

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 19, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on May 19, 2021. Ms. Blundi called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

Board of Supervisors: Suzanne Blundi, Chair
James McCartney, Vice Chair
John B. Lewis, Secretary (joined meeting in progress)
Frederic K. Weiss, Treasurer
Daniel Grenier, Supervisor

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police
James Majewski, Director Planning & Zoning
Monica Tierney, Park & Recreation Director

COVID-19 UPDATE

Mr. Ferguson stated that they are planning to open the Township buildings on June 15 including the Community Center, Public Works area, and the Main Administrative Building. He stated in advance of that he will be releasing guidance, and more details will be provided at the Board's first meeting in June for those entering and working in the buildings.

COMMUNITY ANNOUNCEMENTS

Ms. Tierney stated residents and Youth Organizations may call in to make special announcements or may contact the Township to request that a special announcement be added to the Agenda.

Ms. Tierney stated information about Park & Recreation digital and in-person opportunities can be found on the Township Website.

Ms. Tierney stated registration is open for the Bucks County Senior Games and information can be found at the Bucks County Area Agency on Aging or by calling 267-880-5700.

Ms. Tierney stated Pool Registration is open, and the Pool will be opening on May 29, 2021.

Mr. Grenier congratulated Lower Makefield resident Sarah Hogan who is Bucks County's first female Eagle Scout and part of the first National inaugural class of female Eagle Scouts.

Mr. Grenier thanked the EAC and Exact Solar for hosting the Styrofoam and wine cork recycling event this past weekend which was very successful.

Mr. Lewis joined the meeting at this time.

APPROVAL OF MINUTES

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of May 5, 2021 as written.

TREASURER'S REPORT

Approval of April Interfund Transfers

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Interfund Transfers for May in the amount of \$1,021,716.20 as attached to the Minutes.

Approval of Warrants Lists from May 3, 2021 and May 17, 2021

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Warrants Lists from May 3, 2021 and May 17, 2021 in the amount of \$1,257,328.66 as attached to the Minutes.

SEWER ENGINEER

Update on 2020 Projects

Mr. Fred Ebert, Sewer engineer, was present. He stated with regard to Contract SWR-20-1, the Cured in Place Lining Project for 2020, the contractor is down to two minor punch list items; and that will then close out that Contract.

With regard to Contract SWR-20-2, the Sanitary Sewer Manhole Rehabilitation project, Mr. Ebert stated that all punch list items are completed; and they are processing the final Payment Request to release the retainage.

With regard to Contract SWR-20-3, the Brookstone Pump Station, Mr. Ebert stated there is one minor punch list item which was being completed today. The final Payment Request will be processed to release the retainage.

With regard to Contract SWR-20-4D, the Stackhouse Pump Station, Mr. Ebert stated they are coordinating with the property owners for the tree removal. All the equipment is scheduled for delivery or the contractor has it. They will go to a full construction schedule once all of the trees are removed.

Approval of Award of Contract 21-1 2021 Manhole Rehab Contract

Mr. Ebert stated three Bids were received with the low Bid from Mr. Rehab, LLC in the amount of \$27,994. The engineer's estimate was \$32,532.50 which is below the Budget and allows for a 10% contingency for Change Orders. Mr. Ebert stated the Sewer Authority recommended that the Bid be approved at their meeting last Thursday. Mr. Ebert stated the Solicitor's office has reviewed this. Mr. Ebert added he has extensive experience working with this Bidder in other Townships, and they provided quality work.

Dr. Weiss moved and Mr. McCartney seconded to Award the Contract to Mr. Rehab, LLC. in the amount of \$27,994.

Mr. Grenier asked if this is a carry-over project from 2020; and Mr. Ebert stated it is not, it is a 2021 project and was in the 2021 Budget.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approval of Award of Contract 21-2 2021 CIPP Lining Contract

Mr. Ebert stated six Bids were received with the low Bid from Vortex Services, LLC in the amount of \$297,369. The Budget for this was \$401,750, and the Engineer's estimate was \$394,818. He stated even though construction costs are increasing, this was a competitive Bid. The Sewer Authority recommended approval at their meeting last Thursday night. Mr. Ebert stated this contractor is from Freehold, New Jersey so a lot of travel time/expenses were not needed while many of the other contractors would have had to have their employees stay overnight in hotels. Mr. Ebert stated there is a lot of access required through Residential yards for construction with by-pass pumping, and the contractor is responsible for any restoration/disturbance.

Dr. Weiss moved and Mr. McCartney seconded to Award the Contract to Vortex Services, LLC in the amount of \$297,369.

Mr. Grenier stated this is 25% lower than what was Budgeted, and he asked what percentage of the 2021 Budget this project represented. Mr. Ebert stated this is one of four projects for 2021, and he estimated it is 25% of the Budget. Mr. Grenier stated if the remaining projects go this way, there would be significant savings under the 2021 Budget. Mr. Ebert stated he is concerned about the Silver Lake Bid coming in over Budget because of the cost of materials in the mechanical field going up 20% to 30% since the Budget was prepared last year.

Mr. Grenier stated he believes that they saved \$120,000 in the 2020 Budget for Sewer projects, and Mr. Ebert stated the net savings were probably \$50,000 to \$75,000 under Budget.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Mr. Ebert stated there are two other Bids that will be coming before the Board at the June 2 meeting. The first is the Buck Creek Interceptor Cured In Place Pipe Liner project which was Budgeted. He stated Bids are due on May 26, and the Sewer Authority will review the Bids and make a recommendation at their meeting on May 27; and this will be available for the Board's consideration at their meeting on June 2, 2021.

Mr. Ebert stated the other Bid is for the Silver Lake Pump Station Upgrade. He stated this pump station is at the end of its mechanical life. He stated this was Budgeted for 2021. Bids are due on May 26, and the Sewer Authority will review them on May 27; and it will be available for the Board's consideration on June 2. Ms. Blundi asked if this is the project that Mr. Ebert is concerned that it could go over the estimate, and Mr. Ebert agreed. He noted the costs that have increased since the Budget was prepared. He stated he did call about fifteen contractors to increase the competitive nature of this Bid.

Approval of Resolution of Adoption for the Prickett Preserve Sewage Facilities Planning Module

Mr. Ebert stated the purpose of the Planning Module is to provide planning within the Township for projects, and this allows for Certification of capacity and review by the Township's Planning Commission, the County Planning Commission, and the County Health Department to make sure that this is in the best interest of Lower Makefield Township.

Mr. Ebert stated we are under a Connection Management Plan. Because the Township had successfully completed all the items in its Corrective Action Plan, the DEP and Bucks County Water & Sewer Authority released the 427 EDUs for this project. It was possible for the Township to get these EDUs released because of the compliance with the Corrective Action Plan which is why the Township did the 2020 and 2021 I & I projects and the pump station upgrades.

Mr. Ebert stated this project will involve a pump station on the property which will require a Water Quality Management Permit, and that triggers full Planning Modules. He stated the number of units proposed for this development is in excess of 250, and that required a Planning Module.

Mr. Ebert stated all Capacity Certifications have been done, and all outside agency reviews have been completed. The thirty-day Public Notice was completed, and there were no public comments received during that time-frame. Mr. Ebert stated Ebert Engineering has reviewed this, and issued a letter of recommendation for approval dated May 13, 2021. He stated if the Board approves adopting the Planning Module by Resolution and authorizes it to be forwarded to the PADEP, it will be go through a thorough review at the PADEP.

Mr. Stephen Harris, attorney for the Applicant, was present, but had no comment at this time.

Dr. Weiss moved and Mr. McCartney seconded to approve the Resolution for adoption of the Prickett Preserve Sewage Facilities Planning Module.

Mr. Grenier stated he is trying to determine whether this asset was included in the Sale Agreement. Mr. Ebert stated it was fully disclosed to Aqua that this was an asset that will be Dedicated either to the Township, of if the sale happens first, it will be Dedicated to Aqua Pennsylvania; and they were aware of the customers and the infrastructure that was to be installed on-site and off-site. He added that was all included from the beginning; and as updated information was received including the pump station Plans and review letters, those also went to Aqua. He stated if Aqua completes the transaction and takes over, they would know exactly what they are getting. He stated this asset was included in the Asset Evaluation.

Mr. Grenier asked if AUS Consultants, the firm that did our Financial Assessment, included that in their original evaluation of the system. Mr. Ebert stated he does not know when it was included, but he did include it in his Engineer's Assessment. He stated he knows that Aqua is considering it an Asset now. Mr. Grenier stated while he does not have a problem approving this for Prickett, he would like to check the AUS Evaluation Report to make sure that this was included in the Valuation; and if it was not, that the Township get reimbursed for an Asset that is taken on after the Valuation occurred.

Mr. Ferguson stated this will not be an Asset that the Township has until it is built, which he assumes will be in 2022 or 2023. Mr. Ebert stated it is not an Asset until it is at least Escrowed; and with regard to Aqua, it is not an Asset until it is in the ground and being utilized by customers. He stated it has been disclosed and a value of it has been included, but it would be up to the PUC and the evaluation experts as to whether or not that could be included.

Mr. Zachary Rubin, 1661 Covington Road, asked why the developers would not pay for any improvements on their project such as sewage; and he asked why the Township has to do this. Mr. Ferguson stated the Township is not paying for this, but they do have to account for it and amend the 537 Plan. He stated the developer is paying for it.

Mr. Grenier asked if the Township is escrowing money with the developer to cover the cost of the Township updating the 537 Plan; and Mr. Ebert stated the Planning Module is the update to the Act 537 Plan, and it is being fully paid for out of the Developer's Professional Services Agreement.

Mr. Lee Pedowicz, 247 Truman Way, stated he understands that the pump station is just servicing the Wegmans and the apartment buildings so it "should not be an Asset for the town." Mr. Ferguson stated at this point it would not be deemed an Asset, but eventually it will be an Asset once it becomes functional and is servicing customers. Mr. Pedowicz asked if even if it is just servicing the "one little island" it will be considered a Township asset, and Mr. Ferguson stated it would be Dedicated to whomever owns the Sewer system at that time.

Mr. Pedowicz stated he assumes the Sewer system is adequate to handle the Wegman's and the apartment buildings, and he asked what happens if there is future development in the area; and he asked if there is a contingency plan in the Planning Report. Mr. Ebert stated the Planning Report only identifies what is at this location. He added the overall Township Act 537 Plan evaluates future flows that would be contributory to the Sanitary Sewer lines; and as part of the Sewer Facilities Planning Act for this Planning Module, capacity has to be Certified by Lower Makefield Township for the lines that are within Lower Makefield Township. He stated the conveyance system that is owned by Bucks County Water & Sewer Authority has to be Certified as to capacity. The treatment for this is at the City of Philadelphia, and they also have to certify capacity. Mr. Ebert stated any project that goes through requires Capacity Certification. He stated Lower Makefield is under a Connection Management Plan so there is an extra level of scrutiny with DEP also reviewing this and managing the flows to insure that the public Sewer Service area can be adequately serviced and not overload any existing or proposed pipes.

Mr. Pedowicz stated if someone wanted to develop the Shady Brook property in the future, they would have to go through all of these Plans; and if the Sewer System were deemed inadequate, they would have to "put something in there." Mr. Ebert agreed, and he stated they would have to do the required upgrades to provide the required capacity.

Motion carried with Mr. Lewis opposed.

BOWMA 2020 REVIEW AND DISCUSSION AND APPROVAL OF 2021 PROGRAM

Mr. Jim Kovalcik was present representing BOWMA. He stated BOWMA has been with the Township for thirteen years, and did well last year. He stated between Upper and Lower Makefield Townships, they harvested 128 deer, 42 of which were donated to the local food shelters through Hunters Sharing the Harvest; and that results in 5,760 servings at local food banks.

Mr. Kovalcik stated they have had no negative interactions, and they do everything as safe as possible. He stated they are self-insured with \$1 million liability insurance. He stated they purchase all of their own Licenses and do not charge the Township for their services. He stated they turn in a bi-weekly Harvest Report. He stated all hunters have to pass a yearly qualification with archery tackle, and new hunters have to prove that they are safe candidates to hunt in the Township. He stated any faulty equipment is replaced so that it is safe. Mr. Kovalcik stated they offer assistance to homeowners when they can if they are contacted. He stated all of the services they provide are shown on their Website –Big Oak Whitetail.org. Mr. Kovalcik stated BOWMA helps the Township by lowering deer numbers, it helps the vegetation throughout the Township properties, and it helps to lower the deer-related accidents on the roads.

Mr. Kovalcik stated BOWMA would like to continue the hunt for the upcoming season, and he would like to present an additional property to see if they could add that into their hunt plan.

Mr. Lewis stated he is a BOWMA supporter and has referred them to other Municipalities because of what they have done in terms of dealing with our deer population. He stated on his cul-de-sac almost all of his neighbors have had to deal with Lyme Disease. He asked how they can get them access to more land in a safe manner. He stated there were some lulls in the counts and he asked for clarification on that. Mr. Kovalcik specifically noted the Five Mile Woods and stated this year they could not hunt there until after the Christmas holiday; and by the end of the season the deer on that property were funneling into the Fairless Hills property, and then coming back into the Lower Makefield property at night. He stated they harvested one deer out of the Five Mile Woods. He stated typically they get one or two off the Patterson Farm; however, this year they took five because of the food that was planted in the fields.

Mr. Grenier asked about the training required other than the standard Hunter Safety Card required from the Game Commission. Mr. Kovalcik stated they all have to attend the Hunters Safety Course, and they also require their hunters to take the Pennsylvania Bowhunting Education Course which is an eight-hour class. He stated they communicate well in their group, and they all hunt in pairs. Mr. Kovalcik stated he is a member at Falls Township Rifle and Pistol Association, and he runs their archery program; and they invite everyone to their 3D shoot, and they need to pass proficiency tests. He stated their hunters need to be ethical, and they are required to fill out a questionnaire. He stated they want to make sure that they send safe hunters into the woods.

Mr. Grenier asked how those interested could join BOWMA, and Mr. Kovalcik stated they can go to the Website which includes information and the Application. They interview everyone before they can be brought into their program. Mr. Grenier asked if you have to be a member of Falls Township Rifle and Pistol Association to go there, and Mr. Kovalcik stated 90% of BOWMA members are members; and they try to bring them there because the proficiency testing is done through the Club.

Mr. Ferguson stated Ms. Blundi had encouraged him to keep looking for areas where BOWMA could hunt, and they have looked at Township open space as people have called the Township asking why they are not hunting on those properties. Mr. Ferguson stated there are some restrictions on some of the properties since at the time they were acquired there was a “no hunting” provision as part of the acquisition. Mr. Ferguson stated they have also reached out to Bucks County as there was a County-owned property that was identified near the Canal on River Road which the Township felt would be a good location; however, when they approached the County a little over a year ago, they indicated they would not allow that. He stated they have reached out to the County again about that property. Mr. Ferguson stated Snipes was added a year or two ago. Mr. Ferguson stated they are trying hard to find locations for BOWMA to give them more opportunities to address the deer over-population issue. Mr. Kovalcik stated they did get four deer at Snipes this year.

Mr. Kovalcik showed an aerial of a property that is off of Lindenhurst Road which is the water tower area. Two accesses were shown which are Easements, and they have also been approached by a homeowner in the area who has offered them access through Fountain Road. He stated he feels that this property could be hunted safely. Mr. Ferguson asked about standards for

his property is not impacted. Mr. Ferguson stated as that project is designed, they will be asking Mr. Pockl to have one or two public presentations on this prior to going out to Bid.

Mr. Grenier stated the Board recently received a copy of Mr. Pockl's Report on the condition of Township properties for the buildings at Patterson Farm and the Golf Course. He asked if that will be an Agenda item. Mr. Ferguson stated there are also other reports that were provided to the Board that Mr. Majewski had updated to reflect inflationary changes. He stated these were the properties that they felt the Board and Ad Hoc Committee would be reviewing as they tried to pick the properties that were the most prominent that they felt would be looked at. He stated if the Board wants them to add something additional, they will do so. He stated some Board members had asked about the Warren-Farringer House, but the Township does not own that property. He stated that property is part of the Shopping Center Development, and the Township was given a ninety-nine year Lease.

Mr. Grenier asked that he be provided a copy of the updated report that Mr. Majewski had prepared, and Mr. Ferguson agreed to provide that. Mr. Ferguson added that Mr. Majewski has created a Google Docs for Google Drive to start putting information in that so the Ad Hoc Committee and Board can have access; and as documents are produced they can be shared.

PROJECT UPDATES

Sandy Run Road Update

Mr. Ferguson stated the start date will be approximately the second to third week in June. They are waiting until School is out, and they believe that the project will still fit the timeline of being completed before the start of School. Mr. Ferguson stated Harris Paving that is doing the Road Program was the low Bidder for this project as well so they will already be staged in the area which should help get the project underway and completed quickly.

MANAGER'S REPORT

Mr. Ferguson stated they have continued to coordinate with the appropriate people with regard to the 400' on Maplevale that is part of the 2021 paving; and it is anticipated that it will be done in July.

Approve 1 Year Commitment to Lower Makefield Football to Use Memorial Park Under the Same Parameters as 2020

Ms. Tierney stated in January of 2020, she came before the Board with a request from LMFA which had been approved by the Park & Recreation Board to utilize the fields at Memorial Park for the youngest group of football players for practice. Ms. Tierney stated she brought this request to the Park & Recreation Board again for this year; and while they agreed, they want to continue to do it on a year-by-year basis. Ms. Tierney stated there would be no practice around the 9/11 events.

Mr. McCartney moved and Dr. Weiss seconded to approve the 1 year commitment to Lower Makefield Football to use Memorial Park under the same parameters in 2020.

Mr. McCartney asked if there were any issues with this last year; and Ms. Tierney stated other than a minor parking issue which was corrected right away, it was a great experience.

Mr. Grenier asked if this is just Flag Football, and Ms. Tierney agreed. Mr. Grenier asked the number of players practicing, and Mr. McCartney stated he believes it was ten teams with ten players and they split the field. Mr. Grenier asked if there were adequate restroom facilities for them, and Ms. Tierney stated there were no problems with that. Ms. Tierney stated they would only be using the fields during the weekdays and for practice only. Mr. Grenier stated he assumes there were no problems with the neighbors, and Ms. Tierney stated there were no complaints from neighbors.

Motion carried unanimously.

Approve Financing for a JCB 3CX-15 Backhoe and a JCB TM-420 Loader at a Total Cost of \$201,506 with Santander Bank at 1.85%

Mr. Ferguson stated we have been using short-term financing to help Public Works replace old equipment. He stated the Board had approved the purchase of the backhoe and wheel loader for a total of \$201,506. He stated he put out an RFP to banks who offer a lease-to-purchase program, and two Bids were received with the low Bidder being Santander Bank at 1.85%. Mr. Ferguson stated this was Budgeted for this year out of the Road Machinery Fund.

There would be three quarterly payments this year, twelve total through the loan, with the three-year cost being \$201,506 in principal and a total interest cost over three years of about \$5,150.

Dr. Weiss moved and Mr. McCartney seconded to approve financing for a JCB 3CX-15 backhoe and a JCB TM-420 loader at a total cost of \$201,506 with Santander Bank at 1.85%.

Mr. Grenier asked if the Township has history with Santander, and Mr. Ferguson stated while they have Bid in the past TD Bank was the low Bidder on the prior financings; and he believes that Santander knew they needed to come in strong on this one. Mr. Ferguson stated he has already had discussions with Santander, and the protocol is similar to TD Bank with regard to what is needed with regard to documentation, etc. There are no filing costs. Mr. Lewis stated there is no pre-payment penalty, and Mr. Ferguson agreed.

Motion carried unanimously.

SOLICITOR'S REPORT

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

ZONING HEARING BOARD MATTERS

With regard to the Paul Lupinacci & Elizabeth Luciano, 1229 Ash Lane, Yardley, PA 19067 Tax Parcel #20-064-020 Variance request from the Township Ordinance 200-69 (14).(c) in order to install a 6 foot white vinyl privacy fence in a Drainage Easement and a Sanitary Sewer Easement, Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried that the Township participate.

With regard to the James Scott, 865 Duchess Drive, Yardley, PA 19067, Tax Parcel #20-039-226 Variance request from the Township Zoning Ordinance 200-23.B in order to replace the existing rear yard concrete slab patio and walkway with hard-scape pavers which would increase the impervious surface from the existing 22.84% to 26.49% where 18% is the allowable amount, Mr. Grenier asked if they needed a Variance to go above 18% to their existing 22.84%. Mr. Majewski stated for many properties there was no limit on impervious at the time they were

constructed, and there was only a limit on building coverage so there are a number of properties in the Township that were already over. He added that they do check during the meeting to make sure that no work was done without a Permit.

It was agreed to leave the matter to the Zoning Hearing Board.

ZONING, INSPECTIONS, AND PLANNING

Approve Escrow Release #2 (Final) for the Pennsbury Middle School Improvements in the Amount of \$2,066,920.95

Mr. Majewski stated the Pennsbury School District has requested Final Release of the Financial Security held by the Township for the Middle School Improvement Project. The project included the Pennwood Middle School as well as some improvements to Charles Boehm and the William Penn Middle School. All of the site improvements that are currently anticipated to be done are complete. The School District does not plan to move forward with the full improvements to the Charles Boehm Middle School at this time. The request is that all of the Security be released with the understanding that they would need to re-post it if they choose to advance this project at a future date. The amount of security remaining if this is released will be zero. There are no punch list items outstanding. Mr. Majewski stated if they decide to move forward, it would be considered a new project, and they were contemplating changes to the plan.

Dr. Weiss moved and Mr. Lewis seconded and it was unanimously carried to approve Escrow Release #2 (Final) for the Pennsbury Middle School improvements in the amount of \$2,066.920.95.

Approve Certificate of Appropriateness for 1700 Yardley-Langhorne Road – Dogwood Skate Shop Roof Replacement

Mr. Majewski stated HARB met on May 11 and unanimously voted to approve this as presented as being appropriate and historically accurate. The roof is going to look just like it does not but it will be watertight. A picture of the shingles to be used was shown.

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to approve the Certificate of Appropriateness for 1700 Yardley-Langhorne Road – Dogwood Skate Shop roof replacement.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, stated he was not satisfied with the answers he had received about Caddis not being cited for violations about start and end times, and he asked that a Board member respond. Ms. Blundi stated they appreciate that Mr. Pedowicz and his neighbors brought their concerns to the Board's attention. She stated she feels the staff has tried repeatedly to address these concerns the best that they could. Mr. Grenier stated this development did effect the neighbors in different ways, and it is a unique situation where there is a Residential property backing up to a Commercial property which does present some challenges. He stated he feels we can use this as an opportunity to identify how we might interact more with the developers and contractors on site early on as to what are the Township's policies and procedures to make sure that they are in compliance with our Code.

Mr. Lewis stated he feels we need to do a better job of tracking citizen concerns and logging them in a way to see what the level of effort from Township staff is related to addressing concerns for specific developments. He stated there are particular developers which have required an extraordinary amount of time from Township staff and Mr. Pockl. He stated this process would give an understanding as to the number of citizen concerns we get, where they emanate from, and if they are related to *specific developers so the next time that developer comes in, they can explain the total costs that were incurred previously by them.*

Mr. Pedowicz asked if the Board reviewed all of the items listed on the Agenda under Project Updates. Ms. Blundi stated for Project Updates, they list them on the Agenda, and they answer specific questions if there are any.

DISCUSSION ITEM

Approve Sending a Letter Concerning Trenton Airport Expansion

Mr. Lewis stated the Trenton-Mercer Airport Terminal Area Improvements Project has a draft Environmental Assessment which is available for public review. He stated there is a thirty-day public review process. He stated the Airport is proposing to increase the size of the Airport terminal fourfold which leads to significantly more flights. He stated "because these have been done

as one-offs in this case Mercer County is attempting to by-pass the standard review process.” Mr. Lewis stated the Trenton-Mercer Airport Review Panel wants to provide their concerns specifically to the draft Environmental Assessment as there are significant environmental and public health issues associated. He stated the consensus of the Trenton-Mercer Airport Review Panel is not that they want to impede the Airport’s ability to succeed, but rather to make sure that the environmental impacts are properly assessed under the Law, that Lower Makefield residents are protected from significant environmental issues, and that the environmental costs are borne equally by New Jersey and Pennsylvania.

Mr. Lewis stated the Review Panel has drafted an initial three-page response letter that goes through the issues, which the Board of Supervisors has been provided. The Panel is asking if the Board would be willing to approve sending a response letter from the Township. Mr. Lewis stated there will be a two-hour Public Hearing on June 2 from 7 p.m. to 9 p.m., and those who are concerned about the Airport are encouraged to call in and express their concerns about the terminal project.

Mr. Grenier stated over the last few years he has authored and co-authored letters which touched on some of these issues. He stated he does not have an issue sending a letter which would be stating issues that were stated in those previous letters. He stated in reviewing the draft letter that has been provided, he would *“heavily-edit portions of it for technical accuracy and some other things.”* Mr. Grenier stated the June 2 Public Meeting is tied to the draft Environmental Assessment that has been issued for the terminal expansion, and he believes that the Public Comment period ends June 16 so comments could be submitted by that time although that date should be double checked. Mr. Grenier stated it is important to write letters because this is the official Public Comment that the FAA takes into consideration when reviewing an Environmental Assessment.

Ms. Blundi stated since there is time, and Mr. Grenier has indicated he feels the draft letter provided needs to be edited, she asked if there is a Motion to send a comment letter and the details of the letter could be worked out off-line.

Mr. Grenier moved and Mr. Lewis seconded to send a letter with the details of the letter to be worked out off-line.

Dr. Weiss stated any content should separate the different items about Airport expansion and the types of pollution that they are considering since there are noise issues and other environmental issues that should be looked at. He stated the draft that was presented seemed to be more “disjointed than he would like,” and he feels that can be organized and sent out before June 16.

Mr. Truelove stated he received the information from Ms. Lichman on May 3 about the thirty-day period so they should check that the thirty-day comment period does end June 16 so that we are not late with the comments.

Mr. Lewis stated there were a number of people who provided edits to the draft letter, and he agrees it needs tightening. He stated New Jersey is suing the Federal Government related to PFAS at the Naval Air Warfare Center in Trenton which infect the drinking water, yet their own project at the Airport would lead to additional disturbances.

Ms. Holly Bussey, 20 Knoll Drive, Bucks Residents for Responsible Airport Management (BRRAM) President, stated they have been able to secure some information regarding Public Comment on June 2. She stated that same day the Lower Makefield Township Board of Supervisors have a meeting, and they have found there is a way to make sure that anyone “with political power who may want to make a verbal comment can be put at the top of the list.” She stated she will provide that information to any of the Supervisors who wish to make a comment. She added that letters are critical as they will be attached to the EA and will require a response. She stated it is also imperative that they get as much support as they can from the Representatives at the meeting. Ms. Bussey stated this issue has been “one of the most disjointed ways of getting a project through.” She stated they are hoping that even though the Hearing starts at 7 p.m. there might be a chance that one of the Supervisors could step out of the meeting and make a comment to help support the information that will be supplied via a letter regarding this issue. Ms. Bussey stated she understands the Public Notice did give the date of June 16, but they are trying to verify that.

Mr. Richard Preston , 1522 Stapler Drive, stated he is concerned about what is taking place at the Airport making these segmented projects. He stated they received a Categorical Exclusion for adding parallel taxiways, and that will impact the number of planes they can handle at the Airport and stack them for taking off. He stated it was approved as a maintenance and repair project, when they are actually paving over a meadow to make the taxiways. Mr. Preston stated a Mercer County Commissioner made a statement at a

public meeting that the parallel taxiways will have a very significant negative impact on their community and urged her fellow Commissions to vote against it, but she was overruled, and the project was approved. He stated this is one example of the segmented projects, and they are “using under-handed ways to present these and go forward with them.” Mr. Preston stated this is similar to the Runway Protection Zone; and in 2015 there was an analysis of safety around the Airport, and they identified 20 trees that penetrated what the Airport considered a “zone of interference.” He stated six years have gone by with the Airport not taking any action on those 20 trees; and operations are still ongoing, and there have been no issues with their flights. He stated now they are stating they need to remove acres of trees because of safety; and he asked if this has been a safety issue for the last six years, why was nothing done about it. Mr. Preston stated by removing the trees and obstructions, it will allow planes with heavier fuel loads to take off at lower altitudes which will exacerbate the problem we have with how low the planes are flying, and it will also concentrate whatever effluent we get out of their exhaust because they will be at a lower altitude.

Mr. Preston stated they are proposing to go up to 130,000 square feet from 25,000 square feet for the terminal. He stated in 2016, they tried to get approval to increase the terminal, and they were approved up to 45,000 square feet. He stated at the time there was a second plan that was for 64,000 square feet, and the FAA indicated that if they went to 64,000 it *would have a significant impact of noise and would require an EIS.* He asked why the FAA is now looking at a 130,000 square foot terminal which is more than double the plan that they indicated would not qualify; and they are now saying there is no significant impact on our area.

Mr. Preston stated on the Airport’s Website it indicates the limited growth projects; however, they just renewed a \$100,000 per year Contract with a company to market additional air traffic to TTN. He stated the Airport “resists any attempt to understand their Budget.” He stated those who live in New Jersey have developed a non-profit called Trenton Threatened Skies which has an excellent Website.

Ms. Blundi asked Mr. Preston if he could complete his comments being mindful of the time limit for Public Comment.

Mr. Preston stated Mr. Joe Menard, a member of the Review Panel, is working with the Trenton Threatened Skies group who have been investigating the Budgets, and they would like to look at what the projected Budget and Income implies for their growth rate because they feel it will contradict what they are putting on their Website. He stated they are counting on having a lot more traffic to pay for these expensive projects.

Mr. Preston thanked Mr. Lewis for being proactive in writing letters, being involved, and adding energy to the process.

Motion carried unanimously.

Mr. Preston thanked the Board for their continued support in this cause.

Mr. Ferguson asked what the process will be with respect to edits to the letter. Ms. Blundi stated she will send the letter to Mr. Grenier first to turn it around as quickly as possible to the rest of the Board so that they can move this along. She stated she would like to meet the early June deadline.

SUPERVISORS REPORTS

Mr. Grenier stated the draft Environmental Assessment can be viewed by the public at TTNterminal.com as well as the appendices that go with it.

Mr. Grenier stated HARB discussed another alternative for a lay-out for the Quill House, etc. in Edgewood Village. He stated there have been positive discussions about this project. Mr. Grenier stated the Historical Commission met and was provided information on historic buildings by Mr. Majewski.

OTHER BUSINESS

Approve Elbow Lane Paving Program

Mr. Ferguson stated last year the Township was approached by Falls Township regarding paving Elbow Lane. He stated Falls Township has had a change-over of the Manager, and the new Manager just approached the Township advising that they were ready to proceed. They had provided pricing to the Township as they had Bid Elbow Lane out. The new Township Manager indicated he understood the Budget implications of a “last-second ask,” and that they would be flexible

with the Township if Lower Makefield wanted to participate and include that as a reimbursable amount which Lower Makefield could put into their 2022 Budget this fall. Mr. Ferguson stated the estimate for Lower Makefield's portion of the road is approximately \$32,000. He stated it would also require an Inter-Municipal Agreement to cover certain issues. If the Township were not to participate, the Falls side of the Road would be paved, and the Lower Makefield side unpaved. Mr. Ferguson stated if the Board is interested in proceeding with this, he needs to communicate this with the Falls Township Manager.

Mr. Lewis moved and Dr. Weiss seconded to approve the paving program for Elbow Lane subject to entering into an acceptable Inter-Municipal Agreement after review and necessary revisions by the Township Manager and Solicitor for an amount not to exceed \$32,237.50.

Mr. Grenier stated while they "wished they would have known about this beforehand, they are trying to make this work." He stated Elbow Lane is unique as to its ownership, and he would be in support of this. Mr. Grenier asked if the Board would approve the Agreement at a later meeting, and Mr. Truelove stated the Board could amend the Motion that the Final Agreement be approved by the Board at the June 2 meeting. Mr. Grenier asked if this will fit in with Falls' schedule. Mr. Ferguson stated he did try to quantify this with Falls, but he was not able to get a date. He added that he believes the Motion would allow them to give Falls the "go-ahead to do it, but the Agreement would come back to the Board."

Mr. Lewis and Dr. Weiss were in favor of an Amendment to the Motion that the Final Agreement will be approved by the Board of Supervisors at the June 2 meeting.

Mr. Ferguson stated the Falls Township road program includes full curb restoration and sidewalks; however, for the property owners on the Lower Makefield side that would not be part of this program.

Motion as amended carried unanimously.

May 19, 2021

Board of Supervisors – page 22 of 22

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John B. Lewis', with a long horizontal flourish extending to the right.

John B. Lewis, Secretary

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 05/19/2021**

A/P WARRANT LISTS	5/3/2021		5/17/2021		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund					
01- GENERAL FUND	227,609.56	41,051.24	153,298.23		421,959.03
02- STREET LIGHTS	420.31		2,605.25		3,025.56
03- FIRE SAFETY					-
04- HYDRANTS			12,317.40		12,317.40
05- PARK AND RECREATION	13,381.82	1,484.04	31,488.16		46,354.02
06- P & R FEE IN LIEU					-
08- SEWER	163,450.70	6,864.47	42,726.66		213,041.83
09- POOL	11,190.79	4,893.67	80,143.60		96,228.06
11- TRAFFIC IMPACT					-
15- GOLF COURSE			265,544.00		265,544.00
18- SEWER CAPITAL PROJECTS	8,823.23		3,700.17		12,523.40
19- SPECIAL PROJECTS			2,041.09		2,041.09
20- DEBT SERVICE			750.00		750.00
21- REGENCY BRIDGE	2,123.08		4,141.07		
30- CAPITAL RESERVE			178.50		178.50
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND			4,466.00		4,466.00
35- LIQUID FUELS			1,623.50		1,623.50
36- ROAD MACHINERY FUND					-
40- 9/11 MEMORIAL	8,029.17		793.81		8,822.98
45- PATTERSON FARM	12.59		1,800.00		1,812.59
50- AMBULANCE/RESCUE SQUAD	130,000.00				130,000.00
84- DEVELOPER ESCROW	36,640.70				36,640.70
91- UNEMPLOYMENT					
	601,681.95	54,293.42	607,617.44	-	1,257,328.66

APRIL 2021 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	931,243.28
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	10,161.11
GENERAL FUND OPERATING TO 9-11 MEMORIAL FUND	30,000.00
19- SPECIAL PROJECTS FUND TO SIDEWALK FIL FUND	50,311.81
	1,021,716.20

John B. Lewis

Fredric K. Weiss

James McCartney

Suzanne S. Blundi

Daniel R. Grenier

