorrow night with the goal of bringing it to the Board of Supervisors at their first meeting in June.

Ms. Blundi asked that the Board be provided an update at the first meeting in June on the Route 332/Mirror Lake signal interconnection. Mr. Ferguson stated the traffic engineer has been working on that. He stated he will ask the traffic engineers to provide a public update on this to the Board of Supervisors on June 3 to get this out to Bid.

Mr. Grenier stated the update on the Multi-Use Trail is that the NDES Permit was submitted to the Conservation District, and he assumes the Township is waiting on that. Mr. Ferguson stated that has been approved. Mr. Ferguson stated TPD is the project engineer for that, and further on the Agenda there are two Resolutions which would authorize him to be the signer for this. He stated he intended to bring TPD in at either the first or second Board of Supervisors' meeting in June to provide an update with more specific details. He stated they will answer questions prior to going out to Bid. Mr. Grenier asked when they anticipate going out to Bid and when construction would start. Mr. Ferguson stated the goal is to get underway later in the year, and construction would probably go into next spring as well.

#### MANAGER'S REPORT

Mr. Ferguson stated Ms. Tierney has done outstanding work and is one of the "go-to people" in the County regarding being a resource.

#### Approve Resolution No. 2417 Authorizing Execution of Application for Traffic Signal Approval for a New Flashing Beacon at Oxford Valley Road and Roelofs Road/Park Driveway Crossing

Mr. Ferguson stated Mr. Majewski wrote the Board a memo regarding this and the following Resolution. He stated the Resolutions will allow him to sign all the Traffic Signal Approval Applications as part of this project. He stated all Department Heads have been involved in this project with him including the Police Chief and one of his employees involved with traffic, the Planning Director, and the Public Works Director as well as TPD, and the Township engineer.

Mr. Ferguson stated with regard to this project, they had discussed putting in a crosswalk; and one of the changes made to the original Plan was to include a sensor which means that if someone were to ride their bike through the cross walk, the beacon would automatically go off so that drivers would be aware that there is someone in the crosswalk. He stated this is one the improvements that will be presented to the Board of Supervisors at a future meeting.

Mr. Ferguson stated this Resolution is just to allow him to be the authorized person to sign documents as part of the Application when the time comes.

Ms. Blundi moved and Mr. Grenier seconded to approve Resolution No. 2417.

Mr. Ferguson stated Resolution No. 2417 pertains to the new flashing beacon for the pedestrian crossing at the intersection of Oxford Valley Road and Roelofs Road where the Park driveway is located. He stated the crossing will be located on the southwest side of the intersection and include accessible curb ramps, utilize accessible pedestrian signals, and will have passive detection thermal cameras and warning striping. He stated what is being presented this evening is part of the Application process so that the Township is ready if and when the Board approves the project.

Mr. Grenier asked what would the process be if they did not pass this Resolution. Mr. Ferguson stated the Board has to authorize a signer, and the other approach would be they could assign someone else to be authorized to execute documents.

Motion carried unanimously.

Approve Resolution No. 2418 Authorizing Execution Application for Traffic Signal Approval for Modification of Existing Traffic Signal at Edgewood Road and Oxford Valley Road

Mr. Ferguson stated this pertains to the modification of the existing traffic signal at Edgewood Road and Oxford Valley Road. He stated the modification will include an upgrade to the existing accessible curb ramps and an upgrade to the visual hand signals at the intersection. He stated this is again just authorization so that he can be the signer.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to approve Resolution No. 2418.

Budget Revenue Update

Mr. Ferguson stated he will be providing the Board with updates as to where we are with the Golf Course. He stated at the last financial update which was the first week in April, he had outlined the numbers depending on the days when they anticipated that they could open the Golf Course. He stated they opened on May 1, and the projection is that the year-end numbers would not be far off from what the actual Budgeted were anticipated to be; and the main reason for that was that we had more golfers earlier in the year than we normally would because the weather was a lot milder than it had been over the last



few years. He stated with the May 1 opening date, they had anticipated a shortfall of approximately \$283,000 which is not far from what had been anticipated. He stated they have since had good weather and robust participation by golfers.

Mr. Ferguson stated with regard to Revenues, he starts with the Fund Balance number from what was projected last year at the end of the year. He stated they ended up with the bottom line approximately 2 ½% better than the Budget which was approximately \$353,000 better than anticipated.

Mr. Ferguson stated as he had indicated in April, Lower Makefield is in a much different situation than a lot of other Municipalities that are having difficulty understanding what their Revenues will be since those Municipalities are driven much more by the more volatile Earned Income Tax. He stated in Lower Makefield we have a predictable tax amount with the Property Taxes that can be measured specifically with much less unknowns.

Mr. Ferguson stated the Bucks County Manager's Consortium that he participates in had made the decision as a group to submit financial information to a group that was retained called ESI to assess the general level of threat of each of the Townships in terms of the predictability of their Revenue, and he is certain that Lower Makefield will come out on the low end of the scale. He stated he provided year-to-date numbers to ESI as of the end of April and comparisons from previous years; and he feels that ESI will be doing a lot of the same type of trends that he does, but he feels it is good to have others looking into this. Mr. Ferguson stated once this information is received, he will make it available to the Board.

Mr. Ferguson stated with regard to the Real Estate Transfer Taxes which is more volatile, as presented in his Manager's Report, we are ahead of where we were last year at this time. He stated last year at this time, 147 property transfers took place through the end of April, and this year we are at 161. He stated the Revenue is also ahead of where it was last year; however, it is still under Budgeted averages, but that would be expected as that is always the case since from May through September is the time when most people sell their homes. He stated he does not feel that there will be a "big May," but they do continue to see activity; and he will continue presenting this information to the Board.

Mr. Ferguson stated the Budgeted average we would need to hit the Budgeted number which was \$1,550,000 for 2020 Transfer Taxes would be a monthly average of approximately \$129,000. He stated we are currently at \$97,000 a month which is below where we would be if it was broken out over a twelve month period; however, if you look at last year at this time, we were farther behind than that. He stated he expects May will be below average, and they will see where we are in June, July, and August.

Mr. Ferguson stated with regard to Building Permits, we are at the Budgeted amount. He stated April was a slower month, but that has picked up since construction was re-started; and those numbers will continue to be healthy. He stated \$791,000 had been Budgeted for this which is 6% to 7% of total Revenues. Mr. Ferguson stated with regard to the Local Service Tax which is the \$52 charged for those working in Lower Makefield, there has not been a drop off through April, but they will follow this.

Mr. Ferguson stated the Discount period for taxes ended April 30. He stated the face period was extended from June 30 to July 31. He stated looking at last year to this year, there were 11,265 households which paid their property taxes at the discount last year, and this year it was 11,146 households. He stated this translates to 90.5% of the Budgeted Revenue expectations for the year. He stated the Township has collected over \$10 million in property taxes this year. He stated he is not seeing anything that is raising alarms at this point that would cause the Township to have to take dramatic action.

Mr. Ferguson stated with regard to Expenditures they have taken different control measures; and in the General Fund last year by the end of April we were at \$2,867,000 in Expenditures in the General Fund, and this year we are at \$2,561,000. He stated this includes payroll where employees are making a higher wage than they were last year. He stated they have contained the Expenditures across Funds.

Mr. Ferguson stated all of the Funds are driven by a millage so the level collection goes across all of the Funds which are stable. He stated they will continue to monitor this and continue to scale Expenses back. He stated he will report every month on these Revenue Line Items in the Budget and how it is trending and have a month-to-month Report on Expenditures as well.

Mr. Ferguson stated he had a lengthy conference call with the Auditors yesterday, and the Audit for 2019 is well under way. He stated he will provide a timeline on when this will be completed and schedule when the Auditors will come to a meeting. He stated under the new Reporting requirements, you have to list on the Balance Sheet the Pension obligations and they are reliant on the actuaries to get information to the Township. He stated this was started with the actuary before the shut-down so we are ahead of a number of other Townships. He stated the Auditors have all the information now, and they are assembling it into the Report. He stated the Audit presentation should be soon.

Mr. Lewis stated last year they discussed stopping the use of actively-managed stock, mutual funds in our Pension Funds to free up cash that would be used to fund the Pension Funds; and he asked if that has been completed, and Mr. Ferguson stated it has. Mr. Ferguson stated they came back with several options, and the Board picked the blend that had an \$80,000 to \$100,000 savings from Fees. He stated he will be providing the Board with an update as to where we are with the Pension Fund, as there is a big difference where we were with the Pension Funds on March 31 and where it is now. He stated he has asked whether the Township should be doing anything since we made up a significant amount of money in a short period of time, and they have an initial report with suggestions that he will provide to the Board shortly.

Mr. Grenier asked Mr. Ferguson if the numbers for this year are buffered by a good first few months of the year with a bad April. Mr. Ferguson stated things were going well particularly with Building Permits early in the year, but that had gone down significantly in April when they collected only \$9,000 compared to \$60,000 to \$70,000 a month before that. He stated they are now back to the \$60,000. He stated what provided the buffer for the Golf Course was the fact that it was warm early in the year and there was Revenue coming in before they had to close. He stated with regard to Real Estate taxes many people have their taxes escrowed and most of that would have already been collected with the April due date for the Discount period. He stated the question now is whether we will be able to get back to where we were, and it seems that we are. He stated the May Transfer Tax number is one to look at since that tended to be a big number in the past. He stated last year that number was \$136,000 and June was \$290,000. He stated he hopes that the trend will be going up.

Mr. Ferguson stated one measure that we have now that we have never had before is the lateral inspections so that when they see a lateral inspection come in they know someone has their house on the market. He stated they had started to see those lateral inspections decrease.

Mr. Grenier stated if there is a second peak later in the year as some are predicting, we might see another dip that will have to be considered going forward. Mr. Ferguson agreed that is possible. He stated the question is whether they will close things back down or will the reaction be different. He stated the one thing that makes it easier for Lower Makefield is that we have a predictable tax base, but it will be important to follow things month by month so we can react if things have to be scaled back. He stated they have been cautious with purchases and done a lot of things to make sure we are buffering ourselves even as things are getting better.

#### SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 7:00 p.m. and informational and litigation items were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the James E. Millward Variance request for the property located at 341 Sherwood Drive in order to allow greater than permitted impervious surface and construction of a shed within the setback, Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to leave this matter to the Zoning Hearing Board.

With regard to the Craig Robert Sanford Variance request for the property located at 102 Effingham Road in order to permit chickens on property having less than the required five acres Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to leave this matter to the Zoning Hearing Board.

#### APPROVE SCHEDULING SPECIAL MEETING TO CONSIDER ADVERTISING THE OVERLAY ORDINANCE

Mr. Ferguson stated he included in the Board's packet information on this including the Planning Commission's recommendation of the proposed Overlay Ordinance.

Mr. Ferguson stated he has received calls from the public, and they need to understand that the developers have the right to make a request for their property; and the Board is obligated to see the process through. He stated a date for a Special Meeting of May 27 was put on the Agenda. He stated this meeting would be to discuss the Ordinance as it was reviewed and sent forward by the Planning Commission with all the materials we have as well as any updates since then that had taken place including what the developer agreed to change. He stated at the proposed meeting, they would go through all of that information, and at the end presumably the Board of Supervisors would set the date for a Public Hearing approximately forty-five days in the future which would be early to mid-July. He stated out of that process the Board would be making a Motion to either advertise the Ordinance or not; and if the Board made a Motion to advertise the Ordinance, there is a process that has been outlined in his Report as far as what that entails. He stated if there were changes to the Ordinance that would go back to the Township's Planning Commission and the Bucks County Planning Commission.

Mr. Ferguson stated the initial Special Meeting potentially to be held on May 27 is not to approve the Overlay District Ordinance; but they would discuss it, and it would be a Public meeting. He stated they would have the developer and his professionals there to answer questions. He stated the Board would then set the official Public Hearing date for July where they would be getting deeper into the detailed Plan.

Ms. Blundi moved and Mr. McCarthy seconded to schedule a Special Meeting on May 27 to consider advertising the Overlay Ordinance.

Mr. Grenier stated he does not have a problem with the process that they are following; however, his concern with the specific date is that the Board just received a lot of information to go through, and he feels they need some time to do that. He stated May 27 is also a Holiday week since Memorial Day is a few days before. He stated the next regular Supervisors' meeting would be June 3 which would not be a good date. He stated he would like to propose an alternative date of June 10 which would give the Board more time to go over all of the information since a lot has gone on since they looked at the information in October when it was going through the Planning Commission.

Mr. Lewis stated he would concur with Mr. Grenier. He stated it is unfortunate that there was a large submission on October 16 that the Board did not get until Friday. He stated in general he would like to get information as soon as

the Township gets it. He stated the developer has also not provided a revised draft of the Multi-Use Overlay so they technically have not responded with what the Bucks County Planning Commission and the Lower Makefield Planning Commission requested in their review of the land use decision. He stated he would be in favor of the meeting being held on June 10.

Mr. Lewis stated in advance of that date he feels the Board should ask the Township solicitor to draft a legal review considering the Board's options in reviewing the proposed Land Use. He stated there are a number of options as to how to review this in a responsible way as they have the option of revising the O/R Zoning for a Special Exception, the Overlay approach, or other approaches such as Conditional Use that could be considered; and he feels it would be helpful for the Board to consider trade-offs and approaches in reviewing this particular Land Use so that they have a good sense of what the risks are in reviewing it under different circumstances and what is the best option for the Township.

Dr. Weiss stated he feels this is a big issue that warrants the Board's due deliberation. He stated if they start on May 27, there is no reason the Board has to made a decision on that date, and they could Continue it. He stated he feels the Board has an obligation to vet this thoroughly. He stated they received the information on Friday, and the Board has at least a week to review it. He stated if issues come up on May 27, they can Continue it, and they can continue the discussion until the Board makes a decision. He stated he would prefer that this be done in the public view as opposed to outside of the public view; and they can consider this as just the first of one or more workshops until they come to a decision on the Ordinance.

Mr. Ferguson stated he feels the Board could have the meeting on May 27, and they could announce that it would be Continued to another date and they run another advertisement. Mr. Ferguson stated he feels that as long as they are moving forward in good faith and it was Continued to a specific date they would not have an issue, and Mr. Truelove agreed. Mr. Truelove stated they can talk to the developer if there is a concern about the timing, but he does not feel the developer would have a problem provided they were moving forward.

Mr. Lewis stated he does not feel the Township has slowed down the developer in this case. Mr. Truelove agreed. Mr. Lewis stated the developer "went quiet for five months." Mr. Lewis asked if Mr. Truelove feels he can have a detailed memo for the Board in advance of the May 27 meeting reviewing the options for the Board.

Ms. Blundi asked if they are suggesting that there be a meeting next Wednesday and another in two weeks. She stated she is also not sure what Mr. Lewis is directing Mr. Truelove to do. Mr. Truelove stated with regard to the meeting, they can recess the meeting next week as opposed to adjourning it; and in that way they would not have to advertise it, and they would recess it to a date certain and then reconvene. He stated he is also unsure as to what the direction is from Mr. Lewis. He stated with respect to the project, he asked if Mr. Lewis is looking at which type of reviews are available to determine the use of the property.

Mr. Lewis stated there are a lot of different approaches they can take one of which is to revise the O/R Zoning to allow for Special Exceptions which would allow a multi-use usage within the O/R District or even a portion of the District. Mr. Truelove stated that would be amending the O/R Ordinance, and Mr. Lewis agreed. Mr. Truelove stated Mr. Lewis also mentioned Conditional Use which is the same standard but one is heard by the Supervisors and the other is heard by the Zoning Hearing Board. Mr. Lewis stated there are some trade-offs, and one is that there is concern that any decision will lead to litigation in this particular case so they need to know what the risks are of certain approaches with respect to litigation. He stated they also need to consider what provides the Board with the maximum amount of flexibility to insure that any final proposed land use delivers the exact amount of benefits they feel it should for the community if it were to be approved. He stated looking at those options would give the Board some choices. He stated they have not received anything to review on that which is why he was asking for it.

Mr. Truelove stated his office was not directed to undertake anything like that, and they would need specific direction from the Board. He stated with regard to whether that could be provided by next Wednesday, while they could endeavor to do that, he does not want to represent this evening that could be done given the Holiday weekend. He stated he knows that his partner, Ms. Kirk, who will probably be working on this will be taking some time off.

Mr. Ferguson advised the Board that whenever they have the meeting it does need to be advertised in advance. He stated if the Board was going to have the meeting next Wednesday, they have to have the advertisement sent to the Courier tomorrow to be published in time.

Mr. Lewis stated he feels that would make a case to have the meeting on June 10 or use the June 3 scheduled meeting for this function. Mr. Lewis asked if they would accept a friendly Amendment to the Motion to move it to June 10.

Ms. Blundi stated she feels they all know that this is not going to be a short meeting, and she likes the idea of it being planned so that it is bifurcated. She stated she feels that once they start the discussion, it might trigger additional questions they want to ask. She stated if they start it next week with the concept that it will go over to June 10, she feels they will get the best result. Ms. Blundi stated they knew from the Agenda this evening that they were going to discuss this, but now she is hearing about that date versus another date. She stated she wants to be open to people's concerns, but she does not want to make decisions that do not seem to be thoughtful. She stated she would like to get more feedback from the other Board members.

Mr. McCartney asked Mr. Truelove if there is an advantage to starting the process sooner than later, and Mr. Truelove stated it would get the information out to the public. He stated given the age of the project and the process so far, he does not feel a two-week delay is a problem; however, he agrees with Ms. Blundi that this is clearly going to take more than one Hearing to do this. He stated it is up to the Board how much information they want to have to start the process.

Dr. Weiss stated this process started almost a year ago with the Planning Commission, and the Board and public are well aware of it and are concerned with progress and resolution; and he feels it is time for the Board to start the discussion sooner and take as much time as they need to reach a decision. He stated he would like to start next week and continue for however long it takes for the Board to make a decision.

Mr. McCartney asked Mr. Lewis and Mr. Grenier what the additional time would be utilized for. Mr. Lewis stated it would give the solicitor time to draft the memo reviewing the options of the project. Ms. Blundi stated she does not know if everyone else has agreed about the need for that memo other than Mr. Lewis.

Mr. Lewis stated they have also not received the revised language for the Overlay Ordinance in the past five months. He stated he is not sure what he would be reviewing. Mr. Ferguson stated he is not sure that the developer would be expected to provide revised language. He stated the Planning Commission made a recommendation to the Board of Supervisors for approval with comments to the Board about their concerns about traffic. He stated the developer was not instructed to revise the Ordinance based upon the Planning Commission's recommendation. Mr. Lewis asked what the Board of Supervisors would be reviewing. He asked if it would be the Ordinance that was drafted by the developer before the Planning Commission gave its request that they include



the Bucks County Planning Commission's recommendation. Mr. Ferguson stated the Board of Supervisors has the packet that includes the Planning Commission's recommendation and the comments they had that was put in the packet as far as how the developer has addressed that. He stated when the developer comes before the Board of Supervisors, the developer will go over the Ordinance as it was outlined, and the Board of Supervisors can bring up any concerns they have with anything in the Ordinance. Mr. Lewis stated some of those are specific to the SALDO process, and he is talking about the Overlay.

Mr. Majewski stated when the Planning Commission had reviewed the Ordinance, they recommended to the Board of Supervisors that they move forward with enacting the Mixed-Use Overlay Ordinance. He stated their one concern was with some of the credits that were proposed within the Ordinance, and they asked that the Board of Supervisors review those based on the informal review by the Bucks County Planning Commission.

Mr. Lewis stated the Bucks County Planning Commission had other items as well and not just the credits.

Ms. Blundi stated the Board has seen for some time what the developers have requested, and the Board now needs to start the process of discussing the elements of the Overlay that they may accept or may want to amend. She stated she believes that is how the process was designed when it was started last year.

Mr. Ferguson stated he feels the Overlay District gives the most control to the Board to control the process. He stated the Board could require certain things of the developer with regard to the Overlay District, and the developer can decide if they will agree to them or not. He stated the Board is not obligated to consider this only at one meeting and rush to advertisement. Mr. Ferguson stated they discussed last year that there are Townships which would take a Planning Commission recommendation and run the advertisement on that and have the meeting. He stated then if there were any changes, they would have to re-advertise it again; and while the Township may still have to do this, the Board is essentially having a pre-emptive Public Hearing. He stated if the Board decides to vote tonight to advertise a Special Meeting, there will then be the official Public Hearing sometime in July to discuss it again. He stated most Townships do not do that, and the Board has set up a process that is extremely transparent and gives the opportunity to weigh in before the Ordinance is advertised and then to do it again at the Public Hearing.

Mr. McCartney stated whether the Board does it next week or June 10, it is the same pre-emptive Public Hearing process. Mr. Ferguson stated the Special Meeting would not really be the Public Hearing, rather it is the Board setting the Public Hearing date. Mr. Ferguson stated Mr. Grenier had discussed this process with him last year, and he had advised Mr. Grenier that he had never seen it done this way, and it is a more transparent process since the public will be able to see the Board weigh in on what they think of the Ordinance recommended by the Planning Commission and they will then do it again. He stated the public will have essentially four Public Hearings that will be part of this. He stated it will be the one or two they are discussing now to advertise and then the one or two that they will have in July or beyond.

Mr. Grenier stated his main concern is just with the date given it is a Holiday week, although it is a shut-down period so people are not traveling as much. Ms. Blundi stated the public is able to attend the meeting virtually. Mr. Grenier stated he still feels that people will be doing things with their families this week because it is a Holiday week. He stated he wants to maximize the opportunity for the residents to participate in the Special Meeting. Mr. Grenier stated he wants to make sure that they are transparent and that it comes across as transparent. He stated there is also a lot of information that the Board needs to go through as well as to consider what the Township's Planning Commission recommended versus what the Bucks County Planning Commission provided. He stated he feels they could start this discussion on June 3 depending on what the Agenda for June 3 looks like. He stated he would like a little extra time after a Holiday week to go through the information in detail.

Mr. Grenier stated he understands Mr. Lewis' request for the memo from the Township solicitor. He stated possibly they should discuss this in Executive Session given the potential for litigation. Mr. Grenier stated he would like to understand not only what our options are in terms of Special Exception, Overlay, and Conditional Use, but also the legal implications the Board needs to be aware of with the process so the Board is aware of the Township's rights and responsibilities going through the process. He stated he would prefer starting on June 3 or June 10 to allow some extra time and not conflict with the Holiday week.

Ms. Blundi asked if it would be better to do it on June 4. She stated she would not want any of the residents to think that they were doing something the week of Memorial Day as a way to not hear from the public. She stated she did not feel that many people would be traveling at this time; and if they were traveling, they could join in virtually.

Ms. Blundi stated she would agree to amend the Motion that instead of having the meeting on May 27, it would be June 4.

Mr. McCartney stated with regard to the June 4, there may be an announcement coming from the State on that day that may cause people to not be near their computers or want to sit at home after that announcement. He stated if we change over to “Code Yellow,” he does not feel the residents will want to sign on and listen to a Special Board of Supervisors meeting.

Dr. Weiss stated he feels that people would listen if it were held on June 4.

Ms. Blundi moved and Mr. McCartney seconded to amend the Motion to have the Special Meeting to consider advertising to be on June 4, 2020.

Mr. Grenier and Mr. Lewis stated they felt this was a reasonable compromise. Mr. Lewis also stated he would ask that there be a memo from the Township solicitor for a review of the different choices in terms of how to review this, and this could be a secondary Motion or it could be included with this Motion. Mr. Truelove stated that should be a secondary Motion. Ms. Blundi stated she would strongly urge that the Board discuss this memo in Executive Session.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she is in favor of postponing the date since this is a big project and the Board needs to get on board as to how they are thinking about this and the future implications economically, environmentally, as well as the taxes and Municipal services that we are already paying into will need to go to the Prickett Preserve development. She stated she sent the Board a “table of consideration.” She stated she would like the Board to discuss this amongst themselves and consider that this is the Board’s future legacy. Ms. Tenney stated forty-five days would put them into July, and we are in the middle of a pandemic. She stated most of the residents are worried about their jobs, their children, their loved ones, and the education of the children; and she does not feel it is a good idea to listen to a developer come up with the Plan. She stated she will not be ready in forty-five days.

Ms. Tenney stated she is offended that Wegmans sent her a card in the mail asking her to influence her vote and vote for the passing of allowing liquor to be sold in grocery stores. She stated their project has not even been approved, and this shows her that this developer does not have respect for the Supervisors or the “LMT, Pennsylvania, and USA citizens.” Ms. Tenney stated she may be consulting a Constitutional attorney as it is her right to have her voice heard.

Mr. Ferguson stated if and when the Board makes a Motion to advertise the Ordinance, the forty-five day period is not an arbitrary period; and it is defined for us by the Municipalities Planning Code. He stated the timeframe is dictated by State law.

Ms. Tenney stated she understands that this is a process, and that it is not the fault of the Board of Supervisors. She stated if “children in the Township have to wait a summer to go swimming, then the developer can wait until the pandemic is over.” She stated they need to find out what other communities are doing given the pandemic.

Mr. Brian Jamison, 100 Polo Run Drive, stated this meeting is to pick a date to have a Public Hearing; and he asked why it requires a Special Meeting, and why could it not be done at a regular meeting. He stated Ms. Blundi had indicated that it had been five months, and the Board should get started on this; however, it has been five months since “the developer has held onto this.” He stated the developer could have filed this in February or at any time during the last five months. He stated he is suspicious of the timeframe because the developer knows of the forty-five date statute; and if a date was set on May 27, it would be in early to mid-July when people are on vacation and away and unlikely to tune in “on a nice evening” to watch this on a computer. Mr. Jamison stated “that was not an accident, and they did that on purpose.” He stated when they were before the Planning Commission, there were 200 to 300 people in attendance; and he feels that this should be held until it can be done in an actual “real-life meeting.” He asked if the Township has the digital capacity to handle 100 people calling in with questions, and he asked how that would be done. He asked if a certain number would be put on hold, and the rest would get busy signals which would make them “give up after fifteen to twenty minutes.” He again asked why this cannot wait until people can show up in the largest auditorium that they can find with the Township blocking off the seats that can be sat in to make sure everyone is socially distanced enough.

Mr. Jamison stated at the last Supervisors meeting he was told that the Traffic Study could not be given out because it was a draft, and he asked when the Public can see the documents that the Board is discussing including the Traffic Study and everything that has been submitted which was in the packet that the Supervisors received last Friday including environmental studies, conceptual drawings, Agreements, and correspondence between the engineers. He asked when they will be that transparent.

Mr. Ferguson stated they will get the information on-line by tomorrow or Friday at the latest. He also stated that the system they have can handle 250 callers, although he cannot speak to whether people would wait. He stated with regard to why they are going through this process, he noted that he had explained during the Manager's Report that this was as far as the Township could go to have a transparent process which is to essentially have a process before it is advertised that includes the public, and then subsequently there would be a Public Hearing as required by the MPC.

Mr. Jamison stated he would argue that a Special Meeting is less of a transparent process than having it at a regular meeting "well advertised." Mr. Ferguson stated the Special Meeting will be well advertised as are the regular meetings.

Mr. Truelove stated Boards in the past have been criticized for not having dedicated meetings for issues such as this. He stated the current Board has taken it upon itself to listen to what other residents have said in the past that there should be dedicated meetings for one issue like this one. Mr. Jamison asked why they have to have a dedicated meeting to set a date. Mr. Truelove stated he is unsure what Mr. Jamison's argument is since he is complaining about the Board not being transparent and also being too transparent. Mr. Jamison stated he feels that less people will tune in to a Special Meeting the same as a Special Election where turn-out is much less than a regular Election. Mr. Truelove stated the Special Meeting is to start the process, and to schedule the Hearings themselves. Mr. Jamison stated he feels that should be done at a regular meeting. Mr. Truelove stated after the Special Meeting, they would announce the schedule going forward. Mr. Truelove stated this Board is doing much more as a result of Mr. Grenier and Mr. Ferguson discussing this last year trying to set the process going forward. Mr. Truelove stated the Township does not have to do it this way legally; but they are because people in the Township have concerns about whether or not there is enough information available. He stated Mr. Jamison is now criticizing the Board, and he is not sure what the Board is supposed to do.

Dr. Weiss stated he understands what Mr. Jamison is saying, and he has made his point.

Mr. Robert Abrams, 652 Teich Drive, stated he has an issue with the May 27 date because of the short notice. He stated he feels a Public Meeting means that everyone gets together either at the Township Building or a larger facility with social distancing. He stated the project is going to change "the venue of

the Township potentially forever.” He stated he does not feel that they should have the meeting virtually. He stated they indicated that there is room for 250 callers, and he was on hold for forty-five minutes and is only the fourth caller. He stated he feels people would then be on the phone for eight hours waiting to make a public comment virtually. He stated he feels what is proposed is an “eyesore that does not belong there.” He stated he would like there to be a meeting like they had at Pennwood where everyone had the opportunity to speak. He stated if the developer does not respond to the traffic concerns, he does not understand why the Board is having a meeting to set up a meeting to approve or not approve, when they do not know what the developers are going to do about the traffic problems. He stated the developer needs to tell them what they are doing to create a safe environment for everyone in the Township.

Ms. Blundi stated the meeting proposed for June 4 is not to approve or disapprove anything, and it is just to start the discussion. Mr. Abrams stated he does not know how they can start a discussion when they do not know what the developer is going to do about the traffic issues that the two Planning Commissions have. Mr. Abrams stated if the developer refuses to answer that, there is no reason to set up any kind of meeting to start a discussion because the Board will not know what they are discussing. Mr. Abrams stated he feels they should wait for the epidemic to pass, and then have a Public Meeting no different than they had at Pennwood.

Mr. Ferguson stated at the last Board meeting he advised as part of his Manager’s Report, that they have considered the traffic as the information that the Township has includes a Traffic Study which is approximately 500 pages long, and it does contemplate off-site improvements. He stated they also considered the complications the Township had legally to require the developer to do off-site improvements. He stated the developer had advised that his client indicated that they wanted those traffic improvements themselves and that the developer should take measures to make those off-site improvements. Mr. Ferguson stated whenever they have the meeting one of the topics that will be discussed is the Traffic Study that was conducted as well the Township’s traffic engineer’s comments and reviews of how they believe that will translate to traffic on the site.

Mr. Grenier stated this was one of Dr. Weiss’s reasons for not having the meeting earlier in November and December of last year because he wanted to make sure that traffic was addressed before there was any type of meeting to move forward. Mr. Grenier stated in addition to traffic, Ms. Blundi was

very concerned about pedestrian access and that those items needed to be addressed prior to having any Public Hearing or discussion about the Ordinance. He stated last year when he was considering when to schedule items, those were concerns he listened to; and that is what Dr. Weiss is doing as well and he was waiting for the traffic improvements to be proposed. Mr. Grenier stated Mr. Ferguson has advised that has now taken place so the Board is at a point where they can digest it and move forward to have an open discussion about what has been proposed with regard to traffic and other items in the Ordinance. He stated he feels these aspects are also important to members of the community as well.

Dr. Weiss stated he agrees with Mr. Grenier, and that is why it has been taken so long to get to this point. He stated one of his requirements that he wanted to consider before going forward was that the traffic would be improved and not just stay the same after the development. He stated the information that they have now will be reviewed by the Board, and they can then consider whether to accept or reject the proposal.

Mr. Bryan McNamara, 1412 Heather Circle, stated he feels that the Board should have to face the voters on this in person rather than on Zoom or on the phone. He stated it seems that most of the Board is in favor of this development in some form. He stated the Board has done a re-Zoning of Marrazzo's and re-Zoning is proposed for a public storage warehouse behind Kohl's; and he feels that maybe the public storage warehouse should be moved to the site where the apartments are being proposed as part of this development which would be a compromise so that they would not have to re-Zone the land. Mr. McNamara stated he feels everyone should have the opportunity to see the Traffic Study beforehand. He stated he knows that the Grey Nun tract will also be coming up for re-Zoning, and there is a lot of re-Zoning going on in the north end of the Township; and the Board should have to face the public in dealing with this – not over the phone and not over Zoom. He stated he also feels that limiting Public Comment to three minutes is another way “to stamp down people's opinions on this as is moving Public Comment to the back of the meeting.”

Mr. McNamara asked Dr. Weiss if he is planning to move somewhere else in the Township as he knows that Dr. Weiss is selling his home. He stated what the Board is considering is a huge decision; and while Dr. Weiss is an elected Board member, he asked if he is planning to move someplace within the Township. Dr. Weiss stated he is moving, but is staying within the Township.

Mr. Lewis stated he has not taken a position on this Land Use proposal, any Zoning change, or made suggestions either way. He stated he is giving this a fair Hearing. He stated he has heard from residents in favor of it and opposed to it and he has advised them all that there are downsides and upsides to the proposed Land Use. He stated he wants to assess this fairly and be aggressive in responding to the Township's interest. He stated he knows that other Supervisors have also not stated that they are in favor or opposed to this proposal although some have.

Mr. Philip Tolbert, 1496 Woodview, stated he would prefer that this were completely public. He stated he appreciates the fact that the Board is being more transparent by adding additional "pre-meetings;" but he would prefer if all of them were completely face-to-face with the public and not behind phone calls, video, or Zoom. He stated his concern is also with the timeframe, and he asked when the forty-five day clock starts. He asked if it has already started since there is a "public version of this" or does it start on the date of the first meeting. Mr. Ferguson stated it has not started yet. He stated if the Board makes the decision to advertise an Ordinance, it would be from that night that it would start. Mr. Ferguson stated the forty-five day period is not just for the public; and any proposed Ordinance would go to the School District, the County, and adjacent Municipalities. Mr. Tolbert stated since it has not started yet, he would prefer waiting until they can meet face-to-face, which he does not feel can happen even by June 10. He stated he feels they would need to get to the green phase, and none of the Counties are green in the Commonwealth at this point. He asked that they "lean on the transparency by face-to-face meetings" as much as possible through the process to include the extra ones they are doing before the official Public Meeting.

Dr. Weiss noted that June 4 is a School Board meeting in case anyone has an issue with scheduling the Special Meeting on June 4. Mr. Ferguson stated Mr. Majewski just advised him that June 2 is also available if there is a problem with having it on June 4. Mr. Lewis stated June 2 is Election Day. He stated he would be open to having it June 1 or June 8. Ms. Blundi noted that June 4 is just the beginning of the discussion, and she feels that they should have the meeting on June 4, and then they can recess it and set another date to continue the discussion.

Motion carried unanimously to schedule the meeting for June 4.



Mr. Grenier asked what time the meeting would begin, and Mr. Ferguson stated they could start the meeting earlier if they wish recognizing that it will probably be a long meeting and it could start at 7:00 p.m. Mr. Ferguson asked Mr. Truelove if they need to make a separate Motion if they want to start the meeting at 7:00 p.m. rather than 7:30 p.m., and Mr. Truelove stated a Motion would not be required and it could just be a consensus of the Board directing that the meeting begin at 7:00 p.m.

It was the consensus of the Board that the meeting will start at 7:00 p.m. on June 4.

Mr. Lewis asked if they need a Motion to request the solicitor to develop a memo reviewing the choices of how the Board approves or disapproves this particular Land Use. Ms. Blundi stated she previously asked that they discuss this in Executive Discussion. Mr. Lewis asked if they could ask the solicitor to do it, and then talk about it in Executive Session. Ms. Blundi stated she feels they should talk about the memo in Executive Session. Mr. Lewis stated he would agree because it discusses potential litigation, but he feels they should definitely get it moving. Ms. Blundi stated she does not agree with how Mr. Lewis has categorized this since everything is potential litigation. Ms. Blundi stated she does not feel we should expend money to change a process that has been in play that is the standard. She stated while she is happy to discuss this, she would like to talk about it in Executive Session.

Mr. Lewis moved to ask the solicitor to draft a legal review considering our options in reviewing this proposed Land Use in terms of whether it is a Special Exception in O/R Zoning, the Overlay District approach, or Conditional Use review; and for the Board to understand what are the trade-offs with respect to those three choices.

Mr. Lewis stated the reason he is asking for this is it will likely be something they have to consider in the process. He stated the Township Manager has suggested that perhaps the Overlay provides the maximum flexibility and the most precise option as to how to do that; and while that may be correct, it may also engender litigation risk as well as may all three options. He stated he feels the Board should understand what the trade-offs are, and he feels this is a reasonable request.

Mr. Grenier seconded the Motion.

Mr. Grenier stated he is interested in Mr. Truelove's guidance on this issue, but he is not sure he would frame it the same way Mr. Lewis has framed it. Mr. Grenier stated he feels they would want to have this in preparation for the June 4 meeting, and it may make sense to have a brief Executive Session tonight after getting through the Public Meeting, to discuss exactly what the Board wants.

Mr. Lewis stated he would be in favor of that, and he just wanted to make sure they were reviewing this in the best interest of the Township.

Mr. Lewis withdrew his Motion.

Mr. Truelove stated if they determine in Executive Session that they want his office to perform this work, a formal Motion is not required.

It was agreed that the Board would go into Executive Session following the meeting this evening.

#### PUBLIC COMMENT

Ms. Mariann Carroll, 13 E. School Lane, stated she would like to discuss the ongoing traffic problems on E. School Lane and Makefield Road. She stated she moved into the Township seven years ago and discovered that she had moved into an area that had traffic problems, and she reached out to the Supervisors and the Police on the traffic conditions. She stated she has come before the Supervisors and reached out to numerous Township Officials multiple times about these matters. She stated in 2017, the death of a high school student on Makefield Road occurred, and this was the second death that occurred on Makefield Road with the first being in 1980. She stated she came to the Township immediately after the death occurred in 2017 and spoke about the concerns of the neighbors. She stated one very minor thing they asked for was that the stanchion for the crosswalk remain up all year long and not just during the school year. She stated at that point she was told by the Public Works Director at that time that the stanchions were taken down in the summer because they got hit so often. She stated she was promised during an August, 2017 Board of Supervisors' meeting that the stanchion would remain up all year long as a very minor traffic-calming measure. She asked if that could be put back.

Mr. Ferguson stated he would need to discuss this with the Chief of Police and the Public Works Director. Chief Coluzzi agreed that they should discuss this with Mr. Hucklebridge because of the situation that they keep getting hit and they keep losing stanchions. Chief Coluzzi stated the crosswalks they are posted at are actually School crossings, so he wants to make sure that everyone understands that even if the stanchions are put up, if something should occur, it is unenforceable during off-School times. He stated he does not want the Officers being put in a situation where they are called to enforce something that they really cannot enforce.

Ms. Carroll stated her understanding is that the stanchions are just a visual traffic-calming measure, and she does not know what they would have to do with enforcement matters. Ms. Carroll stated during the School year they saw a significant increase in enforcement in front of the Elementary School; however, once School went remote, they have not seen the same kind of enforcement. She stated there are “extreme traffic problems on E. School Lane and Makefield Road.” She asked that as the Police Department schedule allows, they continue to have traffic enforcement all twelve months and not just during the School year. Chief Coluzzi stated they always try to rotate the Police Officers to problem areas, but it should be understood that there are other intersections and roadways that are high accident areas in priority locations that they have to focus on. He stated when they posted Police Officers at the E. School Lane/Makefield Road area while they did get violators during School hours because the speed limits are fifteen miles an hour, on non-School hours they rarely find that someone is speeding to the point that it is enforceable although there is always the exception. He added that they cannot be there 24/7. He stated they will rotate back to Makefield Road off School hours when possible.

Ms. Carroll stated she is frustrated with the Township’s response in addressing a cohesive traffic-calming and permanent solution to the “extreme problems” on E. School and Makefield Roads. She stated she understands that they have to rotate enforcement throughout the Township; however, there are no other roadways that have had two “youth pedestrian deaths.” She stated she was very frustrated when she saw the Agenda for tonight’s Board meeting and saw that the Township is planning a beacon at the intersection of Roelofs and Oxford Valley Roads. She stated while she feels that is “wonderful,” and she understands that the funding is probably coming from a State Grant tied to trails that are being installed, she feels that it is very important for the Township to look at long-term measures on Makefield Road because of the unique circumstances that exist.

She stated as she has presented numerous times, the entrance to Makefield Elementary is parallel to the entrance of E. School Lane and at that location there are over ten traffic patterns in this small area, and it is extremely dangerous. She stated her neighborhood and she specifically has asked the Township to consider beacons at that location, and they were discouraged because the Township “brushed them off on that matter,” and has not investigated any funding measures for that. She stated she feels that where there is an entrance to a School that is very close to the roadway and where there have been two deaths and ten traffic patterns, she hopes that the Township will look more seriously into funding alternatives to install the same type of beacons at this location that they are at the ball fields.

Ms. Carroll stated that six years ago the Township did commission a Traffic Study for E. School Lane; and at that time the traffic engineer strongly recommended the installation of speed humps at two locations on E. School Lane. She stated the traffic engineer at that time had indicated that was a perfect location for this type of traffic-calming. Ms. Carroll stated at that time the Township dismissed the recommendation of the traffic engineer and took no action; and then a couple of years later they had the death on Makefield Road.

Ms. Carroll stated she feels beacons at Makefield and E. School Lane are something that the Township needs to take seriously if it is good enough for Oxford Valley Road.

Ms. Sue Herman, stated she is President of Residents for Regional Traffic Solutions, Inc. (RRTS), P.O. Box 285, Newtown, PA. She stated her comments are about the Trenton-Mercer Airport (TTN). She stated after two failed attempts at Public Comment during the May 6 Board of Supervisors meeting, she texted Mr. Lewis during the meeting. She stated the following morning Mr. Lewis sent the Board an e-mail titled, “Additional Public Comment from last night.” Ms. Herman asked the Board if RRTS’s May 7 e-mail that was titled “Urgent Request to Resume LMT’s Airport Review Panel Monthly Meetings” was included in the Public Record as Public Comment for the May 6 Board meeting.

Dr. Weiss stated when an e-mail is sent through the server, that is basically Public Record at that point. He stated the Airport Review Board can meet virtually as can the other Committees.

Ms. Herman asked if the Public Comment that she e-mailed the day after the May 6 Board meeting became official Public Comment for the LMT May 6 Board meeting. Dr. Weiss stated he does not believe it has; and unless she reads it into the Record, he does not feel there is a mechanism to do that. He asked Mr. Truelove if correspondence can be put on the Record as part of the meeting after the meeting has taken place. Mr. Truelove stated while some Boards do have a separate Agenda item for correspondence, the Board has already approved the Minutes for the May 6 meeting. He stated the Board could amend the Minutes to include the correspondence from RRTS to make it part of the meeting Minutes in lieu of their Public Comment at that meeting.

Ms. Herman stated there was documentation. She stated she does not feel the procedure is totally clear as to how a “citizen needs to speak at these meetings.” She stated she has discussed this with Ms. Tierney who was able to “clear up the problems” so that she could succeed tonight. She stated Mr. Lewis received her text during that meeting, and he sent the Board members early the following morning an e-mail saying “Additional Public Comment from last night.” She asked that the Minutes be amended to include her May 7 e-mail titled, “Urgent Request to Resume LMT TTN Review Panel Monthly Meetings.” She asked that the revision be made now.

Mr. Lewis stated they could indicate that Ms. Herman put that into the Record for this evening’s meeting. Ms. Herman stated she does not feel that should be done because there were a “lot of things that were in the comments that they want recorded as having been stated to the Board at the May 6 meeting.”

Ms. Blundi stated she would be uncomfortable with that since Mr. Lewis did not get the text that evening. Ms. Herman stated he did get the text at 11:00 p.m. that evening, and he did text her back to apologize for not having seen it during the meeting. Ms. Blundi stated he did not get it during the meeting, and he was not able to tell the Board about it until the following morning; and she is uncomfortable saying something is part of the Record for that night when they did not become aware of it until the following day. She stated she would agree to having Ms. Herman add it into the Record for tonight. Ms. Herman stated she will therefore be attaching the RRTS May 6 Public Comment to their comment this evening, and they will be sending both in an e-mail that the Board will receive tomorrow asking them to include both as part of the Public Record for tonight’s meeting.

Mr. Truelove stated if the Board is in agreement, the Record should reflect that they accept Ms. Herman and RRTS' e-mail and attachments from May 6 to be made part of the Record of tonight's meeting reflecting their comments at the May 6 meeting. He stated the e-mail and attachment can be included with the Minutes of tonight's meeting.

Ms. Blundi moved and Mr. Grenier seconded that the Minutes of tonight's meeting will reflect that the Board of Supervisors accepts Ms. Herman and RRTS' e-mail and attachment from May 6 should be made part of the Record of this evening's meeting reflecting their comments at the May 6 meeting.

Mr. Grenier stated the e-mail he saw had only four to five sentences. Ms. Herman stated that was the message from Mr. Lewis to the Board advising that there was additional Public Comment from the previous night, and then she sent on behalf of RRTS a May 7 e-mail within an hour and a half of Mr. Lewis' e-mail and informed the Board that these were the Public Comments she would have read into the Public Record; and she had asked the Board members to acknowledge receipt of them. She stated she did get a receipt from Dr. Weiss, Mr. McCartney, and from Mr. Lewis. She stated she had asked that those be included as part of the Public Record as she was "very upset that her attempts to do Public Comment had not gone through." She stated the second time she called in, the Moderator did not pick up, and that is when she texted Mr. Lewis.

Motion carried unanimously.

Ms. Herman stated in the May 7 e-mail she urgently asked that they resume the Airport Review Panel meetings. She stated she e-mailed Mr. McCartney on May 12 asking when the meeting would resume, but she has not gotten a definitive answer. She asked the Board if she can be given a definitive answer as to when the Airport Review Panel meetings will resume. Dr. Weiss stated the Board of Supervisors does not have that information, and that would be brought up with the Chair of the Airport Review Panel. He stated they are welcome to meet, and he feels Mr. McCartney will get in touch with the Chair of the Review Panel and get back to Ms. Herman to advise when the next meeting will be.

Ms. Herman stated Bucks and Mercer County residents are becoming increasingly alarmed by continued development in the "unchecked expansion of TTN." She stated the cumulative environmental impacts of the many segmented projects that have taken place already or are planned have not

been adequately considered, and the health, safety, and welfare of Bucks and Mercer County residents is “in jeopardy.” She stated she feels it is “unconscionable” that at the Mercer County Freeholders April 23, 2020 virtual meeting, they “rubber-stamped” four Resolutions concerning TTN ignoring grave environmental concerns that will likely “cause unrepairable harm to our water supply.” Ms. Herman read portions of Congressman Brian Fitzpatrick’s November 12, 2019 letter to the U. S. Department of Transportation with regard to concerns about the impact to wells and groundwater. Ms. Herman stated the continued “irresponsible expansion” of TTN at the expense of the health, safety, and welfare of Pennsylvania and New Jersey residents must be stopped. She stated she is asking the Lower Makefield Supervisors and Pennsylvania politicians through the Federal level to take action.

Ms. Herman requested that the Lower Makefield Board of Supervisors place this item on its Agenda in the near future; and that during that Agenda item they educate residents about the toxic effects that will be “unleashed on our water supply,” and on the health of our families, and that they have Pennsylvania politicians up through the Federal level attend and outline the strategy for preventing such toxic contamination to our water supply.

Ms. Herman stated she will submit her Public Comment to the Township in writing along with the May 7 e-mail to be included in the Public Record. Ms. Herman asked the e-mail address where her comments should be sent, and Dr. Weiss advised that the comments be sent to Mr. Ferguson.

Ms. Herman stated she hopes the Board “understands the gravity of the situation.” She stated the Mercer County Freeholders passed the Resolutions in the midst of a COVID crisis at a virtual meeting with insufficient environmental review and transparency. She stated they are going to “taint our water, and it will be too late for us to react.” She asked that the Board put this on their Agenda and educate the public as to the toxic effects and bring the politicians in Pennsylvania through the Federal level to that meeting so they can tell us what they are going to do about this.

Dr. Weiss suggested that Ms. Herman send a copy of her remarks and her e-mail to the Chair of the Environmental Advisory Council so they can get involved. He stated their contact information is on the Township Website.

The requested attachments have been appended to the Meeting Minutes.

APPOINTMENTS

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to re-appoint Sue Herman to the Citizens Traffic Commission and Helen Heinz to the Historic Commission.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to appoint the following:

- Golf Committee – Tim Collins and Dave Dileo
- Sewer Authority – Scott Phillips
- Park & Recreation Board – Kim Rock

The Public Meeting was adjourned at 10:30 p.m., and the Board went into Executive Session.

Respectfully Submitted,

James McCartney, Secretary



RRTS Public Comment;  
05/06/20 LMT BOS meeting



Susan Herman <suherman54@gmail.com>

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## URGENT REQUEST to resume LMT's TTN Review Panel monthly meeting

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Susan Herman <suherman54@gmail.com>

Thu, May 7, 2020 at 5:11 PM

To: jlewis@lmt.org, Fredric K Weiss <fweiss@lmt.org>, "Daniel R. Grenier" <dgrenier@lmt.org>, Suzanne Blundi <sblundi@lmt.org>, James McCartney <jmccartney@lmt.org>  
Cc: "Kurt M. Ferguson" <kurtf@lmt.org>, "David J. Truelove" <dtruelove@hillwallack.com>, Ken Coluzzi <kenc@lmt.org>, Richard Preston <rpreston57@gmail.com>, JOSEPH MENARD <joemenard@comcast.net>, Joanne Guiniven <joanne986@verizon.net>, Peter Kakoyiannis <petrok@gmail.com>, Brendan Monaghan <brendan\_01@mac.com>, Sue Simon <sue.simon@mail.house.gov>, kyle melander <kyle.melander@mail.house.gov>, "Santarsiero, Senator Steve" <Steve.santarsiero@pasenate.com>, Rose Wuenschel <Rosemary.wuenschel@pasenate.com>, "Fagan, Dan" <dan.fagan@pasenate.com>, "Rep. Perry Warren" <RepWarren@pahouse.net>, ryan bevitz <rbevitz@pahouse.net>, CommEllisMarseglia@buckscounty.org, CommHarvie@buckscounty.org, CommDiGirolamo@buckscounty.org, "Stone, Evan" <estone@buckscounty.org>, David Bria <dbria@yardleyboro.com>, Holly Bussey <uuholly@yahoo.com>, Susan Herman <suherman54@gmail.com>, varkoosh@montcopa.org, bseymour@dvrpc.org, Trenton Threatened Skies <trentonthreatenedskies@gmail.com>

Dear Dr. Weiss and Supervisors Lewis, Grenier, Blundi and McCartney,

**PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.**

Unfortunately, there was a difficulty with me being heard during the PUBLIC COMMENT period in last night's LMT Board of Supervisors meeting. I immediately redialed the call-in number and there was a taped message. I then texted Supervisor Lewis and asked if he could arrange for me to attempt to give public comment again, however, he didn't see my text until after the meeting. I greatly appreciate that he texted me last night after seeing my text and asked what the nature of my comment was. THANK YOU Supervisor Lewis for forwarding our texts in an email this morning to the other Supervisors & Mr. Ferguson (the Subject of Supervisor Lewis's email was "Additional Public Comment from Last Night").

**FOLLOWING IS THE PUBLIC COMMENT THAT WE RESPECTFULLY ASK BE INCLUDED AS PART OF THE PUBLIC RECORD FOR LAST NIGHT'S LMT BOARD OF SUPERVISORS MEETING.**

**Sue Herman's Public Comment (on behalf of Residents for Regional Traffic Solutions, Inc.) at the May 6, 2020 Meeting of the Lower Makefield Township Board of Supervisors**

Good evening. I'm Sue Herman, President of Residents for Regional Traffic Solutions, Inc. (a.k.a. RRTS; P.O. Box 285, Newtown, PA 18940).

**We respectfully and urgently request that the Supervisors resume the monthly meeting of the LMT Trenton-Mercer Airport (TTN) Review Panel before the end of this month.**

Affected residents in Bucks & Mercer Counties are becoming *increasingly alarmed* by continued developments regarding the unchecked expansion of TTN. As you know, the **cumulative environmental impacts of the many segmented projects** (that have either already been implemented OR are planned) have not been adequately considered

Page 1 of 14

& studied to ensure the health, safety and welfare of residents in Bucks & Mercer Counties.

**It is unconscionable that at the 4/23/20 virtual "formal meeting" of the Mercer County Freeholders, the Freeholders rubber-stamped RESOLUTIONS #R15, R16, R17 and R18 concerning TTN. They rubber-stamped these without adequately addressing grave environmental concerns that will likely cause irreparable harm to our water supply.**

Pennsylvania and New Jersey politicians & residents should find it extremely disturbing that the Freeholders considered these RESOLUTIONS during a time when there was a COVID crisis and with insufficient environmental review and transparency. Please read the two (2) PUBLIC COMMENTS that RRTS made at the 4/23/20 Freeholders meeting (attached). Comment 1 was read into the public record at the beginning of the meeting, before the RESOLUTIONS were voted on. Comment 2 was made at the end of the meeting, after the RESOLUTIONS had been approved. Both were submitted in writing to Andrew Koontz, Chair, who confirmed receipt and agreed to include them in the public record.

Both of RRTS's comments reference PA Congressman Brian Fitzpatrick's 11/12/19 letter to Elaine Chao of the U.S. Department of Transportation (attached), of which you are aware. The letter states this about TTN's proposed **Runway Protection Zone and Obstruction Mitigation Project**:

*"...The TTN EA [Environmental Assessment] indicates that the proposed project will result in the*

*clearing of 2.3 acres of trees within 100 feet of contaminated groundwater associated with the*

*Naval Air Warfare Center (C&S Companies Environmental Assessment for Runway Protection*

*Zones and Obstruction Mitigation page 3-24, July 2019). Although several contaminants are*

*listed in the EA, there is no mention of the presence of PFOS/PFOA. However, according to a*

*2018 Congressional Brief by Maureen Sullivan, Deputy Assistant Secretary of Defense, the DoD*

*monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the*

*majority tested near above the EPA LHA for PFOS/PFOA. Of the 38 wells tested, 23 tested*

*above the EPA LHA ...Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA*

*contaminations bioaccumulate, it is likely that the contaminants have spread to neighboring*

*Pg 2/14*

wells and ground water. Given the health risks associated with PFOS/PFOA exposure, it is

critical that the environmental assessment for any project at TTN take these risks into account.”

Note that a Mercer County grass roots organization, Trenton Threatened Skies, has filed a lawsuit in opposition to the Federal Aviation Administration’s FONSI (Finding of No Significance) for the Runway Protection Zone Project.

In addition to RRTS’s Public Comments, several other Bucks & Mercer County residents expressed grave concerns during the two (2) PUBLIC COMMENT periods at the 4/23/20 Freeholders meeting. The footnote below is a May 5, 2020 email from Mercer County resident Debra Baseman, MD to Commissioner McCabe and Dr. Foster of the NJDEP, outlining Dr. Baseman’s serious concerns following the 4/23/20 Freeholders meeting.\*

**We implore the Lower Makefield Township Board of Supervisors to resume LMT’s TTN Review Panel monthly meeting before the end of this month, as there is lots of work to be done if we are to avoid having irreparable harm done to our water supply.**

**\*Below is the May 5, 2020 email from Dr. Debra Baseman to NJDEP Commissioner McCabe and NJDEP’s Dr. Foster. The Subject of the email is: "Airport Expansion Segmentation: NAWC Parcel A barrier "total disrepair" and the risks of RPZ runoff"**

Download full resolution images

Available until Jun 4, 2020

Dear Commissioner McCabe and Dr. Foster,

I would again like to voice my concerns regarding the massive ongoing and planned expansion of the Trenton Mercer Airport. There is a groundswell of concern that the airport has sought approvals for numerous individual projects, without regard to **cumulative impact** on the environment, surrounding communities and public health. All of these segmented, individually considered, projects are **outlined and proven to be related & interdependent in the Master Plan of 2018**. Mercer County Website describes the Master Plan as such: *"the Airport Master Plan is essentially a facility planning study that sets forth a conceptual framework for possible future airport development"*. **The Airport Layout Plan (ALP)**, part of the master plan, clearly identifies an enlarged terminal, the runway protection zone, and development on Parcel A (picture and link below).

Most recently, Trenton Mercer Airport has **submitted Terminal Expansion plans (Chapters 1-4) to the FAA**.

The **Runway Protection Zone** and the **Development of Parcel A of the Naval Air Warfare Center**, have also recently received FAA approval.

Pg 3/14

To best demonstrate the need for a rigorous evaluation of cumulative impact of the airport expansion, consider the net effect of the following **twenty-five** "individual" projects. All of the following projects have been approved, are in the process of seeking approval, or are planned in the near future, as "unrelated", "independent" improvements:

1. Baggage Claim – EA (FAA)
2. Airport Pad Construction Project for Aircraft Parking Position No. 1 – CATX (FAA)
3. AOA Perimeter Security Fence Replacement – CATX (FAA)
4. RW 6-24 Rehabilitation – CATX (FAA)
5. Taxiway F and Taxiways D & G Connector – CATX (FAA)
6. Relocation of Taxiway D & Rehabilitation of Taxiway G – EA (FAA)
7. **Runway Protection Zone & Obstruction Mitigation** – EA (FAA) (Ongoing)
8. Civil Air Patrol Building Demolition (CATX)
9. Rehabilitation of Taxiway H, B & F (CATX)
10. **New Air Traffic Control Tower:** planned & budgeted for 2020; confirmed at Freeholder Meeting 4/23/20.
11. **Scotch Road Overflow Parking Lot:** 6 acre, 800 car : underway (CATX); plans say 700 cars, submitted passenger terminal plans refer to this lot as 800 car capacity (\$6.2million allocated by Freeholders 9/26/19, resolution 2019-445)
12. **New 125,000 sq foot Passenger Terminal:** proposal recently submitted to FAA
13. **Construction of Passenger Garage** (2020 budget sheet 39D-6)
14. **New corporate terminal** (recently completed)
15. **New 10,000 square foot Aircraft Rescue & Firefighting Facility** (in design phase, \$634K allocated by Freeholders 10/22/19)
16. Construction of Taxiway B&J Connector
17. Rehabilitation of Taxiway E
18. Extension of Taxiway H
19. Extension of Taxiway F construction & lighting (noted in Passenger Facility Charges planned allocation).
20. Construction of Taxiway K (noted in Passenger Facility Charges planned allocation).
21. Construction of Deicing Containment Facility
22. Construction of Snow Removal Equipment/Maintenance Facility
23. **Construction of Replacement Electrical Building** (noted in Passenger Facility Charges planned allocation).
24. **Demolition and planned new building on Parcel A of former Naval Air Warfare Center** (EA)
25. Taxiway A Design & Construction (Freeholders resolutions 11/14/19)

When viewed in the context of the goals for airport expansion outlined in the Master Plan & Airport Layout Plan (ALP), 2018, it is impossible to conclude that these are independent projects.

Interestingly, during the last attempt at airport expansion, the FAA granted only limited permission for expansion; an EA was granted for **Build Alternative 1** : a **2-gate, 44,000 sq. foot terminal with NO low fare/high frequency (LFHF) carrier**. The FAA stated that the the components of the originally preferred alternative #2, specifically, **a larger terminal, expansion to 4 gates or the addition of a low fare/high frequency carrier, would require an Environmental Impact Statement**. Communication from the FAA indicated that a phased approach with plans for ultimate

expansion would be considered segmentation. (Final EA link below, see pg. ES-1 and FAA letter p.240 ).

Although the new terminal was not built at that time, TTN added Frontier Airlines, a LFHF carrier, and reportedly subdivided TTN's second gate into 3 sub-gates. We have been unable to obtain any verification that these additions were authorized.

The volume created by the *unauthorized LFHF carrier* and the labelling of 2 gates as four, was then used to justify the vision detailed in the 2018 Master Plan and Airport Layout Plan.

It is illogical that TTN was previously told it needed an EIS to implement their earlier first choice plan ( four gates, LFHF airline & 64,000 sq foot terminal, ie Build Alternative #2) but **now TTN has submitted terminal plans to the FAA seeking approval of a 125,000+ square foot terminal with 4 gates, as well as the 25 items listed above yet no EIS is planned.**

The danger of considering these projects separately was demonstrated at the Freeholders Webex meeting on 4/23/20 when the development of Parcel A of the Naval Air Warfare Center was discussed.

**Attorney Markind referred to the remediation barrier on Parcel A as being "in total disrepair"** several times. There are **known PFOS, VOCs, mercury and other contaminants on Parcel A** and the adjacent Parcel B. Both groundwater and surface water contamination have been reported. While Parcel B continues to be managed by the Navy, it appears that Parcel A is going to be cleaned up privately as part of the Flightserv lease agreement. It was not clear, and the Freeholders did not seem to know, who was overseeing & responsible for the project. Many of us are concerned that the **Parcel A FONSI indicates that there is "no impact, due to no changes in storm water run-off"**, ignoring the fact that the adjacent, massive Runway Protection Zone changes are anticipated to affect storm run off by nearly 1.5 million gallons/year, as estimated by the Watershed Institute during the public comments portion of the RPZ EA (pg. P-200-202). This estimate relates only to RPZ- associated changes to landscape, and did not account for climate-change related increases in precipitation or the additional massive airport build-out, as above. It makes sense that the Parcel A remediation barrier should be repaired. It also makes sense that its ability to withstand both RPZ -caused and climate-related increases in storm drainage, be addressed well in advance of any RPZ structure removal. This is but one example of why these projects **MUST** be considered together. Certainly, we are not opposed to the clean-up of Parcel A; but it needs to be accomplished thoughtfully and in consideration of the cumulative environmental impact of past, present and planned airport construction.

Thank you in advance for your serious consideration of these crucial issues.

Debra Baseman, MD

#### **SOURCES:**

**Trenton Mercer Airport Master Plan 2018:** <https://www.tnterminal.com/airport-master-plan>  
**Airport Layout Plan, 2018 :** [https://cb96aa82-b970-489a-973b-dd16b4dfd8cc.filesusr.com/ugd/eec6bc\\_d4a7a764f1244a96a6fcc027fcdcab4f.pdf](https://cb96aa82-b970-489a-973b-dd16b4dfd8cc.filesusr.com/ugd/eec6bc_d4a7a764f1244a96a6fcc027fcdcab4f.pdf). **MAP at end.**

**Final Environmental Assessment, Trenton Mercer Airport, Prepared by DMJM+Harris, Inc., November 2002, approved 2/23/2006**

Pg 5/14

**See Executive Summary, vol 1. pg ES-1 and letter from FAA Vol. 1 pg 240:**  
<http://www.mercercounty.org/environmental-assessment>

Click to Download  
faa letter. EA pg 240. pdf.pdf  
1.7 MB

**Submitted Terminal Expansion, Chapters 1-4:**

Click to Download  
Copy of TTN\_Chapt 1\_Introduction\_20191024.pdf  
3.4 MB

Click to Download  
Copy of TTN\_Chapt 2\_Purpose and Need\_Draft\_rev20191024.pdf  
170 KB

Click to Download  
Copy of TTN\_Chapt 3\_Alternatives\_Draft\_20191024.pdf  
10.7 MB

Click to Download  
Copy of TTN\_Chapt 4\_Affected Env - DRAFT.pdf  
5.1 MB



**Parcel A Contaminants:** \* I am sure you have direct access to the below TetraTech NAWC Groundwater Monitoring and PFOS Reports. Unfortunately, the website began showing an error message sometime after the Freeholder Meeting 4/23, and has yet to be restored. I am confident this unfortunate coincidence will be remedied soon. A map from the PFOS document is attached.

Groundwater Contaminants: FINAL FOURTH FIVE YEAR REVIEW REPORT NAWC TRENTON NJ (PUBLIC DOCUMENT) 12/31/2018 TETRA TECH

PFOS: [https://www.navfac.navy.mil/niris/MID\\_ATLANTIC/TRENTON\\_NAWC/N62376\\_001235.pdf](https://www.navfac.navy.mil/niris/MID_ATLANTIC/TRENTON_NAWC/N62376_001235.pdf)

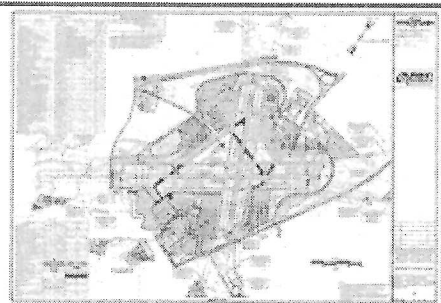
**PFOS MAP NAWC, including contamination of Parcel A:**

**Airport Layout Plan:**

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Sue Herman

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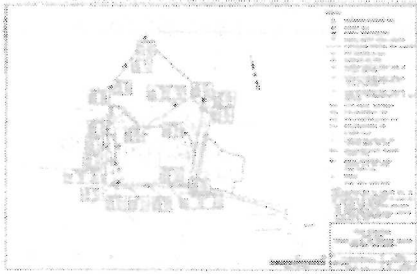
**5 attachments**





Screen Shot 2020-05-03 at 11.22.13 PM.png  
145K


2b NAWC PFOS , pg 66. (1).png  
85K

Pg 7/14



 **Mercer Co Freeholder mtng42320 comment1.pdf**  
1233K

 **Mercer Co Freeholder mtng 42320 comment2.pdf**  
1073K

 **Fitzpatrick TTN Letter to DOT 11.12.19.pdf**  
1252K



Mercer County Freeholder Formal Meeting dated April 23, 2020:

Susan Herman's FIRST Public Comment (on Behalf of Residents for Regional Traffic Solutions, Inc.) regarding the Trenton- Mercer Airport agenda items R15 – R18

Good evening. I'm Susan Herman, President of Residents for Regional Traffic Solutions, Inc. (a.k.a. RRTS), P.O. Box 285, Newtown, PA 18940. I am making public comment on behalf of New Jersey and Pennsylvania residents living in municipalities surrounding the Trenton- Mercer Airport ("The Airport").

NJ and PA residents living in municipalities surrounding The Airport are gravely concerned that the Freeholder Board is considering **Resolutions #15, #16, #17 and #18** tonight, all involving The Airport.

- **R16** is an amendment to the ground lease with FLIGHTSERV, LLC involving property at the Naval Warfare Center where demolition is planned and rehabilitation is needed.
- **R17** authorizes the Board to execute a landlord consent and Estoppel and New Jersey Affidavit of Title with FLIGHTSERV to approve an assignment of the lease to a third leasehold lender at The Airport.

As you are aware from RRTS's September 30, 2019 letter and RRTS's November 14, 2019 Public Comment made and submitted at your November 14, 2019 Agenda & Formal Meeting, there are serious environmental concerns on the Naval Warfare Center property. As you are aware, Pennsylvania Congressman Brian Fitzpatrick has weighed in on these concerns in formal correspondence to the Federal Aviation Administration (FAA) and the U.S. Department of Transportation. The PA politicians and grass roots groups that are extremely troubled by your consideration of these resolutions tonight-during a time when there is a COVID crisis and with insufficient environmental review and transparency- include: Congressman Fitzpatrick, State Senator Steve Santarsiero, State Representative Perry Warren, the Bucks County Commissioners, Lower Makefield and Upper Makefield Townships, Yardley and Newtown Boroughs, Newtown Township, RRTS and Bucks Residents for Responsible Airport Management (a.k.a. BRRAM).

In RRTS's Public Comment at your 11/14/19 Agenda/Formal meeting, we stated,

"...The losses potentially will include, but not be limited to, **irreparable damage to our water supply**. A November 12, 2019 letter from PA Congressman Brian Fitzpatrick to Elaine Chao of the U.S. Department of Transportation states this about the Runway Protection Zone Project, 'The TTN EA [Environmental Assessment] indicates that the proposed project will result in the clearing of 2.3 acres of trees within 100 feet of contaminated groundwater associated with the Naval Air Warfare Center (C&S Companies Environmental Assessment for Runway Protection

FIRST PUBLIC COMMENT (page 1 of 2)

Pg 9/14

Zones and Obstruction Mitigation page 3-24, July 2019). Although several contaminants are listed in the EA, there is no mention of the presence of PFOS/PFOA. However, according to a 2018 Congressional Brief by Maureen Sullivan, Deputy Assistant Secretary of Defense, the DoD monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the majority tested near above the EPA LHA for PFOS/PFOA. Of the 38 wells tested, 23 tested above the EPA LHA ...Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA contaminations bioaccumulate, it is likely that the contaminants have spread to neighboring wells and ground water. Given the health risks associated with PFOS/PFOA exposure, it is critical that the environmental assessment for any project at TTN take these risks into account.”

We submitted Congressman Fitzpatrick’s letter to you that evening. NJ and PA residents are aware of this letter.

In addition to R16 & R17, tonight you are considering R15, for the Reconstruction of Taxiway A (DESIGN) Project at The Airport, and R18, for a Grant Agreement for the Taxiway F Relocation Project.

**WE RESPECTFULLY ASK YOU TO DENY RESOLUTIONS #15, #16, #17, and #18 THIS EVENING.** Consideration of these projects, perpetuates your ongoing practice of looking at the environmental impacts of individual projects at the Airport and the adjacent Naval Warfare Center site in a segmented fashion, rather than looking at or assessing the cumulative impacts of these projects together on our water supply, streams and the health, safety and welfare of your constituents and affected PA residents.

**WILL YOU DENY THESE RESOLUTIONS THIS EVENING?**

I then stated that, in addition to my oral comment, I would be emailing my Public Comment to [akoontz@mercercounty.org](mailto:akoontz@mercercounty.org) and asked that it be included in the Public Record. Freeholder Koontz responded that he would include it in the Public Record.

SUSAN HERMAN'S FIRST PUBLIC COMMENT (page 2 of 2)  
Pg 10/14

Mercer County Freeholder Formal Meeting dated April 23, 2020:

Susan Herman's SECOND Public Comment (on Behalf of Residents for Regional Traffic Solutions, Inc., P.O. Box 285, Newtown, PA 18940) regarding the Trenton- Mercer Airport agenda items R15 – R18

We are extremely troubled that your Board voted to approve Resolutions #15, #16, #17 and #18 tonight. Airport attorney Dan Markind's responses to your questions about FLIGHTSERV Resolutions R16 and R17, were circuitous deflections and non-answers. The serious environmental issues - including the acknowledged presence of PFOS/PFOA - became even murkier.

The health, safety and welfare of New Jersey and Pennsylvania residents living in municipalities surrounding the Airport is in your hands. You had the power to vote NO to these Resolutions that potentially will severely harm us and our drinking water supply. We have less confidence than ever that you are being vigilant about protecting us.

We were troubled by much of the conversation that transpired at your April 21, 2020 Agenda Meeting and want you to hear it, so you understand why our confidence in you continues to erode. These statements were made about R19, which in today's meeting was replaced by R16 and R17:

**Lucy Walter:** "Originally, they hadn't been given R19. The amendment is changing many items. It resets the timeline of the tenant. The Estoppel certificate says the tenant has met the terms of the lease. But they haven't..."

**Airport attorney Dan Markind, in response to L. Walter's concerns:** I appreciate Ms. Walter's concern. FLIGHTSERV is doing all they can to follow the terms of the lease... This is an extraordinarily good element for the airport. Taking over old naval site. Will demolish a lot of abandoned buildings. Delay in documentation to get it done. Beneficial to airport and the County."

**L. Walter:** "The extension of lease also gives them more lease. The Estoppel Certificate, you can understand why there would be Board concern... We didn't meet the requirements... No one got back to us to say remediation is required. Concerned. Board wasn't told, "Oops, there's a problem"... She went on to say, "I will approve it on Thursday".

**A. Koontz:** On the heels of this disturbing interchange, Freeholder Koontz said, "I don't hear that there's an appetite for removing this resolution from the Formal Meeting agenda."

Your attention to the details surrounding the unchecked expansion of airport-related operations through many segmented projects needs to be sharpened and improved, BEFORE IT'S TOO LATE. In PA Congressman Fitzpatrick's 11/12/19 letter to Elaine Chao of the U.S. Department of Transportation he states, "... according to a 2018 Congressional Brief by

SECOND PUBLIC COMMENT (page 1 of 2)

Pg 11/14

Maureen Sullivan, Deputy Assistant Secretary of Defense, the DoD monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the majority tested near above the EPA LHA for PFOS/PFOA. Of the 38 wells tested, 23 tested above the EPA LHA ...Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA contaminations bioaccumulate, it is likely that the contaminants have spread to neighboring wells and ground water. Given the health risks associated with PFOS/PFOA exposure, it is critical that the environmental assessment for any project at TTN take these risks into account.”

If Congressman Fitzpatrick can quantify data about the presence of PFOS/PFOA, why haven't you compelled Congresswoman Watson-Coleman to do the same and why hasn't she advocated for doing whatever it takes to address this serious issue? Why are you so uneducated about this issue?

It is unconscionable that you rubber-stamped Resolutions #15, #16, #17 and #18 that ignore properly addressing grave environmental concerns.

I then stated that, in addition to my second oral comment, I would be emailing my second Public Comment to [akoontz@mercercounty.org](mailto:akoontz@mercercounty.org) and asked that it be included in the Public Record.

SUSAN HERMAN'S SECOND PUBLIC COMMENT (page 2 of 2)

Pg 12/14

BRIAN K. FITZPATRICK  
1ST DISTRICT, PENNSYLVANIA

COMMITTEE ON FOREIGN AFFAIRS

COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE



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## Congress of the United States

House of Representatives

Washington, DC 20515

November 12, 2019

Elaine L. Chao  
U.S. Department of Transportation  
1200 New Jersey Ave SE  
Washington, DC 20590

Dear Secretary Chao,

I am writing today in response to the letter I received from the Federal Aviation Administration dated August 6, 2019 regarding Trenton-Mercer Airport (TTN). In the letter, Acting Administrator Daniel K. Elwell indicated that the FAA has reviewed the projects at TTN and believes that the airport has not engaged in segmentation and has properly evaluated cumulative impacts. As stated in my letter addressed to the U.S. Department of Transportation dated May 9, 2019, I continue to be concerned that TTN has chosen to segment these projects to reduce the level of environmental study required. Additionally, I am greatly concerned that the TTN has overlooked potential existing ground water contamination while conducting their Environmental Assessment (EA). Therefore, I am requesting that the FAA review the mechanisms used by TTN to complete their Environmental Assessment to ensure that all environmental impacts, including threats to the safety of ground and drinking water, be evaluated.

The FAA, following the NEPA process, issued a FONSI/ROD for the TTN Runway Protection Zone and Obstruction Mitigation project after evaluating the Environmental Assessment. The TTN EA indicates that the proposed project will result in the clearing of 2.3 acres of trees within 100 feet of contaminated groundwater associated with the Naval Air Warfare Center (C&S Companies Environmental Assessment for Runway Protection Zones and Obstruction Mitigation page 3-24, July 2019). Although several contaminants are listed in the EA, there is no mention of the presence of PFOS/PFOA. However, according to a 2018 Congressional Brief by Maureen Sullivan, Deputy Assistant Secretary of Defense, the DoD monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the majority tested near above the EPA LHA for PFOS/PFOA. Of the 38 wells tested, 23 tested above the EPA LHA with readings in the range of 178 – 27,800 PPT. (FY18 HASC on PFOS-PFOA, page 36) Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA contaminations bioaccumulate, it is likely that the contaminants have spread to neighboring wells and ground water. Given the health risks associated with PFOS/PFOA exposure, it is critical that the environmental assessment for any project at TTN take these risks into account.

Pg 13/14

Pg 1/2

It is my understanding that the spirit of the NEPA process is to ensure that project impacts are reviewed in their totality to ensure that proper environmental protections are maintained. I share the concern of my constituents that the TTN master plan and RPZ project impact studies are not in keeping with the spirit of NEPA. I urge the TTN management, their consultants and the FAA to consider cumulative impacts of not only connected actions at the airport property, but also those off-airport factors that may impact the surrounding communities.

I appreciate your attention to this matter and look forward to hearing from you.

Sincerely,



Brian Fitzpatrick  
Member of Congress

Pg 14/14

Pg 2/2

**Sue Herman's Public Comment (on behalf of Residents for Regional Traffic Solutions, Inc.) at the May 20, 2020 Meeting of the Lower Makefield Township Board of Supervisors**

Good evening. I'm Sue Herman, President of Residents for Regional Traffic Solutions, Inc. (a.k.a. RRTS; P.O. Box 285, Newtown, PA 18940).

Our comments are about the Trenton-Mercer Airport (a.k.a. TTN).

As you are aware, after a failed attempt at public comment during the May 6, 2020 Board of Supervisors meeting, I texted Supervisor Lewis during that meeting after making a second attempt to connect with the moderator. On the morning of 5/7/20, Supervisor Lewis sent the Board an email titled "Additional Public Comment from Last Night". I then emailed all the Supervisors RRTS's public comment and asked that it be included in the public record. **I ask the Board tonight: was RRTS's 5/7/20 email titled "URGENT REQUEST to resume LMT's TTN Review Panel monthly meeting" included in the public record as public comment for the 5/6/20 Board of Supervisors meeting?**

In that 5/7/20 email, we urgently requested that LMT's monthly TTN Review Panel meeting resume before the end of May. We emailed Supervisor Liaison McCartney and Co-Chairs Preston and Menard on 5/12/20 and asked when the meeting would resume. We haven't gotten a definitive answer. **I ask the Board tonight: can you give me a definitive answer as to when the TTN Review Panel meeting will resume, especially given the recent irresponsible & reckless actions of the Mercer County Freeholders?**

As you know, we are not trying to shut the airport down. Residents in Bucks and Mercer Counties are becoming increasingly alarmed by continued developments in the unchecked expansion of TTN. The cumulative environmental impacts of the many segmented projects - that have either already taken place OR are planned - have not been adequately considered and studied. The health, safety and welfare of residents in Bucks and Mercer Counties is in jeopardy.

**It is unconscionable that the Mercer County Freeholders rubber-stamped four (4) RESOLUTIONS (R15 – R18) involving TTN at their 4/23/20 virtual Formal Freeholders Meeting, ignoring grave environmental concerns that will likely cause irreparable harm to our water supply.** In Congressman Brian Fitzpatrick's 11/12/19 letter of concern to the U.S. Department of Transportation, he states,

*"...However, according to a 2018 Congressional Brief by the Deputy Assistant Secretary of Defense, the DoD monitored groundwater wells around the Naval Air Warfare Center Trenton and found that the majority tested near above the EPA LHA for PFOS/PFOA...Considering the proximity of the wells to TTN, and how quickly PFOS/PFOA contaminations bioaccumulate, it is likely that the contaminates have spread to neighboring wells and ground water. Given the*



*health risks associated with PFOS/PFOA exposure, it is critical that the environmental assessment for any project at TTN take these risks into account..."*

Every affected Pennsylvania and New Jersey politician & resident should find it disturbing that the Freeholders considered these RESOLUTIONS in the midst of a COVID crisis and with insufficient environmental review and transparency. The continued unchecked and irresponsible expansion of TTN at the expense of the health, safety and welfare of affected PA and NJ residents MUST BE STOPPED. It is apparent that, when it comes to this issue, New Jersey politicians up through the Federal level are indifferent toward the tragic consequences of their actions.

**Tonight, WE MAKE A CALL FOR ACTION TO THE LOWER MAKEFIELD TOWNSHIP SUPERVISORS AND PENNSYLVANIA POLITICIANS UP THE LINE THROUGH THE FEDERAL LEVEL.** We request that the LMT Board of Supervisors place this item on its Board of Supervisors agenda in the near future. We ask that during that agenda item you...

- (a) educate residents about the toxic effects that unleashed PFOS/PFOA contamination will have on their water supply and on the health of their families and
- (b) that you have Pennsylvania politicians up through the Federal level attend and outline the strategy for preventing such toxic contamination to our water supply.

We will submit tonight's public comment in writing in an email to the Board, and respectfully request that you include that email in the public record for tonight's meeting.