

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 17, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 17, 2014. Chairman Dobson called the meeting to order at 7:30 p.m. A moment of silence was held for Pennsylvania State Trooper, Bryon Dickson.

Those present:

Board of Supervisors: Dobby Dobson, Chairman
 Dan 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

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated there will be a drug give-back held on September 27 at the Police Department from 10:00 a.m. to 2 p.m.

Mr. John Lewis, 1550 Surry Brook Court asked for an update on the capital projects currently going on – the Community Center, the baseball fields, and the playground; and he asked if they are on Budget, on schedule, and has the scope changed at all. Mr. Eisold stated the baseball fields are on schedule, and the contractor will be working on the fields for the next two to three weeks. The goal is to have the fields ready for play on April 1. They are pretty much on Budget. Mr. Lewis stated some of the budget was allocated to paving the parking lots, and Mr. Eisold stated they received a price for this from the contractor who is doing the overall roadway project for the Township. He had been asked to provide a quote to pave the parking lot in base course - not the final wearing course. Mr. Eisold stated the price from him was less than what the original contractor bid since they would have had to get a subcontractor. The goal is to get it paved this fall through the road program.

Mr. Eisold stated with regard to the playground at Memorial Park, that project is proceeding. There were a number of delays due to weather, and they are putting down the final surface and final grading, and should be done this project in a week to ten days.

With regard to the Community Center, Mr. Eisold stated Land Development Plans were submitted in July. He stated those Plans have been presented to the Planning Commission a number of times. The Board of Supervisors looked at them at their last meeting, and he understands that the Plans will go back to the Planning Commission on September 22. He stated the Land Development portion could then be approved. Mr. Eisold stated the architect is working on the architectural plans, and the goal is to go out to bid in January for a construction start sometime in the spring. Mr. Eisold stated while he does have a good idea of the budget for the site work, the architect is not that far along with those plans to determine the exact budget for the building construction.

APPROVAL OF MINUTES

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve the Minutes of September 3, 2014 as written.

APPROVAL OF SEPTEMBER 2, 2014 AND SEPTEMBER 15, 2014 WARRANT LISTS AND AUGUST, 2014 PAYROLL

Ms. Tyler moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the September 2, 2014 and September 15, 2014 Warrant Lists and August, 2014 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF AGREEMENT WITH YARDLEY-MAKEFIELD FIRE COMPANY AND RELIEF ASSOCIATION TO TRANSFER TITLE OF 2003 PIERCE FIRE TRUCK FOR PURPOSES OF PURCHASING A NEW FIRE VEHICLE

Mr. Larry Newman, President of the Fire Company, was present and stated that approximately one year ago a Fire Company from Lancaster County saw the Lower Makefield ladder truck and approached Lower Makefield about purchasing the truck from them. Mr. Newman stated they met with them in July and asked the Board for permission to proceed with this sale. They reached an agreement that they would sell the ladder truck which is eleven years old for \$560,000. Mr. Newman noted another Fire Company sold their truck for \$425,000, and it was almost identical to the Lower Makefield truck and was one year newer. Mr. Newman stated the Yardley-Makefield Fire Company has an excellent reputation, and they sell their trucks through word of mouth and do not have to advertise them. Mr. Newman stated because this was such a good offer, they felt they had to proceed.

Mr. Newman stated they are requesting the Township to let them have the proceeds of \$560,000 and the Relief Association will put up the other \$500,000, and they will then not have to buy another ladder truck like this for another seventeen to eighteen years. He stated the new ladder truck has a 100' ladder, and the total price is \$1,047,000 although there are usually add ons as they go along.

Mr. Stainthorpe stated he is in favor of this and asked Mr. Garton what needs to be done. Mr. Garton stated the Township can effectuate what is being asked subject to Conditions he outlined.

Ms. Tyler asked about the Title for the new truck, and Mr. Garton stated it will be in the name of the Relief Association. Mr. Newman stated this will make it easier for them to insure it, and they will pay for all the maintenance.

Mr. McLaughlin asked about the timing, and he asked if there will be a time when they do not have a truck. Mr. Newman stated there will not. He stated they have two ladder trucks so they would have the 75' ladder truck. He also stated that whenever there is a major incident, there are Mutual Aid Agreements and a neighboring company could provide a ladder truck. Mr. McLaughlin asked when they anticipate delivery of the new truck, and Mr. Newman stated they anticipate delivery in May.

Mr. Benedetto asked the original purchase price of the truck they are selling, and Mr. Newman stated he believes it was approximately \$967,000.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve the Agreement subject to the Condition of execution of an Agreement confirming that they will transfer title, the proceeds will be used to buy a new ladder truck to be described, and the balance of the purchase price will be paid by the Relief Association.

Ms. Tyler thanked the Fire Department for all the work they do on behalf of the citizens of Lower Makefield. Mr. Newman stated this year they are running close to seven hundred calls.

DISCUSSION OF PECO'S ELECTRIC RELIABILITY PLAN AND SEPTEMBER 18 OPEN HOUSE

Ms. Tyler stated there are concerns about electrical reliability within Lower Makefield Township. She stated they met with PECO about two weeks ago with five other Townships where they discussed upgrade plans in the Townships. Ms. Tyler stated at that meeting she learned the manner in which PECO evaluates its reliability. She stated before this recent meeting, PECO's reliability was based on

their overall numbers which are extremely high compared to other utility services in the region; however, what is known in Lower Makefield is that there are areas that have been designated as “pockets” that have recurrent outage problems. She stated PECO has re-tooled its analysis of electrical reliability within the Township.

Ms. Tyler encouraged all those with an interest in electrical reliability or who live in a home that has these recurrent outage problems to attend a meeting tomorrow night at Pennwood Middle School from 7:00 p.m. to 8:30 p.m. She stated the purpose of the meeting is to give residents address-specific information as to how the proposed upgrades will impact the circuit upon which their home is powered. Ms. Tyler stated PECO will be putting a significant amount of money into infrastructure upgrades and installing tree-resistant power lines. She stated they have also advised that vegetation management is the key to all of this.

Ms. Tyler stated there is an Electric Reliability Committee in the Township which includes four engineers, a regulatory attorney, and other residents who have helped her understand the data that is available and to focus on what improvements are needed. Ms. Tyler stated one of the main purposes of the Committee is to keep electrical reliability on the front burner, and they will continue to provide the Township information as to how they feel about the sufficiency of the upgrade plan. Ms. Tyler read from the Release from PECO with regard to this matter which indicates that their work in this area will include enhanced tree trimming and vegetation removal along more than 43 miles of aerial lines throughout the area, 17,700 feet of new aerial wire including 8,300 feet of tree-resistant wire installed in targeted locations, advanced equipment and upgrades to existing devices to reduce the number of customers impacted when outages do occur, 24 pieces of equipment to help isolate issues and restore service more quickly, and a new sub-station transformer and enhancements to an adjacent transformer.

Mr. Benedetto asked Ms. Tyler her impression of the meeting held with PECO and the other Townships, and Ms. Tyler stated she did not feel enough technical information was presented for the Committee to evaluate the effectiveness of the potential infrastructure upgrades. She stated she does feel that PECO is listening, and they have mobilized all levels of State Government to assist the Township in this; and the CEO of PECO have instructed a change in the manner of analysis within PECO which she feels is significant.

Mr. John Lewis asked if they indicated how much of the money has been allocated for Lower Makefield; and Ms. Tyler stated they did not provide specifics at the meeting, and she is hoping they will get more information from PECO tomorrow night. Ms. Tyler stated they did have a map which will be available tomorrow night, and they highlighted the areas where improvements will be done.

Mr. Lewis stated the LMT Electric Reliability Committee has not held any public meetings, and Ms. Tyler stated they meet within their homes and review documents. She stated they attended the meeting in the Borough last week, and final appointments will be made to that Committee by the Board probably this evening; and they will then begin public meetings where they can address the public. She added that the purpose of the Committee is not to undertake the responsibility of PECO, and it is PECO's responsibility to provide service and PECO's responsibility to communicate with the residents. She stated the Committee is going to be evaluating the effectiveness of the upgrade plan and making recommendations as to how PECO and the Board of Supervisors should move forward.

Mr. Lewis asked Mr. Garton if they are having meetings which are not public is this violating the Sunshine Act; and Mr. Garton stated they are not a governing agency, and they are not making decisions as they are only an advisory board. Mr. Lewis stated his read of the Sunshine Act indicated that they are a sub-committee of the Board. Mr. Garton stated they are not a sub-committee of the Board because the Board does not have a quorum present at their meetings. He stated if the Electric Reliability Committee met and three Board members were there, that would be a violation; but three Board members do not attend so it is not governed by the Sunshine Act. Mr. Lewis stated the Planning Commission has public meetings and Minutes, but the Electric Reliability Committee does not. Mr. Garton stated they will when they meet formally; and it is his understanding that they have not meet formally yet, and most of this has been review and analysis by individuals. Mr. Garton stated since he is not attending those meetings, he is not aware of all the details.

Mr. Lewis stated aside from the published Mission Statement, his understanding is that the LMT Electric Reliability Committee has only had one public statement and that was a letter on July 8 to PECO requesting a real time Web-based outage report system. He asked if the Committee has reached out to PECO in other ways since that time in a written manner; and Ms. Tyler stated she has reached out to PECO in two separate letters requesting information from PECO. She added that when her requests were denied, she asked Senator McIlhinney to get involved; and he took her letters and her concerns to PECO and effected the change in analysis that PECO has presented.

Mr. Lewis asked if the Committee has reached out to the PUC at all formally, and Ms. Tyler stated they have not. Mr. Garton stated he reached out to the PUC and did get a reliability report in August. Mr. Lewis stated that was an opportunity for the Township to engage with the PUC, and many in the Township have been doing that.

Mr. Lewis stated the LMT Electric Reliability Committee did not provide any additional addresses or input to Representative Santarsiero's list of effected areas. Ms. Tyler stated she has been working through Senator McIlhinney's office, but she understands that Mr. Benedetto has been providing additional addresses to Mr. Santarsiero.

Mr. Lewis stated at the April 2 meeting Mr. Garton had agreed to go back and do an analysis of what the Township could do from an enforcement action, and he had alluded to looking into this at the July meeting but did not provide much in specifics. Mr. Garton stated the Township is no different from an ordinary customer as far as their authority. He stated he felt he alluded to the fact that the Township can regulate PECO's disruption of streets that belong to the Township, but cannot regulate the aerial or underground apparatus of PECO unless it crosses or traverses a street. He stated the Township is precluded from regulating utilities that are regulated by the Public Utility Commission. Mr. Garton stated as to service, the Township acts the same as any other customer within the Township as far as complaints, etc.

Mr. Lewis stated Chapter 175 of the Lower Makefield Township Ordinance does require PECO to get Permits, and it seems in Mr. Garton's analysis it is narrowly focused when crossing a Township-owned road or property; and Mr. Garton agreed. Mr. Garton stated reviewing that Ordinance more closely it has to do with street openings, etc. and the Township cannot regulate PECO'S activities in rights-of-way or on utility poles. Mr. Lewis stated when they do cross the street, they have to get a Permit; and Mr. Garton agreed.

Mr. Lewis stated it is his understanding that PECO has never requested a Permit in anyone's memory for anything across a street. Mr. Garton stated he could not answer that question. Mr. Eisold stated he believes there was a Permit requested that was submitted to the Public Works Department who reviews those Permits. Mr. Kevin Kall stated PECO frequently files Permits with the Township for road openings for installations and to bury underground electric. He stated the last time that PECO filed a Permit for electric work was last year for Chase Drive when they laid cable.

Mr. McLaughlin thanked Ms. Tyler for making such huge progress and getting a major utility to commit funds to the immediate area is a huge start. He stated tomorrow night they will get more specific information. He stated this is how the system works. He stated when the Board can effect change, they do; and when they cannot, they put pressure on the people who can such as Senator McIlhinney and Representative Santarsiero. He stated this is a very important project which the Board takes very seriously. Mr. McLaughlin stated he does not feel that the Township should have to give PECO reliability stats on Township customers, and

PECO should be giving the Township reliability stats on their customers. He stated PECO has been negligent in providing the Township information that they had asked for, and he does not understand why they would not provide this information.

Ms. Tyler stated she is very grateful for the talent, experience, and expertise of the Township residents who have stepped forward to serve on the Electric Reliability Committee; and they are very fortunate to have them working on the Township's behalf.

Ms. Donna Joseph stated her mother's home is on Silo road, and she asked if people do not come forward how do they know the homes that are impacted.

Mr. McLaughlin stated the Board members are residents like her mother, and they do not know the totality of how many lights go out or for how long they are out; and these are the questions they wanted answered from the utility. He stated PECO refused to provide this information to the Township, and this is why they are putting pressure on them. Ms. Joseph stated the residents do not come to the Township, they call PECO. Mr. Dobson stated the Township asked PECO to relay this information to the Township in the form of the reliability reports.

Ms. Tyler stated any resident who has a recurrent outage problem should send a written request to PECO requesting outage data for their specific address. Ms. Tyler stated this is the only information the Township gets, and they are trying to piecemeal it together. She thanked Representative Santarsiero's office which did a good job of compiling a list from various sources.

Mr. Benedetto stated how PECO defines reliability is also a big issue, and hopefully they will have answers tomorrow. He stated there are people who may have frequent outages for short periods of time, and that may not be getting counted.

Mr. McLaughlin stated there are two issues – vegetation and old, obsolete equipment. He stated there has been under-investment by PECO in this area, and the Township is going to ask them to deal with that. He stated the other issue is vegetation control, and Township residents have to take care of trees on their own properties that can impact lines during storms especially if they are sick or dying trees. He stated it is the responsibility of residents to make sure that the trees on their property are healthy and do not impact wires.

DISCUSSION OF MERCER COUNTY AIRPORT AND BRRAM

Mr. Garton stated at a prior meeting the Board asked him to inquire of an attorney in Princeton, William Potter, about the status of matters involving the service by Frontier Airlines at the Mercer County Airport. Mr. Garton stated he spoke to Mr. Potter on several occasions, and Mr. Potter forwarded to Mr. Garton's attention a copy of a complaint that BRRAM filed with the Federal District Court in New Jersey. In that litigation, they asked the Federal Court to enjoin any further operations by Frontier Airlines and to enjoin the expansion of the Mercer County Airport services until such time as an Environmental Impact Assessment is completed as it relates to noise, vibration, and destruction of the quality of life for those impacted by Frontier Airlines service and any potential expansion of the Mercer County Airport. He stated this is similar to what occurred approximately ten years ago with Southwest Airlines. He stated they started the process, but it became moot when Southwest Airlines elected not to proceed. Mr. Garton stated Mr. Potter's complaint indicates that the FAA made certain promises at that time which they did not keep within this latest bit of approvals and expansions.

Mr. Garton stated the Board of Supervisors was provided a copy of the Complaint which was filed. Mr. Potter stated he would like to know if the Township would consider being an additional Plaintiff in the matter, and he suggested that Mr. Garton be co-counsel; however, Mr. Garton stated he does not see any reason why he should be co-counsel. Mr. Garton stated Mr. Potter was also looking for the Township to commit resources as to the cost. Mr. Potter agreed to provide Mr. Garton what he felt the estimated cost would be, but he has not provided that yet.

Mr. Benedetto asked if there was an indication of specific costs they were looking for, and Mr. Garton again stated Mr. Potter did not provide this yet.

Ms. Holly Bussey, BRRAM President, and Mr. Rich Dilullo, Vice President of BRRAM were present. Ms. Bussey stated BRRAM has been in existence since 1998 as a non-profit. She stated their goal is to have Trenton-Mercer Airport be a responsible neighbor, to abide by the laws of the Country, and develop a relationship where any growth planned will take into consideration people on both sides of the River.

Mr. Dilullo stated there has been a cumulative impact that has never been considered, and over the years they have gone from small aircraft to jet planes; and they have never studied the environment in both New Jersey and Pennsylvania. He stated there is supposed to be an Environmental Impact Study performed when commercial jet services are brought into an airport, and this has never been done.

He stated during the last lawsuit Mercer County had promised Southwest that they would build a new terminal. Mr. Dilullo stated BRRAM's lawsuit uncovered a lot of problems with impacts to the environment at that time, and this is what made Southwest back off. He stated had they built that terminal, the problems they have today would be much worse.

Mr. McLaughlin asked if there is any sense what the projection is in terms of growth at the Airport. Mr. Dilullo stated the last terminal they were going to build was a four-gate terminal, but this was not brought to anyone's attention until BRRAM made the inquiry through a Congressional request. He stated there is discussion now that they want to have that terminal. He stated currently they are trying to increase use of the terminal without expanding the building, and they are manipulating the space in the building so that they can give it more functionality without expanding the footprint. He stated they have gone to the point of putting a trailer in place for baggage since there was not enough room in the terminal. He stated their goal is to get a new terminal.

Mr. McLaughlin asked if BRRAM is aware of any other airlines that are interested in coming into that Airport; and Mr. Dilullo stated he feels there will be, and the County will be looking for that. He stated currently he thinks Frontier has the Contract, but he is sure the County would like to have more airlines in there. He added that Frontier is not at fault, it is the County that does not want to do the right thing; and the FAA supports that.

Ms. Bussey stated the Delaware Valley Regional Planning Commission has indicated Trenton is the fastest growing airport with intentions of being an International Airport. Mr. McLaughlin stated he knows that they are flying 97% full out of Trenton which is the highest load factor in their Nationwide system. Ms. Bussey stated BRRAM's contention is that without doing an Environmental Impact Statement, the Airport can do what they want and are totally unaccountable. Ms. Bussey stated if the Statement were done, BRRAM would go away since they would have to abide by those results. She stated this would also allow the Township to know about the impact to the Township in the future.

Mr. McLaughlin asked what the Township would be asking for if they were to join with BRRAM, and Mr. Garton stated the Township would be asking for the same thing that BRRAM is which is the Environmental Impact Assessment. He stated the Township is a local Government which would lend a certain bit of "credibility." He stated sometimes Environmental Impact Assessments can result in modifications to flight patterns that may have less impact on Township residents in certain areas.

Mr. McLaughlin asked how much they are looking for. Ms. Bussey stated an e-mail was sent late today and an estimate was provided of approximately \$16,000 to continue the litigation. She added that BRRAM has already spent in excess of \$10,000 on this recent round; and they are now at a point where Mr. Potter is proceeding, but has not been paid.

Mr. McLaughlin asked if the Township joins and the EIS comes back that the jets are causing noise and are flying over the Township, what could they hope to gain. Ms. Tyler asked what the Environmental Impact Study triggers at the next level. Ms. Bussey stated when they do an EIS there are several things that can happen. She stated the last time they tried to do this, they claimed there was a Finding of No Significant Impact (FONSI), and BRRAM protested; and the Court ruled that should another Commercial airline come in, that would trigger an EIS which is the next step up, and is what they are not doing. Ms. Bussey stated if they perform the EIS, they will monitor noise using sound sensors and make a finding. If the finding indicates something is wrong, the Airport and the County would have to solve it. She stated the idea is that you involve both sides of the River in the solution. Ms. Bussey stated BRRAM contends that they are going to find out that there is noise, and in this lawsuit they are asking that they “spread the pain.”

Mr. McLaughlin asked how they know the noise of an airline that has not come yet. He stated he does not feel Frontier is going away, and fears that Southwest will also come in; and he asked how they could judge something that has not happened yet. Mr. Dilullo stated there is noise information on the different aircraft.

Ms. Bussey stated BRRAM’s concern is that if they do not see this through and get the EIS, Mercer County Airport is never going to be accountable. She stated without doing the EIS, they are not accountable to anyone, and they can do what they please; and there is no recourse until it is too late.

Ms. Tyler asked if it is fair to say that it is not BRRAM’s goal to stop commercial airline flights out of Trenton-Mercer, and Ms. Bussey agreed. She stated this is not and has never been their intention. Ms. Tyler asked if the goal is to get the study which will trigger remediation including alternating flight paths and regulating hours of operation. Mr. Dilullo stated after the last time, they did put in a nighttime curfew, but it is voluntary. He stated through the study, they are asking that if they come in outside of the curfew, they would pay a bigger landing fee. He stated currently with Frontier they have late flights often; and one that is scheduled to take off at 9:00 p.m. may take off five hours if there were a delay which would be very early in the morning. He stated they now also have flights that take off at 5:55 a.m.

Mr. Dilullo stated what he is most troubled by is the fact that Mercer County has never come to the Township to explain their plans. He stated the Delaware Valley Regional Planning Commission which plans for the transportation in the Region has never come to the Township about their plans, and they never include the Governments about what is going on.

Ms. Tyler asked if the complaint that was filed by Mr. Potter on behalf of BRRAM sought injunctive relief, and Mr. Garton stated they were seeking injunctive relief until the EIS is completed. Ms. Tyler asked if the Court has ruled on that Motion, and Mr. Garton stated they have not. Ms. Tyler asked if opposition has been served to that Motion, and Mr. Garton stated he believes that it was served on the FAA and on Mercer County, but to his knowledge no response to pleading has been filed.

Mr. Benedetto asked if there are concerns other than noise such as what they are releasing into the atmosphere, and Ms. Bussey stated the EIS includes water, land, air, sound, vibration, and anything that could be impacted from an environmental standpoint is measured and considered. Mr. Benedetto also asked if other Municipalities have joined on at this point. Ms. Bussey stated Yardley Borough is filing as a “friend of the Court.” Mr. Garton stated friend of the Court is not relevant until you get to the Appellate level. Ms. Bussey stated Yardley Borough is discussing funding in their next Budget. She stated Upper Makefield Township has supported them but not financially - just as a friend of the Court.

Mr. Stainthorpe stated he was on the Board when the Township was previously involved in this; however, today it is a very different environment with the residents. He stated previously Eastwind Airlines was flying older planes which were noisy and caused a significant amount of vibration, so it was an easy decision for the Board to make to join BRRAM. He stated he does feel that they should require that an Environment Statement or Assessment be done; however, he does feel that what is different today is that the planes are not that noisy because they are newer. He stated he also feels that there are many people in the Township who appreciate the convenience of flying out of Trenton as opposed to going to Newark or Philadelphia so it is a more difficult decision for the Board to make.

Mr. Benedetto asked what political pressure has been applied outside of what BRRAM is asking of the Board of Supervisors. Ms. Bussey stated they have contacted the State and National representatives, and they have received endorsements that the Airport should go through the Environmental process from Toomey, Santarsiero, McIlhinney, and Casey. She stated BRRAM is now in the phase of seeing if there is additional pressures that those individuals could put on this.

Ms. Bussey stated she would like to fly using Frontier but she will not out of principal; and while she can understand the Supervisors dilemma, she appreciates that they are taking the time to consider this as it is the Supervisors job to represent all of the residents. She stated while they cannot quantify the impact on the overall Township right now, BRRAM's best educated guess is that if the Environmental Study is not done, it will impact further in the future.

Mr. Stainthorpe stated he is not stating that he will not support this, but there is another side that they need to take into account.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in support of BRRAM; and he hears the planes flying over his home. He stated ten years ago the Board of Supervisors reimbursed Mr. Potter over \$70,000 for legal fees to have an Environmental Impact Statement which was never done, and he asked why they feel it would be successful ten years later when it failed ten years ago. He stated at that time Eastwind was flying out of Trenton, and the FAA did not require an EIS.

Mr. Fedorchak stated he recalled that the Township paid Mr. Potter approximately \$60,000 and BRRAM paid the rest. Mr. Garton stated that matter never reached the end goal because the Airline at that point withdrew so the Federal Court dismissed it as being moot. Mr. Rubin stated that was at the Appellant level, and they lost the original FAA ruling. Mr. Garton agreed. Mr. Rubin stated he would still ask why they feel the FAA would change things now; and if they are not going to change, it will have to go to the Appellant Court where there will be a great deal of expenditures.

Ms. Bussey stated this is the next step they have to do as this is the legal way of proceeding, and there is no other option to having the Airport be accountable other than insisting upon the Statement. She stated their case is based on the fact that they did all this filing, and they were in Court when the suit was withdrawn so they were prepared to testify. She stated the point of going back is that in that statement when it was withdrawn, it was stated that the next time a commercial airline was introduced, it would trigger an EIS; and Trenton is not abiding by that which is their point in filing the suit.

Mr. Rubin stated he feels Congressman Fitzpatrick should be have input on this as well.

Ms. Joanne Guiniven, 986 Cultipacker Road, stated she lives under the flight path; and it does rattle the windows and wakes them up. She stated the value of her home will go down; and if it goes down by 10%, she can apply for relief and get her taxes down by 10% as could the whole development. She stated there are also other developments under the flight path which could do the same so that will result in a reduction in taxes being paid to the Township so she feels it makes sense to support BRRAM.

Dr. Ronald Harland, 1 Harlow Court, stated he previously lived in St. Louis which went through two airport expansions. He stated before the St. Louis Airport expanded the community was an affluent community like Lower Makefield; but after the expansion, urban blight happened and there is complete economic depression. He stated the EIS will show a significant impact on the environmental aspects within the community. He stated those in the Township who are saving a few dollars by flying out of the Airport will see tens of thousands of dollars of reduction in their home values. He stated the Township will lose their tax base, and the Police Department will have to be tripled due to urban blight. Dr. Harland stated the jet planes are now coming in less than five hundred feet over the houses. He stated the landing patterns cannot be changed unless the Airport goes through re-design. He stated they can come off the back side of the Airport and not come over Pennsylvania; but unless the lawsuit continues to proceed, those actions will never be implemented. He stated the communities on this side of the River must take action and not just by being a friend of the Court but also with dollars and cents.

Mr. Matt Bulger, 219 Taylorsville Road, stated he lives in the flight path; and he would like to see some “teeth” be applied to the Mercer County Airport. He stated the curfew is voluntary; and if you look at Frontier’s schedule, they have two flights scheduled to come in after 11 p.m. followed by three flights leaving before 7 a.m. the next morning, and this is a regular occurrence. He stated he did some research and found that in 1999 Trenton Mercer Airport serviced approximately 65,000 a year, by 2013 they were up to 325,000, and it is estimated that they hope to have 875,000 a year by 2017.

Mr. Joe Menard, 917 Putnam Drive, stated he is one of the people who appreciates the Airport being there. He stated he moved to Lower Makefield Township in 1976 because of the proximity of all the infrastructure – the roads, the airport, and the train. He stated the Airport is an asset to the region and anyone who moved into the Township in the last fifty years knew the Airport was there. He stated he does not feel it is right for any Governmental agency to not obey rules, regulations, and laws; and if normally there should be an Environmental Impact Study done, it should be done. He stated he does not feel it takes the Township in order to have this done. He stated ten years ago he objected to the Township paying the money to fight the Airport. He stated he has enjoyed using the Airport and objects to the Township using Township funds to support this effort. He stated he feels individually they can ask Mercer County, the FAA, and their Representatives to do this, but he does not feel they should spend Township money to get this done.

Mr. McLaughlin stated the Township supported a noise study for the Scudders Falls Bridge and funded this. He asked Mr. Menard how that was different from this. He stated the study was to determine whether walls should be extended down I-95 based on the Scudders Falls Bridge anticipated expansion and increased traffic. He asked how they could have funded that and not fund this, and Mr. Menard stated possibly they should not have funded that either.

Ms. Bussey stated they are not asking for \$70,000. She stated now they are talking about between \$16,000 to \$20,000 which is Mr. Potter's estimate.

Ms. Tyler asked if BRRAM has been in contact with the Bucks County Commissioners and has the County taken any steps to begin a dialogue with Mercer County. Ms. Bussey stated they have contacted them, and they received no response although they could try again.

Mr. Rick Fromuth, 17 Brooke Lane, stated he has lived there 28 years and was there when Eastwind was flying, and they were louder. He stated one of the issues now is frequency, and there are more planes each day now from Frontier than there were from Eastwind. He stated even though it may not be as loud, it is still loud enough; and they hear it and it interrupts conversations, and it is a downgrade in the overall quality of life for people in the flight path. He stated the Airport is an asset for people who want to use it; and he feels if there were a Referendum today, there may be more people in the Township who support the expansion than do not. He stated BRRAM is asking that they do the right thing and if the second airline triggered the need for the Environmental Impact Statement, there is some good that could come from that; and the Township would be doing something on behalf of its citizens.

Mr. Rodney Warner, 3 Brook Lane stated his family is under the flight path, and within the last week planes woke him up at 1:00 a.m. He stated he can hear the jets over the sound of his lawn mower which was two feet in front of him. He asked that the Township do whatever they can to support the lawsuit.

Mr. Dilullo stated Mercer County is currently having a study done to do research per Frontier's request to remove cell towers at the end of the runway so that they can fly bigger planes.

Mr. Benedetto asked if an EIS were done and indicated that they could expand, what would be BRRAM's next step. Ms. Bussey stated she would have to consult Mr. Potter, but at least they would know where they stand. Mr. Benedetto stated he was trying to get a cost perspective that if the EIS came back that there was minimal impact, what would be the next step; and Ms. Bussey stated it would depend on the finding. She stated the last time when they did the Assessment, they found no

significance; but when BRRAM examined the findings, they were skewed so they went to Court objecting to this and there was a public outcry with testimonials. She stated they did not allow them to testify; and at that point they brought the suit to Circuit Court, and that is where it was withdrawn. She stated the decision was that if there was another airline, that would trigger the next level; and they are now doing things but not calling it an expansion. Mr. Dilullo stated part of the EIS would include a lot of public input.

Ms. Sue Herman, Boxwood Drive, thanked BRRAM for the work they have done for well over a decade. She stated she previously supported them and previously lived on University Drive when Eastwind flew, and it was “obscene” to experience the noise and vibration that occurred. She stated she is still under the flight path, but the planes fly a lot higher so she is impacted less. She stated she feels the Board should protect the health, safety, and welfare of the residents who elected them to take care of them. She stated the Airport is required to do an Environmental Impact Statement, and they are not doing it; and that is dangerous for the community. Ms. Herman stated she believes the Board has the power to make the difference on having them do the Environmental Impact Statement. She stated citizens can take an issue so far, and then it takes politicians to help things go the right way.

Mr. Phil Smith, 35 Highland Drive, stated he is close to the flight path. He stated the planes are waking his children up at 1:00 a.m. and 6:00 a.m., and they do not go back to sleep so it is dramatically impacting his and other families in his neighborhood. He stated looking at the projected increase by 2017 they could either fly later or they could increase the size of their jets. He stated he hopes the Board will consider their options and feels they should not only support BRRAM but also work with colleagues across the State and across the River to come up with a forward-looking plan. He thanked BRRAM for educating him on this issue.

Mr. Stainthorpe stated he does not feel they are at a point tonight to vote on this. He stated the Board supported BRRAM in the past and required that BRRAM do some of their own fundraising, and they did step up and do that. Mr. Stainthorpe stated he feels they should also reach out for financial support to some of the other communities including Upper Makefield and Yardley Borough. He stated he feels there is a sense of the Board that they could support this, but he feels they should have them reach out to other communities as well. Ms. Bussey stated they are doing this. She also stated that it would help greatly if the Township would join the lawsuit whether that involves financial support, which she hopes it would, or not. She stated the Courts will take it more seriously if the Township is involved.

Ms. Tyler stated taking this further, she sees the need for the involvement of the County Commissioners as well. Ms. Bussey stated she does not feel they will get involved, and they were not involved the first time although they tried.

Ms. Tyler stated she feels the State should be involved as well.

Ms. Bussey stated BRRAM has paid \$10,000 of Mr. Potter's bill through generous contributions from the residents of the Township; and they continue to try to raise funds, but they do need help.

Mr. McLaughlin stated the Board worked very hard to put the Township in a good financial position so that they have money to support issues when they come up unexpectedly. He stated \$40 million was put into that Airport in November for a crumple zone at the south end of the runway, and the reason for a crumple zone is because bigger jets are coming. He noted a number of airlines which may wish to come into this Airport. Mr. McLaughlin stated leadership is proactive, and it is incumbent upon the Board to be proactive.

Mr. McLaughlin moved to join in the lawsuit and contribute \$10,000 with an additional \$5,000 if BRRAM can get matching contributions from neighboring Municipalities.

Mr. McLaughlin stated the Board did support other noise studies, and he feels it is incumbent upon the Board to be consistent. He stated he is not indicating that he is willing to fight this to the end, and at some point they may need to reassess. He stated he feels they should find out what the EIS will tell them. He stated he feels this Airport is only going to get bigger.

Ms. Tyler seconded the Motion.

Mr. Stainthorpe stated he would prefer to wait to vote on this until they have an additional meeting so that they can get additional public opinion. He stated they are aware of the sentiments of those present this evening, but he feels it is incumbent upon the Board to make sure they are taking everyone's opinions into account, although he is not saying he will vote against this.

Mr. Benedetto stated he agrees with Mr. McLaughlin that they should be proactive and that a precedent has been established. He stated they supported BRRAM in the past, and he feels they should support them now.

Motion carried unanimously.

Ms. Bussey thanked the Board on behalf of BRRAM for their support. She stated they look forward to working with the Township again. Mr. Garton stated he will advise Mr. Potter tomorrow morning what the Board decided to do, and Mr. Potter will make the appropriate arrangements to change the Plea to include the Township. He will also advise him of the financial aspect as well.

Ms. Tyler stated she feels the Board also needs to keep up pressure on their neighbors. She also asked that she be provided with the letters of support BRRAM has received from the various State Representatives, etc.

Mr. McLaughlin stated they will also need financial transparency with BRRAM's expenditures, and Mr. Garton stated those invoices BRRAM wishes the Township to pay should come to the Township.

UPDATE ON QUIET ZONES

Mr. Eisold stated they are proceeding in accordance with the schedule established in May, 2014. He stated he had a meeting last week with the Railroad consultant who is putting the final touches on the data. By the end of this month or beginning of next month they should have the diagnostic team site investigation.

Mr. McLaughlin stated a Township resident had asked about the impact of the barrier on his property, and Mr. Eisold stated this property is on Stony Hill Road. He stated the requirement is normally 100', but there is a minimum if there are conflicts with driveways so that they can go to 60'; and they will be looking into this. He stated some of the properties have two driveways, and they will look into this as well.

Mr. Zachary Rubin advised the Board that in Florida they are proposing hundreds of crossings to be Quiet Zones.

UPDATE ON FEMA COMMUNITY RATING SYSTEM

Mr. Eisold stated they have been proceeding with the FEMA Community Rating project. He stated there was a site visit by FEMA in December, and the Township was asked to provide a lot of additional information which was submitted to them by the date requested. Mr. Eisold stated the Township received a letter of good standing from FEMA on August 19. Mr. Eisold stated the Township then had to have a meeting with a representative of the Hazard Mitigation Department and then file the final Application; and the day after they received the letter, he contacted them to set this meeting up. Mr. Eisold stated the meeting has been set for November 12.

Mr. Eisold stated they had hoped that they would be able to get in the system this fall; however, with this last step it seems that it will not be until May that they get into the system. He stated this is the FEMA procedure that they have to follow, and this was as quickly as FEMA could meet with them.

Mr. Benedetto stated there was discussion at the Planning Commission meeting when the flood maps would officially be adopted, and he thought the date was either November or March; and he asked for an update on this. Mr. Eisold stated FEMA did issue a letter of final determination on September 16, and the flood insurance study and rate maps are slated to become effective on March 16, 2015. He stated the Township has six months to adopt those changed maps.

APPROVAL OF EXTENSION REQUEST FOR DOGWOOD DRIVE

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to grant an Extension for Dogwood Drive to December 31, 2014.

Mr. Garton stated the Board met in Executive Session for approximately twenty minutes prior to the meeting to discuss the Zoning Hearing Board Applications.

ZONING HEARING BOARD MATTERS

With regard to the Christopher and Donna Cron Variance request for the property located at 5 Keats Road in order to permit construction of a three-season room resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Fieldstone Landscapes Variance request for the property located at 938 Randolph Drive 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. Stainthorpe stated the dedication for the signage and the renaming of the baseball fields to the Greg Caiola Baseball Complex will take place on Saturday at 1:00, and the public is encouraged to attend. The event will start at the Snack Bar.

Mr. Stainthorpe stated the Board of the Emergency Squad met last night, and they are doing very well financially. He stated the Township help made a difference, and they have since taken care of things on their own. He stated the collections are well ahead of last year, and they are looking into buying a new ambulance that they will finance themselves. Mr. Stainthorpe stated the collections are key, and they have a new collections company which is commission based; and they have also stepped up their fundraising and have hired a marketing company.

Mr. Dobson stated he received an e-mail from Donna Liney indicating that the ribbon-cutting ceremony for the all-inclusive playground will be on October 18 at 10:00 a.m. at Memorial Park.

Mr. McLaughlin stated the Yardley Christmas Parade will be on December 6. He stated those interested in volunteering can contact Bobbie Moore.

Ms. Tyler reiterated that the meeting with PECO will take place tomorrow evening at Pennwood Middle School at 7:00 p.m. Ms. Tyler announced that the Farmers' Market is extending their season, and the last date will be October 23. She stated it is held every Thursday from 3:30 p.m. to 6:30 p.m. She stated it has been a very successful season.

Mr. Benedetto asked Ms. Tyler for an update about the Super Wawa on West Trenton Road. Ms. Tyler stated our neighboring community will be hearing a Zoning matter related to the re-development of the Acme Supermarket where a Wawa is proposed with twelve gas pumping stations. Ms. Tyler stated they have asked the Township Manager to communicate with the neighboring Township and ask them to take into consideration the potential impact on the W. Ferry Road residents and also to follow up on some prior traffic studies and timing of lights that may also have an impact.

Mr. Benedetto stated a Electronic Media member, Lisa Gage, has done some community clips from the 9-11 events.

AUTHORIZE ADVERTISEMENT OF AN ORDINANCE AMENDING THE TOWNSHIP CODE ON STREET TREES AND TREE REPLACEMENT

Mr. Garton stated the Environmental Advisory Council has been discussing for some time modifications to the Subdivision and Land Development Ordinance to deal with standards for street trees and tree replacement. The Planning Commission has recommended approval of this. Tonight the request is to authorize the Ordinance for a public hearing.

Ms. Tyler moved and Mr. Benedetto seconded to authorize advertisement of the Ordinance for a public hearing.

Mr. Stainthorpe stated it appears they are bringing in the Native Plant Ordinance to cover all street trees, and Mr. Garton agreed. Mr. Stainthorpe stated while he will vote to advertise this, he objects to that; and Mr. Garton stated he can discuss this at the public hearing.

Ms. Tyler asked if there is any room within the Ordinance to address some concerns, and Mr. Stainthorpe stated at this point it is just a Motion to advertise.

Mr. McLaughlin stated he does not recall that the Board of Supervisors asked for this or ever discussed it. Mr. Stainthorpe stated he was going to ask where this came from, and Mr. Garton stated it came from the Environmental Advisory Council and was reviewed by the Planning Commission. Mr. McLaughlin stated he did not know the EAC was working on this, and Mr. Stainthorpe stated this was not a directive from the Board of Supervisors. Mr. McLaughlin stated he would like to table it.

Motion to authorize advertisement carried with Mr. McLaughlin opposed.

APPOINTMENTS

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to appoint Jim Ferraro to the Electric Reliability Committee and James Lytle as an Alternate to the Electric Reliability Committee.

APPROVE RESOLUTION ALLOWING TOWNSHIP STAFF TO FILE STATE REPORTS ON LINE

Mr. Fedorchak asked that the Board consider approving a Resolution which will allow the Township staff to file a variety of State reports through the State's on-line reporting system which will save the staff a considerable amount of time.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Resolution.

September 17, 2014

Board of Supervisors – page 21 of 21

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Pete Stainthorpe".

Pete Stainthorpe, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Dobby Dobson, Chairman
Daniel McLaughlin, Vice-Chairman
Pete Stainthorpe, Secretary
Kristin Tyler, Treasurer
Jeffrey Benedetto, Supervisor

SEPTEMBER 2014 WARRANT LIST AND
AUGUST 2014 PAYROLL COSTS FOR APPROVAL
SEPTEMBER 17, 2014 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
09/02/14 Warrant List	\$ 279,648.34	
09/15/14 Warrant List	\$ 585,576.69	
Manual Checks:		
09/02/14 Warrant List	\$ 230,473.96	
09/15/14 Warrant List	\$ 1,181.04	
Total Warrant Reports		\$ 1,096,880.03
Payroll Costs:		
August 2014 Payroll	\$ 667,690.19	
August 2014 Payroll Taxes, etc.	\$ 272,914.89	
Total Payroll Costs		\$ 940,605.08
TOTAL TO BE APPROVED		\$ 2,037,485.11

