

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 18, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 18, 2014. Chairman Dobson called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:       Dobby Dobson, Chairman  
                                      Daniel McLaughlin, Vice Chairman  
                                      Pete Stainthorpe, Secretary  
                                      Kristin Tyler, Treasurer  
                                      Jeff Benedetto, Supervisor

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

PUBLIC COMMENT

Ms. Gudrun Alexander, 256 S. Fieldstone Court, stated she has a problem where she lives with the trees down and the grass not being cut, and it was partially taken care of; and she thanked the Township for helping her out. She stated she is also concerned with speeding on Bluestone Drive. Chief Coluzzi agreed to get back to that area.

Mr. Robert Abrams, 652 Teich Drive, stated the performance of the Pennsbury School District has dropped tenfold in the State ranking, and the Budgets have increased exorbitantly. He stated the District is \$220 million in debt. He stated he has no problem paying his Township taxes because of all the service provided, but the School District is frivolously spending funds, and the quality of the education has plummeted. He feels the Township children deserve a much better education for what is being paid. He stated Lower Makefield Township pays 39.28% of the total costs of the District, and he feels it is imperative for the children and the property values to go out through the Supervisors or a Citizens Committee to look at other educational opportunities than Pennsbury.

Mr. Jonathan Malenfant, 1123 Gloria Lane, stated they have had problems for over twenty years with the new neighborhood that was built uphill from them with water coming through their yard. He stated the woods is not retaining the water. He stated several years ago the Township engineer at that time, Mr. Doherty, indicated that they would fix the problem but they never came back. Mr. Stainthorpe stated Mr. Doherty has not been the Township engineer for some time, and he asked Mr. Eisold to go out to look into this. Mr. Malenfant stated he has discussed this with a number of people in Public Works. Mr. Malenfant was asked to provide his contact information to Mr. Fedorchak. Mr. Malenfant stated the problem has been going on since 1996.

Ms. Donna Doan, 1584 Edgewood Road, asked for an update on the Hibbs' well. Mr. Stainthorpe stated Toll Bros. has agreed to take care of this. Mr. Benedetto stated there were three proposals submitted to Mr. Hibbs for the well ranging from \$8,300 to \$9,800, and Mr. Hibbs stated he had other issues that he needed resolved to make himself whole. Mr. Hibbs is looking into other appraisals for other work that may be necessary as part of drilling the well and fixing things in his house and on his property. Mr. Garton stated Mr. Hibbs felt there was additional money he would need to make the connection; and Mr. Benedetto had asked Mr. Garton to ask Toll Bros. for additional money. Mr. Garton stated he asked what that additional money would relate to; and when he receives this from Mr. Hibbs, he will make the overture.

Mr. Tom Marx, 111 Lantern Court, stated he was at the March meeting to discuss accessibility of lap lanes at the Pool. He stated the Pool is now open, and he is seeing that there is a lane dedicated to walking/exercise which in effect took away one of the lap lanes they were using before. He stated they came in March asking for more lanes, and they have in fact lost a lane. Ms. Tyler stated she thought that on Monday, Wednesday, and Friday from 6:00 p.m. to 8:00 p.m. they dedicated the entire Pool for lap lanes; however, Mr. Marx stated he was not aware of that. Ms. Tyler asked that he check with Mr. Fedorchak and Ms. Liney on this.

Mr. Zachary Rubin, 1661 Covington Road, stated the Pool Advisory Committee is meeting downstairs at the current time, and he suggested that Mr. Marx meet with them now.

Mr. Marx stated he also heard that there was an incident where there was conflict about who should be in the lane, and someone threw the other person's clothes into the Pool. Mr. Dobson stated this is unacceptable, and he asked Mr. Fedorchak to look into this as they will not allow this type of behavior.

APPROVAL OF MINUTES

Mr. Stainthorpe moved and Ms. Tyler seconded to approve the Minutes of June 4, 2014 as written. Motion carried with Mr. McLaughlin abstained.

APPROVAL OF JUNE 2, 2014 AND JUNE 16, 2014 WARRANT LISTS, AND MAY, 2014 PAYROLL

Ms. Tyler moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the June 2, 2014 and June 16, 2014 Warrant Lists and May, 2014 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF RESOLUTION NO. 2282 AUTHORIZING SUBMISSION OF A MULTIMODAL TRANSPORTATION FUND GRANT APPLICATION FOR QUIET ZONES

Mr. Eisold stated he and Mr. Fedorchak recently spoke with a number of people from SEPTA, and they have been discussing the Multimodal Transportation Fund Grant. Mr. Eisold stated they feel they have a good chance of getting some money to assist with the establishment of the Quiet Zones. Mr. Eisold stated the Application is due in approximately three weeks. He stated a Resolution has been prepared to authorize pursuit of this Grant.

Mr. Eisold stated the total amount they are going to ask for is \$500,000. He stated the construction costs they had previously discussed were in the range of \$120,000 per crossing for a total of \$360,000. He stated the first part is doing the FRA Approval to have the Quiet Zones, and a list had been provided last month of all the items and data that needs to be obtained; and they are working with a Gannett-Fleming consultant to do that. The cost to put this data together is approximately \$80,000. He stated they then have final Plans, specifications, and bidding which costs approximately \$23,000. Construction costs and construction management is also needed, and construction management is approximately 10% of the construction costs or approximately \$30,000. He stated this was the make up of the \$500,000, and this is what they are asking for in the Grant. It is a 30% matching Grant so the matching portion would be approximately \$150,000.

Mr. Stainthorpe stated he had reached out to Senator McIlhinney who was instrumental in identifying this Grant and working with SEPTA who has been very responsive, and hopefully the Township will receive this Grant and move forward with the project.

Mr. Benedetto asked if this changes in any way the Township's pursuit of the Categorical Exclusion. Mr. Stainthorpe suggested that the Township hold off on this since they are working closely with SEPTA which has been supportive and cooperative. Mr. Garton stated this would change the perspective since one of the things it was intended to do was demonstrate the need for Quiet Zones; but if they are going to proceed along these lines, the Township would not need the additional challenge to the Environmental Assessment. He stated they should know relatively soon whether they will be getting the Grant which may eliminate the need for that.

Mr. McLaughlin asked who will be the lead on the project, and Mr. Eisold stated the Township is the Applicant for the Quiet Zones. Mr. McLaughlin asked if they will be working on CSX property; and Mr. Eisold stated SEPTA is agreeing to what they are doing, and they have been pursuing response from CSX. Mr. Eisold stated Mr. Knueppel has had recent discussions with CSX, and he may have some additional information. Mr. Eisold stated at this point, the Township has not received a full okay from CSX. Mr. McLaughlin asked who will do the engineering and selection of the contractor for the work; and Mr. Eisold stated the Township will design it, and they are currently working with the consultant to get the required studies and information done to show that they meet all the requirements to install the Quiet Zones.

Mr. Jeff Knueppel, Deputy General Manager for SEPTA, was present and stated he has had continuous discussions with CSX. He stated this is a public crossing under the jurisdiction of the PUC. He stated the work that would be needed for the channelization devices and the median barriers would barely go onto the CSX property. He stated CSX has been very supportive with the approach of going for the Multimodal Grant. He stated he feels CSX feels this is a good way to go.

Mr. Benedetto stated at the last meeting the Gannett-Fleming representative indicated that the signal crossing work would be completed sometime in the spring; and Mr. Knueppel stated when they put in the third track it will probably be March to May, 2015, and after that the Township would do their project.

Mr. Benedetto asked for an update on the Dobry Road crossing, and Mr. Knueppel stated he understands that they are still looking to deal with the homeowner there so that crossing gets eliminated. Mr. Eisold stated Dobry Road is a private crossing; and he has had discussions with the Gannett-Fleming consultant, and there are no requirements to sound the horn for private crossings. Mr. Knueppel stated CSX has been taking the lead on this, but the intent is to get rid of that crossing since they do not want to have that safety issue.



Ms. Tyler asked if they currently blow the horns at that crossing even though they do not have to. Mr. Eisold stated he did have someone check within the last few days to see if they actually blow the horn at that location; and while they are not blowing it at the Dobry crossing, they are blowing it for the Township Line Crossing which almost extends to Dobry so it is being blown in that area.

Mr. McLaughlin asked how they will know not to blow the horns on these three crossings. Mr. Knueppel stated this is in the information that the engineers need to know in order to qualify to be able to operate a train in this area. He stated in addition there is typically signage placed out on the right-of-way to make sure that they do not blow the horn. He stated initially there may be the occasional engineer that will make a mistake; but they have had other issues like this on SEPTA at another location, and it works out over time. Mr. McLaughlin asked if engineers who are travelling Nationwide will know this, and Mr. Knueppel stated the engineers must be qualified on the territory and pass all the physical characteristics of the territory. Mr. Knueppel stated CSX engineers would not qualify for the entire CSX railroad system, they would qualify for pieces of it. Mr. Knueppel stated this is something that is managed. Mr. Knueppel agreed to verify that there is also signage to remind the engineers.

Mr. Benedetto stated there have been some residents who expressed concern with the safety of Quiet Zones and not blowing the whistle. Mr. Knueppel stated once the gates come down, and there is the median barrier, there is not the ability to go around. He stated these are very good safety features. Mr. Eisold stated they need to prove to the FRA that what is proposed is more safe than what is there today with blowing the horns.

Mr. Benedetto asked if SEPTA has filed the PUC Application, and Mr. Knueppel stated they are about to. Mr. Knueppel stated they need the track to go in so that the Township can then come in with the Quiet Zones, and they want to coordinate the two efforts. Mr. Knueppel stated they are very happy that what was once a multi-million dollar problem a few years ago will be much less if this Grant goes through. He stated they worked hard to help find a solution.

Mr. McLaughlin asked if they do not get the Grant, is there a way that SEPTA could contribute or find funds; and Mr. Knueppel stated for this particular project they have talked to the FTA, and because they did not have it in the original scope of the project, they would not allow them to do it with the TIGER funds that they have. Mr. Knueppel stated even with this Grant going in, they will continue to look for others; but he is optimistic that the Township will get the Grant because it is not that high a request. He stated the minimum amount able to be requested is \$100,000, so this is not much more than that. He stated it is a reasonable project; and given the level of activity and level of traffic that is experienced, it makes sense.

Mr. McLaughlin asked if there is a way for SEPTA to endorse the Grant, and Mr. Knueppel stated they will provide a support letter with the Application. He stated they have very good Grant writers, and they are working with the Township.

Mr. Stainthorpe stated he spoke to Senator McIlhinney at 1:00 last Friday, and a representative from SEPTA called Mr. Fedorchak that afternoon; and the cooperation is great. Mr. McLaughlin agreed that SEPTA has been more than helpful, but the CSX representatives have not been as present. Mr. Dobson stated they appreciate everything SEPTA has done, and he is sure the residents appreciate it as well. Mr. Fedorchak stated he did have two discussions with William Getz, the Regional Manager for CSX who was present a few months ago; and Mr. Fedorchak confirmed that CSX is very much in support of the Quiet Zones, and they will do everything they can to help make that happen. He stated Mr. Getz did confirm that his engineers are working with SEPTA's engineers, and there is a process they need to take; but they did not see any reason why the Quiet Zones could not happen.

Mr. McLaughlin stated Lower Makefield Township has seen the volume of CSX trains increasing, and he asked if there is a limit on how many trains CSX can put through the Township. Mr. Knueppel stated if anything the separation process will probably make it harder for CSX to run more trains since previously they had the ability to run on two tracks, and now they will only be able to run on one. He stated there are benefits because CSX will be able to coordinate the movements better and not hand off to SEPTA. Mr. Knueppel stated it is very difficult at rush hour when SEPTA is running a lot of passenger traffic and CSX brings freight trains through. He stated the two aspects of the process are the signal safety that they are required to work toward by the end of 2015, and the other issue is that this will allow them to coordinate their train service better. Mr. Knueppel stated he does not see this project making it any easier for CSX to run more trains through the area.

Mr. Eisold provided this evening a map showing the location of the crossings. He noted the location of the Township Line Road crossing which is partially in the Township and would be a much more difficult crossing to include in the Quiet Zones, and it has not been included in this project.

Mr. Zachary Rubin, 1661 Covington Road, stated he is also concerned about the lack of CSX participation. Mr. Rubin stated CSX has 16,000 crossings and these would be the first; however, it was noted by others present this evening that this is incorrect, and there are approximately forty Quiet Zones. Mr. Rubin asked if Mr. Getz has the authority to speak for CSX, and Mr. Fedorchak stated he is the Regional Manager. Mr. Rubin asked if the Regional Manager has the authority to sign on for Quiet Zones; and Mr. Knueppel stated a Quiet Zone is not something typically a railroad does, rather a Quiet Zone is something that is done to a railroad. He stated a

railroad cannot even apply for a Quiet Zone, and it has to be the Municipality that applies. He stated SEPTA and CSX cannot stop someone from making the Quiet Zone; and if you meet all the requirements, go through all the steps, and have the funding in place, a freight company can really not stop it. He stated Mr. Getz is the Resident Vice President for CSX Transportation, and he has dealt with him for years.

Mr. Arthur Cohn, 7906 Spring Mill Drive, asked about pedestrians since there are walking paths there; and when they do not hear the whistle, pedestrians might decide to cross. Mr. Dobson stated there will be gates and flashing lights. Mr. Cohn stated pedestrians could walk around, and others indicated that at some point common sense would have to be considered. Ms. Tyler stated where there are walking paths crossing these Quiet Zones, she feels the Township could erect their own signs that say that trains do not sound their horns. Mr. Knueppel stated this will all go through a rigorous review process to make sure everything is done safely. Mr. Eisold agreed that there will be signage. Mr. Benedetto stated in the Guide to Quiet Zone Establishment Process that CSX provided, it does indicate that they must identify pedestrian crossing within the proposed Quiet Zone, and conduct a diagnostic review of those crossings as well.

Mr. Cohn asked if CSX will use American made rail, and Mr. Knueppel stated CSX is not installing a lot of tract. He stated SEPTA is, and they follow the Pennsylvania Steel Act which requires U.S. rail.

Mr. Robert Abrams, 652 Teich Drive, stated the Township will have to pay \$150,000 if the Grant is approved. He stated he feels CSX as a large, National rail line should be able to afford \$150,000. He stated the Township is not the cause of the project, but will have to bear the brunt of the problem. Mr. McLaughlin stated the Township has always approached it that it would be a nice gesture and partnership from a company that netted last year \$3 billion.

Ms. Sarah Spengler-Camponella, 29 Greenridge Road, stated the Grant has to be in by June 30. She asked when they will know the status of the Grant in terms of whether or not they will fund it, and Mr. Eisold stated they do not know that right now. Mr. Knueppel stated he feels it will be September or October. Ms. Camponella stated this would be well past the deadline for the Township filing any reconsideration for the Categorical Exclusion. Mr. Garton stated they are walking a "tight line" because if the Township files that, it may disrupt the entire Grant issue. Ms. Spengler-Camponella asked if there is any way to get an extension for the filing of the reconsideration, and Mr. Garton stated he will inquire about this with the Federal Railway Administration with whom they have been in touch. Ms. Camponella thanked SEPTA for their assistance.

Mr. Tim Collins, 479 Jenny Drive, thanked everyone for all their efforts. He stated he has studied Quiet Zones with regard to safety, and he provided this evening a copy of a study done in 2011 which breaks down pre-Quiet Zone and post-Quiet Zone. It also shows how many Quiet Zones have been established and where they are under review. Mr. Collins stated that there are gates and channelization, and they have doubled the protection. He stated the study also shows how many people purposely drive through the gates or try to go around the gates. He stated there are people, no matter what you install, will do exactly what you do not want them to do.

Mr. David White, Gayle Drive, thanked SEPTA for coming out. He stated Quiet Zones have been enacted around the Country, and grade crossings with Quiet Zones are in fact safer than those without. He stated the locomotive engineers are also never prohibited from blowing the horn; and if they see a situation which they believe to be unsafe, they will still blow the horn. Mr. White stated he appreciates all the work everyone has done and especially Mr. Stainthorpe working to get the funding.

Mr. Jaydeep Nanavaty, 468 Jenny Drive, thanked SEPTA for all their help. He stated this will be a life-altering situation since they will be able to sleep. He thanked all the Board members, SEPTA, and CSX.

Mr. Zachary Rubin stated six years ago when this was previously pursued one of the options was that the trains would not blow the horn but that there would be a horn at the intersection that would blow right down the road, and he asked if this is what is envisioned. Mr. Knueppel stated this is one of the approaches that you can take; however, one of the crossings has a residence right there, and it would have been a horrible situation.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to approve Resolution No. 2282 Authorizing submission of a Multimodal Transportation Fund Grant Application.

#### DISCUSSION OF RESULTS OF DEPARTMENT OF HEALTH TEST OF PATTERSON FARM SEPTIC SYSTEM

Mr. Fedorchak stated there was discussion at the last Board of Supervisors' meeting about a wet area due east of the Janney-Brown farmhouse, and the concerns were that the wet area was in fact discharge from a malfunctioning septic system on the Patterson Farm. He stated the Township had maintained that the wet area was nothing more than an overflow of the water well that services the Janney-Brown farmhouse. Mr. Fedorchak stated there was a complaint filed, and this complaint was followed up by the Bucks County Health Department.

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Mr. Fedorchak read into the record the findings of the Bucks County Health Department per letter dated June 12, 2014 as follows:

“Dear Mr. Fedorchak: On June 4, 2014 I met with Robert Jones,”

Mr. Fedorchak stated Mr. Jones is the Facilities Manager for all the Township Buildings.

“and Jeff Benedetto to conduct a dye test at the Patterson Farm main dwelling for the purpose of determining if the wet area and water running down the field towards the pond were the result of a malfunction of the on-lot septic system. At that time dye was introduced into the kitchen sink and all toilets in the house. The yard and the adjacent ground was walked to look at all wet areas, tanks, vent caps, etc. The cesspool serving the small rented house was also inspected. At this time no immediate indication of dye was observed. In addition the water was clear and had no odor.

On June 5, 6, and 9 I also inspected the grounds including the ponds near the road. Although the water was still running down the field, no indication of dye was observed, and a sample of the water from the wet area near the yard when held under a black light showed no fluorescence indicative of a uranine dye used.

It is concluded that due to the lack of tracer dye and the constant running of clear water that the wet area is caused by a natural condition such as a spring, possibly seasonal, and not from a surface malfunction of the on-lot septic absorption area.”

Mr. Fedorchak stated this was signed by the inspector and soil scientist for the Bucks County Health Department.

Mr. Fedorchak stated this was actually the second time this individual was on the property since he was on the property last year when there was a complaint filed about this same wet area. At that time he made a visual inspection and reported to the Township that he agreed with the Township that the wet area could be traced directly back to an overflow from the water well that services the Janney-Brown farmhouse and the little cottage. Mr. Fedorchak stated the Township staff has been aware of this wet area for years, and a number of years ago Mr. Jones made an effort to trace where the water from the wet area was coming from, and that led them directly to the water well on the property.

Mr. Fedorchak stated he wants to compliment the staff particularly Public Works and Bob Jones who is on the property a number of times a week going through the structures. He stated Mr. Jones also has the task of checking the septic tanks on the property, and he is doing this about once a month popping the lids of the tanks to see how much room they have. If it is necessary, Mr. Jones also has a local company come in and pump the tanks out. Mr. Fedorchak stated one of the tanks was pumped out last year and another pumped out approximately five years ago. The third tank was pumped out quite some time ago as well.

Mr. Fedorchak asked the Board if there is anything else he should do in this matter.

Mr. Benedetto noted the tank next to the building that Ms. Heinz called a cistern, and he provided to the Board copies of an invoice which he obtained confirming that the 1,500 gallon tank which is on the side of the house that services the basement bathroom and potentially the kitchen as well was pumped out around September/October last year. Mr. Benedetto stated he would like to receive from Mr. Fedorchak invoices showing when the other two tanks were pumped out. Mr. Dobson asked what would the point be in going back to check six years of records on something that is working well, as he feels this is a misuse of the Administrative staff. He stated the Health Department has indicated that the system is working, and Mr. Jones goes out to check on the system. He stated there needs to be a point in time where they trust the Township staff to do their job. Mr. Stainthorpe stated the staff has acted very responsibly, and he has the utmost confidence in Mr. Jones; and he feels this matter has been resolved. He stated someone at the last meeting said a “crisis had occurred at the Patterson Farm, and they have determined that there is no “crisis.” He stated that same person asked what they were doing to notify people downstream, but there was no crisis; and he feels that no further action is required.

Mr. Benedetto stated he spoke to an individual who indicated that the dye test does not necessarily resolve the situation if there is a potential problem or if it is a maintenance issue, and it will show up in the field. Mr. Benedetto stated if it has been five or six years, he does not feel it is that burdensome of a request to ask for these invoices. Mr. Benedetto stated he and Mr. Jones did look at the two tanks that they do not have the records for. He asked Mr. Fedorchak to provide the information he requested. Mr. Fedorchak stated he understood that Mr. Benedetto had looked down both of those tanks, and what was seen were virtually empty tanks. Mr. Benedetto stated his own notes indicate that a visible inspection of the tank in the back yard that services the rest of the house showed that water was about ten feet from the top of the tank. He stated the visible inspection of the tank that services the cottage was about fifteen feet. Mr. Benedetto stated he learned that there it is a piping system out there that goes into the leach field and the wetness goes out there, and no one is really certain where the leach fields exactly exist or the number of pipes in the tanks.

Mr. McLaughlin stated his understanding was that this was to determine whether there was a leak in the septic tank, and that has been addressed; and Mr. Fedorchak agreed. Mr. McLaughlin stated it seems they have resolved the issue, and they should move on. Mr. Fedorchak stated Mr. Jones will continue on a monthly basis to look into the septic tanks.

Ms. Donna Doan stated there is another issue with the farming of the field. She asked if this is water from the well, would it be possible to cap that off. She stated the Township has a Lease in place with Sam Stewart, and that wet spot makes it hard for him to farm that field. Mr. Fedorchak stated Mr. Stewart has farmed that entire area. Mr. McLaughlin asked if Mr. Stewart has made a complaint about this, and Mr. Fedorchak stated he has not. He stated there was a comment made a few weeks ago that Mr. Stewart was not farming that area. Mr. McLaughlin asked if Mr. Stewart has complained about this, and Mr. Fedorchak stated he has not to him. Mr. McLaughlin stated it would be Mr. Stewart's responsibility to make a complaint, and not Ms. Doan. Ms. Doan stated she wants it made know that when there is a Lease to use the land, you should be able to use it. Mr. McLaughlin stated it is Mr. Stewart's obligation to complain. Ms. Doan stated she feels he did mention it and was told that he does not have to farm that piece of property. Mr. McLaughlin invited Mr. Stewart to come before the Board of call Mr. Fedorchak if he has an issue. Mr. Fedorchak agreed to contact Mr. Stewart tomorrow.

Mr. Benedetto stated he believes both Mr. Fedorchak and Ms. Doan are partially correct. He stated he spoke to Mr. Stewart and Mr. Stewart is currently farming the area, but did not start farming it until the week beginning June 2 and it was delayed because of the wetness. Mr. Benedetto stated Mr. Stewart told him that he was told that if he was not able to farm it, he would be able to take it off the Lease.

Mr. Stainthorpe stated if Mr. Stewart has a problem, he needs to contact Mr. Fedorchak. He advised Ms. Doan that she is not Mr. Stewart's agent, although if he wishes to appoint her as his agent, that would be fine. Mr. Stainthorpe stated at this time Mr. Stewart has a Lease with the Township, and he can handle this himself. Mr. Benedetto stated he believes that Mr. Stewart and Mr. Fedorchak have had conversations in general, and Mr. Fedorchak agreed.

Ms. Doan stated she is speaking as an over fifty-year resident of the Township who has a vested interest in the Farm. She stated until the Township owned the Farm there was never a water problem; and that area was always mowed, and Mr. Patterson always farmed it. She stated she feels it is a simple request to ask for the Township to cap off that part of the well. She stated the problem may have occurred when the Township took out the irrigation system that used to be hooked

up to that well; and if that is the case, they should have the plumber look at it to see if they could cap that out since she does not understand why they would want to waste all of that water. Mr. Fedorchak stated he does not feel that is a good idea, and he feels it was designed that way to get the water out to the east so that the water would not end up within the curtilage of the Janney-Brown farmhouse and end up in the basement. Ms. Doan asked Mr. Fedorchak his qualifications for making that statement. She stated there was never leakage from the well, and there was no wet basement. Mr. Dobson stated they are not going to cap off that well.

Ms. Tyler stated Ms. Doan has represented herself as a resident of the Township for fifty years, and she asked Ms. Doan if she is currently a resident of Lower Makefield. Ms. Doan stated she is. Ms. Tyler asked her address, and Ms. Doan stated it is 1584 Edgewood Road as she has stated before.

Ms. Doan stated this week the Petition for the Preservation of Patterson Farm reached its 2,500<sup>th</sup> signature which shows that the public does care for the preservation of the Farm. She stated she feels it is time for the Township to really embrace the preservation of the Farm. She stated there are issues that need to be addressed, and there needs to be a maintenance schedule. She stated it is not out of the question to ask about the maintenance of the septic system when there are hundreds of people using that septic system at the gatherings that are held there. She stated she is not sure that a 1,500 gallon tank is sufficient for gatherings where 400 people are there. Ms. Doan stated she also has questions and concerns about whether there should be alcohol served on the Farm, and she feels that is a very poor idea. She stated impairment occurs with the first drink, and she does not feel there should be alcohol on public property. She asked if the Fire Marshall has set an occupancy number for the house. She also asked if there are fire exits and if there are background checks for the teachers. She stated there is liability for the Township if an incident were to happen. She stated if someone left the Farm under the influence of alcohol and there was an injury, this would be a problem.

Mr. McLaughlin stated he thought the only time alcohol was served on the Farm was at Mr. Benedetto's sister-in-law's wedding; however, Ms. Doan stated the Artists of Yardley regularly serve alcohol. Mr. McLaughlin stated they have a Lease, and he feels the only time an outside event served alcohol was Mr. Benedetto's sister-in-law. Ms. Doan stated she is talking about anyone who serves alcohol at the Farm.

Mr. Benedetto asked if the Artists of Yardley carry their own insurance; and Mr. Fedorchak stated they do, and the Township is a named insurer. Ms. Tyler stated the Lease would also protect the Township from any liability from any activity. Mr. Fedorchak stated the Township's insurance also covers the Township for almost any situation. He stated the Delaware Valley Insurance Trust was made aware of every activity on the Farm, and the Township is completely covered.



Mr. Benedetto stated with regard to the insurance, he had a discussion with Mr. Stewart about adding the Township as an additional insured since in the past he did not have to do that; and now he has been requested to do so. Mr. Fedorchak stated Mr. Stewart should have done that all along. Mr. Dobson asked Mr. Fedorchak to make sure that Mr. Stewart has the Township as an additional insured.

Mr. Benedetto stated this will increase his insurance costs and he could potentially be dropped; and his costs of business may be too great such that he would not be able to farm Patterson Farm any longer, and Patterson Farm would potentially not have anyone able to farm it. Ms. Tyler stated a Lessee on Township property must carry insurance naming the Township as an additional insured. Mr. Dobson stated this is absolutely necessary. Mr. McLaughlin stated adding an additional insured is not that expensive, and Mr. Fedorchak stated he does not believe it is more than \$300 to \$400.

Ms. Doan asked that the Board reconsider alcohol consumption at the Farm. She stated Langhorne Open Space has preserved their farm and have removed all of that liability because they do not allow alcohol. She stated she feels they should err on the side of being prudent and asked if it is necessary for the Artists to drink while selling their art. She stated she feels Mothers Against Drunk Drivers would support having it be a dry property as there is no compelling reason to keep alcohol service on the property whatsoever. She stated peoples' lives are at risk.

Mr. McLaughlin stated they do serve alcohol at the Golf Course, and he asked how that is any different. Ms. Doan stated this is meant to be a preserved Farm and some in the Township have been given special privilege including free rent and not having to follow all the rules in their Lease. She stated the Artists were also supposed to paint a barn, and that did not happen. Ms. Doan stated the Township has spent thousand of dollars for work done at the Farm, and they should ask for a reasonable amount of rent from the Artists when they are making a lot of money off the Farm.

Mr. Benedetto commended Ms. Doan for making her thoughts known. He stated he feels she has more love for the Farm than anyone in the entire area. He stated people from all other the Country have signed her petition. Ms. Doan thanked Mr. Benedetto and stated she never intends to give up. She stated she feels it is appalling that some of the Board members have not fully embraced this. She stated they are doing piecemeal work and have never put in place a management plan despite being asked. She stated other communities have embraced their history, and Lower Makefield is falling behind.

Ms. Tyler stated Lower Makefield Township showed that it was serious about preserving the Farm when they spent \$7.5 million to buy it over thirteen years ago, and they remain committed to preserving that Farm; and she wishes that those signing the Petition would be made aware of this.

**APPROVE AWARD OF 2014 ROAD RESURFACING PROGRAM**

Mr. Eisold stated on April 25 they opened five Bids for the 2014 Road Repaving Program. He stated Bids received ranged from \$528,436.68 up to over \$847,000. Mr. Eisold stated this was for the Base Bid; and in addition, there were a number of Bid Alternates that were also included. He stated General Asphalt was the low bidder for almost every scenario. Mr. Eisold stated he and Mr. Fedorchak discussed this; and given the costs of the past winter's weather, they would recommend awarding the Base Bid, and as they move forward, they can add some of the Bid Alternate roads if and when the situation presents itself.

Mr. McLaughlin asked if General Asphalt has done work before in the Township, and Mr. Eisold stated they have. Mr. McLaughlin asked his assessment of their work; and Mr. Eisold stated they did have some issues with them; and they had put punch lists out, and they did correct the work. He stated General Asphalt had also been using a supplier for their materials that had some issues in the past, and they have indicated that this year they have switched suppliers and feel some of the issues that they previously had will be resolved.

Mr. Benedetto stated with regard to the Budget for 2014, it is under Liquid Fuels for repairs and maintenance; and the Budget for 2014 is \$715,000. Mr. Benedetto stated they are under that amount with this Bid by approximately \$185,000. Mr. Fedorchak stated one concern that Mr. Eisold has expressed is that when you get into these roads, they may end up with some significant base repairs so there is a variable out there that they are not sure of currently. He stated it would be prudent to proceed with the recommendation made by Mr. Eisold; and over the next three months, they will be able to understand exactly what they are faced with, and they may come back to the Board of Supervisors with another two to three roads to add on.

Mr. Dobson stated he understands that Liquid Fuels was going to be higher than what they budgeted for; and Mr. Eisold stated it is going to ramp up over time, and this year there is a very minimal increase. Mr. Dobson stated his understanding is that at the end of five years, Liquid Fuels would be much higher; and Mr. Eisold agreed. Mr. Fedorchak stated they budgeted \$720,000, and they have received approximately \$760,000. He stated they did expense certain snow removal costs out of Liquid Fuels including salt purchases and contracted services. He stated both of those items at this point in time are well over Budget; and in fact, they are about \$93,000 over Budget with these items. He stated he would recommend that they proceed as noted by Mr. Eisold. Mr. Dobson stated his point is that there will be additional monies coming in; and over the course of the next five year, he feels the Liquid Fuels could be in excess of \$1 million. Mr. Fedorchak stated it is his understanding that they are going to use 2013 as the base year; and over the course

of the next five years, it will be as much as a 60% increase so that by 2018 the Township could receive approximately \$1.128 million. Mr. Dobson stated his point was that for the next few years they are going to get increases in Liquid Fuels until it taps out in five years. He stated he feels hopefully they should be able to stay on the targeted amount of approximately \$715,000 a year to stay on the twenty-year plan provided they do not continually get difficult winters.

Mr. Benedetto reviewed the items included in the Base Bid and the Alternates. Mr. Benedetto asked about Bid Alternate 10 that discusses Township roads base repair; and Mr. Eisold stated with the winter they had, there are certain roads where there is high traffic volume that may need some immediate repair, and this is why they included that line item. He stated hopefully when they get the roads done in the Base Bid, there will be money left; and this is one of the Alternates they may look at to address pieces of roads that are in the worst condition even if they do not have the money to address the whole road.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to accept the engineer's recommendation and Award the Bid to General Asphalt.

#### TABLING 2014/2015 DEER MANAGEMENT PROPOSAL

Mr. Fedorchak recommended that this matter be tabled since there are scheduling differences between the Five Mile Woods Naturalist and BOWMA.

#### AUTHORIZE ADVERTISEMENT OF FLOOD PLAIN ORDINANCE

Mr. Garton stated the Township is obligated by virtue of new Federal regulations to adopt a new Flood Plain Ordinance effecting Lower Makefield Township. He stated this effort has been undertaken by the Township engineer and the solicitor's office. He stated the specifications are from Mr. Eisold's office, and the solicitor's office converted it into an Ordinance as an Amendment to the Zoning Ordinance.

Mr. Garton stated the Township also needs to do this in order to help some of the residents to lower their flood plain rates for their insurance. He stated this needs to be adopted before the end of July. Mr. Garton stated this version has been approved by FEMA and PEMA.

Mr. Stainthorpe moved and Ms. Tyler seconded to authorize advertisement of the Ordinance.

Mr. McLaughlin stated there was some concern by residents about the designation in the FEMA map; however, Mr. Garton stated this Ordinance does not apply to that.

Mr. Eisold stated this Ordinance is much more comprehensive than what the Township currently has. He stated there is more detail and identification of flood plain areas, they established the procedures and requirements for properties within the flood plain more definitively, they require the Township to establish a Township Flood Plain Administrator, and they have defined the duties and responsibilities of the Administrator. He stated there are also additional design and construction standards. He stated in order to help the residents, they must be at least 1 ½' above the base flood elevation which is established to minimize the damage.

Motion carried unanimously.

#### CITIZENS BUDGET COMMISSION DISCUSSION

Mr. Joe Menard and Mr. Rodger Owen were present. Mr. Dobson stated he had asked them to be present this evening to discuss proceeding with some recommendations to go forward at the Golf Course specifically the tent area. Mr. Dobson reminded the Board that they had agreed to borrow \$400,000 for additional work to be done at the Golf Course, but the estimates came in higher; and they are trying to find ways to mitigate expenses but at the same time bring in revenue. He stated the tent seems to be one area they might be able to do this and mitigate that entire expense but still be able to hold events if they do a partnership with an outside firm. Mr. Dobson stated the Citizens Budget Committee was tasked to start looking at this, and he would like to update the Board.

Mr. Menard stated they have been working on various Capital programs with both the businesses and the Township itself and some of the Operations. He stated approximately one year ago Mr. Fedorchak had requested Mr. Owen, because of his food service background, to start looking at the food services at the Golf Course.

Mr. Owen stated he looked at the Golf Course, and there is not much they can do with the Course since in 2013 they sold 41,000 rounds so there is no room for expansion there. He stated it is being run beautifully, and the Course looks outstanding. He stated there is an opportunity in food service. He stated approximately one and a half years ago he looked at the restaurant from a cost standpoint and was able to look at some of the ratios as to how they were doing profitability wise. He stated he made some recommendations, and they followed them. He stated they raised their prices and are operating more efficiently, and they have a better understanding as to what their costs are. Mr. Owen stated the kitchen will not allow them to expand and the equipment is old and well used.



Mr. Owen stated with this in mind, they needed to look at different ideas to see what they can do to develop the opportunity at the Golf Course and seek alternative ideas. Mr. Owen stated they would like to construct a 60' by 60' white tent outside the Club House between the silo, the patio, the small parking lot and the 18<sup>th</sup> Green which presents a beautiful view. He stated also included in this would be the corresponding pad and a cook tent since they would not provide the food from the existing kitchen, rather it would be provided by an outside caterer. He stated they need a company that would come in and provide the tent, the pad underneath, the cook tent, and would sell the event to the bride or corporation, and help them select the linens, etc. that go with an event. He stated they are looking for a company that can do this for the Township economically. He stated the only thing the Township would provide would be the opportunity to use the bathrooms, the bar, the existing patio, and the main room. He stated the tent would hold approximately two hundred people. He stated the tent would go up in April and come down in October so there is a six-month season. Mr. Owen stated as part of this Spirit Golf would be able to use the tent for some of their events with notification to whomever would build this.

Mr. Dobson asked if Mr. Attara is in favor of this, and Mr. Owen stated he is very much in favor of this. Mr. Owen stated just the kitchen would have cost over \$400,000 if they remodeled the kitchen and put the tent up ourselves.

Mr. McLaughlin stated they borrowed \$400,000, and part of this was for the kitchen; and Mr. Fedorchak agreed adding that was for the kitchen, the pad, and the tent, a bridge, upgrades to the ladies restroom in the Club House, an additional restroom on Hole #4, and the pond liner on Hole #9. Mr. McLaughlin stated part of the reason to expand the kitchen was because Spirit was going to service the tent, but in this situation that is no longer the case. He asked if they would still need to expand the kitchen, and Mr. Fedorchak stated they would not. He stated they would have to look at what other capital items they might need, and he believes Mr. Owen noted that some of the kitchen equipment needs to be replaced. Mr. Fedorchak stated they would not expand the footprint of the kitchen, but this would be an opportunity to get new equipment. Mr. McLaughlin asked if they continued the idea of expanding the kitchen could they upgrade the restaurant to a higher level since he currently does not see it as a destination to go to dinner. Mr. Dobson stated he does not feel with \$400,000 they would be able to do that. Mr. McLaughlin asked if the kitchen expansion was being considered more for the tent and not the restaurant, and Mr. Fedorchak agreed.

Mr. Benedetto asked Mr. Dobson as Liaison to the Golf Committee, if they have had discussions about this in consultation with the Citizens Budget Committee; and Mr. Dobson stated while they are just at the discussion phase, the Committee knows hypothetically what they are considering. Mr. Dobson stated he wanted the Board of Supervisors to know that he feels this is the only way this will work since the Township does not have enough money to do everything they need to do. He stated all the estimates came in significantly higher than the \$400,000. Mr. Dobson stated they need to get additional revenue, and food service is where they can do it. He stated they have already had to say no to approximately five weddings. He stated in order to proceed, they need to be ready by 2015 as it is too late now for 2014; and he would like to proceed as quickly as possible if the Board of Supervisors agrees to this concept.

Mr. McLaughlin stated he feels it sounds like a great idea, but the Golf Committee needs to be advised of this. Mr. McLaughlin asked what they will do with the \$400,000 if they proceed with the concept for the tent, etc. Mr. Fedorchak stated he would like to go back to the Golf Committee and ask them what they feel should be done with the Capital improvements. He stated he knows that they have wanted to add a significant amount of landscaping to the course including trees between Holes #1 and #9 and #1 and #2. Mr. Dobson stated he discussed this concept with the Golf Committee at their last meeting, and they know that there is not the money that is needed in order for them to run these events themselves.

Mr. Benedetto stated if the work that has been done on the Pool Steering Committee is an example of what they will be able to do at the Golf Course, he is in favor; since already there is a lot of excitement around the Pool and every day he is meeting someone new who has just joined the Pool.

Mr. Owen stated with regard to the Pool, it is a Team making it a success. Mr. Owen stated he advised Mr. Fedorchak that they may make the Budget this year which would exceed 2010. The Board congratulated them on the work they have been doing at the Pool.

Mr. Owen stated with regard to the Golf Course proposal, there is a lot of revenue that can come to the Township; and they could get between \$20,000 and \$40,000 per year at the minimum. He stated he feels eventually it could bring in \$100,000 a year. He stated on top of this is the liquor, because the Township has the Liquor License, and this will bring in additional revenue. Mr. Owen stated Mr. Attara would staff the bar during the events, and that money would come to the Course.

Mr. Zachary Rubin stated the Township has a poor track record of leasing out a tent given the Elm Lowne problems. Mr. Rubin stated he hopes that the tent will be air conditioned; and Mr. Menard stated there is a list of what needs to be considered in

putting up the tent, and they continue to add to that list. He stated this is why currently they are only coming before the Board with the concept before they start spending a lot of time on the details. Mr. Owen stated he understands that the bride would choose if she wants air conditioning, lighting, caterer, etc. Mr. Rubin stated he feels that the previous Boards that authorized the Golf Course shortchanged the Club House, and it should have been expanded to have a restaurant.

Mr. Rubin asked with regard to revenue enhancing, are there any plans to deal with the vacant building at the Golf Course. He stated he knows that a number of years ago Mr. Stainthorpe pursued trying to get the Philadelphia PGA to have their headquarters there, but this fell through. Mr. Dobson stated he met with the GAP Association in March, and they visited the site; and while it was too late to do anything this year, they do have plans to move from where they are now. Mr. Dobson stated the Executive Director of GAP was at the site, and they talked about being able to do some things to retrofit what needed to be done at their expense for a ten to fifteen year lease. He stated they are still looking into this.

Mr. Tim Collins stated he plays in a League at the Golf Course on Tuesday evenings, and 25% of their members are leaving right after playing golf. He stated it is taking too long to get food once ordered. Mr. Dobson stated they know that some of the equipment needs to be replaced, and they will use some of the \$400,000 to do something to get the food out quicker. Mr. Collins stated they need something done on a more immediate basis so they are not losing all the people out of the League. Mr. Dobson stated he has suggested that before the players tee off, they should be asked if they are going to stay for dinner and what they would like; and they could then estimate when people will be done and be ready to eat so that their food can be provided more quickly. Mr. Collins stated he feels if they improve the "Golfer's Special" on the nights in question, more people will stay and they will be prepared for that compared to now where more people order off the menu which creates a delay. Mr. Dobson stated if they know what the golfers want before they tee off, he feels it would work well.

It was the consensus of the Board of Supervisors that they should proceed with the concept plan as presented. The Board thanked them for the work they are doing for the Township.

#### APPROVAL OF EXTENSION TO ST. IGNATIUS AND ORLEANS-MOON NURSERY

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve the Extension to St. Ignatius to January 9, 2015 and Orleans-Moon Nursery to October 10, 2014.

#### ZONING HEARING BOARD MATTER

Mr. Garton stated the Board was in Executive Session for approximately ten to fifteen minutes prior to the meeting to discuss the Zoning Hearing Board matter.

With regard to the Marrasso's North River Landscape Variance request for the property located at 103 Pine Lane in order to permit construction of a patio resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS' REPORTS

Mr. Dobson asked if the Derbyshire sewer project is complete, and Mr. Fedorchak stated it is.

Mr. Benedetto stated the Veterans Committee had their groundbreaking on June 9.

He stated the EAC instituted the basin naturalization project a number of years ago, and they were discussing signage at Memorial Park; and Mr. Fedorchak stated they have authorized that for the detention basin that is at the entrance of the Park which has grown in nicely and is very attractive. He stated the sign to be installed will recognize what is being done there. Mr. Benedetto stated the EAC also discussed the Open Space money, and there was an extension until 2016; and they encouraged the Board to move sooner rather than later on the \$475,000 that is available to Lower Makefield.

#### APPROVE LEASE OF WARREN-FARRINGER HOUSE

Mr. Garton stated this building is in the Giant Shopping Center. Mr. Fedorchak stated this is the section that is attached to Mail n' More. He stated the Township has a ninety-nine year Lease with the owners of the Giant Plaza, and for the last six years

Ameriprise Financial Services Company has leased that space from the Township. Mr. Garton stated the current Lease expires November 1. Mr. Garton stated they will go from \$1,155 a month to \$1,275 a month; and it increases the next two years.

Mr. Stainthorpe moved and Ms. Tyler seconded to extend the Lease of the Warren-Farringer House to Ameriprise for three years.

Mr. Benedetto asked who is responsible for maintenance of the building, and Mr. Fedorchak stated there is a shared responsibility between the Township and the owner of that building.

Motion carried unanimously.



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#### OTHER BUSINESS

Mr. McLaughlin asked the Chairman to include on the next Agenda a financial review for the year to date.

Mr. McLaughlin noted the condition of Yardley-Langhorne Road between the CVS and the Methodist Church where there is an abundance of downed tree branches. He asked that there be communication with those residents to remind them that they are responsible for this. Mr. Fedorchak stated they started working on this two weeks ago.

#### APPOINTMENTS

Ms. Tyler moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint William Bogden and James Kirlin to the Electrical Reliability Committee.

Mr. Stainthorpe moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:35 p.m.

Respectfully Submitted,



Pete Stainthorpe, Secretary

