

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 16, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 16, 2016. Chairman Benedetto called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors: Jeff Benedetto, Chairman
 John B. Lewis, Vice Chairman
 Kristin Tyler, Secretary
 Judi Reiss, Treasurer
 David Fritchey, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 Mark Eisold, Township Engineer
 Kenneth Coluzzi, Chief of Police

PROCLAMATION HONORING ROSS ADRIAN AND KATIE LYONS REGARDING RESCUE OF A WOMAN DROWNING IN THE DELAWARE RIVER ON JULY 24, 2016

Mr. Benedetto read the Proclamation into the Record and made the presentation to Mr. Adrian and Ms. Lyons.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612B Wren Song Road, discussed issues regarding the recent Election.

Mr. Charles Lombardo, Laurie Lane, stated he was present at the Zoning Hearing Board meeting last evening about the proposed ball park facility across the street from his home. He stated they only sent out Notices to people within 300' of the property which included his home; but most of the homes are beyond that so he notified some of them, and they came to the meeting. Mr. Lombardo stated he has been there over thirty years, and properties in that area are approximately \$1 million properties. He stated when they moved into the area, they were told that the facility was all preservation property. He stated if they are going to build a large Park facility with baseball or football fields, they should have done that before they sold the lots to the builders to build homes in the area. He stated there will be large bright lights, loudspeakers, and a lot more traffic with alcohol at the

concession stand so there will be drunkenness. He stated there will be trash all over the place. He stated there will be bright lights and noises all night. He stated they will destroy their property values significantly and all the adjacent properties near it, and they will keep raising taxes since someone has to pay for this. He stated they are going to need additional Police facilities, and he stated this is an expensive thing they are doing there. He stated he would like to know who the contractor will be. He stated the property should be left to the animals that are there. He stated he would like to find an endangered species there that will stop this. He stated he will put up several thousand dollars to fund anyone who will run against anyone who votes in favor of this project. He stated this is “outrageous;” and if they wanted to do this, they should have done it twenty or thirty years ago so that the people who move into the area would know that there is a facility there.

Mr. Fritchey asked Mr. Lombardo when he moved into the area, and Mr. Lombardo stated it was approximately thirty-three years ago. Mr. Lombardo stated at the time they had the School across the street and now there are two. He stated he knew what to expect from a School, but he does not know what to expect with this. He stated he talked to the engineer last night, and he was not sure how bright the lights would be or whether there would be loudspeakers or not. He stated they are voting on something without really knowing for sure what is going on.

Mr. Fritchey asked when the Township acquired this parcel, and Mr. Fedorchak stated it was around 2000 from the Snipes family; and it was tied to a 1999 Referendum that was placed on the ballot by the Board of Supervisors asking the citizens for permission to borrow up to \$7.5 million for the purposes of purchasing open space and constructing passive and active recreational facilities. This parcel was bought with that money. Mr. Fritchey asked if there were discussions over the years since then about what would be done with this particular parcel; and Mr. Fedorchak stated the Township revised the Comprehensive Plan in 2003, and one of the things the Comprehensive Plan addresses are the community’s recreational needs and the plans for recreation. Mr. Fedorchak stated in that Plan there were a number of parcels that were targeted for recreational activities as recreational venues, and the Snipes Tract was a number of a half a dozen sites which were set aside for recreational purposes.

Mr. Lombardo stated the average person is not privy to the internal discussions. Mr. Fedorchak stated it was part of public discussions and posted on the Website. Mr. Fritchey stated there were also at least two dozen public meetings about this. Mr. Lombardo stated he never received notice in the mail about them. Mr. Lombardo stated he understands that they have had discussions; but what they have forgotten is that about eight to ten years ago, they were going to build a firehouse on this property; and the neighbors got together and “screamed real loud,” and they did not build the firehouse there. Mr. Fritchey stated at that time it was

also mentioned that there would be recreational facilities there as well so they must have been aware of that too. Mr. Lombardo stated they learned about the firehouse, and that is what they were there for; and he stated they were not paying attention to recreation. Mr. Lombardo stated recreation is fine during the day but not with lights or loudspeakers. Mr. Lombardo stated they should do something nice here for the community, and the nicest thing they could do which would help raise property values and lower taxes would be to sell it to a nice homebuilder who would put up some nice homes there. Mr. Lombardo stated there are Schools across the street, and they could spend a little money for those.

Mr. Benedetto asked Mr. Lombardo if he is okay with the ball fields and the skate park, but not the lights; and Mr. Lombardo stated he is as long as it is not going to upset the whole area with a lot of noise and lights. He stated he feels he could live with day time ball games. Ms. Reiss stated it gets dark at 4:30 and some of the children are not home then. Mr. Lombardo stated they could play until 4:30 and then go home, and they can play on weekends. He stated there are two Schools across the streets, and they should just improve the School fields. The Supervisors advised that those are not Township fields. Mr. Lombardo stated while he understands this, he feels if they offered them a lot of money to improve them and made some kind of a deal so people from the community could use it, they could make it part of the School activity.

Mr. Benedetto stated this facility was in the Comprehensive Plan dated 2003. He stated he feels this proposal is a great idea. He stated all of the Supervisors meetings are televised, and they have discussed this project a number of time. Mr. Lombardo stated while he understands what Mr. Benedetto is saying, if Mr. Benedetto lived there in a \$1 million home on three acres, he would not want them. Mr. Lombardo stated he would not mind ball fields as long as they did not have bright lights and loud noises. He stated if they want to build a stadium there that is fine as long as they have appropriate parking and do not park in front of his home and leave their trash all over because he will be calling the Police every night. He stated there are lots of acres in the Township. He stated he will pay \$10,000 for anybody to fight whoever votes for this, and he knows that there are a lot of other neighbors who will too.

Mr. Benedetto stated there are a lot of people who are looking forward to this. He stated this has been in the works for fifteen years; however, Mr. Lombardo stated there are many things that have been in the works for many years that do not have to happen. Mr. Fritchey stated 33,000 people live in the Township, and many of them have children; and they have had these plans for many years. He stated they are planning out the Park system which serves the needs of the entire community. He stated there have been many public meetings when this was discussed.

Mr. Lombardo asked if a contractor is involved, and it was noted it has not been Bid yet.

Mr. Lombardo stated the area has changed around the property from thirteen years ago, and the Board should consider the number and value of the homes there now and recognize that there will be an impact to them; and he does not feel the residents can live with big bright lights and loudspeakers. He stated children should use the park from April through Daylight Savings Time; but in late fall and winter it is cold, and they should not be out after 4:30 p.m.

Dr. Peggy Schiavone, Principal of Quarry Hill Elementary School, stated she applauds the Township's decision to increase the recreational facilities for the young people of the community to use which also helps support the healthy initiatives they have at School; however, she is concerned with the vehicular traffic that this tract of land will create. She stated Quarry Hill has 500 students and 70 staff members, and at Afton they have 585 students. She stated they are K to Five, and children come to and leave School on bicycles, walk, and go in vans, School buses, and cars. She stated her concern is that since the School is located just across from this tract land of there will be much more additional traffic when School is in session. She stated they also have an After Care Program which does not conclude until 6:00 p.m. every night.

Mr. Benedetto stated they are still in the preliminary stages. He stated the Sketch Plan showed access off Dolington Road. Mr. Fedorchak stated the Township will have to do a Traffic Study to determine the impact of the project, and they will factor in what Dr. Schiavone has discussed.

Dr. Schiavone stated she feels they will ultimately strike the balance between the needs of the community and the children who attend the Schools in the area.

Mr. Don Faust, 1509 Dolington Road, stated he is opposed to the project; but if it has to go through, he would like to see if there could be a compromise made. He stated minimally they should not have lights, and it should be used day time only. He stated if they had known about this project, they would not have purchased their home. He stated he is at the top of the creek which runs through his property; and he was advised at the Zoning Hearing Board last night that there will be a storm drainage plan on the property that will use the existing drainage that is in the street. He stated part of that comes through a culvert that is between his property and his neighbor's property into the creek. He stated when it rains or snows, he will see a rise in that. He stated he has about three feet to work with; and if it is not properly done, he will get water in his basement.

Mr. Benedetto stated when this goes through the Planning Commission, there will be additional input from the community and the engineer has to design it properly.

Mr. Faust stated he would like to see the Plans if they are drawn up.

Ms. Reiss stated most of Lower Makefield is either near a creek or near an underground aquifer, and the Township engineer will address this.

Mr. Faust asked if they are required to perform an environmental study, and it was noted they are not. Mr. Faust stated they are already impacted by the Airport in Trenton and the Inter State, and now this is being introduced. Mr. Faust asked if there is a profit motive for the Township for this use of the land, and it was noted there is not. Mr. Faust asked if anyone can use it or do they have to sign up or pay to use the facilities. Mr. Benedetto stated there will be User Fees as they have at other Township park facilities which are paid by user groups. He stated the Township probably receives approximately \$100,000 in User Fees for the maintenance of the facilities. Mr. Fritchey stated it does not pay for the full costs of the fields. Mr. Lewis stated the residents are free to use the fields when the user groups do not have games. Ms. Reiss stated there will also be walking paths and bike paths for anyone to use.

Mr. Faust stated he saw on the map that there were proposed pedestrian connections; however, there are several properties that have trees and lights on their property, and these potential pedestrian connections would go across his and his neighbors' properties. Mr. Benedetto stated it is in the preliminary stage, and there is nothing definite yet; and this will be addressed during Land Development. Mr. Benedetto agreed to e-mail the Sketch Plan to Mr. Faust. Mr. Benedetto asked Mr. Faust if he would have an issue with a sidewalk, and Mr. Faust stated he would as he does not feel many people will walk to these fields. Ms. Reiss stated they just heard from the Principal of Quarry Hill that children are walking and riding their bikes to the School so they may want to come from the neighborhoods as well. Mr. Faust stated he feels a lot of people will be driving there, and he does not feel they need the football fields for the people who live in the area. He stated with regard to the sidewalks, people have planted their properties with trees, plants, and electrical that goes up to where a sidewalk would normally go so it is going to be difficult for a lot of these homeowners to re-arrange everything. Mr. Benedetto stated nothing about the sidewalks is definitive yet. Mr. Faust asked who would pay for this, and Mr. Benedetto stated the Township took out a \$15 million Bond to pay for projects like the Snipes Tract. Ms. Reiss stated they also get Grants, and she knows that sidewalks are something that the vast majority of Township residents want as there are disconnected paths in the Township. She stated numerous people are walking every day. Mr. Benedetto stated he would not be concerned about sidewalks in that area if the residents stated they did not want to see them on their property.

Mr. Lombardo stated there are no sidewalks on the upper part of Dolington after the curve; and if they have an entrance in that area with children and others walking and riding bikes and there are no sidewalks, there are going to be accidents.

Mr. Bill Roberts, 1505 Dolington Road, asked what happened to the Fire Department plan; and Mr. Fedorchak stated he worked closely with the Fire Department many years ago on a Site Committee when they did a great deal of research on this. He stated ultimately they determined that there were more negatives than positives. Mr. Roberts asked what were the negatives, and Mr. Fedorchak stated the most important was that the volunteer command staff did not believe they could adequately staff that station on a regular basis as they did not have the manpower to do that. They felt it was better to concentrate on proper staffing at the Woodside Station and the Station at Yardley and keep the resources at those two Stations.

Mr. Roberts asked if they know how long it took to get the Township Fire Department out to the McCaffrey's fire as he understands it took forty-five minutes. He stated he would be more than willing to pay additional tax dollars to have a professional Fire Department. He stated he would prefer having a Fire Station at this location than athletic fields. Ms. Tyler stated she feels the Fire Company they have are consummate professionals. Mr. Roberts stated it took them forty-five minutes to get across the street, and other companies were at McCaffrey's before Lower Makefield was.

Mr. Roberts stated the focus of the land appropriation for this parcel was not playgrounds for fifteen years, it was a Fire Department. Mr. Fritchey stated it was not bought for that purpose. Mr. Fritchey stated in 2000 there was consideration of putting a Fire Station on the corner of the tract; but it was never to be an entire fire complex, and it was always envisioned that it was going to be part of the Park system. Mr. Fedorchak stated as he noted earlier when the Comprehensive Plan was developed in 2003, the Snipes Tract was targeted for two purposes – first and foremost recreation and secondly what was stated was a three acre piece of the thirty acres was targeted for a Fire Station. He stated the bulk of it was for recreation.

Mr. Roberts asked what was Patterson Farm targeted for, and he was advised it was to be a farm. Mr. Roberts asked what is the point of that, and he asked why they do not put the ball fields there. Mr. Benedetto stated that was never considered, and he feels that is a terrible idea. Ms. Reiss stated the sale was contingent on it remaining a Farm. She stated it is extremely good farmland. Mr. Benedetto stated it is Deed Restricted. Mr. Fedorchak stated they are engaging with Bucks County to create an Agricultural Easement which will cover the Farm to keep it as a farm in perpetuity.

Mr. Benedetto agreed to provide Mr. Roberts with the Comprehensive Master Plan; and if he provides him his e-mail, he will also send Mr. Roberts the Sketch Plan for the Snipes Tract.

Mr. Roberts stated he agrees the Patterson Farm is beautiful land, and he feels that the Snipes Tract is also a nice, pristine area. He stated with regard to sidewalks, there are two Elementary Schools in the area; and they will be encouraging children to be walking and riding their bikes in this area if they have sidewalks which he does not feel it a good idea. Mr. Benedetto stated they can discuss sidewalks at the Planning Commission.

Mr. Roberts asked where the Traffic Study would be done when they do it. Ms. Tyler stated they had a Preliminary Traffic Study done in the area; and as they have discussed the development of this tract, first and foremost in their minds was the fact that there are two Elementary Schools across the street. Mr. Roberts asked if the Traffic Study was done where the entrances are going to be, and Mr. Benedetto stated the Traffic Study Ms. Tyler is referring to was at Dolington where there is a difficult turn. Ms. Tyler stated they will do a full Traffic Study when this project goes through development. Mr. Roberts stated it is a very heavily traveled road much more so than they would have on Edgewood Road.

Mr. Roberts stated three historic stone homes about this property, and it is an important area. Mr. Roberts stated there should be no stadium lighting.

Ms. Anita Grossman, Heller Drive, stated a number of things that were said this evening are not accurate; and she has notes going back to 2010 about this property when it was purchased. Mr. Benedetto stated it was purchased in 2000. Ms. Grossman stated she has e-mails from 2010 sent to the Supervisors when she made a request in writing that she be notified if in fact the ballpark was going to be on an Agenda. She stated in 2010 they were not sure that they were going to do this. She stated she also has an e-mail from an individual who lives on her street who could not be here this evening also asking that he be notified. Ms. Grossman stated she understands those Supervisors are no longer on the Board, but she would have hoped that there would have been a note in the file that at least these two families would have been notified. Ms. Grossman stated she did attend the Zoning Hearing Board last evening because one of her neighbors put a note in her mailbox. She stated yesterday was the first day she was made aware that this was proceeding, and it is disheartening to see how far along it has gotten without the input of quite a few neighbors.

Ms. Grossman stated Makefield Chase is behind Elm Lowne; and they had a tremendous noise problem when the Township had purchased that property, and there were weddings there. She stated when the Supervisors got all the facts, they supported the community and ended it. She stated one of the things that was discovered was that the lake on Elm Lowne is like a sheet of ice, and it acts to spring all the sounds off the lake which is why the noise was so loud in the community. She stated there were a number of years when they were not able to use their back yards or watch TV in their homes because the noise was unbearable. She stated they have had a few years now of peace and quiet; and with all the noise that there will be there, this will be the worst location for this.

Mr. Benedetto stated there are people who do not want anything ever to be done. He stated this Plan has been in place for many years. He stated this is a thirty-three acre piece of land that the Township bought with open space money in 1999 to develop as a recreation facility, and it was not to be a nature preserve.

Ms. Grossman stated Makefield Chase alone has seventy homes, and there are also many other homes on the other side of the tract. She stated she would prefer that there not be anything there because of the noise factor and the lake. She stated a lot of the homes have back yards which face this property, and people will see into their houses particularly if the property is used at night. She stated the lights will clearly go to where their homes are, and she asked that they not put lights there. She stated they were told that there were not going to be lights.

Mr. Benedetto stated he does not feel that it makes sense to put in ball fields there and not have lights. He stated children play at night when it gets dark at 4:30. He stated he would not lie and tell them that there will not be lights.

Ms. Grossman asked if they feel this should be this close to this many homes. Ms. Reiss stated the softball fields are close to homes, and the Community Center will be close to her home. She stated she is ashamed that Lower Makefield has the reputation in Bucks County of having the worst case of NIMBY (Not in My Back Yard) of anywhere in Bucks County. She stated they are not renting this out for weddings or parties so it is not like Elm Lowne. She stated they will be having children playing. Ms. Grossman asked if there will be concerts there, and Ms. Reiss stated the only place she is aware of that has concerts is Shady Brook Farm.

Mr. Benedetto stated currently Macclesfield Park is mixed use with soccer, baseball and football being played there. He stated the proposal is to have Macclesfield to be a soccer complex and Snipes would have football, lacrosse, and a skate park. He stated this has been discussed for many years.

Ms. Grossman stated the other issue is the traffic; and whenever there was a wedding, the Police had to stand in the middle of the street so people could make a turn into Elm Lowne. She stated it is a narrow street, and there is no visibility. Mr. Benedetto asked Ms. Grossman to provide her e-mail, and he will e-mail her the Agenda whenever this issue is on the Planning Commission or Board of Supervisors' Agenda. Mr. Benedetto stated the Board is willing to work with the residents and listen to them.

Mr. Fedorchak stated Macclesfield Park is a 90-acre facility with soccer, baseball, and football; and there are lights there with the Rivergate community right next to it. He stated within the last ten to twelve years they even added lights specifically for the football fields. He stated the residents of Rivergate came to the Board of Supervisors and indicated they had issues with glare, and the Board of Supervisors responded and worked with the residents and added some substantial buffering between the homes and the fields. He stated they also looked at all of the lights, and put shields on all of the lights; and the end result was a compromise approach which was successful in mitigating the impact to those residents. Mr. Fedorchak stated he feels those residents were far more in the direct line of the lighting at Macclesfield and were far more impacted than the residents will be at Snipes. He stated he does not feel that the Rivergate home values have been negatively impacted; and in fact, he feels they have increased in value over the past decade. He stated this is a perfect example as to how this Board will do everything it possibly can to make sure that there is the minimal amount of negative impact as possible to those in the neighborhood.

Ms. Grossman stated they need to have input since there are many houses that are very close. Mr. Fritchey stated obviously they will try to get lights that are right initially; but when there needed to be fine tuning of the lights at Macclesfield, they addressed that issue and took care of it. Mr. Fritchey stated the lights also go off at 10:00 p.m. Ms. Grossman stated she feels it is a disgrace that the community at Makefield Chase fought so hard for the noise to be taken care of, and now it is going to be back.

Ms. Lisa Baxter, 208 Arborlea Avenue, asked who went to the meeting at the DEP held on October 17 about the Clean Earth extension. Ms. Tyler stated she felt that they had asked someone from the EAC to go. Mr. Fedorchak stated he will look into what happened at that meeting.

Mr. Jeff Hirko, 1450 Dolington Road, stated he coached baseball in the community for twenty-five years; and the scheduling for the teams for the amount of children playing is "horrendous." He stated they cannot play these sports without lights. He stated he lives on the same road where the lights are proposed to be at Snipes, and he feels they need the lights on the field.

Ms. Jean Whitecraft, 536 Heacock Road, asked that the Township buy her property since she cannot sell it because of the Zoning laws. She stated her property is Whitecraft Farm. She stated Lower Makefield has a reputation for its Zoning laws, and builders will not come look at her property. She stated they did have one builder come look at it who submitted plans for a nursing home for people with Alzheimer's. Ms. Whitecraft stated they were unable to do that because the County stated they needed more space for parking. Ms. Reiss stated she does not believe that Plan ever came before the Township. Ms. Whitecraft stated people cannot do what they want on her property. Mr. Fedorchak stated possibly the Board of Supervisors could consider this when they look at the Comprehensive Plan. Ms. Tyler asked if her property backs up to Heritage Oaks, and Ms. Whitecraft agreed. Ms. Whitecraft stated it is 3.6 acres that is subdividable into two parcels. She stated she also does not understand how one person could get SEPTA to stop blowing their whistles as she liked hearing them. Mr. Benedetto stated it was many more than one person who requested this. Mr. Benedetto asked that Ms. Whitecraft provide her e-mail to see if they could work with her.

Ms. Tyler asked Ms. Whitecraft if she is trying to sell it for Residential property or as a Commercial property, and Ms. Whitecraft stated it is zoned for Agricultural and is R-3. Ms. Tyler asked if her the problem is with the existing Zoning, and Ms. Whitecraft stated if a builder wants to buy it, they are telling her they have a problem with the Township; and she questions how other things happen in the County since there are other houses being built in Woodside and Flowers Field and there are traffic jams down to Heacock and Stony Hill Roads. Ms. Whitecraft asked how a townhouse can go for \$700,000 but she cannot sell her property for \$825,000.

Mr. Lombardo stated he feels the Board should appreciate the fact that there are a lot of neighbors near Snipes who will be effected; and the Board should just blame the Supervisors that came before them that "put them in this mess" and the Board should say this is a "dumb idea," and instead they should put in a bike path or a preserve and running trails. He stated Dolington is very narrow there with trenches on both sides, and there is no place for bicycles or walking. He stated they should change the use to something else. He also stated that once they turn them into grass fields, they are going to have huge run off from these acres, and the present water capture facilities are not going to be able to handle that.

APPROVAL OF MINUTES

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of November 2, 2016 as written.

APPROVAL OF NOVEMBER 7, 2016 WARRANT LIST AND OCTOBER, 2016 PAYROLL

Ms. Reiss moved, Mr. Lewis seconded and it was unanimously carried to approve the Warrant List of November 7, 2016 and the October, 2016 Payroll as attached to the Minutes.

PRESENTATION OF BALLOT INITIATIVE CAMPAIGN TO REPEAL THE BAN ON LIQUOR LICENSES IN LOWER MAKEFIELD TOWNSHIP

Mr. Edward Murphy, attorney, Mr. James McCaffrey, and Ms. Emily Kent, Lyncserve, were present. Mr. Murphy stated two and a half years ago Mr. McCaffrey reached out to him to see if they could get together a forum of local business owners in Lower Makefield to create an opportunity for people to share concerns about whatever issues they may have since the business community is somewhat fragmented in terms of its location throughout Lower Makefield. Mr. Murphy stated between the spring and fall of 2014, he and Mr. McCaffrey hosted a series of meetings with various business owners including Dave Fleming, Cam Troilo, Neil Carlucci, and more recently Sam Amico joined as well as some other local people who wanted the opportunity to talk about things. Mr. Murphy stated one of the early on identified topics of interest was what should they do about the ban on the availability to purchase a drink in a restaurant in Lower Makefield. Mr. Murphy stated the ban has been in place since 1949.

Mr. Benedetto stated he understands that was the only time it was on the ballot, and Mr. Murphy stated that is correct as far as they know. Mr. Murphy stated there have been efforts since which had not been successful to reverse that. Mr. Murphy stated in the fall of 2014 the group officially formed itself as the Lower Makefield Business Association; and shortly thereafter, they started to investigate what the procedure would be to raise the question again of whether or not the ban should continue for the public to consider. Mr. Murphy stated there is a very specific set of rules and regulations that have to be followed some established by the Election Code and some established by the LCB. Mr. Murphy stated they knew that there is a very limited window of time when a certain number of Petition signatures have to be obtained to insure that the question would be put on the subsequent May ballot.

Mr. Murphy stated in the fall and the winter of 2014, the Association hired a professional polling concern to do a telephone poll of Lower Makefield residents to determine what their reaction would be to a question of whether they would support a elimination of the ban on the sale of alcohol in the Township. Mr. Murphy stated the results they got back were overwhelmingly supportive; and based upon that information, they embarked on the effort to secure the required number of signatures to have the question placed on the ballot. Mr. Murphy stated then, as

well as today, they needed nearly 3,100 signatures to be obtained. He stated this time they want to try to get 3,200 to 3,400 signatures. Mr. Murphy stated the period of time when the signatures can be collected is mid-February to the first week in March. Mr. Murphy stated this time it will be February 14 to March 6. Mr. Murphy stated in the winter of 2015 they were not able to get the question on the ballot because there was a series of bad weather, and they also tried to secure those signatures using volunteers. He stated they were approximately 1,000 signatures short so the question did not get on the May, 2015 spring Primary Ballot.

Mr. Murphy stated they have learned from the past, and this time they have consulted with other Municipalities and individual Towns that were in the same position and have been successful in having the ballot question put on the ballot and succeed. Mr. Murphy stated a number of the Referenda were sponsored by Community Redevelopment Corporations in those Municipalities and the Main Street Manager of those places actually managed the progress of securing the required signatures on the Petitions. Mr. Murphy stated in Lower Makefield this is a private effort, and their appearance tonight is not intended to seek Municipal endorsement of what they are doing; and they are simply making the Township aware that this initiative is going to go forward. Mr. Murphy stated in addition to consulting other Municipalities that have encountered similar situations and have been successful, this time they have hired Lyncsolve. Mr. Murphy stated Lyncsolve, where Ms. Kent is a Marketing Manager, is a Web design and social media management company located in Newtown. He stated Ms. Kent will speak about the Website that went live today and about the effort that will be made between now and February to educate everyone. He stated assuming they get the required signatures, the effort between February and May will be to try to encourage people to come out and vote.

Mr. Murphy stated Mr. McCaffrey has been the driving force behind the effort from two and a half years ago to today; and he, as well as some of the other owners, are interested in the issue because with the change in the laws in Pennsylvania they are interested in this opportunity. Mr. McCaffrey stated he believes that Lower Makefield is the only Township in Bucks County that is a dry Township. He stated people may be concerned whether there will be bars on every corner; however, that is not going to happen as there are a number of limiting factors that would prevent that from happening. He stated Bucks County is over-subscribed as far as Licenses are concerned, and there will be no new Licenses issued for Lower Makefield. He also stated that based on the population of the Township, the Township would be entitled to ten Licenses. He stated Licenses would have to be bought from someone and transferred into the Township, and they are very expensive. Mr. McCaffrey stated the first ten Licenses would not require Supervisor approval; however after ten the Board of Supervisors would have to approve every transfer that would come into the Township.

Mr. Benedetto asked if there is a fee that the Township would receive for the sale of the Liquor Licenses. Mr. Murphy stated if Bucks County were not over-subscribed, the ten Licenses that would become available in Lower Makefield based on the population from the 2010 Census would have been new; and then Lower Makefield would have been the broker of those new Licenses, and Lower Makefield would have received the full fee for the sale of those Licenses. Mr. Fritchey asked if there is a cap on the number of Licenses there could be in Lower Makefield subject to Township Supervisor approval. Mr. Murphy stated as Mr. McCaffrey noted the first ten that would be otherwise authorized by population are “grandfathered,” and would be allowed provided that they would be acquired elsewhere in Bucks County and brought to Lower Makefield. He added that after the tenth one, he understands that the Supervisors have complete unilateral control over any other Licenses. Mr. Fritchey stated in theory there could be thirty people who want to get Liquor Licenses; and if they paid for them and obtained them from elsewhere within Bucks County, they could operate here provided that the Board of Supervisors approved the last twenty or however many they saw fit. He stated if the Board decided they have enough places at fifteen and they are not going to approve any more, they could do that simply on the basis of police power. Mr. Murphy stated it is further limited by the Township’s Zoning as there are only certain limited pockets of Retail where restaurants could be located with Licenses attached to them.

Mr. Murphy stated one of the things that Ms. Kent has designed on the Website is an interactive map where people can see the locations in Lower Makefield where, if approved, Licenses could be located. Ms. Kent stated Lyncserve met with the Association and discussed their last attempt and what they could do differently. She stated they have come up with a clear campaign message which is “Your Town Your Choice.” She stated the Website will be YourTownYourChoice.com. She stated the Website will be informative, and it will have a Township map so it is clear who can sign a petition as you must be a Township resident to sign. She stated they will also have information on petition locations where you can go and sign the Petition. She stated there will also be an FAQ section which addresses potential questions and concerns. She stated there is also an opportunity to get involved if you want to help canvass and get signatures for the petition. Ms. Kent stated if there are any questions that were not addressed, they are also going to do a social media campaign on Facebook which they hope will serve as a forum for people; and this will be monitored full time. She stated that Facebook page will also be listed on the Website as well. She stated the Website is live, and the Facebook initiatives will start after the holidays.

Mr. Truelove asked if separate petitions are required for restaurants and super markets, and Mr. McCaffrey stated they are not. Mr. Murphy stated if Mr. McCaffrey is successful in acquiring a License, he will buy an R-Restaurant License. Mr. Truelove stated he wanted to make sure about this.

Mr. Murphy stated they are going to print under the Frequently Asked Questions Section the question which the LCB requires you to ask word for word so that everyone will have plenty of time to read and understand it. He stated any License issued under this initiative would be an R-Restaurant License.

Mr. McCaffrey stated he would request that they be able to put a link on the Township Website to their Website so that they can inform the public. He stated he would also ask that they be allowed to have the Township Building be a collection site for signatures. Ms. Tyler stated she has no issue putting the link on the Website as long as a position is not taken by the Township; and as a piece of information about an active issue in the Township she has no problem with that. Mr. Murphy stated they are not looking for any endorsement from the Supervisors either individually or collectively. Mr. Lewis stated there is a disclosure on the Township Website so that everyone knows the links do not necessarily reflect the opinions of the Township. Ms. Tyler asked Mr. Fedorchak if they have ever made a Petition available at the Township Building for residents to sign. Ms. Reiss stated they would not be saying they are for or against it. Ms. Kent stated even if you sign the Petition, once it is on the ballot, you do not have to vote in favor of it. Ms. Taylor stated she is not sure she would be in favor of having the Petition available in the Township Office for signature, and she would like to think further about this. Mr. Benedetto stated he feels it is a service to the residents to provide them another location if they wish to sign it. Ms. Reiss stated she feels they have the right to come into the Building if there is a meeting asking people to sign it; however, she does not feel they should keep it in the Office for people to sign, and Ms. Tyler agreed.

Ms. Reiss stated the Golf Course does have a Liquor License; and Mr. Murphy stated that is a separate category of License, and it would not be counted in the permitted number of Liquor Licenses.

Ms. Tyler stated she has no problem putting information on the Township Website; but she does have an issue with the Petition in the Office since if they say yes to that, any person who has a Petition will have the expectation that they can leave it in the Office.

Mr. Benedetto stated he understood it was one License for every three thousand residents, and the Township has 33,000 residents; so he felt it was eleven Licenses. Mr. Murphy stated they checked yesterday; and based on the 2010 Census, it was not quite 30,000 residents, so according to the LCB, there could be ten Licenses. Mr. Benedetto stated if you are registered as an Independent, you can still vote on just the Referenda on the Primary; and Mr. Murphy agreed.

Mr. Lewis thanked all those who have long supported this initiative since he has since 2011 mainly because of Mr. Ron Schmid who deserves credit for bringing this to the Township's attention. Mr. Lewis stated he believes the businesses deserve the choice to have Liquor Licenses. He stated Pennsylvania has the most antiquated Liquor Laws of any State in the Country. Mr. Lewis stated 3,100 signatures is a heavy-duty task, and he would like to see the marketing plans in some detail as he wants to be able to offer help and suggestions since he wants them to be successful. Mr. Lewis stated he has personally taken attacks about this issue, and he wanted it known that he has not taken contributions from anyone presenting this tonight in any of his campaigns.

Ms. Reiss stated she is in favor of this, and she does not like losing revenue to other communities that should be coming into the Township.

Mr. Lewis stated he is in favor of this because he feels it is the right choice for the community. He stated the number of Liquor Licenses they are likely to have given the current economic environment is very few. He stated he feels the three grocery stores make take two or three of them. He asked the cost of the Liquor License; and Mr. McCaffrey stated last week the State auctioned off Licenses, and the Giant paid \$526,000 for a License in Whitpain Township and over \$300,000 for the one on New Falls Road in Bristol Township.

Mr. Lewis stated he understands that the law changed last year as it relates to the process around this, and they have a choice between the Primary and General Elections. Mr. Murphy stated he understands that; however, at the point in time when the Law was changed, there was not enough time to have everything organized by this past Election. Mr. Murphy stated he understands they can do it at every Election, but only every two years. Mr. Lewis stated there is generally a higher turn out during a General Election. Mr. Benedetto stated they could re-visit it at the General Election. Ms. Reiss asked when the signatures would be required for a General Election, and Mr. Murphy stated it would probably be in September.

Mr. Fritchey asked if they have to be physical signatures with pen and ink as opposed to electronic, and Mr. Murphy stated it does have to be pen and ink.

Mr. Murphy noted that approval of this Referendum does not change the BYOB situation and this will have no impact on that whatsoever; and those who prefer BYOB can still continue to do that. He stated it would be the restaurant's decision.

Ms. Tyler stated the Board of Supervisors does not have the ability to say "yes" or "no" to whether the ban on liquor will be lifted or maintained within the Township. She stated it has to go through the Ballot initiative, and it is being done by private business owners. She stated the only time Lower Makefield Township comes into play is assuming they are successful on the Ballot issue, and they surpass the ten Licenses available, then it would come into the Supervisors' province as to whether to grant additional Liquor Licenses above that.

Mr. Kupersmit stated instead of worrying about getting signatures which is just a "ploy" by the two major Parties to keep responsible citizens like himself off the Ballot since he will not go out and ask people to sign a Petition when they do not know him, they should amend the Constitution so that people do not have to get signatures to get on the Ballot.

Mr. McCaffrey stated the citizens voted in 1949 to ban it, so it has to be the citizens that agree to overturn it.

RECONSIDERATION OF TREE BANK FEE INCURRED BY PENNSBURY SCHOOL DISTRICT

Mr. Benedetto stated it was requested by the Pennsbury School District that this item be moved to a later date.

DISCUSSION AND APPROVAL OF RESOLUTION #2320 STOOPVILLE RIGHT-OF-WAY DEDICATION ALONG GRACE POINT CHURCH

Mr. Eisold stated he has been working with Mr. Truelove and information was submitted regarding the Dedication of the right-of-way along Stoopville Road from the Grace Point Church. Mr. Eisold stated the Plans they had done approximately two years ago showed a section along Stoopville to be dedicated between the legal and the ultimate right-of-way. Mr. Eisold stated at this point there is a developer along that Road, not in the Township, who has been required by PennDOT to do some improvements in this area; and while it was on the Plans to be dedicated, it never was officially dedicated to Lower Makefield Township. He stated they are asking that Lower Makefield now officially take dedication of that, and then take a portion of that and dedicate it to PennDOT. Mr. Eisold stated he understands that Mr. Truelove has prepared the Resolutions for that. Mr. Truelove stated there are

two Resolutions, and this will enable PennDOT ultimately to ask for improvements to be done in that area since there will be increased traffic. He stated this is an area that is just inside Lower Makefield, and because Grace Point is in Lower Makefield that is why this process is required. He stated there are two Resolutions – one is accepting dedication and the second is then to dedicate it over and convey it to PennDOT and authorize a Township official to execute the appropriate documents to achieve that goal.

Ms. Tyler asked if there would traditionally be compensation to Lower Makefield Township for dedicating this property over to PennDOT, and Mr. Truelove stated there would not from PennDOT. Mr. Truelove stated this is a right-of-way area so he is not sure what the value of that would be; and he added it is more of a convenience for the Township to be able to have it as the Township does not want to have the obligation to maintain the roadway, and they want to make sure that PennDOT has the ultimate responsibility and the ultimate liability. Mr. Fedorchak stated they could negotiate with PennDOT for compensation, and Mr. Truelove stated they could hold off on this if they want to consider it as it is a gray area.

Mr. Andrew Moore, attorney from Kaplan Stewart, stated as Mr. Truelove indicated there will be an increase in traffic in this area; and the benefit to the Township is that PennDOT will come in and the developer is paying for the improvements to widen the road that will help alleviate the traffic issues in the Township. Mr. Truelove stated Mr. Moore represents the developer, and they are the ones that brought this to the Township's attention.

Ms. Tyler stated the Dedication from Grace Point to Lower Makefield was part of the Development Agreement that they negotiated with Grace Point, and Mr. Truelove agreed. Ms. Tyler stated she would not have a problem with the Dedication that should have been done with Grace Point, but she feels they need a more definitive answer on the secondary transfer.

Mr. Benedetto stated he feels they should postpone this until December to get some answers.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve Resolution #2320 with respect to the Dedication of roadway from Grace Point Church to Lower Makefield Township.

It was agreed to reschedule the second Resolution to December 7, 2016.

COMMUNITY CENTER UPDATE

Mr. Eisold stated the site work is underway and some trees have been cleared.

Ms. Reiss asked if there is an approximate schedule. Mr. Eisold stated the Contract is for 240 days from the start which was November 7 when they were given their Notice to Proceed. He stated they were hoping to get started a little earlier before the weather got bad, so this may have to be taken into account. Mr. Fritchey stated he felt they were hoping for an opening around July 4. Mr. Lewis stated a lot of trees were to be planted to build buffers, and Mr. Eisold stated there are also a lot of trees and shrubs around the building itself which was a Bid Alternate selected by the Board. Mr. Fedorchak stated he believes they promised the residents in the Mill Road area who came before the Board that they would have an extensive planting. Ms. Reiss stated they will be putting in more trees than they will clear. Ms. Tyler stated there is also a house on Waterwheel that will also be buffered. Mr. Benedetto stated it would be helpful for Mr. Eisold to provide the Board with the number of trees that will be planted.

DISCUSSION OF UPDATED COMPREHENSIVE MASTER PLAN

Mr. Benedetto asked if the Board would be ready to have a discussion and adopt this on December 7. Ms. Tyler stated she feels they need to update it since they are now scheduled to move forward with a lot more than was contemplated in the Plan and they should include those items that they have been discussing at the Budget meetings. Mr. Fedorchak asked if it is possible to adopt certain Chapters rather than the entire document. Mr. Fedorchak suggested that Ms. Lynn Bush, some Planning Commission members, and some members of his staff work on this. Mr. Benedetto stated he would at least want it considered by the last meeting in December. Ms. Tyler stated she will also provide comments on the parts she feels are done, and those that they need to review. Mr. Benedetto stated he feels all the Board members should do that. Ms. Reiss asked if they are going to discuss changing any of the O/R, and Ms. Tyler stated it is in there. She stated the Comprehensive Master Plan is not a binding document, but it is the vision that the Township has moving forward for the next ten years. She stated that Section and part of Park & Recreation is going to require the most discussion. She stated there are some other items she would like to discuss. Mr. Lewis stated he feels sewer needs to be looked at as well.

Mr. Truelove stated the Board met in Executive Session commencing at 6:45 p.m. and items of litigation involving Code Enforcement matters, real estate involving a potential property sale and open space, as well as informational items were discussed.

ZONING HEARING BOARD MATTERS

With regard to the Jeffrey Erinoff and Marilynn Boim Variance request for the property located at 650 Burgundy Place in order to permit construction of a fence resulting in encroachment into the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Lewis stated the Citizens Budget Commission participated in the first Budget Workshop they held on Monday which was well attended.

Ms. Reiss stated the Seniors have questions about what can and cannot be done at the Community Center, and those questions will be referred to the Township Manager and the Township Solicitor. Ms. Reiss asked those interested in serving on the Special Events Committee to contact her. She stated she would like to have something special for the Community Center opening.

Ms. Tyler stated the EAC is working on a Styrofoam recycling program as well as some educational programs. Ms. Tyler noted the Historic Commission had a successful Garden of Stone Graveyard Tour and are gearing up for next year, and they are always looking for new members.

Mr. Fritchey stated the Veterans Day Ceremony and Parade were excellent. He stated the Park & Recreation Board met last night and there was discussion of the Capital projects in the Budget, and the Park & Recreation Board recommended that they all be approved. Mr. Fritchey stated the jogging/walking/biking asphalt 1K measured tract is in at Memorial Park and available for use. He stated the plantings from Phase III and the remaining from Phase II for the Arboretum were planted last week. He stated they are along the course of the path. He stated the signage for those has not yet been installed, but the signage for Phase I has been installed.

DISCUSSION AND MOTION REGARDING BRIGHT FARMS' NOTICE OF VIOLATION ISSUED BY THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR UNPERMITTED DISCHARGE OF INDUSTRIAL WASTEWATER AND THE IMPACT IT HAS ON THE GREENHOUSE FACILITY'S LEASE AGREEMENT WITH THE TOWNSHIP ON PATTERSON FARM

Mr. Ralph Carp, Public Works Director, was present and he stated he prepared a summary for Mr. Fedorchak of what he knew about the event; and he does not have

much more to add to that. He stated a report was filed with the DEP about a discharge and the DEP was notified late October/beginning of November. He stated they investigated it on November 8. He stated they determined that there had been some discharge of a reddish-brown fluid onto the ground, and they also made observation that fluids were being squeezed out the back door. He stated they also observed some containers that had growing medium leaking on the ground out behind the building. He stated they also observed some materials stored in bags outside the building that they felt should be stored undercover inside. Mr. Carp stated DEP wrote a report and issued a Notice of Violation. They also requested certain information from Bright Farms regarding testing of the liquids that were observed.

Mr. Fritchey asked if it was undetermined what was in the liquids that were improperly discharged. Mr. Carp stated he understands from conversation with a representative of Bright Farms that when the chemical composition in the growing tanks is not as good as it should be, they add fresh water and dilute the solution in the tank. Mr. Fritchey stated his impression was that DEP had not yet determined exactly what it was that was discharged, and he asked if the chemical composition has been determined yet; and Mr. Carp stated he does not believe that has been submitted to DEP yet. He stated DEP has asked for six month's worth of chemistry testing since Bright Farms asserts that they routinely test this solution in the seven growing ponds they have there. He stated DEP will then make an assessment. Mr. Fritchey stated it seems that DEP is still in the process of conducting their investigation, and Mr. Carp agreed.

Ms. Tyler asked if DEP conducted any of their own testing, and Mr. Carp stated they did not take any samples, and only made a field inspection.

Mr. Lewis stated Bright Farms indicated it was a recurring practice and not a one-time event; and Mr. Carp stated when he met with their Production Manager, he indicated this was the second or third time they had to pump down tanks. Mr. Lewis stated that would indicate that they had done this inappropriately in the past, and this was not just a one-time event. Mr. Carp stated that he was advised that they had done this before. He stated the DEP report, however, seemed to indicate a different practice; and he called that out in his memo to Mr. Fedorchak. Mr. Lewis stated he understands that discharge is what is underneath the hydroponically grown plants, and they remove some of that and dilute it with water. Mr. Lewis stated he assumes that means that the chemicals in have surpassed a certain level that is no longer optimal for growing, and Mr. Carp agreed. Mr. Lewis stated that would indicate that what is being discharged is not necessarily good to be going into the water supply and/or other surrounding areas. Mr. Carp stated he has a landscape architecture/horticultural background, and he knows a little bit about growing plants and good conditions; and it seems to him that when the salts

build up in the solution, they have to bring the chemistry of the solution back into an optimal range, and they do that by removing some solution and diluting the solution. Mr. Carp stated during the field investigation, the DEP stated the calcium chlorides were too high.

Mr. Fritchey stated this is a naturally occurring repetitive process that they have to do periodically in their normal operations, and the question is whether they allowed it to be a spill rather than disposing of it appropriately; and Mr. Carp agreed.

Ms. Reiss stated they do not know if it harmful or not. Mr. Carp stated it is a super fertilized solution that is designed to grow plants quickly; and when it gets out of range, they have to make adjustments.

Ms. Tyler asked if the DEP gave a timeline as to their expectations, and Mr. Carp stated he believes Bright Farms has thirty to sixty days to respond to the Violation Notice.

Mr. Benedetto stated Mr. Truelove was directed to look at the Lease and what it indicates are the Township's options under that Lease. Mr. Truelove stated the Lease provides the Township a shield of protection which would be indemnification and protection from any regulatory fines or charges that would be assessed so that the Township would not have to bear any costs. He stated the Township also has options under the Lease with respect to Bright Farms' tenancy there. He read a number of portions from the Lease.

Mr. Truelove stated the most important thing for the Board to consider is whether they want to do something tonight or wait until they get the results back from DEP.

Ms. Reiss stated they do not know whether the liquids were hazardous or not, and she wants to be fair; however, the storage of things outside is something that they can act on and give them notice immediately. She stated they need to put them on notice that they cannot store anything outside other than the dumpsters.

Mr. Benedetto asked if they are putting them on notice that they are going to terminate the Lease; and Mr. Truelove stated they are putting them on notice that they are in violation of the Lease, and that the Township will rely on any and all remedies that are available to the Township. He stated he would like to draft the letter and circulate it to the Board to make sure they are satisfied with the language and that it covers all the issues they want it to cover. He stated they would also reserve all rights available to the Township as more information is received.

Mr. Fritchey asked if they have voluntarily spoken to anyone at the Township and explained this, and Ms. Tyler stated they received an e-mail today from Paul Lightfoot from Bright Farms. Mr. Benedetto read the e-mail into the record.

Mr. Lewis stated he does not see a downside risk for the Township by announcing that they are invoking the cure period, and they are not saying that they are taking legal action against them. He stated they are saying that they recognize a violation of the DEP rules, and they have also uncovered that this was not necessarily a one-time event. Mr. Lewis stated they can begin the cure period, and Bright Farms can begin the process of restoring things to a state such that they are in compliance with the Lease Agreement. Mr. Lewis stated the Township is not immediately terminating the Agreement, rather Bright Farms is in the sixty-day cure period; and this gives them an opportunity to address the situation.

Mr. Fritchey asked if the cure period runs from the time of the incident or from the time that the Township gives notice, and Mr. Truelove stated he believes that it would be from the time that the Township gives notice. Mr. Fritchey asked what happens if they give notice now when they do not know the gravity of what occurred, and the sixty-day period runs out before there is a determination made by DEP. Mr. Truelove stated he feels they would have language in any letter that would say as more information is received, they will exercise their right to either extend or possibly provide another notice based upon the information the Township receives. Mr. Truelove stated the Township could put them on notice about the storage issue first, mention the discharge issue knowing that all the information has not yet been received, and then advise that the Township will exercise their rights on that circumstance if it appears that it is something that is covered under the Lease.

Mr. Fritchey stated he feels the storage issue is a clear-cut issue and something they can tell them to cure immediately, and they will have sixty days to act on it; and hopefully they will be responsible and clear it immediately. Mr. Fritchey stated at this point they do not know enough about the other issue, although he feels it is likely that it is something relatively minor and not harmful. He stated if it turns out that it is something grave, they would have to address that in an appropriate fashion.

Mr. Truelove stated if it is something that is very serious, DEP will have its own separate enforcement remedies as well. Mr. Fritchey stated there are regulatory consequences and there are Lease-breach implications.

Ms. Tyler stated in addition to the storage issue, she believes there is also an issue of dumpsters and whether they are within the leasehold or not; and she believes they have to be in the leasehold, and they are not.

Mr. Lewis moved and Mr. Benedetto seconded to direct the Township solicitor to notify Bright Farms that they are in breach of the Lease Agreement and to initiate the cure period as it relates to storage of items outside of the greenhouse and dumpsters outside the leasehold area, and the Township reserves their rights as concerns to breaches related to the pending DEP action.

Mr. Benedetto stated he has never been a “fan” of Bright Farms on the Patterson Farm, and he feels this is proof why this is a terrible location. He stated they talked about being good neighbors, but there is still light pollution. He stated they indicated they were going to use the road that had been there for fifty years, but they cut a road through the trees. He stated they indicated this was a one-time event, but they have found that the grower on site has stated it has happened a couple of times. Mr. Benedetto stated the only reason the Township found out about this was because Ms. Donna Doan advised them, and he commended her for being “the watchdog” for the community; and if she had not taken the video, no one would have known about it. He thanked Ms. Doan for contacting DEP. Mr. Benedetto stated the video was posted at 2:00 p.m. this afternoon, and no Bright Farms representative is present at this evening’s meeting which he feels is not good.

Mr. Benedetto stated Bright Farms will be on the Agenda on December 7, and they are on notice that the Township is not happy. Mr. Benedetto stated he understands that they have a \$25,000 Letter of Credit. Mr. Benedetto asked where they are getting their water from, and Mr. Fedorchak stated they have a well. Mr. Benedetto asked if the Township knows the quantity of water they are using, and Mr. Fedorchak stated he does not.

Ms. Tyler stated she is bothered that DEP is relying on information to determine what is there solely from Bright Farms, and she suggested that they direct the Township engineer to take soil samples in the area; and they should put Bright Farms on notice in the letter to be sent that the Township engineers will be doing this. She asked Mr. Truelove if the Township needs permission to do that. Mr. Truelove stated he understands it was seen going toward the pond on the property which is separate from the leasehold area. Ms. Tyler asked that the engineers take soil samples so that the Township has this information. Mr. Eisold stated they have environmental engineers on staff.

Ms. Reiss stated she has mixed feelings about Bright Farms. She stated she is happy that they put the shades up; however, the Township does need to know what was done, and it may be that they do this procedure on a recurring basis, but there was never a spill before or they may have had spills. She stated the Township needs to know what this was, and if it is hazardous; and she feels soil samples is the way that they will get the facts.

Mr. Lewis stated he has long been critical of Bright Farms' placement and the economic arrangement as it relates to the Township and what the fair market value is that the Township should be receiving. He stated that aside, this is a company that has required significant oversight from the Township; and they have had issues before that the Township had to address. He stated he feels the Township needs to push back hard.

Mr. Tom Conoscenti, Ginko Lane, stated he is present on behalf of his neighborhood group which has been working toward preserving Patterson Farm. He reminded the Board of Supervisors that during the proceedings before the Zoning Hearing Board four to five years ago, members of his group presented evidence of the problems with the run off from Patterson Farm; and there were also concerns expressed about the downstream impact of pollution on the Farm into the waterways that effect the creek and down into Yardley Borough. Mr. Conoscenti stated when he reads about spills over a period of time, they should be aware that there is a context for potential problems.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated this is "shoddy manufacturing." He stated Bright Farms is not a good neighbor. He stated they got a "sweet" deal, and they are trying to take full advantage of it. He stated he does not care whether it is hazardous or not as he feels this is bad business; and unless they can prove that they are going to work the way they are supposed to, they should not be here.

Ms. Donna Doan, 2814 Yardley-Langhorne Road, stated she is present on behalf of herself and Patterson Farm Preservation. She stated she brought this issue about the storage containers to Mr. Benedetto's attention a few months ago, and she thought a letter had already been sent. She asked if they have already extinguished the sixty-day period. Mr. Truelove stated he had provided information of the terms of the Lease, but he had not sent any letters. Mr. Fritchey stated he feels if there is storage outside of the buildings in places where it is not supposed to be, it is a continuing violation of the Lease. Mr. Benedetto stated he does not believe there was any notice to them.

Ms. Doan stated she felt there was an e-mail that came back from Paul Lightfoot that indicated they had a tight budget and could not afford to move the storage containers. Mr. Fedorchak stated he will have to go back and check his records as he was out on the site and talked to their Manager about the storage. Mr. Fedorchak stated they were encroaching in the farm area, and they were over their leased area. He stated they had to move that out, and there were also a number of things he discussed with the Manager as far as moving those materials either inside the facility, which at the time he said they could not do; and the alternative was to get more storage units there and place the materials in them. Mr. Fedorchak stated

he followed up on this; and they had cleaned the site up as he went out to look at it, and it was better than it was before although he is not sure that they did everything. Mr. Benedetto asked Mr. Fedorchak to provide this information to Mr. Truelove so that he can include that in the letter.

Ms. Doan asked how they were able to drill a well there. Mr. Fedorchak stated a Permit was issued. Ms. Doan asked why they were never charged for the water. She stated their water usage is astronomical since to fill the lagoons one time is 336,000 gallons of water. Mr. Benedetto stated he assumes she feels this would have an impact on the aquifer, and Ms. Doan agreed. She noted some articles which indicate that there are going to be water shortages that will occur on the East Coast that will be as bad as it has been on the West Coast.

Ms. Reiss stated she does not feel you can legally charge for well water. Mr. Eisold stated typically with a well, the owner is charged to build the well, but then the water is not charged on a per gallon basis. He stated they would not be tying into PA American and paying their rates. Mr. Benedetto stated it is of concern since it is not a homeowner who has a well, rather it is a major industrial greenhouse that uses thousands of gallons of water. Ms. Doan stated they use millions of gallons. Mr. Eisold stated at a certain level for thirty days, they do have to get a Permit from the DRVPC; and he assumes they got that. Mr. Benedetto asked that they look into that. Ms. Doan stated she feels it is astounding that they can draw much water from our underground resources for free. Mr. Eisold stated the question is how much they bring out at one time. He stated they may only be drawing so much per day.

Ms. Doan stated when the greenhouse was approved, Bright Farms stated that they would use collected rainwater; and there was no talk about withdrawing any water from the ground. She stated that system did not work, and that led them to convert their growing system because the initial system did not work. She stated they reconstructed the interior of the greenhouse, and the Lease states very specifically that they were supposed to go through all the Permitting processes in any work that they did. She stated they drove a concrete truck inside the greenhouse and poured all those lagoons. She stated there are seven, 48,000-gallon lagoons. She stated that is a huge breach of their Lease.

Mr. Benedetto stated they have changed the system from what they originally indicated they would do when they came before the Board almost five years ago. Ms. Doan stated she does not feel the \$25,000 will pay for the removal of all the concrete.

Ms. Doan stated this was not a spill, and there was a 4" hose attached to a pump; and it was intentional.

Ms. Doan asked if they know who are the parties of LMT Greenhouse LLC, and Mr. Benedetto stated Bright Farms will be here on December 7, and they can ask that question. Ms. Doan stated she feels it is interesting to note that a YouTube video was made at the greenhouse and posted today; however no one came to the meeting this evening. Ms. Doan stated they need to see if any of this flowed down to Lake Afton and enhanced the algae bloom, and possibly they should bring in the Friends of Lake Afton. Ms. Doan stated she has pamphlets to hand out about the Bright Farms issue.

Mr. Steve Gahr, 14 Colonial Ridge Drive, suggested that along with soil samples it would be good to collect the MSDS sheets for all the chemicals that are used in the greenhouse. He stated the sheets show the hazardous nature of the chemicals being used, and this could give a handle on what the effluent might have been that was discharged. The Board agreed that they should include this request as well.

Motion carried unanimously.

APPROVAL OF AMENDMENT NO. 2 TO RACP GRANT

Mr. Fedorchak stated the staff would recommend that the Board approve this Amendment which is the Second Amendment to the Contract that Lower Makefield Township executed with the Commonwealth of Pennsylvania for the Redevelopment Assistance Grant Program. He stated in January, 2001, the Township entered into a five-year Contract with the State who promised the Township \$2 million of Grant money to finance various capital projects, one of which being the renovation of the tennis courts located at the Pool area. He stated the second project was the construction of the all-inclusive playground at Memorial Park. He stated the third project was the construction of the Caiola 70' and 90' ball fields, and last is the Community Center. Mr. Fedorchak stated it was the Community Center project that took a little longer than originally anticipated; and a year ago, the Township asked for and received a one-year extension to the five-year Contract. Mr. Fedorchak tonight he is recommending that the Board approve another one-year extension, and he believes that the State will approve this. He also asked that the Board authorize the Township Manager to sign on behalf of the Township.

Mr. Fritchey asked when the current Contract runs out, and Mr. Fedorchak stated he believes it is January 31, 2017; and while the Community Center will not be completed by that time, it will be under the second Extension.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve Amendment No. 2 to the RACP Grant and authorize the Township Manager to sign on behalf of the Township.

APPROVE HIRING KYLE FOLEY AS POLICE OFFICER

Chief Coluzzi asked the Board to approve hiring Kyle Foley for the position of Police Officer contingent on the successful completion of the medical exam, drug screening, and psychological exam. He reviewed Mr. Foley's education. He stated Mr. Foley's tentative date of hire would be December 12, 2016.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve Kyle Foley as Police Officer as described by Chief Coluzzi.

POLICE DEPARTMENT GRANT

Chief Coluzzi stated the Police Department had obtained a School Resource Officer Grant in the amount of \$60,000 for 2016/2017; and they were approved for an additional \$30,000 so they will be placing \$90,000 in the 2017 Budget.

OTHER BUSINESS

Ms. Reiss announced that tomorrow night there will be a Rally for Peace as there have been some incidents at Council Rock School District and Pennsbury School District. She stated it will be held from 7:00 p.m. to approximately 9:00 p.m. at the Garden of Reflection.

APPOINTMENTS

Mr. Fritchey moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint Phil Tyler to the Sewer Authority.

Mr. Benedetto moved, Ms. Reiss seconded and it was unanimously carried to re-appoint Mark Ellison to the Golf Committee.

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There being no further business, Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,



Kristin Tyler, Secretary