

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
APRIL 5, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 5, 2017. Ms. Tyler called the meeting to order at 7:40 p.m.

Those present:

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

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

PUBLIC COMMENT

Andrea Kalb stated she is a resident of Lower Makefield and a volunteer speaker for Fair Districts PA which is a non-partisan volunteer organization speaking about gerrymandering reform. She stated they support Townships in passing Resolutions to go to Harrisburg, and agreed to provide information on what other Townships have done. She stated she would like to give a presentation in the future on gerrymandering in Pennsylvania. Ms. Tyler asked that she provide her information to the Board, and they will put this matter on a future Agenda. Mr. Benedetto noted an article was in the newspaper today about this issue and Middletown also passed a Resolution supporting an independent commission to review re-districting. Ms. Reiss stated this is a non-partisan issue and is making sure that when you vote your vote really counts. Ms. Tyler suggested that this matter be put on the Agenda on May 3, 2017.

Ms. Kathleen Hirko, 1450 Dolington Road, asked the Board of Supervisors to save and restore what is left of the Township-owned historic homes such as the Satterthwaite home and the Slack house. She stated she and her husband own an 1820 farmhouse in the Township which was saved by a previous Board of Supervisors and the Historic Society. She stated they would like to give back by restoring other homes within the Township. She discussed their passion for old homes.

DISCUSSION OF RIVERSTONE CHURCH'S (BIBLE FELLOWSHIP) WITHDRAWAL OF A PROPOSAL TO PURCHASE LOWER MAKEFIELD TOWNSHIP PROPERTY AND MOTION TO SEEK DEED RESTRICTION AND EASEMENT

Ms. Tyler stated there has been a lot of discussion regarding this issue, and the Church has withdrawn its request to purchase the land. At the request of the Church she read their letter into the Record. Ms. Tyler stated the Township received a second letter from the Church on April 4 which she read into the Record which indicated that a representative of the Church submitted a letter dated 12/2/16 with regard to suggested modifications to the Lower Makefield Township Comprehensive Master Plan and Land Use Ordinance with regard to R-2 Residential Zone Land Uses. Ms. Tyler stated the land purchase is off the table, and the issue with regard to the Comprehensive Master Plan will be on a future Agenda. She asked if Mr. Lewis would consider renewing his prior Motion.

Mr. Lewis moved and Ms. Reiss seconded that the Township seek a Deed Restriction and Easement on the twenty-nine acres surrounding the back of the Township including the silt pile that is adjoining Riverstone Church.

Mr. Benedetto stated he will Abstain from the vote adding that he feels it does impact the Church still.

Ms. Tyler thanked all the residents who spoke out about this issue before the Board of Supervisors. She stated this issue has raised awareness of this beautiful property that people can take their children through and explore. She noted particularly Ms. Katherine Burke's passion for the preservation of the land; and Ms. Tyler asked that as they pursue the Conservation Easement path, they consider the "Katherine Burke Conservation Easement" as a homage to the youth in the community and the valuable impact they have on policy and decisions by the Board.

Mr. Benedetto stated they pursued a Conservation Easement with the Patterson Farm, and he asked Mr. Truelove if it is not more of an effective way of doing a Conservation Easement if they do it with an independent body. Mr. Truelove stated if the Board of Supervisors decides to do this, if they were to impose an Easement on their own without any third party involvement, it could be removed by a subsequent Board; however, if there is a third party involved and there is an Agreement, this would add another layer of enforcement. He stated there are several entities that could be considered as partners for this effort. Ms. Tyler asked that Mr. Truelove investigate what avenues they can pursue, preferably non-cost avenues or those that would pay the Township; and to report back to the Board on the options.

Ms. Tyler thanked the members of Riverstone/Bible Fellowship for recognizing the distress this issue brought to the community and for stepping back.

Mr. Tony Kehoe, 476 Liberty Drive, thanked the Board for their decision.

Motion carried with Mr. Benedetto Abstained.

Mr. Kehoe stated with regard to the Riverstone Church request regarding the Comprehensive Master Plan which would permit an impervious surface of up to 29%, he feels this would have a very serious negative impact on neighborhoods. He noted there are several houses of worship that may fall into this category. He expressed concern if one of these parcels were to get into the hands of “unscrupulous developers” since any entity calling itself an “institution or self-styled educational or worship facility” could “set up shop” in a neighborhood with no oversight once they had acquired ten acres which would not have to be acquired all at once.

Mr. Kehoe thanked the Lower Makefield Township residents who made the Right-To-Know requests to obtain the letter from the Church and made it known to the community. He asked that the Board not amend the Land Use Ordinance as Riverstone has requested.

Mr. Lewis stated with regard to R-2, he feels it is dramatically overly broad, and it does have some significant, unintended consequences. He stated there may be other avenues for the Church to be successful, and there are other Churches with higher impervious surfaces on their properties. Mr. Lewis stated he feels there are unique and interesting ideas including the use of pervious paver surfaces and discussions with the Pennsbury School District.

Ms. Barbara Kirk, Township solicitor, was present and stated the December, 2016 letter from Bible Fellowship sent to the Township with requests for changes to the Comprehensive Plan and/or Zoning Amendments was already discussed by the Township’s Planning Commission; and the response by the Planning Commission was that they were not doing anything with what was requested. They indicated that if there was to be a formal request for a Zoning Amendment, the Church would have to submit an Application to the Township. Ms. Kirk stated at this point the Planning Commission is fine tuning the Master Plan updates, and it does not deal with any of the issues addressed by Bible Fellowship.

Mr. Kehoe stated he met with Mr. Majewski with regard to the two ways of calculating parking requirements. Mr. Kehoe stated Lower Makefield has been inconsistent in this regard, and in some cases they count classrooms and other areas; but in other cases they do not, and they only look at the congregation seating.

Mr. Kehoe stated he feels it is very important to use both methods. He stated if they were to include the classroom space at Riverstone Church, they would need 340 parking spots; and this may explain why 240 spots are not enough for the current 400-seat congregation. He stated now they want to go to 500; and if they do not use the right criteria, they are going to continue to have a parking problem.

DISCUSSION OF COMMONWEALTH COURT DECISION CONCERNING THE SUNFLOWER FARM APPEAL

Ms. Kirk stated she served as the solicitor for the Township Zoning Hearing Board when the Sunflower matter was brought before the Zoning Hearing Board. She stated in 2015 Dr. Amy Bentz, doing business as Sunflower Farm, submitted a proposed Agreement to purchase the Satterthwaite homestead. As part of her proposal she was looking to use the homestead for an equine boarding medical facility with intentions of keeping some of the primary structures including the house and adding additional structures as well as a residence in the back of the property. Ms. Kirk stated in order to do that, because the property was Zoned R-2, she needed to seek a Use Variance from the Zoning Hearing Board; and she also needed a variety of dimensional Variances.

Ms. Kirk stated in February, 2015 the Zoning Hearing Board held a number of Hearings over the course of several nights, and they ultimately denied Dr. Bentz's request. Dr. Bentz filed an Appeal to the Bucks County Court of Common Pleas, and ultimately Judge Mellon upheld the Zoning Hearing Board's Decision. Dr. Bentz then filed to the Commonwealth Court. Ms. Kirk stated in December, following the submission of Briefs, there was Argument in front of Commonwealth Court; and on March 28, the Decision was received, and Commonwealth Court found that the Zoning Hearing Board's Decision was appropriate and they affirmed the Decision of the Zoning Hearing Board. Ms. Kirk stated at this point Dr. Bentz has not been granted any Court Approval to use the property for a medical facility for horses. Ms. Kirk stated Dr. Bentz has thirty days from March 28 to submit a written request for Petition for Allowance to the State Supreme Court. Ms. Kirk stated the State Supreme Court does not automatically hear Appeals, and they could deny her Petition to hear an Appeal. Ms. Kirk once that Decision has been issued by the State Supreme Court if she chooses to Appeal, or if the thirty days has expired, the Case is concluded; and there is no further Appeal process available.

Ms. Tyler asked Ms. Kirk if Mr. Murphy, Dr. Bentz's attorney, has indicated how his client intends to proceed; and Ms. Kirk stated she has not had any communication with Mr. Murphy since this Decision was issued.

Mr. Lewis thanked Ms. Kirk for her work in terms of upholding what the Zoning Hearing Board had done. Mr. Lewis stated should Sunflower Farms seek to go to the Supreme Court, the Township would still be in limbo until they hear from the Supreme Court as to whether they would hear it; and Ms. Kirk agreed. Mr. Lewis asked how long that could be in a worst case scenario, and Ms. Kirk stated usually they will issue a response within a few days after the Petition has been filed. She stated there are no unique issues or questions of law about this Application which leads her to believe that the Supreme Court will not grant an Appeal.

Ms. Tyler stated there is a mechanism in place to release the down payment as soon as it is appropriate, and they will then take the proper process in canceling the Contract of Sale; and Mr. Truelove agreed.

Mr. Jeff Hirko, 1450 Dolington Road, and Ms. Florence Wharton, Langhorne Borough, were present representing Patterson Farm Preservation Inc. Ms. Wharton stated they provided a packet to the Board this evening at their desk. She discussed the purpose of Patterson Farm Preservation Inc. She stated she feels they should work together with the elected leaders and the public of Lower Makefield. She asked that the Board agree to consider an offer to extend terms agreeable to both Parties in the form of a letter of understanding or facsimile that will promote a mutually-agreeable effort to rehabilitate projects.

Mr. Hirko stated one of the benefits of the Satterthwaite farmstead is an on-site presence. He stated the primary focus is to analyze and complete all safety issues and general appearance first. Ms. Wharton discussed the mission of Patterson Farm Preservation Inc. adding that they are a 501C3. Mr. Hirko stated they are requesting consideration from the Board of Supervisors to give them permission to access the Satterthwaite farmstead so that they can assist the Township in the historic preservation and interpretation of the farmstead. He stated they understand the first step is to address and eradicate all safety issues. He stated they have acquired an excellent reputation with contractors, volunteers, and media representatives.

Ms. Wharton stated they are seeking right of entry from the Township and will designate those who can have admittance to access the structure and complete video and photographic descriptions, and take interior measurements. She stated they will work toward a time schedule to start a course of action. Mr. Hirko stated it is their intention to work in partnership with the Township in order to achieve and enhance the quality of life for the residents. He stated Patterson Farm Preservation, Inc. intends to take responsibility for the restoration of the farmstead. He stated they seek the support of the Board of Supervisors who manage, administer, and direct all activities of this property to consider further discussion to extend terms agreeable to both Parties in the form of a Letter of Understanding or Facsimile that

will promote mutual agreement for the restoration and rehabilitation project. He stated this project will likely require several years time and use of specialized skills to stabilize and remedy current conditions. He stated the restoration of the farmstead will be an inclusive effort that will bring the community together to create a source of pride in this landmark property as well as understanding the importance of its continuation as an irreplaceable agricultural asset for future generations.

Ms. Wharton noted the Strategy section of the handout. She stated Patterson Farm Preservation, Inc. will be a willing partner with Lower Makefield, and they have offered a listing entitled "Potential Benefits" of the Satterthwaite farmstead as an example to evaluate some of the possible techniques that could provide a sustainable income stream and high visibility. Ms. Wharton stated since its founding Patterson Farm Preservation, Inc. has been active in the community. She stated they accepted an offer from Dr. Ernest Cimino to occupy the Woodside Chapel over the past three years, and they have established a meeting and event base. She stated this historic building allows Patterson Farm Preservation, Inc. to conduct business as well as host small events which help provide essential funds. She stated in turn, Patterson Farm Preservation, Inc. has supplied labor and materials to enhance the building accessibility. She stated their projects have received the owner's compliments on the quality of workmanship, and a letter of endorsement is included in the Board's packet. Ms. Wharton stated the Patterson Farm Preservation Inc. Website is well established.

Mr. Benedetto stated he is confident that their group can do the job, and he wants them to get started. He noted particularly the potato barn for which materials are already available. Mr. Benedetto asked Mr. Truelove if they can move this forward so that Patterson Farm Preservation, Inc. can start work just on the potato barn. Mr. Truelove stated the litigation is not officially over yet; and until that is done, Dr. Bentz has an equitable interest in the property so he would suggest that they wait until they see what happens with the Appeal. He stated once her money has been returned, they can discuss a program going forward without any legal impediments.

Mr. Fritchey stated he has had over one hundred cases which were the subject of Petitions for Allowance of Appeal to the Pennsylvania Supreme Court, and in his experience he has often waited two years for them to say yes or no. He stated he is in support of what Patterson Farm is discussing in concept, but he feels they need to wait. He stated if Dr. Bentz does not file a Petition for Allowance of Appeal, that would be the end of it by the beginning of May. Mr. Fritchey stated while he conceptually supports what Patterson Farm Preservation, Inc. is proposing, he does have concerns with doing this through the mechanism of a 501C3 as the Township has had problems in this regard in past experience. Mr. Hirko stated they were told

by the Township that they should form a 501C3; and Mr. Fritchey stated while that may be the case, since then there have been some experiences that cause him to feel differently.

Mr. Benedetto stated he has no concern with them being a 501C3. He stated the Township is very limited in their options, and Patterson Farm Preservation, Inc. is willing to come in and do the job. He asked that they begin discussions with Patterson Farm Preservation, Inc. representatives and Township representatives to put parameters in place so that if there is no Appeal, they will not have to wait. Mr. Lewis stated he would be in support of that as well, and he feels that they can use the time period to make sure there is proper accountability and determine how funds are raised, disclosed, and used with regard to the 501C3. Mr. Lewis stated it is hard to put together a plan when you have not had access to the property. He stated he feels they are all hopeful that Sunflower Farms will not seek to go to the Supreme Court having lost decisively multiple times. Mr. Lewis stated he appreciates Patterson Farm Preservation's willingness to step up and fix the property.

Mr. Hirko noted the occupants on the other side of the Farm are also a 501C3.

Ms. Tyler asked if they expect to have an interest in the home as the Artists of Yardley do with the structure they occupy, or are they doing this strictly for the benefit of the Township. Mr. Hirko stated it would be for the community.

Mr. Hirko asked if the Township could at least tarp the potato barn to keep it dry since technically the Township owns it., Mr. Fedorchak agreed to take care of this.

Ms. Wharton stated on Saturday, April 29 at 11:00 Patterson Farm Preservation, Inc. will hold an event at Woodside Chapel, and she stated flyers are available this evening. She stated it will be a lecture and book signing on the barn quilt trail by author, Suzi Parron. Ms. Wharton stated they envision beginning the barn quilt trail in Lower Makefield at Patterson Farm. Ms. Wharton stated the cost is \$35 and includes the book. She stated additional information can be found on the Patterson Farm Preservation Website. Ms. Reiss stated she has discussed this with the Artists of Yardley, and they are interested in having one of these quilts at their property.

Ms. Wharton stated on May 16 they are partnering with the Jewish War Veterans Legion Post 697 at the Bucks County Community College, and attendees can meet two men who prevailed throughout the Holocaust.

Ms. Wharton stated a letter was written by Ms. Edna Patterson Dilliplane who is a member of the Patterson family, and Ms. Wharton read her letter into the Record.

Mr. Ed Gavin, 904 Sensor Road, stated while they may be in limbo because of the potential for litigation, he suggested that they contact Dr. Bentz so that at least the buildings do not deteriorate any further. Mr. Fritchey stated he feels that they can take preventative measures, and Ms. Tyler stated they do not have a problem with putting a tarp on the potato barn.

UPDATE ON MORRISVILLE SEWER PLANT ISSUES

Mr. Fred Ebert, Township sewer engineer, was present to update the Board on sanitary sewer matters. Mr. Ebert stated with regard to the Morrisville Municipal Authority Wastewater Treatment Plant, the original report evaluated two options one being to build a new treatment plant at the Solvay site and the other was to upgrade the existing wastewater treatment plant. Mr. Ebert stated he recently had a meeting with representatives of Morrisville Municipal Authority, and they advised that they are no longer considering the Solvay site primarily due to the contamination and the inability to get through a proper disclosure to use public funds. Mr. Ebert stated at that same meeting, they also disclosed that they are looking at another site in Falls Township; and in December, they signed a Mutual Non-Disclosure Agreement with U.S. Steel to pursue that property. They have not identified to Lower Makefield the exact portion on the property where the treatment plant would go. He stated he understands that they are looking at twenty-eight acres, but he has not been able to pursue any cost estimates. Mr. Ebert stated it is good that Morrisville has come to the realization, as Lower Makefield has always represented, that the Solvay site was not a reasonable alternative for the new treatment plant.

Mr. Ebert stated at the meeting they also discussed the desire of Lower Makefield Township to have a Joint Treatment Authority, the purpose of which would be to oversee selection of the site, design of the wastewater treatment plant, type of wastewater treatment plant, and to have oversight on the long-term operation and maintenance of the treatment plant. He stated the Joint Authority would be set up such that the number of seats on the Board would be proportional to your capital contribution. He stated if additional Municipalities were to join in the future, everyone depending on their share would have a share to ensure that it is properly maintained. Mr. Ebert stated the Morrisville Municipal Authority Executive Director was supposed to form an outline of the Regional Authority, but he does not feel he has had the opportunity to complete it yet; and Mr. Ebert has not received anything to date. Mr. Ebert stated he feels it would be set up so that every entity would own its own collection system, but there would be an independent Authority that would just be involved with the Treatment Plant. He stated he feels it is a big step that Morrisville is willing to explore this.

Mr. Benedetto asked the size of the Board they would contemplate, and Mr. Ebert stated it could be in the seven to nine-member range; however, he feels initially it could be a five-person Board with Yardley, Morrisville, Lower Makefield, and possibly Falls Township. He stated if Falls Township were to buy in, it may go to a seven or nine-member Board. Mr. Benedetto asked if Falls Township would have buy in if the plant were in Falls Township; and Mr. Ebert stated that is not normally a criteria, and it is normally strictly on the percentage of contribution. He stated there is no outline yet for this with Morrisville, and he is only referring to how he has seen others set up. He stated his recommendation would be that it should be proportional.

Mr. Fritchey stated Morrisville has not agreed to this yet, and it will be a matter of negotiation if and when they get to that point. Mr. Ebert stated they have made it clear to Morrisville that it is a high priority for Lower Makefield to have a seat on a Joint Authority.

Mr. Ebert stated the Morrisville Authority Executive Director has stressed the potential to seek out Grants and also to attract additional Municipalities such as Falls being a significant contributor; however, you have to do the 537 based on known factors. Mr. Fritchey asked Mr. Ebert to provide more information on what a 537 Plan is. Mr. Ebert stated the 537 Plan is the official sewage plan as to how Lower Makefield will sewer the entire Township. He stated DEP has specifically empowered Lower Makefield to have a say in the expansion of the Morrisville Treatment plant because Lower Makefield will be funding a majority of it. Mr. Ebert stated they do not want Morrisville to do planning that will require Lower Makefield to write a check and have no say. He stated DEP is allowing Lower Makefield to pick a selective alternative. Mr. Fritchey asked how often a 537 Plan is done; and Mr. Ebert stated it should be done every ten years. Mr. Fritchey asked if the other Municipalities involved in a Joint Sewer Authority also have to have a 537 Plan, and Mr. Ebert stated they do. Mr. Ebert stated DEP can force them to implement the selected alternative; and if it is based on a Grant or participation by Falls and those do not come through, they would still be committed to the Plan regardless of whether the dollar amount goes up significantly which would require raising rates. Mr. Ebert stated this is therefore a very important decision that has to be made.

Mr. Ebert stated because he determined that the Solvay site was not feasible and there was no information about the U.S. Steel property, he has continued to explore the upgrade of the existing Morrisville Wastewater Treatment Plant. He stated they have narrowed it down to three of the major manufacturers. He stated they want to re-use as much of the concrete tanks as they can so the treatment processes have been narrowed down. He reviewed the treatment processes they are looking at.

He stated construction costs have not been finalized, but he estimates they will be between \$40 million to \$50 million compared to the original estimate of \$80 million. He stated Pennoni Associates, Morrisville's engineer, also recommended the process Mr. Ebert has recommended. Mr. Ebert stated he has kept DEP apprised of what is going on and why there have been delays as originally the 537 Plan was to be done last fall.

Mr. Ebert stated they have asked Morrisville for an updated Three Year Capital Plan, and it appears that the construction of the Wastewater Treatment Plant expansion will be five to ten years away; and they want to make sure that the existing Plant is properly maintained although they do not want to waste money. Mr. Ebert stated they recently completed a \$2 million plus upgrade of the tertiary filters. Mr. Ebert added that if they move to a new site, that would have been a waste of money; and this is also true for the new outfall into the River. Mr. Ebert stated this was required because Morrisville was out of compliance with the NPDES Permit, and they had to do this so that they were not harming the environment. Mr. Ebert stated they had no option as they could not continue to not properly treat wastewater and have it discharged.

Ms. Tyler stated if they can get to an agreement to rebuild on the site, they can incorporate those, and the money will not have been lost; and Mr. Ebert agreed, adding that this is why it is important to have a Regional Treatment Authority so Lower Makefield can be assured that it is being properly maintained until a new treatment plant is constructed.

Mr. Fritchey stated it appears that Mr. Ebert is proposing that they build a new plant with state-of-the-art equipment on the existing site, and Mr. Ebert stated that is the only feasible option they have come up with. He stated they will give full due diligence on a new site, but he stated there will be significant land costs. Mr. Fritchey stated the only site that MMA owns is the existing site, and Mr. Ebert agreed. Mr. Ebert added that it is a challenge to expand on the existing site, and he reviewed the process of how they could rehab each half of the Plant. He stated all of the conveyance infrastructure goes to this location. Mr. Fritchey stated they could also continue to process on a day-to-day basis while at the same time erecting a new state-of-the-art facility on the same footprint; and Mr. Ebert agreed although he stated it will be challenging.

Mr. Lewis asked if they have been getting the MMA Sewer Meeting Minutes and engineering reports, and Mr. Ebert stated they have had a representative of the Lower Makefield Sewer Authority attend those meetings. He stated when they do push for reports, Morrisville does provide them. Mr. Lewis asked if the Consent Order has been resolved; and Mr. Ebert stated while he has not seen a signed copy, he believes that it has been resolved and settled for \$50,000.

Mr. Lewis asked if they have sent out vendors to look at the MMA facility, and Mr. Ebert stated vendors have been out and they are scheduling additional trips. He stated the vendors have done it from a process standpoint adding he had advised the vendors that he would share with them his final construction numbers. Mr. Lewis stated Lower Makefield initiated an RFP process in 2016, and he asked if responses were received. Mr. Ebert stated at that point the vendors were trying to do it all within one corporation, and the numbers were not cost competitive. He stated he then separated to each specialty and went out with a different RFP. Mr. Lewis stated none of the vendors have been to the site recently, and Mr. Ebert agreed. Mr. Ebert stated they have only been asked to look at the existing facility because until he knows of a different site, he cannot give the vendors the information; and that will be a second phase.

Mr. Lewis asked Mr. Ebert if he has shared the information from the vendors with MMA, and Mr. Ebert stated he has not nor has it been shared with the Lower Makefield Sewer Authority. He stated he discussed this with Mr. Fedorchak, and they are going to have a joint meeting with MMA to share all of the information; but he does not want to do that until he reviews it with the Lower Makefield Authority and gets their comments. Mr. Ebert stated MMA has come to their meetings twice, and Lower Makefield is sending a representative to the MMA meetings. Mr. Ebert stated once a new site is known, it would make the most sense to meet and go over the upgrade of the existing Treatment Plant and a new facility.

Mr. Lewis asked about the January 26 meeting which was referred to in the documents provided, and Mr. Ebert stated at that meeting there were Township representatives and from Morrisville one of their Board members attended as well as the Executive Director, their engineer, and their solicitor. Mr. Lewis asked who from Lower Makefield was present; and Mr. Ebert stated he was there with Mr. Fedorchak, Ms. Tyler, and a person taking notes. Mr. Lewis asked if the Township solicitor was present, and Mr. Lewis stated he does not believe so. Mr. Lewis stated he was not invited to that meeting. Mr. Ebert stated Mr. Lewis would be invited to any of their meetings, and he specifically noted the Sewer Authority meetings.

Mr. Lewis stated with respect to a future Authority, he feels it is premature as they have had one meeting since 2016; and Mr. Ebert stated they have had three as MMA came to two of their Sewer Authority meetings and the one meeting he just discussed. Mr. Lewis stated he is talking more about the discussion about a Joint Authority, and Mr. Ebert stated they asked them for an outline on that. Mr. Lewis stated he is concerned about the process of working through a Joint Authority, and he wants to preserve what is best for Lower Makefield; and he is concerned that there has been one meeting when this was talked about, but there is not collectively a strategy from the Board of Supervisors. Mr. Ebert stated he wanted to bring to the

Board of Supervisors an outline generated from MMA to see if the Board of Supervisors was interested in considering this. Mr. Lewis asked if there would be any downside risks to a Joint Authority, and Mr. Ebert stated if there is an opportunity for the Township to take their wastewater somewhere else other than Morrisville, Lower Makefield would not want to be part of a Joint Authority with Morrisville. He stated they could always sell their share or “walk away from the table,” and have it re-distributed. Mr. Ebert stated there are other options such as going to Neshaminy or there could be a new Regional Treatment Authority that Lower Makefield could buy into. He stated as they go through the 537 Plan process, they will look for every opportunity to best serve the customers. He stated the process does have to move along, and he feels they need to get information in front of the Board of Supervisors so that they can give him direction which he can take back to the Sewer Authority as to what the Board of Supervisors is interested in.

Mr. Lewis stated he had hoped that they would have been further along at this point; and Mr. Ebert stated the delay was because while he knew the Solvay site was not a practical alternative, until they got a practical alternative, he could not compare two options.

Mr. Fritchey stated up until very recently Morrisville was pushing the Solvay site to the exclusion of having a plant on the existing footprint, and they never presented Lower Makefield with any information as to what the costs would be on building a new plant on the existing footprint other than the initial \$86 million; and Mr. Ebert agreed. Mr. Fritchey stated Morrisville has not brought in any outside vendors to evaluate the costs associated with building a new state-of-the-art plant on the existing footprint. Mr. Ebert stated he does not believe that Morrisville went out to the same level that Lower Makefield did, but some of the vendors he reached out did have some of the information. Mr. Ebert stated Morrisville’s focus had been on the new plant and not the old plant while Lower Makefield’s focus was more on the existing plant. Mr. Fritchey stated Morrisville never offered Lower Makefield any figures on what the re-construction of the existing footprint would be, and Mr. Ebert stated they have not other than the initial information they provided. Mr. Fritchey stated Lower Makefield also does not have any figures from Morrisville concerning the erection on an unknown site at U.S. Steel, and Mr. Ebert stated they do not. Mr. Ebert stated he has kept DEP advised of everything since he does not want them to think Lower Makefield is “dragging their feet.”

Mr. Lewis noted the meeting on January 26, and he asked if that was when MMA advised that they now have a secondary site; and Mr. Ebert stated that was the first time they were advised of this. He stated they advised that they had written off the Solvay site sometime between May and June, and that they had been in discussions with U.S. Steel since that time; and they were only able to come to a Non-Disclosure

Agreement on December 6, 2016. Mr. Ebert stated when he asked to see it, it was forwarded to him the next day. Mr. Lewis asked if they could potentially share the location of the site so that Mr. Ebert could start to look into the conveyance and other challenges, and Mr. Ebert stated he specifically asked for a conceptual design as to how they propose to utilize the site. He stated there is no reason for both of them to be doing this; and if Morrisville does it and he agrees with it, there is no reason for him to do it. He stated Morrisville picked the site, and he assumes they have a conceptual design although it was not authorized to be done as of January 26. He stated he followed up again the end of February, and received the same answer.

Mr. Lewis stated it seems that they are in a holding patterns, and he questions whether it is because of Lower Makefield, MMA, or both. He asked if they need to propose what a Regional Authority would look like or should they be having more constructive dialogue with Morrisville. Mr. Ebert stated Morrisville was not prepared to sit down and talk to Lower Makefield, and any time there was a reaching out it was from Lower Makefield exclusively. He stated they have invited Morrisville to the Lower Makefield Sewer Authority meeting so that the Authority members can ask them direct questions and to express their frustration. Mr. Ebert stated Lower Makefield cannot go out and explore new sites, and Morrisville has made it clear that their preferred preference is a new site. Mr. Ebert stated he does not feel that it would be appropriate for him to go out and select a site and tell MMA that this is the suite they should buy and build on. Mr. Ebert stated he agrees that they have not moved very far; and in fact, they are back where they were in January, 2016 but now with a new site. He stated the December, 2015 Feasibility Report is no longer valid with the exception of the upgrade to the existing Plant.

Mr. Lewis stated part of the pressure they were feeling previously has been somewhat mitigated by the Capital expenditure made last year to the existing Plant which has bought some time, and Mr. Ebert agreed. Mr. Ebert stated it was important to ask for a three to five year Capital "look-ahead" so that Lower Makefield knows what they will need and that it is not wasted Capital.

Mr. Lewis stated this is one of the largest liabilities the Township faces. Mr. Lewis asked Mr. Fedorchak to invite him to the next meeting with MMA. Ms. Tyler stated Mr. Lewis could also attend the next Sewer Authority meeting which is held the fourth Thursday of the month.

DISCUSSION OF STACKHOUSE DRIVE PUMP STATION UPGRADE

Mr. Ebert stated with regard to the Stackhouse Pump Station upgrade, Stackhouse Pump Station is an existing pump station that is at the end of its design life.

He stated they are in fact having to make custom-made parts. He stated this was part of the Capital improvement that the Bond was taken out for. He stated the Sewer Operations staff and the Authority asked him to re-evaluate this because the pump station is located behind a house with no access. He stated there is no driveway to get to it, and it is on the hill of the Canal. He stated it is an ejector pump, and it is eroding away. He stated they do not manufacturer this style any longer, and he is not sure that he would be able to stabilize the bank to work on it.

Mr. Ebert stated he was asked to look at other options including whether there was vacant land; however, there are no vacant lots there. He also looked into whether there was a large side lot that they could use; however, there are no large side yards immediately joining it. He stated they could try to purchase or condemn someone's property to build a pump station, and they would have to purchase someone's entire property to serve thirty-four residents. He stated there is one property where there is a large yard, but to purchase and/or condemn that would be a tremendous hardship for that person. Mr. Ebert stated the alternative they have recommended to the Sewer Authority which the Authority was in favor of was to explore a low-pressure system which involves installation of a grinder pump in everyone's side and or front yard. He stated they would then abandon the existing pump station, remove it, and make the area safe. Mr. Ebert stated the residents will have temporary disturbance and excavation and will have to allow the Township access to their homes to hook up the electric and install a control panel. Mr. Ebert stated the benefits of this option are that the Township would not have to purchase or condemn any real estate, they will significantly minimize any source of inflow and infiltration, and this will remove the long-term operation and maintenance associated with the pump station which is very costly and inefficient for these thirty-four homes.

Mr. Ebert stated with the Board of Supervisors' approval, he would recommend sending a letter to the residents informing them of the situation, and inviting them to a meeting where they could ask their questions. Mr. Ebert stated he does not see any other feasible alternative to the low-pressure system that would not be taking someone's house and that would meet long-term requirements. He feels this option will be in the residents' best interest. He stated he would recommend that the Board consider paying for this 100% so that it would be at zero cost to the residents. He stated in the Capital Budget, they estimated approximately \$325,000 for this pump station; and the cost for this option is \$575,000. He stated the advantage is that once this is done, the Township will not have to replace it or buy new pumps every five to seven years or have an operator out there once a day. He stated this will eliminate a significant access issue.

Mr. Fritchey asked the timeframe they are looking at, and Mr. Ebert stated he feels it could be a spring, 2018 project.

Ms. Tyler asked what the process would be. Mr. Fedorchak stated once Mr. Ebert has firmed up all the numbers and done his field survey, they would then schedule a meeting with the residents. He stated they could come to a public meeting or as they have done in the past, they could conduct a special meeting where he, Mr. Ebert, a representative of the Board of Supervisors, and a member of the Sewer Authority would be in attendance.

Mr. Lewis asked if a resident would have the ability to opt out; and it was noted they would not. Mr. Lewis asked what would be the potential extra electrical expense for the residents. Mr. Ebert stated he feels it would be \$5 to \$10 a month. Mr. Lewis asked what would happen if there was a power outage. Mr. Lewis stated it would be significantly better than the situation they are in today since there is no room to put an emergency generator back on the property. He stated if any of the residents have a generator, they could use it adding that the majority of those who use a lot of water during an electrical outage have a generator. He stated it would be the same situation as with any other low-pressure systems that they have in the Township.

Ms. Tyler asked Mr. Ebert how much time he needs to prepare to be able to meet with the residents. Mr. Ebert stated he would like to be able to go out and identify where everyone's lateral is. He would also like to talk to a local vendor to bring in the equipment so that the residents know what it is. He feels he could be ready in sixty days.

Although no Motion was taken, the Board agreed to authorize Mr. Ebert to move forward as outlined with regard to the Stackhouse issue.

Mr. Benedetto stated Mr. Ebert indicated the initial cost estimate for this was \$325,000, and the actual cost will be approximately \$575,000 so they are \$250,000 over. Mr. Fedorchak stated he and Mr. Ebert have just recently revisited the projects that were included as part of the Bond Issue, and there are a number of adjustments they will be able to make on the downside so they are looking good.

Ms. Tyler asked that the Board be given an update on this in sixty days so that they can make sure the process stays on track and the residents are kept fully informed.

HEACOCK FORCE MAIN REPAIRS AND MOTION TO PROCEED

Mr. Ebert stated with regard to the Heacock Pump Station, this was the pump station that was diverted from the Neshaminy Interceptor to Morrisville, and he reviewed the route it takes. He stated the force main is over two and a half miles.

He stated they recently had three breaks, and all three breaks were in the same area right off of Stony Hill Road where Stony Hill Road crosses the Railroad tracks. He stated repairs were made, and it was noted that the pipe material that had been used previously was for gravity pipe; and current specs indicate that this pipe material should not be used there. He reviewed how the pipe had been installed previously. He stated there is an impact on the pipe due to the Railroad. Mr. Ebert stated there were also some concerns with the bedding. He stated there is concern that there are going to continue to be breaks in the area. He stated out of the 17,000 linear feet of the force main, only 1,600 needs to be replaced, and it is out of the roadway so that there will be no road restoration required. Mr. Ebert stated the cost will be approximately \$175 per foot, and he would recommend that they go with the standard used by the Railroad. He stated this pipe lasted twenty-two years, but there have now been three breaks so he would recommend proceeding with this project at a cost of \$225,000 even though it was not a budgeted project as he does not feel there is any option other than to continue to repair until DEP orders them to do something.

Ms. Tyler asked the timeframe for this, and Mr. Ebert stated he feels this should be done this summer. He stated they should do this in the most expeditious way now that they have knowledge of it. He stated with the Board's approval, he would like to start on the design, notify DEP that they need an Emergency Permit for an upgrade, and have the project out by July. He stated the unknown is dealing with the Railroad. Ms. Tyler stated of all the projects discussed this evening, this seems to be the priority. Mr. Ebert stated the Sewer Authority recommended that they do this project; but because it was a Capital expenditure, they wanted to get it before the Board of Supervisors. Mr. Ebert stated when it discussed it with the Sewer Authority, he did not realize that it was only going to involve 1,600 feet and he did not have an estimated cost.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to authorize Mr. Ebert to proceed on the Heacock Force Main repairs as outlined and provide firm cost estimates.

Ms. Tyler stated the Board will have to approve the Bid once it comes in.

DISCUSSION OF YARDLEY BOROUGH SEWER AUTHORITY ACT 537 PLAN

Mr. Ebert stated this is the implementation of the November, 2015 Sewage Transportation Agreement with Yardley Borough, and it is to upgrade three interceptors in Yardley Borough. He stated Yardley submitted their 537 Plan in September, received a lengthy review letter in January, and he met with them on March 9 to discuss with Yardley's engineers what the impact would be to Lower

Makefield; and he then had a meeting with DEP on March 22. He stated DEP, out of respect to Lower Makefield, wanted Lower Makefield to have their Sewer Authority and Planning Commission review and approve this, have a thirty-day Public Comment period, and then be adopted by Resolution by the Board of Supervisors. Mr. Ebert stated DEP is asking that this be done because Yardley is committing Lower Makefield to a large Capital expenditure. He stated it was included in the Bond Issue and is approximately \$2.5 million. Mr. Ebert stated DEP also wants to confirm that the flows that Lower Makefield is giving Yardley as part of the Sewer Transportation Agreement are adequate for Lower Makefield. Mr. Ebert stated the timeframe is dependent on the Yardley engineer doing the revisions.

Mr. Ebert stated it is in the Township's best interest to proceed as there are projects that they would like to see go forward, but they cannot get approval for them because they will not release EDUs. He stated the delay is hindering projects that were approved by the Board of Supervisors to get constructed. Mr. Ebert stated connections at this time would have to be under the Connection Management Plan which is a lengthy process.

Mr. Fedorchak stated based on the meeting with DEP where the Yardley Borough Sewer Authority engineers were in attendance, it is his understanding that they have not yet completed their field work, and they have not started design; and Mr. Ebert agreed. Mr. Fedorchak stated Lower Makefield signed an Agreement with the Borough in December, 2015 which is well over a year ago, and the Yardley Capital projects have not moved much which causes him concern since it is going to have a significant impact on the Lower Makefield Township developments. He stated the Township will do everything they can to help the Borough Authority move this along. Mr. Fedorchak stated Lower Makefield has the money to proceed, and they made that clear to Yardley Borough and the DEP.

Mr. Tyler asked that Mr. Ebert be on the Agenda every fourth Agenda for updates since there are so many sewer issues going concurrently; and if he needs to come in sooner than that, he should advise them of that.

Ms. Tyler stated Mr. James McCartney is present this evening, and lives at the corner of Stony Hill and Oxford Valley Road and was looking to have his property sewered. Mr. McCartney stated he lives at 1324 Oxford Valley Road, and he asked if as part of the 537 Plan is there a plan to bring public sewers to that corner. Mr. Ebert stated that property is already in the sewer service area. He stated they did cost estimates which were presented to the Sewer Authority. He stated Option 1 is a gravity sewer system for the approximately twenty-two residents that it would serve and would cost approximately \$600,000. He stated for a low-pressure system, not including the grinder pumps, the cost is estimated to be \$300,000. He stated they also looked at phasing options. He stated he made the presentation to the Sewer Authority at

their January, 2017 meeting, and they elected at that point to defer this project because of the issues that he discussed earlier this evening. He stated one of their concerns was whether there would be forced connections, and that they might be extending sewer to people who did not want to connect, and they would be out money in the interim if the Board of Supervisors did not want to force mandatory connections. Mr. Ebert stated they could re-visit this again pending direction from the Board of Supervisors.

Ms. Tyler asked Mr. Eisold when that stretch of roadway would appear on the Road Resurfacing Program; and Mr. Eisold stated Oxford Valley has been “on the radar” for a number of years, but they were holding off on the majority of it because of the Community Center. He stated he believes one section of Oxford Valley is proposed for this year, and he believes it is from Heacock to Stony Hill. He stated he was not aware of the location of the sewer connections.

Ms. Tyler stated she feels there are always going to be sewer maintenance issues; however, she does not want to defer these residents forever and would like to provide them some certainty as to when they can expect sewers. Ms. Tyler stated she feels the Board is in agreement that what they outlined this evening takes priority, but she asked Mr. Ebert to go to the Sewer Authority to get a timeline on when they can get these residents on line.

Ms. Tyler asked what they are required to do under the Act 537 to get these neighborhoods on line. Mr. Ebert stated the Act 537 does not speak to that. He stated when there are a number of failures that warrant public sewers, DEP would require them to do it. He stated DEP also requires them to monitor this, and he cannot say that there are pervasive failures in that area. He stated if no one comes forward to report that they have a failure, they only find it out when they go to sell their home.

Mr. Benedetto stated since an analysis has been done, he feels they should find out if there is interest. Mr. Ebert stated he believes there are twenty-two total residences. He stated he also considered four phases. Mr. Ebert stated there was a cost estimate of \$300,000 so it would be approximately \$15,000 plus the cost of a grinder pump per residence. Mr. Benedetto stated if the residents have an estimate as to the cost, they would then have the ability to make an informed decision. Mr. McCartney asked if the \$300,000 took into consideration the road being dug up, and Mr. Ebert stated if he only had to do temporary paving, the cost could be cut by approximately 30%. Mr. Ebert stated he could go to the residents with a cost benefit analysis to find out who wants it.

Mr. Benedetto stated he would like to authorize Mr. Ebert to send out a letter of interest to the property owners and schedule a Township meeting with the residents to see if there is interest. Ms. Tyler stated she would want to coordinate this with the Road Paving Program. Mr. Ebert agreed to do this and coordinate it with Mr. Fedorchak on potential phasing. Mr. Eisold stated he would like to coordinate with Mr. Ebert on this as well as it relates to the roads.

Ms. Tyler asked Mr. Ebert to include this issue for discussion when he comes back to the Board in sixty days.

Mr. Ebert stated he is ultimately going to ask the Board of Supervisors to make a policy decision as to how they want to handle connections as there are multiple options including mandatory connection, everyone having to connect in five years, connecting when they transfer their home, or that they never have to connect. He stated they should recognize that the Township would be paying interest on the money until the people connect.

Mr. McCartney asked at the end of an effective life of a septic system would the Bucks County Board of Health deny an Application for those who have access to public sewers. Mr. Ebert stated since he is already in the public sewer service area, he could put in a grinder pump today, pay for the EDU, and post escrow. He stated he and some of his neighbors could do this, and it would save them money since they would not have to pay his engineering fees. Mr. Ebert stated he would want to make sure that whatever he or his neighbors did could be expanded in the future so they may want to credit the Tap-In Fee and slightly enlarge the line. Mr. McCartney asked if there is also an option that the Bucks County Board of Health would issue a Permit for a new septic system, and Mr. Ebert stated the only way the Bucks County Board of Health would be involved is if there was a complaint filed and there was no on-site remedy available. Mr. McCartney asked if it huts the Township's Bond Rating if there is not compliance with the 537; and Mr. Ebert stated they are compliant with the 537, and until there is a pervasive problem, the Township does not have an obligation to extend sewers.

Mr. Harold Kupersmit, 612 B Wren Song Road, asked Mr. Ebert how long the Morrisville Plant can go before they need a major repair. Mr. Ebert stated they just did a major repair which was necessary to take care of the next five to seven years. He stated this was the installation of the tertiary filters, and in five to seven years there will need to be another major investment. Mr. Kupersmit asked the cost of the repair that was just done, and Mr. Ebert stated it was approximately \$2.5 million. Mr. Kupersmit stated he feels Lower Makefield has leverage because the median income of Lower Makefield is \$100,000 and he believes Morrisville's is \$50,000. He stated he does not feel they can leave Morrisville and have Lower Makefield go

their own way since Lower Makefield pays the majority of the costs. He stated Lower Makefield should be telling Morrisville what they have to do and it should not be the other way around since Lower Makefield has the leverage.

DOG PARK UPDATE

Mr. Eisold stated they have been waiting for some time to finalize the Grant Agreement with the DCNR, and on March 22 the Grant Contract between the Township and the DCNR was executed. He stated on March 23 they submitted the Plan and documents to DCNR for review; and while they have not heard back yet, he has received indication that they are finalizing their review hopefully by the end of this week, and as soon as the Township receives their approval, they will be in a position to go out for Bid. He stated he hopes that by April 19, they will be in a position to have the Board authorize the Bid of the project. They hope to complete the project by late October.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR DAVID & ELIZABETH MILLER – SPRING HOUSE RESTORATION, 1648 YARDLEY-LANGHORNE ROAD

Mr. Fedorchak stated HARB approved the restoration project at the home of Dave and Elizabeth Miller at 1648 Yardley-Langhorne Road. He stated this is the structure in the front of the property that burned down. Ms. Reiss asked if they are also going to put up the Edgewood sign again, and Mr. Fedorchak stated that is his understanding.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to Approve the Certificate of Appropriateness for the spring house restoration at 1648 Yardley-Langhorne Road as set forth by Mr. Fedorchak and approved unanimously by the HARB Board.

Mr. Truelove stated the Board met in Executive Session commencing at 6:30 p.m. and items of litigation, informational items, and personnel were discussed.

APPROVE EXTENSION REQUEST OF KAPLAN SUBDIVISION

Mr. Truelove stated at the last meeting the Kaplan matter was deferred to a later meeting, but there was no specific end date for the Extension granted.

Ms. Reiss moved, Mr. Lewis seconded and it was unanimously carried to grant the Extension to May 30, 2017.

ZONING HEARING BOARD MATTERS

With regard to the Steven R. and Elizabeth A. Hildebrand Variance request for the property at 1561 Revere Road in order to permit installation of a 6' high fence within the front yard of Clinton Drive, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Ms. Tyler stated with regard to the Electrical Reliability Committee, Mr. Truelove is in the process of assisting them in scheduling a meeting with PECO to address some concerns; and they are waiting for confirmation from them on a date, and will then notify the Electrical Reliability Committee. Ms. Tyler stated Historic Commission will again run their Graveyard Tour in October, and she will have more information on this in the future. She stated a resident had notified the Township that as part of the Scudders Falls Bridge project, the Bridge Commission had purchased a house at the foot of the Bridge that has historic significance and is on the Historic Registry. Ms. Tyler stated with the help of Ms. Helen Heinz a letter was to be obtained from the Heritage Conservancy, and Ms. Tyler drafted a letter to the Bridge Commission which she read into the Record regarding preservation of the structure to be incorporated into their design plans. Ms. Tyler stated the letter was sent on March 22, and since then she has received an additional supporting letter from the Heritage Conservancy which she will include in her follow-up letter to the Bridge Commission should we not hear back from them shortly.

Ms. Tyler noted the progress being made at the Community Center site. She stated this will be the home for the Seniors, and they are going to begin discussing with the Seniors areas of the building to be used and their contribution toward the use of the building. Ms. Tyler stated they have tasked Ms. Donna Liney with working on what arrangement they will have with the Seniors to make sure they have the space that they need but not to deny access to the rest of the community. She stated they will also discuss User Fees or what the Seniors' contribution should be.

Mr. Fritchey stated Park & Rec will meet April 18 as their regular meeting night was Passover. He stated the LMT Pool won the title of "Most Happening Pool in Bucks County" for the third year in a row. Mr. Fritchey stated PAA Opening Day was re-scheduled to Saturday, April 8 at 8:30 a.m. from last Saturday due to rain. He stated YMS Opening Day is also on Saturday, April 8.

Ms. Reiss stated the Citizens Budget Committee met, and the Finance Director is going to be asked to re-frame the Resolution and direct the Citizens Budget Commission on its mission; and this should be available by the Board of Supervisors' next

meeting. Ms. Reiss stated Farmland Preservation decided to have the Bridge Commission find someplace else to store their building supplies. She stated they are also working with two families and their own property on running bamboo. Ms. Reiss stated Special Events is working on Community Pride Day, and they are making sure that this year there will be constant entertainment on the stage, and the fireworks will be accompanied by music. She stated they want to make sure every community group is represented.

Mr. Lewis stated the free Township maps are available. He stated the Economic Development Commission is also working on their third annual Business Survey, and they ask a base line series of questions of business owners doing business in Lower Makefield.

Mr. Alan Dresser, 105 E. Ferry Road, asked Mr. Lewis if there has been progress on the Environmental Advisory Council's request last meeting to add Alternate members so that they can go from one Alternate to three Alternates as there are more people interested in serving on the EAC. Ms. Tyler stated anyone is welcome to attend their meeting. Mr. Dresser stated if they are a member or an alternate, they feel more responsible. Mr. Truelove stated it would take a Resolution amending the prior Resolution to change this. Mr. Fritchey stated at Park & Rec there are citizen group representatives who attend all of their meetings, and they are not members. He feels it is just a matter of making them feel that they are welcome even if they do not have status as a member. Mr. Dresser stated he feels they take it more seriously if they have to be interviewed by the Supervisors. Mr. Benedetto stated he does not have a problem passing a Resolution to have three Alternates. Mr. Fritchey stated he feels there are probably thirty people who would want to be on the EAC or the Park & Rec Board; and if they keep adding people, it could become unwieldy.

Mr. Benedetto stated the Planning Commission will meet on April 10 and will be reviewing the Comprehensive Master Plan to be submitted to the Board of Supervisors for approval. Ms. Tyler asked that the Electronic Media Advisory Board give the Board of Supervisors an update at some point on where they are with the Website and other tasks.

Mr. Benedetto stated the Trenton Mercer Airport Review Panel had a meeting with Mr. Potter, and Mr. Fedorchak, Mr. Truelove, and Ms. Tyler were in attendance. Mr. Truelove stated with regard to the litigation, there is a Confidentiality Agreement in place between the FAA, BRRAM, and Allegiant. Mr. Truelove stated they have reached out informally to the Mercer County solicitor, and their position is there is no legal requirement for them to do anything as technically they are not part of the case. Mr. Truelove stated the Task Force is seeking all opportunities to see where Lower Makefield can "get a seat at the table." Mr. Truelove stated there is

a Briefing scheduled next week which may be extended depending on the nature and progress of the Settlement negotiations which are ongoing. Mr. Truelove stated they are waiting to hear back from Mr. Potter on the progress of that. Mr. Benedetto stated the feedback he received from Mr. Menard of the Task Force was potentially making a decision on moving forward with some legal representation.

Ms. Tyler stated the Task Force has been very productive in seeking solutions, and Mr. Benedetto stated they are taking a multi-pronged approach. Ms. Tyler stated the stumbling block at this point is the Confidentiality Agreement.

OTHER BUSINESS

Ms. Reiss stated she and Mr. Lewis went on a “road trip,” and took the new people from PennDOT over some of the State roads, one of which was Oxford Valley from Edgewood through Reading Avenue. She stated it was “eye-opening” to the PennDOT representatives. She stated they could see all the potholes and where the roads had “ponds.” Ms. Reiss stated they got guarantees that the first road to be re-done will be Oxford Valley Road, and it will be done this summer. Ms. Reiss stated she also brought up the over one hundred year old underpass/overpass where the train is which is owned by CSX, and they are not the most cooperative people to deal with. Ms. Reiss stated the PennDOT representatives indicated they feel there is a way around this through public safety; and if they can get a complaint filed, CSX would be required to show up at a meeting and so out and view it. Ms. Reiss stated they also went on Stony Hill Road and saw some of the problems there and at Yardley-Langhorne as well. Ms. Reiss stated PennDOT knows that Lower Makefield has a strenuous Road Program of their own, and the PennDOT representatives agreed that they would try to be more proactive rather than reactive.

Mr. Lewis stated he feels this was a constructive process, and he does feel PennDOT wants to work with the Township. He asked Mr. Hucklebridge to work with them and bring up issues to their attention. Mr. Lewis stated PennDOT’s Website shows the projects that they have in process for District 6.

Ms. Reiss stated PennDOT is working on the bridge over Route 1, and there will be a lot of different lane changes over the next few months.

Ms. Tyler asked if they addressed a pothole process in addition to road surfacing; and Mr. Lewis stated they are improving their maintenance processes, and they also have tools where they are analyzing the State roads on an annual basis.

Ms. Tyler thanked Ms. Reiss and Mr. Lewis for doing this.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Fritchey moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint William Hogan to the Citizens Traffic Commission.

Mr. Benedetto moved, Ms. Reiss seconded and it was unanimously carried to re-appoint Scott Weaner to the Citizens Traffic Commission.

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to re-appoint Jeff Gusst to Emergency Management.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to re-appoint James Frawley to Emergency Management.

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to re-appoint Jim Bray as an Alternate on the Environmental Advisory Council.

Mr. Lewis moved, Ms. Reiss seconded and it was unanimously carried to re-appoint Anthony Zamparelli to the Zoning Hearing Board.

Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to re-appoint Jerry Gruen to the Zoning Hearing Board.

Ms. Tyler reviewed vacancies on Township Boards and Commissions.

There being no further business, Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 10:55 p.m.

Respectfully Submitted,



John B. Lewis, Secretary