

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 16, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 16, 2017. Ms. Tyler called the meeting to order at 7:30 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

Ms. McKenna, W. Ferry and Wood Street, stated she has complained about traffic in the past. She stated the Police did give some tickets out, but since the street has been finished it is like a highway. She stated a speed bump would help in the middle of the long stretch. Chief Coluzzi stated they will come out and address this. Ms. McKenna stated it does help when the Police are there.

Mr. Tony Kehoe, 476 Liberty Drive, stated with regard to the Oxford Valley parcel they were supposed to hear back about this in September although he recognizes that there has been some transition at the Bucks County offices. Mr. Truelove stated Ms. Lynn Bush retired June 16, and he has not heard from her successor; but he will follow up on this. Mr. Truelove stated he will follow up on the Patterson Farm issue as well.

Mr. Jeff Hirko, 1450 Dolington Road, asked about the search for a Township Manager. Chief Coluzzi stated they have a tentative date of September 20 to interview three search firms. Mr. Hirko asked why they have to use a search firm rather than advertise. Ms. Tyler stated when the Township hires employees, Mr. Fedorchak does the initial work and then brings qualified candidates to the Board. She stated in this instance, they are replacing Mr. Fedorchak; and they do not have that benefit. Ms. Tyler stated they also want to have a wide-ranging search where a local ad may not provide that. She stated they want access to as many qualified candidates as they can find. Chief Coluzzi stated a search firm is usually

the best way to go especially with a position such as Township Manager. Mr. Hirko stated he feels it would cost several thousand dollars for a search firm. Chief Coluzzi stated Police Chief and Township Manager searches are usually done by search firms. Ms. Tyler stated it also avoids any kind of favoritism, local politics, and so they can have an above-board search process and get the most qualified candidates they can possibly find.

Mr. Benedetto stated initially he felt they should just advertise it through PSATS as other Townships have done this; however, he now does agree that to take the politics out of it and have an objective search firm come in and cull through the resumes will be worth the money. Mr. Benedetto stated his concern is that it is now almost September, and if the process could take months to a year. He stated he would like them to interview the search firms earlier than five weeks from now. Chief Coluzzi stated they are trying to coordinate with the three firms and their availability given vacations, etc. He stated the estimate is three to four months for a legitimate search for a position like Township Manager. Ms. Reiss stated using a search firm will save them time and money since the search firm will weed through everything and give the Board only the top candidates.

Mr. Don Faust, 1509 Dolington Road, stated he had an outstanding request from the last meeting regarding the culvert on his property; and he asked if Mr. Eisold had the opportunity to look at the flow rates of the culvert system in his area. He stated given the current design of the Snipes water retention system, he would like to know if the system on his property could be reduced or taken out entirely. He stated he feels it is excessive, and he has a video of the recent rainfall. He stated he does not know of anyone else in the Township who has a culvert in the middle of their yard. Mr. Eisold stated they have not yet completed their review, but he has had an engineer looking into this including figuring out the slopes and the possibility of switching it to a different watershed; although, that is not always a good situation. He stated he will be in touch with Mr. Faust shortly.

Ms. Mary Ann Carroll, 13 E. School Lane, stated this is the fifth time she has come before the Board of Supervisors over the last four years to address the systemic and unaddressed issue of traffic and speeding in her neighborhood. She showed a picture of an accident that took place three years ago close to the driveway of Makefield Elementary at 6 a.m. She stated at Makefield there are eight school buses carrying thirty to forty children entering the School in the morning and afternoon in addition to three day care buses. Ms. Carroll stated she has met with the Police Chief and the Town Administrator, presented before the Traffic Commission, and has sent numerous communications to Township Officials including the Police Department. She stated the one and only traffic-calming measure their neighborhood has seen in the four years she has been reaching out as well as years before she moved here,

was one little crosswalk stanchion at the crosswalk between the driveway at Makefield Elementary and across from it at E. School Lane which is removed at the end of the School year. Ms. Carroll stated she went to the Public Works Department last month about this since many of them in the neighborhood use that crosswalk all year round, and the response she received was that they could not leave it out because it gets hit so often it is becoming an expense.

Ms. Carroll stated there are pre-existing road configuration problems; and while she understands that they cannot resolve them, if Makefield Elementary and their entire neighborhood were being built today, the road configuration would not be built in the fashion that it is. Ms. Carroll showed a diagram of the roads and described the ten different traffic patterns that take place every day. Ms. Carroll stated people also do not honor the inappropriate speed of thirty-five miles per hour which is too high, and there is absolutely zero traffic enforcement in Lower Makefield which is problematic. Ms. Carroll stated there have been other accidents in addition to last week's tragedy.

Ms. Carroll stated she wrote to the Board last week and included very specific policy recommendations. She stated in light of the fact that there is a history on Makefield Road of speeding, accidents, and the pre-existing traffic configuration they need to take action immediately. She stated one of her recommendations is very simple to adopt which is immediately introduce an Ordinance to require a speed limit of twenty-five miles per hour at all times in front of any School located in Lower Makefield. She stated this will reduce the speed in front of Makefield School, Pennwood, and Boehm. She stated both Afton and Quarry Hill are already at twenty-five miles per hour. Ms. Carroll stated this is a simple solution that will not cost the Township any money.

Ms. Carroll stated they also need to change the culture of traffic calming in Lower Makefield as there is none. She stated they also need to change driving behavior. Ms. Carroll stated in Yardley Borough since the beginning of the year, they have issued nine hundred speeding tickets, and this changes driving behavior. She stated she knows there has been an initiative to install sidewalks on Makefield Road which she would be in support of, but she recognizes that there are engineering protocols and expense; however, sidewalks alone are only "window-dressing," and they need to change the culture of traffic calming in LMT and reduce the speed limit in front of all the Schools in Lower Makefield immediately.

Ms. Tyler stated they will have a discussion later this evening with the traffic engineer, and can discuss what Ms. Carroll has outlined for this area as well as other areas in the Township.

Ms. Julie Maguire, 2000 Makefield Road, stated she was at the Board of Supervisors meeting on April 19 addressing this same issue that Ms. Carroll discussed. Ms. Maguire stated she was put in touch with Mr. Tom Roche who gave her some recommendations about trimming away excess foliage which they did to some extent; however, she does not feel this is a visibility issue as much as it is a speeding issue. She stated there are numerous statistics about how speed kills. She stated if the speed were decreased from thirty-five to twenty-five, they would see a much safer environment. She stated she does not feel safe crossing the road with her children to use the facilities at Makefield School. She provided statistical information to the Board this evening.

Ms. Tyler stated they are going to talk to their traffic engineer and the Chief of Police and have studies conducted to take care of this as quickly as they can.

Mr. Benedetto stated he agrees that the speed should be twenty-five miles per hour; however, he does not want to make an ad hoc decision based on the recent tragedy. He stated he wants this to be an Agenda item which is discussed openly. He stated the Citizens Traffic Commission will have this on their Agenda on Monday to discuss. He stated he wants them to have a full discussion on this. He stated he was proud how the community came together at the service for Josh Goldinger. He stated he would like to have this matter on the Board of Supervisors' Agenda in September after all the facts are in so that they can make the right decision.

Ms. Maguire stated this is an issue she has been aware of for a very long time, and she has come to the Board in the past. She stated she does not feel anything was done.

Ms. Reiss stated she feels they need to do a complete analysis of the area, but she agrees that there are certain areas where shrubs are in such a way that it is difficult to see especially in a small car; and she feels the traffic engineers need to look into as well.

Ms. Cheryl Kastrenakes, 959 Countess Drive, stated she feels the Township can adopt a Complete Streets Resolution which would state that they are looking at all of the roadways so that they are "friendly" for all users. She stated she would be willing to draft a Resolution that she could provide to the Board. Ms. Kastrenakes stated she is also concerned about the lack of sidewalks to the Community Center. Ms. Reiss stated they will be discussing that later this evening.

Ms. Bobbie Moore, President of the Yardley Business Association, stated that Yardley Restaurant Week will be Monday, August 21 through Sunday, August 27. She noted the restaurants that are participating, and stated information on the event is on the Yardley Restaurant Week Website.

Mr. Dave Federer, Sandy Run Road, stated at the meeting in April they “shot down” speed bumps as a solution to the end of Sandy Run. He stated Twin Oaks has several speed bumps; and to go over the speed bumps you have to slow down to ten miles per hour to pass over them safely. He stated on 413 in Pipersville, they also put in speed bumps. He stated at the meeting in April he heard that the speed bumps are an inconvenience for snow plowing; but at most they plow twelve times a year, and he lives on Sandy Run Road 365 days a year and he is inconvenienced more than once a day because the road is closed. Mr. Benedetto stated Ms. Carroll who spoke earlier was interested in having speed humps as was an individual who lived on W. Ferry. He stated when they discussed speed humps in those area, the issue became that there were residents on those streets who were opposed to them. There was also the issue that it could divert traffic to other areas. Mr. Benedetto stated he was in support of having them on E. School Lane, but it was not universally felt that speed humps would solve their problems. Mr. Benedetto stated there is a policy in place where if you want a speed hump, you have to make sure that a certain percentage of the residents are in favor of it. He stated the issues on E. School Lane and W. Ferry remain unresolved. Mr. Federer asked who would have to be in favor of this, and Ms. Tyler stated the Citizens Traffic Commission has the information on traffic-calming measures on the Website.

Mr. Lewis stated they had a situation in Maplevale where people were making legal U-turns; however, they were doing so at such a high frequency that the residents in Maplevale had concerns about safety, and the Township did install signage to eliminate the U-turns. He stated when they made the decision, they were up front that they were not certain that it would be effective. He stated they did go through the survey process required by PennDOT. Mr. Lewis stated he believes that they have had good results with what they did.

Mr. Federer stated on Edgewood Road the speed limit is twenty-five past Schuyler, and when he drives twenty-five he gets passed numerous times like he is standing still. He stated he has also been advised that people are getting passed on the right because of the wide shoulder there. He stated he knows that Yardley tickets; and if Lower Makefield would start to ticket, he feels word will get out quickly. Mr. Federer also asked why there could not be a right turn on red where Oxford Valley Road comes out at Edgewood since you can see more than half a mile to the left, and there are pedestrian crossings. Ms. Tyler stated they have looked into this previously, and there is a hump in the road. She stated there is a sight distance disconnect, and there is a point where you lose the line of sight.

Mr. Federer asked if they could not put in something at the tunnel since you have to pull out so far it is unsafe. Ms. Reiss stated she has discussed this with PennDOT and they consider that a dangerous intersection; however, the problem is caused by CSX and their over 100 year old trestle that they do not want to change. She stated the

best thing to do is write a complaint to the Public Safety Commission; and if they get several complaints, they will call a meeting with CSX. She stated there was a mirror there, but it was hit. Mr. Benedetto stated this issue was discussed at a Citizens Traffic Commission meeting a number of years ago, and a letter was sent to PennDOT who indicated that it does not meet the criteria for a stop sign. Ms. Reiss stated there is someone new in this region for PennDOT, and they took that individual on a road trip which is why they are getting the road paved; and while it is designated as a dangerous intersection, the problem is because of CSX. Mr. Federer stated bushes were cut down which has helped.

#### APPROVAL OF MINUTES

Mr. Lewis moved, Mr. Benedetto seconded and it was unanimously carried to approve the Minutes of July 19, 2017 as written.

#### APPROVAL OF JULY 31, 2017 WARRANT LIST AND JULY, 2017 PAYROLL

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to approve the July 31, 2017 Warrant List and July, 2017 Payroll as attached to the Minutes.

#### DISCUSSION OF EDGEWOOD ROAD CHICANE AND MOTION TO REJECT BIDS

Mr. Phil Wursta, TPD, was present and stated a Bid was received for the chicane on August 8 which came in excessively high at \$140,000. He stated they contacted the contractor and it was determined that they had provided a price to buy the equipment rather than rent it, and they had misread the Bid. Mr. Wursta stated he had estimated that it would be less than \$20,000 to rent the equipment. Mr. Wursta stated it is a proprietary product called Qwick Kurb; and the Contractor had sent the Township a Bid in March, and they stand by that Bid which was \$9,000 for the rental.

Ms. Tyler stated if the cost is under \$25,000 they are not limited by the Bidding procedures; however, the Board will have to make a Motion to reject the \$140,000 Bid. Mr. Fedorchak stated he believes the limit is \$19,700; and so as long as it is under \$19,700, they do not have to go through the formal Bid process.

Mr. Fritchey moved and Mr. Benedetto seconded to reject the Bid of 8/8/17 as outlined by Mr. Wursta.

Mr. Benedetto stated he felt they were going to get a report from Gilmore on the costs, and he is concerned that this is taking so long. Chief Coluzzi stated he received a finalized report from Gilmore & Associates today, and he will have copies for the Manager to distribute to the Board; and they could put this on their next Agenda if they wish.

Motion carried unanimously.

There was discussion whether a second Motion was necessary with regard to renting the chicane. Mr. Fedorchak stated Mr. Wursta is very confident that the rental will come in under \$19,700. He stated they will reach out to three vendors and get written Bids if possible; and they will select the low proposal and enter into a Contract and move forward. Ms. Tyler stated her concern is if the numbers come in higher than they anticipate and whether the Board should authorize further Bidding. Mr. Fedorchak stated he does not believe that will happen. Mr. Truelove stated a Motion is not necessary.

#### DISCUSSION OF PENNDOT TRANSPORTATION ALTERNATIVES GRANT PROGRAM AND MOTION TO APPLY FOR GRANT

Mr. Wursta stated PennDOT has come out with a Transportation Alternatives Set Aside Program, and he has identified some specific projects for this in Lower Makefield. He stated this is just one of the many Transportation Grants that they have been looking at. He stated this Grant was originally known as the TAP Grant, and it is a PennDOT funding program that is community based. He stated it awards 100% of construction and construction inspection costs; however, design and right-of-way acquisition, environmental if there is any, and Utility Easement are the responsibility of the sponsor which in this case would be the Township. Mr. Wursta stated based upon this evening's meeting, they are ready to submit a Grant Application and go through the process which includes a Pre-Application meeting with DVRPC in September, and a submission of the Application by September 22. He stated they will award in January and obligate the funds in 2020.

Mr. Wursta reviewed the criteria which includes how ready the project is and the deliverability of the project which is how easy it is to build as PennDOT wants the project done quickly. He stated if you are ready to proceed PennDOT looks at that favorably. Mr. Wursta stated they have broken this down into two Phases. Mr. Wursta showed a map which shows a partial network of trails connecting community assets and he has broken it out into Phase I and Phase II of connections. He noted that the yellow lines show existing trail/sidewalk connections in the vicinity of the Township Building specifically around Mill Road and the ball fields and includes some neighborhood connections which would be Phase II of the

project. He stated Phase 1 is shown in red which would complete a circuit along Edgewood, Mill Road, and Oxford Valley Road; and Phase II would be the connections further down on Oxford Valley Road to an existing trail system off of Stony Hill Road and connecting the neighborhoods to the east of the ball fields to allow for a complete connection from those neighborhoods over to the ball fields, the Community Center, and the Township Building.

Mr. Benedetto asked that the power point be put on the Township Website.

Mr. Fritchey stated what Mr. Wursta is showing would completely encircle Community Park with sidewalk/trail access, and Mr. Wursta agreed.

Mr. Benedetto asked what is meant by "trail," and Mr. Wursta stated it would be an asphalt trail which is suitable for biking, strollers, etc. He stated that is what is done mostly now in many locations, and it is different from the classic concrete sidewalk. He stated it is wider and easier to plow and maintain. Mr. Fritchey asked if all that is shown in red would be trails, and Mr. Wursta agreed. He stated what is shown in green could be trails or sidewalks as there are sidewalks in that area, and they could connect the sidewalk or they could put in an asphalt connection in between. He stated he feels that in that area since they are connecting sidewalk to sidewalk, they should have a sidewalk in that area. He stated they also have sidewalk on one side of Oxford Valley Road going down on the opposite side of where the Community Center is so that would be either a sidewalk or a hybrid.

Ms. Tyler asked if Lower Makefield owns all the land in the red, and Mr. Wursta stated Lower Makefield controls most of the land except for one or two properties on the southwest corner on the Mill Road corner. Mr. Wursta stated there is one private home where there are trees right along the roadway frontage, and they would need to see if they would need to enter into an Agreement with that property owner in order to be able to connect. He stated they have not investigated fully the specifics of right-of-way or the specific impact. He stated he feels it is doable.

Mr. Wursta stated they are trying to decrease street crossings and increase accessibility; and where they do cross streets, they are going to cross them at crosswalks. He stated some of the concepts he is discussing they are addressing everywhere they can all over the Township; and it is not just here, and they want to connect where they can disjointed trails, where they have sidewalks that start and stop, and where they do not have any sidewalks or trails. He stated earlier there was discussion about the Complete Streets Program which involves biking/walking/driving which is something that many other States do a better job of than does Pennsylvania because of our many political subdivisions and Municipalities. He stated whenever they have the opportunity, they are trying to get better access for pedestrians, bikes, and cars.



Mr. Wursta stated they propose to provide paths on the same side of the street as the attractions, and they have to increase ADA accessibility. Mr. Wursta stated for the portion he is discussing this evening, they will be connecting all of the community amenities – the **Municipal Complex, Community Center**, ball fields, library, pool, Edgewood Elementary, and the neighborhoods. He stated this would be a model for the rest of the Township.

Mr. Wursta stated the estimate for Phase I would be \$700,000. Mr. Benedetto asked if that would include right-of-way acquisition, and Mr. Wursta stated it would just be for the construction; and that would be the amount that would be received if the Township was successful in getting this Grant. Mr. Fritchey asked if there is an estimate for what the Township costs would be; and Mr. Wursta stated he does not have an estimate for the specifics of the right-of-way, although it is only the one corner and would be roadway frontage. He stated they will come up with an estimate for this as part of the Grant Application. He stated they would use 20% as an estimate for engineering because it has to be **Bid** through PennDOT. Mr. Wursta stated he feels the trails would be less extensive than roadway work; and while they will use 20% as the budget, it will be clearly defined when the project is awarded. He stated Lower **Makefield** would be responsible to **pay** for **that** part of the project. Mr. Wursta stated the Township would also be responsible for the environmental and the utilities; but he does not feel they will have any of those issues. Mr. Benedetto stated the other potential cost would be right-of-way, and Mr. Wursta agreed.

Mr. Wursta stated the neighborhood trail connections would be Phase II which would connect the neighborhoods to **the** community trails. He stated this Phase would be much more significant, and it includes almost **5,000** linear feet of trail and **1,700** feet of **concrete** sidewalk as well as a lot of private driveway crossings. He stated this would cost **\$1.1** million for what he has **shown** as Phase II. He stated this is indicative of what they have in other areas in the Township including **Makefield Road** which would be costly to install a trail or sidewalk connection. He stated it is important that they look for Grants for those kinds of projects to help with the cost. Mr. Wursta stated they also work with Mr. Eisold's office enhancing the Road Program so that whenever they can, they add trail segments as part of the Road Program as well as traffic improvements.

Mr. Fritchey asked if they are requesting one Grant for **\$1.8** million or two Grants one for \$700,000 and one for **\$1.1** million; and Mr. Wursta stated this would be a decision for the Board to make. He stated they could also do a hybrid, and he showed a smaller section of sidewalk they could do at the Edgewood Elementary School; but since that is a smaller section, they may not need a Grant and could budget putting in a sidewalk and investigate that separately. He stated the trail that

goes around the Community Center and the ball fields is much more doable and significant with regard to the competitive nature of the Grant. Mr. Wursta stated he would recommend that they apply for the \$700,000 Grant rather than the \$1.1 million. He stated next year, they could put in for the next section.

Mr. Fritchey asked how long they have been doing this; and Mr. Wursta stated this is money from Act 89 which is the gas tax, and they have been doing for this for approximately ten years. Mr. Fritchey asked if they typically agree to projects in the \$1 million range; and Mr. Wursta stated he does not feel the Oxford Valley Road project would be as competitive because there are many right-of-way easements they would have to acquire so it would not be as attractive to PennDOT where at Mill Road they already have a connection as well as some segments on Edgewood, and they need to put some street crossings in along Edgewood and finish the trail along Oxford Valley Road so he feels it would be a much easier “sell” to PennDOT for the \$700,000 project. Mr. Wursta stated the Municipality coming up with its share is a strength as well so there are not a tremendous amount of Applications for this. He stated there is also the question of performance; and once you have been awarded a Grant like this and build it, it makes you look like a responsible Bidder, and if the Township came in again for something else, they would have an assurance that Lower Makefield would get the job done. He stated this is why when they apply for these Grants, they want to make sure that they are doable.

Mr. Benedetto stated he understands Yardley Borough applied for a Grant for sidewalks, and he asked if this is the same program; and Mr. Wursta stated that was a Green Light Go Grant, and they received \$450,000.

Ms. Reiss stated she is in favor of what has been proposed. Ms. Tyler stated she is very comfortable with Phase I, and feels that Phase II requires more study.

Ms. Reiss moved, Mr. Lewis seconded and it was unanimously carried to authorize Mr. Wursta and the Township to apply for the PennDOT Transportation Alternatives Grant Program for Phase I as described by Mr. Wursta.

#### DISCUSSION OF MAKEFIELD ELEMENTARY SCHOOL AREA AND MOTION TO PERFORM A FEASIBILITY STUDY

Ms. Reiss asked that Mr. Wursta look into the Makefield Elementary School area to see what could be done to provide some relief and some sidewalk connections. Mr. Wursta stated he feels a Feasibility Study could be done.

Mr. Lewis stated there are still areas where walkways or paths could be built, and they have been adding those in as Bid Alternatives and expanding the Road Program every year. He asked Mr. Wursta if he has a list of areas that could be considered as Bid Alternates for next year. Mr. Wursta stated they have been working with Mr. Eisold's office on this. He stated he understands that Mr. Eisold is working on revitalizing the Township map as to trail connections, etc.

Ms. Tyler stated she would like Mr. Wursta to perform a Feasibility Study regarding sidewalks/bike paths around the vicinity of Makefield Elementary School, Homestead, and E. School Lane.

Mr. Fritchey moved and Ms. Reiss seconded to authorize Mr. Wursta to perform a Feasibility Study for traffic safety improvements, sidewalks and/or bike paths in the vicinity of Makefield Elementary School.

Ms. Tyler stated if Mr. Wursta needs more specifics with regard to the roads to be considered he can discuss this with Mr. Fedorchak and Chief Coluzzi.

Mr. Benedetto stated he feels if they are considering a bike path or sidewalks at this location, it is even more pressing to change the speed limit as they should not have a bike path with cars traveling thirty-five to forty miles per hour. Ms. Tyler stated the Feasibility Study should include other improvements they should make such as crosswalks and speeds.

Mr. Lewis stated he feels they should look at the area that goes from Yardley-Morrisville Road along Makefield to Big Oak Road. He stated there are some sidewalks in those areas. He stated they should also look at pedestrian crosswalks adding there are some of those in certain areas.

Ms. Tyler stated once they identify potential impacted properties she feels they should contact the individual homeowners before they apply for a Grant for Phase II to see if they can get cooperation from the residents.

Ms. Reiss reviewed traffic problems in conjunction with the Schools in the area of William Penn and Pennwood.

Ms. Carroll stated she spoke to policy executives this week at PennDOT and has submitted traffic inquiries to traffic executives in Region 6. She stated she is going to try to find a sample Ordinance for the Board from other communities which have done what she has suggested to have a blanket Ordinance for School Zones for speed limits at all times of the day. She stated she also read the Pennsylvania Code as it pertains to the fifteen mile per hour speed limit during student transportation

times, and the Code itself refers to “school,” and it does not refer to a specific school in that zone; and she would like to get an opinion from either the general counsel or the transportation consultants to see if they have the potential of having the 15 mile speed limit an additional hour either way in the morning and afternoon for student transportation to accommodate the students in her neighborhood who go to the Middle Schools because they do cross through the School Zone.

Ms. Carroll stated with regard to the traffic configuration at Roelofs when you go down Makefield and turn onto Roelofs there is about 100 feet of roadway that juts into the street and stops the sidewalk from the side of Makefield over to where it connects to Roelofs. She stated it is very awkward and she has seen students have to walk or ride their bike along the roadway which is very dangerous as that 100 feet of roadway sticks out into the line of traffic. She asked that they look into this in terms of eminent domain so they can create the sidewalk extension.

Motion carried unanimously.

#### PUBLIC COMMENT

Ms. Tyler stated **Mr. Mike Brody** was unavailable at Public Comment, and he had asked that he be permitted to speak when he arrived. **Mr. Mike Brody**, 509 Brookbend Court stated he was a neighbor and friend of **Josh Goldinger** and his family. He thanked all the businesses, organizations, public entities, and people who assisted them over the last week. He stated they will be starting a Foundation in **Josh’s** honor.

A short recess was taken at this time. When the meeting was reconvened, Ms. Tyler stated **Mr. Brody** asked that the community not only pray for the **Goldinger** family but for the other family involved as well.

#### DISCUSSION OF CAPITAL HEALTH’S OFFER TO PROVIDE FREE HEALTHCARE SCREENINGS AND VARIOUS EDUCATIONAL PROGRAMS AT THE NEW COMMUNITY CENTER

Ms. Rebecca Kelly, Community Relations Manager, and **Mr. Dennis Dooley**, Vice President of Communications and Government Affairs, were present. Ms. Kelly stated she was before the Board previously to re-introduce Capital Health to Lower Makefield. Ms. Kelly stated Capital Health has provided educational

programs and services to Hopewell Township for the past several years, and it has been very well received. Ms. Kelly stated since she is a Lower Makefield Township resident she wanted to see if they could take this model and replicate it in Lower Makefield. She stated they have done some programs at the Afton Library and the Yardley Inn which were very successful. She stated they will also be at the LMT Pool next Thursday talking about bike helmets, seatbelt safety, and concussion. She stated there is a void here, and she knows people are interested because they are coming to their programs. Ms. Kelly stated they would like to do even more at the new Community Center. She stated she has provided a folder this evening to show what they have done in Hopewell which they would like to see done in Lower Makefield. She stated they would like to have a collaborative partnership with the Township bringing in the programs the Township feels the residents would like to see.

Mr. Dooley reviewed where Capital Health has locations including in Bucks County, and he stated they have received requests for informational programs. He stated with the opening of the Community Center, they feel they can offer positive programs at the new facility; and they are willing to make the commitment to have programs in the Township. He stated this would be a market-driven and not a product-driven situation, and they want to hear from the residents what programs they need and are interested in learning more about; and those are the programs they would then put on for the Lower Makefield residents at no charge. He stated they are a not-for-profit 501C3 organization, and it is their duty to do these sorts of things. He stated in return they would ask the Board to instruct the staff to work with them for a period of two years, and they will report back annually to the Board on what programs they did and to request public comment so that they can improve their service. Mr. Dooley stated for programming sake, he will have to add new staff in order to do this; and they are willing to make that investment assuming the Board is willing to extend them the opportunity to work with the Township staff at the new Community Center.

Mr. Dooley stated Ms. Mary Rosner, who is present this evening, is a resident of Lower Makefield; and she is the individual who leads the Community Health Education effort. He stated he would like to give Ms. Rosner an associate who will be working in Lower Makefield Township. He stated they are not here to redirect people from their existing provider relationship whatsoever. He stated they would refer people back to their physicians if it is seen that there is an issue; however, if there is someone that does not have a relationship with a physician, they will suggest to them that they use a Capital Health physician. He stated they are here as a charity to help to assure the good health and well being of the people in the community.

Ms. Tyler stated she understands they have had some contact with the Township's new Park & Recreation Director, and she asked that they continue to communicate with her. Ms. Tyler stated a date has not been set for the opening of the Community Center, but they will invite them to join them when a date is set. Ms. Tyler stated she hopes that this will be a lasting partnership that will benefit the residents.

Mr. Truelove asked that the Board authorize his office to prepare the necessary Agreement with Capital Health to make sure the terms are understood, and they can discuss indemnification issues, etc. This was acceptable to the Board.

Mr. Lewis stated he is excited for this opportunity for the community. He stated they went on a tour of their facility, and there are a lot of exciting specialties that people are not aware of. Mr. Benedetto stated he feels free health care is always good, and he is in favor of the collaborative partnership. He stated he appreciates the comment made by Mr. Dooley that this will be market driven and not product driven. Ms. Reiss stated she is also in favor of the proposal, and is familiar with the care that Capital Health provides. She stated she is especially excited for the Township Seniors and those involved with youth sports. Mr. Dooley stated effective October 1 they will have a formalized relationship with the Rothman Institute.

Ms. Bobbie Moore thanked Capital Health which is a Gold Sponsor for the Yardley Business Association and is very involved with their business community.

Ms. Kelly stated they will also be at Community Pride Day as well as Harvest Day, and they are building on their established presence in the community.

#### DOG PARK UPDATE

Mr. Eisold stated they have been working with the contractor to get the proper documentation in place, and there is a pre-construction meeting scheduled for this Friday. He stated one of the requisite signs has been installed at the entrance which was part of the DCNR Grant process. He stated it is a three-month construction project.

Mr. Benedetto asked if they have discussed a groundbreaking yet, and Mr. Fedorchak stated he feels they should wait before they set up something.

#### MEMORIAL PARK EXPANSION DISCUSSION

Mr. Eisold stated the paving has been installed, and they are in the process of finalizing the basins as well as putting in the final topsoil, grading, and seeding. He stated if the weather cooperates, he is hopeful it can be completed in a week or so.

Ms. Tyler stated they are trying to move this along so that they have parking and access for the anticipated 9/11 ceremonies at the Garden of Reflection.

Mr. Eisold stated they have worked with Mr. Copson to provide parking in the field since the west side will not have as much available space because of the trail and the arboretum. Ms. Tyler stated parking will be different than it has been in the past, and the Police Department will provide direction to the proper parking areas.

Mr. Benedetto stated as you come down to make a left into Memorial Park coming from Lindenhurst, a resident has asked about the work being done in the front; and Mr. Eisold stated that is another basin/rain garden for the bike trail. He stated they worked with Bucks County Conservation District when they were doing the bike trail in the fall, and it was a requirement that this basin had to be done to meet stormwater requirements.

#### 2017 ROAD RESURFACING PROGRAM UPDATE

Mr. Eisold stated approximately 35% of the work on the road project is done, and they will continue working this week in other areas. Mr. Lewis asked when it is scheduled to be completed; and Mr. Eisold stated he believes they had ninety days from July 5 which would be October 5, and he added he is optimistic that they will be ahead of that. Mr. Eisold reviewed what work will be done next. He stated they are going to get them into Memorial Park to complete the final overlay of the existing drive and parking lot, and they indicated they will be in there next week or the following week.

Ms. Reiss stated they are doing a large section of Ramsey Road, and a resident questioned why it was stopped at Kings and did not continue. Ms. Reiss stated she did look at the road, and that part of the road is in far better condition than the part they were doing. Mr. Eisold stated they added this at the end when they were discussing the allocation, and they did the worst section. He stated if they get near the end and there are funds available, potentially they could discuss additional roads. Mr. Lewis asked if they would know this in September, and Mr. Eisold stated he feels they will have a good idea by the end of August.

Mr. Benedetto stated residents have asked when road work is being done, and he asked if they could put this information on the Website. Mr. Fedorchak stated it is already posted on the Township Website, and it is updated on a regular basis.

Mr. Eisold stated they work closely with Park & Rec about Memorial Park since they will probably have to close that Park for two days when they are working there. Ms. Tyler stated they should have adequate signage as to when that will be and also have it posted on the Website. Mr. Eisold stated they should know late this week when they will be there, and he will contact Park & Rec to get this information out. Ms. Reiss stated a young lady is doing her Girl Scout project there on certain dates which were provided to the Board. Mr. Tyler stated once Mr. Eisold knows the closure dates, he should advise Ms. Reiss so that she can communicate with the young lady.

Mr. David White, Gayle Drive, stated he was advised by the Road Department that the objective was to get the roads done before the School buses started coming; and this evening Mr. Eisold stated they would be done by October which is in contrast to what the printed schedule says on the Website. Mr. Eisold stated the Contract goes 90 days, but they are going to make all attempts to get this done before School starts. He stated they had hoped to start earlier in the spring; but at the pre-construction meeting, they decided they should not start until School was over. He stated Harris has been easy to work with, and they will try to get done as much as they can before School starts. Mr. White stated the schedule indicated that Gayle Drive would be completed by the end of next week; however, nothing has really started. Mr. Eisold stated while that is the schedule, they are going to try to slide Memorial Park to make sure that is done; however right after that, they will begin working on Gayle Drive. He stated he could look into this further and advise Mr. White exactly when it is to be done.

#### DISCUSSION OF ORDINANCE AMENDMENTS

Mr. Jim Majewski was present and stated the Township Code was last codified in 1996. He stated this is a process where they take all the Amendments that had been done prior to that and combine them into a new updated Code. He stated since that time over one hundred legislative Amendments have been adopted by the Township. He stated there had been several initiatives to update the Code over the last two decades; but except for several revisions, a comprehensive review of the Ordinance has not been done in the last twenty years. Mr. Majewski stated the last Zoning Amendment that was adopted was the Floodplain Ordinance that came into effect along with the Floodplain maps that were adopted by FEMA in March of 2016. He stated the last Subdivision and Land Development (SALDO) amendment was adopted in 2014 which was the amendment to the Tree Replacement Ordinance.



Mr. Majewski stated the Township Code contains a number of outdated standards and requirements that are inconsistent with current laws and policies. He stated there are whole chapters that are no longer applicable that should be repealed, and other chapters that are superseded by other Sections of the Code. He stated it also references laws that are no longer in existence or have been modified by the State and Federal Government. He stated he feels a comprehensive Ordinance review should be done in phases in order to update all the requirements.

Mr. Majewski stated the process should be split up into short-term, mid-term, and long-term goals. He stated he feels the first short-term goal that should be addressed are some of the Zoning issues which constantly send people to the Zoning Hearing Board such as impervious surface and fences on corner lots or easements which are often commonly in need of a Variance. He stated the Variances are typically granted subject to certain Conditions, and he feels those items could be addressed by amending the Ordinance to write those Conditions into the Code so that they can allow residents what they need to do while still complying with the general policies of the Township.

Ms. Tyler stated the point of this would be to relieve the residents having to go through the \$500 Filing Fee and the Zoning Hearing Board process, and it would be more of Permit Application; and Mr. Majewski agreed.

Mr. Fritchey stated he assumes most of these outdated provisions are the kinds of things that generate requests for Waivers which are typically granted because they no longer “really mean what the Ordinance says” in its current form, and Mr. Majewski agreed. Mr. Majewski stated he reviewed a number of Applications from over the last few years; and he believes the project with the least number of Waivers was the Snipes Tract and other projects ranged from twelve Waivers to twenty-five Waivers most of which were for outdated standards and items that they do not want the developers to do, but they need a Waiver to do what the Township wants them to do which makes no sense.

Mr. Benedetto stated this will not only impact the developers, but it will also help the residents who will no longer have to pay the Fee and go before the Zoning Hearing Board, and Mr. Majewski agreed. Mr. Majewski stated his short-term goal is to address the residents first, and he feels they should revise the Ordinances to achieve the goals they would like to achieve while not burdening the residents with the \$500 cost of going to the Zoning Hearing Board which often does not even cover the Township’s costs to conduct the Hearings. Mr. Benedetto stated he feels they should also address the pricing structure with regard to the Fees charged as he feels they are relatively low; and if there are going to be less Applications because they

are streamlining the process, the Fee structure should be more in line with what other Municipalities are charging. Mr. Majewski stated Lower Makefield is definitely on the low end of the pricing structure for Variances.

Mr. Majewski stated another short-term goal besides providing relief to the residents is the Code Enforcement aspect. He stated currently the Township uses the 1996 BOCA National Property Maintenance Code. He stated there are also other methods of enforcement which are burdensome and increase the timeline, and there are neighbors who are upset about vacant properties which are not properly maintained; and currently the process can take up to a month to get notice to the property owner. Mr. Majewski stated if there is ten inches of grass, in another month sometimes the grass can be two feet high.

Mr. Majewski stated one of the most glaring problems with the Ordinance is the impervious surface ratio. He presented a Table showing how the Variance varies with Lot size, and as your Lot size increases, the percentage of impervious surface decreases. He showed a Chart for Lots approved after 1987 which range from 61% impervious surface ratio for small Lots such as for townhouses, which does make sense, down to 17% for a five acre piece of property. He stated for Lots that were approved before 1987, the ratios are similar from 61% down to 18%, although the range is more condensed. He stated the actual effect of the numbers when you graph them out is the amount of impervious surface you are allowed goes up and down depending on the size of your Lot. He noted that when you have a 15,000 square foot Lot, you are allowed 5,000 square feet of impervious; however, when your Lot is one square foot bigger, you drop and lose 500 square feet of impervious surface. Mr. Majewski stated the line on the graph should be straight. Mr. Majewski stated for the older developments it is even more skewed, and a 10,000 square foot Lot which is about one quarter of an acre can have more impervious surface than a Lot of over half an acre. He stated this accounts for about one third of the Applications that come to the Zoning Hearing Board for Variances.

Ms. Reiss asked if they consider the specific area which could be a low-lying area when they consider impervious surface; and Mr. Majewski stated it would be an across-the-board number, and it would be incredibly difficult to try to do it on a Lot by Lot basis, and it might be considered to be unfair to the property owners. He stated when they go before the Zoning Hearing Board for a Variance to increase impervious surface, the Condition is usually that they provide stormwater management to bring them down to the level at which they would have been approved so it creates an effective impervious surface ratio after the implementation of the stormwater management. He stated the approval of the additional impervious surface would not therefore impact the neighborhood.

Mr. Benedetto asked if the chart shows that they are potentially having a water run off issue in the Township because there is so much fluctuation. Mr. Majewski stated that is not necessarily true. He stated the reason they should straighten this out is so it is more fair to the residents as they passed several Stormwater Management Ordinances which have been updated over the last decade; and they require that for any increase in impervious surface, something must be done to mitigate the stormwater. Mr. Benedetto asked if the chart is suggesting that the current Ordinance is more restrictive when it comes to impervious surface so that residents would have to go and get a Variance where if the line were straight they would not have to so it is actually more restrictive when it comes to impervious surface. Mr. Majewski stated the Ordinance as it is currently written is overly restrictive because of the dips up and down. He noted the older Lots compared to the newer Lots developed after 1987 are allowed less impervious than those developed after 1987. He stated the reason for this is because starting in the mid 1980s the State started to require stormwater management, and the local Ordinances require that the developments put in detention basins to retain water and release it slowly during storms. He stated because of that the newer developments are allotted more impervious surface.

Mr. Majewski stated with regard to Code Enforcement, in speaking to the Code Enforcement Officer, he has reviewed some of the more updated International Property Maintenance Codes for 2012 and 2015; and he feels that those should be adopted, and he is leaning toward adopting the 2012 Property Maintenance Code. He stated they currently use the 2000 International Fire Code. He stated parts of the Building Code do utilize part of the 2009 Fire Code, so one of the recommendations would be to update the Fire Code to the 2009 Code.

Mr. Majewski stated they also need to repeal some conflicting standards as they have a whole Chapter that references the BOCA that is no longer in existence and another that references energy conservations standards which are already addressed under the Uniform Construction Code which utilizes the International Codes.

Mr. Majewski stated having been dealing with this for a number of years at the Zoning Hearing Board level and Planning Commission level, you can see where the difficulties lie.

Mr. Majewski stated the mid-term goals would go more into the Subdivision and Land Development procedures and standards. He stated currently they require twenty-five paper sets of everything, and they utilize possibly twelve of them. He stated this is a great expense and a waste of money and time, and he would recommend reducing that number down to what they truly need. He stated he also

feels that often half size sets of Plans are easy for people to use at a meeting to review since most people typically look at the rendering that the developers put up. Mr. Majewski stated they should also provide electronic copies of all Plans and make those available to the residents on the Township Website.

Mr. Benedetto asked Mr. Majewski if he is recommending that they do some of the “quick fixes” under the short-term recommendations or does he want it all to go through the process of Planning Commission and review by other Boards and then put together a package of all the short-term, mid-term, and long-term recommendations. Mr. Majewski stated he has come up with a few ideas in draft form for the “quick fixes,” and he could circulate them to the Planning Commission and other bodies for their review; and if they are all in agreement, they would come back to the Board of Supervisors and advertise those in accordance with the Municipalities Planning Code. He stated with regard to the mid-term ones, they would go to the Planning Commission, other Commissions, Township staff and consultants to review. He stated that could take a few months. He stated with regard to the long-term goals, it would be a year or two from now or sooner if they can move more quickly.

Mr. Majewski stated there are also Zoning definitions which have some conflicts and ambiguities as well as some standards that are out of date and difficult or impossible to enforce which should be reviewed.

Mr. Majewski stated the long-term goal is to review and update all of the Codes. He stated there are a number of undefined items in the Code that do not fit in neatly or are not addressed at all which he feels the Township should address. He stated based on complaints he has received over the last six months, this includes issues such people running Airbnbs out of their home; and they are having groups of people coming in for the weekend and using it as a “party house” every weekend, and currently this is not regulated in the Township.

Mr. Majewski stated there are also issues with regard to Dedication of improvements, and there is not a hard deadline when Dedication needs to take place or penalties if they do not follow through. He stated this a concern to many residents.

Mr. Benedetto stated storage facilities on people’s properties are also problems since some have been there for years when they were supposed to be temporary; and he does not feel there is an Ordinance addressing this, and this has come up on a number of occasions by residents who are staring at a storage facility for years. Mr. Majewski stated while the Ordinance does address this, it is not addressed clearly enough; and it should be temporary in nature with a Permit required with a

set time frame, and if there is a need to go beyond that, they should have to go back and get permission to have the temporary structure there longer so that the neighbors will know that there will be an end to this at some point in time.

Ms. Reiss asked if there are any regulations about people renting out their private homes as in some cases it is a business, with people buying a home and then renting it out. She stated the problem is when people are moving in and out every few months. Mr. Majewski stated they do not currently have anything regulating rentals of property. He stated if it is a long-term rental, he does not feel people mind; but when it is happening every month, it is difficult for the neighbors.

Mr. Majewski stated non-conformities are also an issue. He stated he is aware of one property where someone had an existing non-conforming garage; and since there was no limit on it, they tripled the size of the garage. and there is nothing in the Ordinance to limit that. He stated they should also look into parking requirements including number of parking spaces needed. He stated they also need to look at all the speed limits in the Code to make sure that they are up to date.

Mr. Majewski stated his recommendation would be that there be a comprehensive Ordinance review to be led by the Planning Commission since they meet regularly, and they could discuss many of these issues and get input from other Township Boards and Commissions. He stated if any residents have ideas, they could e-mail him with their suggestions which they will take into consideration.

Ms. Tyler thanked Mr. Majewski for his initiative on this since this is something that needs to be straightened out. She stated she likes the input on prioritizing those things that could get done, and she would like to see this as a monthly Agenda item.

Ms. Reiss asked if there are any Ordinances on home businesses such as car repair, carpentry, etc. Mr. Majewski stated there are, and that is fairly well-defined in the Code although it does need to be slightly updated.

Mr. Fritchey stated what Mr. Majewski is proposing is very commendable. He stated he feels the items which are readily fixable should be dealt with as quickly as possible; and Mr. Majewski stated that is his proposal, and he would like to bring this to the Planning Commission's next meeting and conclude it within two meetings.

Mr. Lewis stated they have previously talked about abandoned properties or properties that are in disrepair. He stated as a short-term goal, he would like to discuss how to deal with these properties where they are creating a negative externality in the community and driving property values down. He stated while there are not that many of them in Lower Makefield, they should not allow any

property to go below a value of zero. Mr. Majewski stated he sees this as a short to mid-term goal, and he would like to get something that is workable. Mr. Lewis stated he does have sample Codes for this, and he views this as a higher priority. Mr. Lewis stated he also feels Code Enforcement collection of fines should be discussed to make sure they are collecting all of the fines that they can from people who are violating the Ordinances. He stated there needs to be a consistent, aggressive enforcement effort. Mr. Majewski stated while the Township is aggressive on this, there are issues with the process. He stated one of the Ordinance requirements is that all notices be sent by Certified mail; and if you send it to an abandoned property or an absentee landlord several weeks are wasted as they have to try three times to deliver the letter. Ms. Reiss asked if it would not be better if they posted it on the house like they do for a Sheriff's sale, and Mr. Majewski stated that is something they could discuss.

Mr. Lewis stated as they go through the process, he feels the EAC and other Committees can be very quick in their review to make sure they are covering everything in the process.

Ms. Vanessa Fiori, Woodside Road, stated she would be concerned if the Code were too onerous with regard to the freedom of residents and how they use their property. She stated with regard to Airbnbs and rentals, the Planning Committee should not go "overboard." Ms. Tyler stated the purpose of the project is not to have more cumbersome and restrictive laws, but it is to bring the Code book into compliance with existing standards.

## 2017 MID-YEAR REPORT

Ms. Anne Gladwell, Finance Director, was present and stated the Mid-Year Report had been provided to the Board. She stated there was a 2.35 mill property tax increase this year, and this is only the second property tax increase in the last eight years. She stated the increase resulted in a property tax increase to the average Lower Makefield taxpayer of \$98.11. She stated the Township is re-surfacing a huge amount of roads this year, building a Community Center, developing the recreational facilities, and making improvements at Memorial Park. Ms. Tyler stated they are also enhancing the Police Department by adding staff and also adding staff within the Township Administration.

Ms. Gladwell stated they also increased the millage in the Debt Service Fund to pay off some of the debt at a quicker rate, and some funds went to the General Fund to pay salaries for additional staff. Ms. Gladwell stated they also included \$4 million in the Budget this year for open space purchases, and the Dog Park will be built this year as well.

Ms. Gladwell stated at the mid-year point, Revenues are coming in as expected at a very high rate and coming in quicker than Expenses going out. She stated they have collected 58% of the Revenues across the board, and Expenses have been expended 40%. Ms. Gladwell stated a Revenue analysis and an Expense analysis for all the funds has been provided in the packet; and basically everything is on target.

Mr. Lewis asked why the Golf Course has a large variance since the expected Budget was \$3 million, but Actual is \$815,000 for Revenue. Ms. Gladwell stated she will discuss this later in her presentation.

Ms. Gladwell stated in the Report there is a schedule for the Real Estate Transfer Tax which is one of their greatest Revenue sources. She stated to date they are \$200,000 over last year at this point, and there are a number of houses for sale in the Township so this money should continue to come in.

Ms. Gladwell stated there are Business Enterprise Funds, one of which is the Pool. She stated currently they are approximately \$55,000 less than was Budgeted for Revenue collection in 2017, but \$9,000 higher than this time last year. Ms. Gladwell stated the numbers in this Report are through June 30, and they collect additional Revenue from the Pool in July and August; and memberships are sold solely for August, and she knows quite a few people have signed up for that. Ms. Gladwell stated new at the Pool this year were Individual Senior memberships which were very popular, and they had 211 of those purchased. Ms. Gladwell stated significant repairs are needed at the Olympic pool to repair the concrete wall that could collapse, and there is severe water leakage. She stated as soon as the Pool closes, that repair will be underway. Ms. Gladwell stated information was provided detailing the Pool membership from 2013 through 2017.

Ms. Gladwell stated another Business Fund is the Sewer. She stated sewer bills are sent out quarterly, and the Revenue collected to date is on target with the Budgeted amount. She stated depending upon the decision made by the Morrisville Municipal Authority regarding the sewer plant, an increase in sewer fees may be needed in 2018.

Ms. Gladwell stated the last Business Enterprise Fund is the Golf Course. She stated although the total rounds as of June 30 were significantly less than 2016, the Revenue for the golf rounds is approximately the same. She stated when she spoke to Mr. Attara he asked that she advise the Board that the Course was closed for sixteen days in March due to weather. She stated while there were a higher number of rounds played in February, the fees paid at that time of year are lower than the fees paid later in the year. She stated when the Course is closed, the expenses are under Budget, but they are also not making any money on food and beverage sales.

Ms. Gladwell stated a schedule was provided of the Revenues and Expenditures for the General Fund, the Transfer Tax, the Pool, and the Golf Course.

Mr. Benedetto stated he would like to make sure that this is on the Township Website so that residents can review the Mid Year Report, and Ms. Gladwell agreed to have that happen tomorrow.

Mr. Benedetto stated there was a previous discussion about tax relief for first responders and firefighters, and Mr. Fedorchak stated he plans to have this on the Agenda for the second meeting in September. He stated he has had discussions with Mr. Larry Newman about this, and he would like to bring the Fire Executive Committee in to discuss this. He stated he will also provide the solicitor with some Ordinances that deal with this so that Mr. Truelove can review them and provide the Board some guidance. Ms. Gladwell was thanked for a thorough report.

Mr. Truelove stated the Board met in two Executive Sessions since the last meeting. He stated they met Friday, August 11 between 5:30 p.m. and 7:30 p.m. and discussed litigation items. He stated the Board also met this evening at 7:00 p.m. and items of litigation, Real Estate, and informational items were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the John and Kathleen Vallier, Jr. Variance request for the property located at 16 Harvey Avenue in order to permit construction of an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### DISCUSSION AND MOTION ON ORDINANCE NO. 405 AMENDING CHAPTER 88, SECTIONS 88-5(B) AND 88-7(A)(1) (C)(2) AND (3) REGARDING LEED CERTIFICATION LEVEL

Mr. Truelove this was drafted for the Boards' consideration, and the Board could authorize advertisement this evening to modify Code Section Chapter 88 Green Building Construction by amending the terms contained in the Ordinance that now refer to LEED Silver to LEED Certified.

Mr. Fritchey stated he felt there was already a prior vote of three to one to advertise this; however, Mr. Truelove stated he is not aware of this. Mr. Lewis stated he believes it was three to one to draft it. Mr. Lewis stated there was never an Ordinance provided until last week so they would not have had anything to publish.



Mr. Truelove stated to his knowledge it was not published, and his office was authorized to draft it; and it was submitted, and it would now be appropriate to consider advertising it, and there would be a minimum of seven days and no longer than sixty days so if advertisement is authorized tonight, it could be ready for enactment at the next meeting.

Mr. Truelove stated the changes are fairly simple, and anyplace in the existing Ordinance where the term, "LEED Silver" is expressed, it would be changed to "LEED Certified," and that would be in Section 88-5(B), 88-7(A)(1), 88-7(C)(2), and 88-7(C)(3). He stated this applies to buildings that are owned or constructed by the Township itself.

Ms. Tyler asked if there was not to be the "Equivalency" language in there as well. Mr. Truelove stated they do not have Equivalency listed in here, although he feels that is something that could be determined by the Board if they want to authorize that, and they could modify it to say "Certified or its Equivalency." Ms. Tyler stated she feels that would be wise; and when it is advertised, that should be part of the advertisement. Mr. Truelove stated if they decide to authorize advertisement as indicated tonight with that additional language, they would modify what was presented; and they would advertise it as changed, and they would have to publish it at least seven days and not more than sixty days in order to have it enacted at the public meeting after it would be advertised.

Mr. Lewis asked if they should vote on that Amendment. Mr. Truelove stated the Motion would be to authorize the Amendment to the Ordinance as expressed by the Board tonight to include the terms "or its Equivalency" and advertise it as such; and the vote on approving the Ordinance would take place after the advertisement. Mr. Fritchey stated, "So moved."

Mr. Lewis asked which Supervisor sponsored the Ordinance, and Ms. Tyler stated she Mr. Fritchey just made the Motion. Mr. Lewis asked why this is a priority now as he is not aware of anything being considered other than the snack bar and the restrooms at the Snipes Tract.

Mr. Fritchey moved and Mr. Benedetto seconded to direct counsel to authorize advertisement of Ordinance No. 405 Amending Chapter 88, Sections 88-5(B) and 88-7(A)(1), (C)(2) and (3) regarding LEED Certification level changing it from LEED Silver to LEED Certified or LEED Certified Equivalency.

Mr. Lewis asked Mr. Fritchey why this is a priority now since outside of the snack bar at the Snipes Tract there is not a planned Township building construction for at least five years that would be subject to this Ordinance unless they are planning something else. He added they still have not gotten to the situation as to why a majority allowed the Community Center to continue to evade the existing Ordinance

and waive it when it was brought to their attention, and they never found out the root cause for that failure. He also asked why this was placed on the Agenda ahead of other things that were promised to be on the Agenda for this meeting. He stated he does not understand why this has received “fast-track authority.”

Mr. Fritchey stated he does not feel this has been fast tracked. He stated this would modify the Ordinance to more accurately reflect Lower Makefield Township’s commitment to a LEED Certification, and they are simply saying what they mean. He stated when the original Board of Supervisors voted for LEED Silver it was a “nice, theoretical idea;” but they did not have a concrete idea of what that would mean in actuality and did not recognize the magnitude of the cost and estimated a commitment that inaccurately reflected to the public what the commitment of this Township is to LEED Certification. He stated the 2015 Board that voted and Budgeted for the Community Center took a position that it should be LEED Equivalent and not LEED Silver. He stated this Board last year and this year voted to Waive LEED Silver, so it is fairly clear that for at least three years there has not been a majority on the Board saying that LEED Silver is what it should be because there is not a commitment to that. Mr. Fritchey stated there is a commitment to doing something in the direction of LEED; and what accurately reflects the commitment of the Board for the last three years is they are accepting of LEED Certification or LEED Equivalency. He feels this is truth in advertising so that the public knows, now that they have had a concrete experience with this, where they really stand. Mr. Fritchey stated he feels this Ordinance sets the base more accurately as to what they believe currently. He stated this does not mean that a future Board could not do better than LEED Equivalency in terms of going up the “LEED’s ladder.” He stated a future Board could say that while it says that it should be LEED Equivalent, that is a minimum standard, but that they want to go further; however, for three years the Board has not stated that. He stated he feels it is a matter of bringing the Ordinances in line with where they accurately stand at this point in time.

Mr. Lewis stated he has significant concerns. He stated the Ordinance has not been reviewed by the EAC and/or the Planning Commission as it was never referred to them for review. Mr. Lewis stated as it relates to Mr. Fritchey, the burden of proof is on him to say that this was onerous, burdensome, or cost the Township money since the truth is quite the opposite. Mr. Lewis stated LEED is a rating system which allows you to grade how you are developing a building on a green building code. He stated it is not rigidly structured, and there is flexibility around it. He stated the Township passed it in 2009 and indicated that whenever the Township constructs or renovates a building over 2,500 square feet they should meet the Silver standard although they did not have to be Certified. Mr. Lewis stated there are not that many Township properties they are building that are over 2,500 square feet, and most are under 2,500 square feet; and the Ordinance gives the Township flexibility on this.

Mr. Lewis stated he had asked about the Snipes Tract snack bar since it is under 2,500 square feet so in that case, this would not apply. Mr. Lewis stated LEED saves taxpayers money by using less energy and less water so it is a total lower cost of ownership. He stated the U. S. General Services Administration says that LEED Certified buildings use 27% less energy and cost 19% less to operate compared to the National average.

Mr. Benedetto asked if that is for LEED Certified or LEED Silver, and Mr. Lewis stated it is for LEED Certified Government buildings. Ms. Tyler stated that is where the Township is. Ms. Reiss stated she feels they should want to be better. Mr. Lewis stated he worked at the U. S. Department of the Treasury Building next to the White House, and that went LEED Gold in 2011, and they are saving taxpayers \$3.5 million a year so the notion that by reducing LEED Certification to a lower level and not enforcing it when they feel like it is saving the taxpayers money is wrong. Mr. Lewis stated LEED promotes accountability by having a process where you have accountability for the development and you are accurately assessing whether the building meets Green Building Codes which means you are going to get a better outcome. Mr. Lewis stated this was not about the expense of Certifying it and having someone come in and do an audit, it was designed so that the Township would properly manage its projects.

Mr. Lewis stated he was present in August of last year when Mr. George Hibbs stated the building would meet LEED Silver as can be seen in the Minutes. Mr. Lewis stated what is being proposing tonight is unnecessary, and there is not a case for it. Mr. Lewis stated if the case here is that “we screwed up on on the Community Center,” they should be upfront and find out why and who the person was adding he has a sense of where the breakdown was, and it is not a Township employee; however; they never went through that process and instead decided to waive it. Mr. Lewis stated he is happy it was waived from a legal perspective of honoring the Ordinances, but at this point he is not aware they are not planning a building that would be over 2,500 square feet.

Mr. Lewis stated he sees this as an “assault” on Green Building Codes and our ability to be a forward-thinking community that thinks about the total cost of ownership. He stated he feels they want to be “quick and do it the way they want rather than do it the right way.” Mr. Lewis stated he feels an attempt to change this now could “whipsaw” back and change relatively quickly. He stated he feels they should be happy it is Silver now and not Platinum.

Ms. Tyler stated she feels Mr. Fritchey made the case that what they have been discussing tonight with Mr. Majewski on amendments to the Ordinances is more in line with how the Township does business. She stated they are not revoking LEED Certification or abandoning Green Building; however, they are acknowledging

that they are going to put it to a Certification level because that is the practicality and reality that they faced when they built the Community Center. Ms. Tyler stated if a future Board, or this Board, wants to go for LEED Gold, they are not prohibited from that. Mr. Fritchey stated they could even go for Platinum.

Ms. Reiss stated she feels this is going back and not going ahead. She stated she feels the Township is capable of doing better. Ms. Tyler stated she felt Ms. Reiss's vote was in favor; and Ms. Reiss stated she voted that they should be LEED Silver Equivalent. Ms. Tyler stated Ms. Reiss voted in favor of the vote on the Bid for the Community Center. Ms. Reiss stated when they accepted the Bid Mr. Hibbs told them that it was going to be Equivalent. She stated they did not ask him to bring in an auditor, and there were volunteers in the community who would have looked at it.

Mr. Benedetto stated what was done by a prior Board is not "sacrosanct;" and just because they said they wanted it Silver Certified does not mean that it is "right." He stated they are going back to do it the cost-efficient way. He stated in his comments, Mr. Lewis mentioned LEED Certified, and that is exactly where they are going. Mr. Benedetto stated there is no "magic" to Silver other than increased costs. Mr. Benedetto stated he feels Mr. Lewis has made a "direct threat" by saying a future Board might come in and make it Platinum so he is politicizing this issue. Mr. Benedetto stated the current and prior Board stated they did not want to build the Community Center to LEED Silver Certification. He stated he and Mr. Dobson, and he believes Ms. Tyler, came out and said they did not want to spend additional money to get a LEED Silver Certification. Mr. Benedetto stated the Ordinance does not work just like the Ordinance does not work for the Tree Bank. He stated he feels the Tree Bank Ordinance is "extortion," and he would like to get rid of it. Mr. Benedetto stated it is the Board's priority to change Ordinances that do not make sense from a practical standpoint. He stated they need a policy decision as a majority to say they are not going to go for LEED Silver Certification because it costs more money. He stated they did this because they examined the facts before them, and they did not want to have additional costs for meeting Silver; and given that, they need to decide what they should do – ignore the Ordinances or change the Ordinances. He stated he feels they should change the Ordinances when they do not make sense. He stated the Tree Bank Ordinance does not make sense, and there is no "magic" to Silver Certification; and they are building this for LEED Certification. Mr. Benedetto stated he feels they are politicizing this issue, and Mr. Lewis made a direct threat that a new Board will come in and take it to Platinum and punish the previous Board for taking away the Silver. Mr. Benedetto stated this is not how it works, and they do things because they believe it is the best thing for the Township; and the Board majority does not think the Silver Certification makes sense so they are changing it, and it has nothing to do with politics.

Mr. Lewis stated he is asking what is the total cost of ownership and did the Board in 2015 state it is going to cost "x." Ms. Tyler stated the way to get to Silver at that point was to put in certain items to get the points that were not useful to the Community Center, such as a shower. Mr. Lewis stated he was at every meeting, \and there was no analysis that indicated it would cost "x" to meet Silver, and there was no analysis as to what the total impact would be on the total cost of ownership. He stated the reason why he "threatened" Platinum is because he feels it is taxpayer friendly. He stated Capital Health is LEED Gold; and they did not build it LEED Gold because they are environmentalists, they built it because they wanted to lower the total cost of ownership of the building. Mr. Lewis stated if they are saying that the Board made a conscious decision in 2015 saying that they did not want to spend the up front money because they felt they would not get the return in the future, that is one thing; however, the Board did not do that analysis. He stated if the Board wanted to Waive the Ordinance at that time, he questions why they did not do that; and he asked why they think it has to be done now. Ms. Tyler stated they are trying to clean up the Ordinances.

Mr. Lewis stated the Board had that opportunity in the past. He stated tonight Mr. Majewski indicated that they are going to have a recurring process where they are going to analyze Ordinances, and he asked why this is not included in that. Ms. Tyler stated they have first hand information with the Community Center showing that it does not work, and they do not need someone else to tell them what they have identified on their own. Mr. Lewis stated there was no case made as to why this does not work. He stated there was no financial analysis that said a LEED building costs more total cost of ownership.

Mr. Benedetto stated this is incorrect and they can review the Minutes when Mr. Hibbs was present. Mr. Lewis asked why Mr. Hibbs did not say that when he was before the Board. He stated in August of last year, Mr. Hibbs stated it would be built LEED Silver; and this is in the Minutes and on the video.

Ms. Reiss stated she feels very strongly that what they are doing is covering up for a contractor that did not fulfill what he said. Ms. Reiss stated it is our fault, and we have to take ownership. Ms. Tyler stated Ms. Reiss voted for this; however, Ms. Reiss stated she voted for LEED Silver Equivalent.

Mr. Lewis stated he voted for the Community Center, but he did not vote to Waive the Ordinance. Mr. Lewis stated there was an issue, and they did not do what they said they were going to do as a Board; and now they are back tracking.

Mr. Benedetto stated he feels it is “revisionist history” to indicate that a case was not made, and it is in the Minutes. Mr. Benedetto stated when Mr. Hibbs was here the last time, he made it very clear; and they have been consistent as a Board majority from the very beginning that they were not going to build this to LEED Silver. Mr. Benedetto stated a case was made that there would be increased costs; and to Mr. Lewis’ point, an argument could be made that those costs would be recovered. Mr. Benedetto stated based on the information he had, there is no “magic” to LEED Silver; and there is additional up-front money to go there that they would have to put out. He stated to say that LEED Silver and LEED Certified is looking out for the future environmentally is a “myth.” He stated you do not need LEED Silver, Gold, or Platinum to build a building that is energy-efficient. He stated he feels they are doing the responsible thing and is something that is consistent with the current Boards’ policy which is LEED Silver is not something that they followed in practice; and they should not continue to Waive Ordinances, and they should change the Ordinance to something that is more consistent with what the current Board majority feels.

Mr. Fritchey stated this is truth-in-advertising as what our firm belief is as to a majority of the Board. Mr. Fritchey stated when he suggested this two months ago, he was not thinking about Snipes. He stated all this does is more accurately and truthfully state what is our forum, and it does not preclude another Board from building to Silver, Gold, or Platinum. He stated another Board could also amend the Ordinance and raise it to those standards. Mr. Fritchey stated by changing it to LEED Equivalent, they are still making a commitment to LEED’s intellectual framework. He stated they could still elect to build to a higher level even if this Ordinance is changed in the way he is suggesting. Mr. Fritchey stated this gives complete freedom of action, and it has the virtue of being honest.

Mr. Lewis stated if they were being honest, they would diagnose exactly why and who let them down in the process with the Community Center. Ms. Tyler stated she was not let down. She stated from the outset of the conception when they got to the Bidding process, it was discussed that they would try to get to Silver; but if it was an additional expense that they could not handle as being responsible spenders of taxpayers’ dollars, they were not going to do it. She stated the money that was required to get them to Silver was for showers and things that were not necessary, and they could have had the Silver by adding amenities to the Community Center that were not useful for the facility.

Mr. Lewis stated in August, Mr. Hibbs said that it was going to be LEED Silver, and after that there was never a Green Building Administrator appointed for the project. Ms. Tyler stated they specifically did not do so because it was a \$125,000 expense. Mr. Lewis stated the Ordinance says that in the absence of a Green Building Administrator, the Township Manager is the Green Building Administrator;

and he asked why that was not discussed. Ms. Tyler stated they went through it all. Mr. Lewis stated they are saying this is truth-in-advertising, but they never got to the root cause of why; and Ms. Tyler stated it was cost. Mr. Lewis stated it was not; and if it were a question of cost, and they wanted to waive that, he asked why there was not a vote on waiving it. He asked why they did not Waive the Equivalency or the Silver status last year when they knew this was a problem, and he feels they consciously let that go. Mr. Fritchey stated he feels they did Waive it, and Mr. Lewis stated they did after the building was already in process.

Ms. Reiss stated she feels they should do better than the status quo.

Ms. Tyler stated this is not a revocation of LEED Certification, rather it is starting at the base level; and this does not preclude them from seeking Silver, Gold, or Platinum for a project in the future. She stated it is a realistic way to move forward without abandoning the entirety of the Ordinance.

Mr. Lewis asked Mr. Fritchey if he would accept an Amendment, and he noted Section 88-4 Adoption of Standards Sections A and B refer to LEED 2009 for new building construction/major renovation rating system; and he would like that replaced with the more current LEED Version 4 for building design and construction. Ms. Tyler asked how they would know what that is, and Mr. Lewis stated it is the updated version of LEED that is published and promulgated. He stated the 2009 has been supplemented by Version 4, and it is the newest standard.

Mr. Dan Grenier, 3 Highland Drive, stated he is a member of the EAC and a LEED accredited professional; and he has been doing LEED or LEED-type work for the last twenty-five years. He stated LEED Version 4 came out two months ago, and he believes LEED Version 2.2 was in 2009. Mr. Grenier stated it is the same checklist; and similar to how we are updating our Ordinances, they updated some of the technologies that can be used, and different types of development such as Schools, homes, renovations, etc. He stated Version 2 was more new construction and was limited to things like the Community Center. Ms. Tyler asked if it would expand to our residents; and Mr. Grenier stated they could apply LEED standards to homes if they wanted to, but they do not have to. He stated he agrees that they would not want to do that. He stated it further explains LEED and gives more options for re-development across different type of construction. He stated they now have green neighborhoods, green Schools, green high-rises, and green parks. Mr. Benedetto stated it seems it would update the language and provide more options to achieve LEED Certified or higher. Mr. Grenier stated when there are LEED contractors, it would also get them in line with all the other LEED projects that they are doing so someone you would hire to do this would be better versed and more consistently using the same standards across the board.

Ms. Tyler stated she feels it would be irresponsible for the Board to pass an Amendment that they have not read. Mr. Lewis stated he would be open to Tabling this and re-considering it at a later date. Ms. Tyler stated she feels they should move forward with the advertisement; and if they can review it between now and then.

Mr. Lewis stated he is doing this for a specific reason because he is opposed to the policy and is distressed that another Agenda that was promised to be placed on the Agenda was not placed on the Agenda.

Mr. Benedetto asked Mr. Lewis' purpose for suggesting the Amendment. Mr. Lewis stated he has a number of Amendments, and he felt he would start with the most "friendly-Amendment." He stated the thought he had was to update the Ordinance so that it reflects the current standards.

Mr. Lewis asked if there is a Second for his Amendment, and Mr. Benedetto stated he would second the Amendment.

Ms. Tyler stated she does not feel they can consider something that they have not read as that would be irresponsible, and they would have no idea what they are committing to. She stated she had asked the differences, and Mr. Grenier made some comments; but she still has no idea what it is, and she does not want to pass an Ordinance when she does not know what it says. Mr. Lewis stated this is just for advertisement; and Ms. Tyler stated if something comes out between now and advertising, they can have a robust discussion on it. She stated all they are doing tonight is voting to advertise. Mr. Lewis stated he feels they should advertise what it is likely to be; however, Ms. Tyler stated she does not know what Version 4 is. Mr. Lewis asked Ms. Tyler why she would bring up an Ordinance when they had thought about the ramifications. He stated it is a question of whether this Ordinance is relevant or important at this time, and he feels it clearly is not.

Mr. Zachary Rubin, 1661 Covington Road, stated there is no such thing as a "friendly-Amendment," and Mr. Lewis can make a Motion to Amend. He stated if it is properly made and Seconded, there is discussion. Mr. Rubin stated Mr. Lewis has made a Motion to Amend, and there was no call for a Second; and Ms. Tyler started debating it without it being on the floor. Ms. Tyler stated Mr. Benedetto did Second it. Mr. Rubin stated they should then a vote on the Amendment.

Mr. Fritchey moved to close debate on the Amendment.

Motion carried with Mr. Benedetto, Mr. Lewis, and Ms. Reiss in favor and Mr. Fritchey and Ms. Tyler opposed.



Mr. Lewis stated the Amendment that passed was Section 88-4 Adoption of Standards in Sections A and B to replace the language in LEED 2009 for new construction or major renovation systems with LEED V-4 for building design and construction.

Mr. Rubin stated with regard to the main Motion which is the advertising of the Ordinance, he agrees that the Amended Ordinance reflects the values of this Board; however, he does not feel it represents the values of the community. He stated there was a reason why there were Ordinances such as the Responsible Contractor's Ordinance, low-impact development, etc.; and the people in the community want to go forward into the 21<sup>st</sup> Century. He stated he feels this is a regression from going on to the 21<sup>st</sup> Century. Mr. Rubin stated this only refers to public buildings, and the Township should set an exemplary example to private developers to show the proper way of doing things; and he feels this sends a bad message to private developers in saying why should a developer do a well-constructed building will all the new techniques, when the Township that sets the law is sending a very poor example.

Mr. Rubin stated he would like to correct Mr. Benedetto's misconceptions. Mr. Rubin stated he was present at every single meeting when they discussed the building of the Community Center and the LEED Certification. He stated when it was passed, the discussion was not that Silver Certification cost money, but they were going for the Silver Equivalency; and if they went for the Silver Certification, the Certification process would cost thousands of dollars. He stated the discussion was not to go for the formal Certification with the checklist, etc. He stated when Mr. Hibbs was present at the last meeting, he brought this up, and Mr. Hibbs had disputed that. Mr. Rubin stated he told Mr. Hibbs he was wrong at the time, and he feels he is wrong now. Mr. Rubin stated Mr. Lewis is correct about ROI – return of investment. Mr. Rubin stated Mr. Hibbs stated that the ROI was seven to eight years; but the Community Center will be up for twenty to forty years. Mr. Rubin stated there are buildings that were built in the Township voluntarily with Silver Certification. He stated the Township is saying they are not going to follow their Ordinance, and they are coming up with specious arguments for that; and he disagrees with that. Mr. Rubin stated the Community Center was supposed to be built with Silver Equivalency, and the Silver Certification was the issue they did not go for because that cost thousands of dollars to get the plaque.

Mr. Benedetto stated that is not his memory, and it was not Mr. Hibbs' memory. Mr. Benedetto stated he was on the Board, and he did not want to go for LEED Silver; and that was not part of his intent. Mr. Benedetto stated Mr. Lewis' question as to why they did not change the Ordinance is a fair question; and while they did not do that, it does not change the fact that it was not his intent to go for LEED Silver, and he does not feel it was the intent of the Board.

Mr. Rubin asked where it states in the Minutes that the Board asked for relief from their own Ordinance. Mr. Benedetto stated he feels what is being created is a false narrative. He stated he was on the Board at the time; and it was not his intent, and he does not believe it was the Board's intent to go for LEED Silver Certification. Ms. Reiss stated Mr. Benedetto keeps saying Certification and all that was said was Equivalency. Mr. Benedetto stated he is saying it was not the intent of the Board to go for LEED Silver Certification or Equivalence; and that was his view at the time, and it is still his view. He stated it is also consistent with the current Board majority. Mr. Benedetto stated it is being stated that Mr. Hibbs was lying and that the previous Board felt they were going to go for LEED Silver Equivalence, and that is not the case in his memory; and he feels it is reflected in the Record that was not the case.

Ms. Tyler stated most importantly, they are not abandoning LEED as they have the Ordinance; and they can strive higher when they have a project. She stated they are not developers, and they are spending taxpayer dollars. She stated they did the best they could, and they have a LEED Equivalent building; and that is a "win."

Mr. Rubin stated Mr. Lewis stated that according to LEED rules an Administrator had to be appointed; and since they never appointed a LEED Administrator, the Township Manager was therefore the one that should have been monitoring the LEED Certification, and he asked if that was done. Mr. Fedorchak stated he disagrees with that interpretation. Mr. Truelove stated there is a requirement to appoint a Green Administrator, and he read Section 88-7(B)(3) in this regard which discusses three options. He noted particularly the Section which states: "In the event that the Township fails to designate an employee or LEED AP as the Green Building Administrator, the Township" (adding it does not say who) "shall serve as the Green Building Administrator and shall direct, administer, and enforce the Chapter through its Board of Supervisors."

Mr. Rubin asked if they followed any of those three ways. Mr. Fedorchak stated he feels one interpretation as Mr. Truelove has pointed out is the "Township" shall serve as the Green Building Administrator and shall direct, administer, and enforce the Chapter through the Board of Supervisors; and he feels that sounds like the Board of Supervisors should serve as the Green Building Administrator.

Mr. Rubin asked if as they were constructing the building, were they coming to the Board or the Township and saying what they were or were not doing and whether or not they were going to try to get to Silver Equivalency or not and were trying to get to LEED Certification. Ms. Tyler stated Mr. Hibbs was present at a meeting and had the points listed out. Mr. Rubin stated he was present at the meeting the last

time Mr. Hibbs was here, and Mr. Hibbs gave the reasons why they did not follow Silver; but as they were constructing, he never brought it up, and he never said that they could not do certain things because it would cost more money.

Ms. Tyler stated she feels Mr. Rubin is trying to re-visit the history of the Community Center approval, and tonight they are here to discuss whether or not they are going to advertise an Amendment. Mr. Rubin stated he opposes this.

Mr. Lewis moved and Ms. Reiss seconded to Amend the Motion to add Section 88-7(D) – Enforcement which he read as follows: “Any person (including an organization, agency, or other entity) that knowingly causes the Township to fail to meet the standards of this Chapter shall be subject, in addition to any other penalties that may be prescribed by Law, to a Civil money penalty of not more than \$10,000 or a termination of Contract or employment.”

Ms. Tyler called the question; however, Mr. Lewis asked that there be discussion on the Amendment. Mr. Rubin stated they have to close debate first, and Ms. Tyler stated debate is closed. Ms. Tyler stated all they are trying to do is place an advertisement so that they can have another meeting and have a robust discussion of it.

Mr. Lewis stated he feels what he is offering would add real penalties for failure to meet the Chapter. Ms. Tyler asked who the penalties would be against, and Mr. Lewis stated it would be any person including an organization, agency, or other entity. He stated in this particular case, if there was an employee of a contractor who obstructed the processes, they could be held to a Civil money penalty or termination of Contract or employment.

Mr. Benedetto stated he does not find it compelling to put enforcement penalties in place as he feels it is a solution to a problem that does not exist. Mr. Benedetto stated he feels the language is punitive, and he would not be in favor of it.

Mr. Lewis stated while he understands why Mr. Benedetto might not want to be in favor of it, it gets to the larger question of truth in advertising; and if they have an Ordinance and plan to enforce it, there should be a penalty for those who violate it.

Ms. Reiss stated her concern is that too often we have allowed contractors and developers to do what they want. She stated no one is regulating it and no one is looking at it. She stated unfortunately people cut corners, and there needs to be something to make this a deterrent. Ms. Reiss stated she is a “green person,” and she respects that others may not be as “green.” Ms. Tyler stated they are all “green,” and they have a LEED Ordinance. Ms. Reiss stated some may be more green than others. She stated as a Board she feels they should be doing better – not less.

Mr. Benedetto stated if they are going to change the Ordinances to make them more practical, he does not feel they need an enforcement mechanism, and changing this is punitive.

Mr. Grenier stated one of the key factors of LEED to make sure you are getting what you buy, is that there is commissioning involved which is to have someone come in and check the work to see that they did what they were supposed to; and it does not sound like that is happening. Ms. Tyler stated she disagrees with Mr. Grenier for this project. Mr. Grenier stated he never saw an enumeration of what the \$125,000 involved. He agreed that after Silver it does get more expensive; but generally a LEED Silver or a LEED Certified is within 5 percentage points of cost of a basic building that is not LEED Certified. Ms. Tyler asked Mr. Grenier if he would say that the LEED basic and the LEED Silver are very close, and Mr. Grenier stated he would not. He stated he agrees that the costs are very close, but the actual implementation is very different; and the benefits you get for LEED Silver are actually much greater overall than a LEED Certified level. He stated the costs are very similar, but your return on investment is much greater.

Mr. Benedetto stated what Mr. Hibbs said was that it would be approximately \$125,000 or \$150,000 more which would be what Mr. Grenier said would be the difference between LEED Silver and LEED Certified. Mr. Grenier stated what he was discussing was for LEED Silver and a non-LEED building. Mr. Benedetto stated he felt Mr. Grenier had indicated that the difference between LEED Certified and LEED Silver was not that great, and it was about 5%; and Mr. Grenier stated a LEED Certified/LEED Silver building is between 1% and 5% more expensive than a non-LEED Building. He stated he would group LEED Certified and LEED Silver together. He stated the points that you get to go from Certified to Silver are doing the little things to make sure that you get a better product. He noted a certain kind of paint that would not cost any difference nor would certain light fixtures.

Mr. Benedetto stated LEED in general does not absolutely indicate that it is an energy-efficient building, and he feels there are examples of LEED Certified and higher buildings that did not function well at all from an environmental, energy-efficient perspective. Mr. Grenier stated getting the plaque is an “expensive pat on the back,” and he feels getting the plaque is really advertising for a lot of developers because they attract tenants who want to say they are green. Mr. Grenier stated actually going through and doing the work whether it is a LEED Equivalent building, a LEED Silver Equivalent, or whatever level you are getting to gets you a tangible, positive net benefit; and most of that comes back in the long-term economic costs if you do a life cycle analysis return on investment. He stated you do get substantial money back whether you get the plaque or not. Mr. Grenier stated besides energy and water efficiencies, there are a lot of other factors involved such as internal air

quality and health and wellness; and those working in the building have a better environment to work in with better lighting, etc. and he has seen a quoted number of 87% more productivity in a LEED Silver versus a non-LEED building. He stated there have been approximately 25,000 LEED buildings built since 2008/09 so they have a lot of statistics where they have gone through and analyzed the buildings. He stated going to LEED Platinum is not a necessity for most places. He stated LEED Certified is the base, and it is similar to many standard Building Codes today. He stated the Ordinances we have now are pretty close to LEED Certified when you look at the Building Codes. He stated LEED Silver does get you more return on your investment.

The Amendment regarding Enforcement did not carry as Mr. Benedetto, Mr. Fritchey, and Ms. Tyler were opposed and Mr. Lewis and Ms. Reiss were in favor.

Mr. Lewis moved to Amend the Motion to replace every instance where it says “Silver” with “Platinum.” Motion died for lack of a Second.

Mr. Lewis moved and Ms. Reiss seconded to Amend the Motion to replace every instance where it says “Silver” with “Gold.”

Mr. Benedetto stated there is an additional cost to going from Silver to Gold as noted by Mr. Grenier as far as costs are concerned. Mr. Grenier stated going from LEED Silver to LEED Gold is a single digit percentage and would be 1% to 5% on top of the LEED Silver.

Mr. Fred Weiss, 1308 Yardley Road, stated the last time the architect was present, he was talking about the cost to retrofit to Silver Equivalency which was about \$250,000; however, he also stated that they would save about \$2,000 to \$2,500 a month in costs. Mr. Weiss stated what bothers him is that if they had done this from the beginning, it would probably not have cost significant money at all, they would have had tremendous cost savings once the building was finished. Ms. Tyler stated she feels Mr. Weiss is making a number of assumptions; however, Mr. Weiss stated he is only going by what the architect said when he was here last.

Motion to Amend the Motion to replace “Silver” with “Gold” did not carry as Mr. Benedetto, Mr. Fritchey, and Ms. Tyler were opposed and Mr. Lewis and Ms. Reiss were in favor.

Mr. Lewis moved and Ms. Reiss seconded to Table the Ordinance. Motion did not carry as Mr. Benedetto, Mr. Fritchey, and Ms. Tyler were opposed and Mr. Lewis and Ms. Reiss were in favor.

Mr. Lewis stated with regard to the original Motion with his Amendment and the Amendment with the change of language with Equivalency, he is still vehemently opposed not because he is green or an environmentalist, but because he is concerned about the total cost of ownership. He stated in terms of process, he is troubled that this was placed as an Ordinance that needs to be fast tracked when they do not have a building that would be subject to this Ordinance at least in a five-year time frame as far as he knows. He stated he is assuming the snack bar at Snipes is less than 2,500 square feet.

Motion to advertise as Amended carried with Mr. Benedetto, Mr. Fritchey, and Ms. Tyler in favor and Mr. Lewis and Ms. Reiss opposed.

#### DISCUSSION OF BCWSA AND THE CITY OF PHILADELPHIA LONG TERM CONTROL PLAN

Mr. Fedorchak stated he attended a meeting on August 7 which was called by the Bucks County Water and Sewer Authority for all the participating members to update its membership on the problems the City of Philadelphia was having with its treatment system and plants and to detail how that might impact on Lower Makefield Township. Mr. Fedorchak stated approximately 30% of our sewer systems feed into Bucks County Water and Sewer Authority, and in turn Bucks County Water and Sewer Authority and the Neshaminy Interceptor go to the City of Philadelphia at their Northeast Treatment Plant, so whatever happens in the City of Philadelphia is important to the Authority and ultimately to Lower Makefield.

Mr. Fedorchak stated as is the case with many older cities, Philadelphia has a combined storm sewer and sanitary sewer treatment system; and over the years, they have been experiencing many issues with line capacity and with bypassing at their treatment facilities particularly during wet weather flows. He stated over the years the City of Philadelphia has been working closely with the EPA and DEP, and they have developed a Corrective Action Plan. He stated it is a two-pronged approach, and they have a variety of green infrastructure projects which are designed to keep stormwater out of the system; and they are committed to a number of capacity upgrades to their Treatment Plant.

Mr. Fedorchak stated the City of Philadelphia has advised Bucks County Water and Sewer Authority that they intend upon tagging the Authority and its customers with approximately 4.5% of the costs for their improvements as part of their Corrective Action Plan. Mr. Fedorchak stated the Bucks County Water and Sewer Authority is taking the position, that since the Neshaminy customers do not have a combined system and all of the sewers in Lower Makefield Township and the member Municipalities of the Bucks County Water and Sewer Authority are just sanitary

sewer, they are disputing that we should be responsible for those costs. He stated they point to the Contract that they currently have with the City of Philadelphia which speaks to capacity and a number of other specifics. Mr. Fedorchak stated it is Bucks County Water and Sewer Authority's intent to arbitrate this matter, and they wanted to communicate that to the member Municipalities.

Mr. Fedorchak stated there is a potential financial impact that this might have on the Authority and its members over the next twenty years. He stated Bucks County Water and Sewer Authority has determined that the immediate impact will be approximately \$1 million additional for the Authority as a whole between the years 2018 and 2020 up to \$2.6 million per year for two years after and up to \$4,200,000 per year in 2023. Mr. Fedorchak stated looking at it over that period of time, you are looking at around \$240 million. He stated the impact to Lower Makefield over that period of time would be to increase our Transmission Fees that we would be paying to Bucks County Water and Sewer Authority by over 25%. He stated we are currently paying approximately \$1.6 million a year to them, and they anticipate we will see increases up to \$450,000 over that period. Mr. Fedorchak stated that would just cover the capital improvement requirements, and it does not speak to what the annual operating expense increases might be. Mr. Fedorchak stated the Bucks County Water and Sewer Authority intends on pushing back.

Ms. Tyler stated there is a lot going on with our sewers with Morrisville as well, and the Board is discussing potentially retaining sewer counsel.

Mr. Lewis asked if this included Inflow and Infiltration remediation in the Neshaminy Interceptor; and Mr. Fedorchak stated this has nothing to do with our system or the Neshaminy Interceptor system, and it is all within the Philadelphia plants. Mr. Lewis stated 4.5% would mean this is a multi-billion dollar project for the City of Philadelphia, and Mr. Fedorchak agreed. Mr. Lewis stated what they are looking at is that we would be solving Philadelphia's problem, and Mr. Fedorchak stated that is essentially the position that the Bucks County Water and Sewer Authority is taking. Mr. Lewis asked if they have the Agreement between Bucks County Water and Sewer Authority and the City of Philadelphia, and Mr. Fedorchak stated they do not; and Mr. Lewis asked that they get that. Mr. Lewis asked if they have considered other relief in this process; and Mr. Fedorchak stated Bucks County Water and Sewer's concern is they have just received the first bill, and according to the Contract they have thirty days in which to take action so they need to go to Arbitration quickly.

Mr. Lewis stated Bucks County Water and Sewer Authority could pull their flows from the City of Philadelphia, but the question is where they would put them as they do not have their own treatment plant. He stated we could potentially remove our exposure from this by not employing the Neshaminy Interceptor with our 30% of

the Township, and Mr. Fedorchak stated we would have to find a way to re-direct flows. Mr. Lewis stated it is his understanding that would be expensive. Mr. Lewis asked what is the escape clause with Bucks County Water and Sewer, and Mr. Fedorchak stated he would have to look into this. Mr. Lewis asked if DEP has been involved in this with anything in our 537 Plan; and Mr. Fedorchak stated the Township is working with DEP to revise the 537 Plan, and DEP has been involved with the City of Philadelphia for some time. Mr. Lewis stated Bucks County Water and Sewer is already significantly more expensive than MMA, and Mr. Fedorchak agreed. Ms. Tyler stated the costs at Morrisville are going to change catastrophically when they remedy the problems at their own Plant. Mr. Lewis stated this has been an on-going issue for the Board. Ms. Tyler stated this is why they are discussing retaining counsel.

Mr. Weiss asked if it will be a 25% increase for just the Bucks County Water and Sewer Authority customers or everybody in the Township. Mr. Fedorchak stated typically when there is a rate increase required either because of Morrisville or Bucks, it is the Board's policy to spread that rate over all 12,000 ratepayers.

#### SUPERVISORS REPORTS

Mr. Fritchey stated the Park & Recreation Board had their Road Tour on August 1. He stated they have a number of upcoming events in the Park system including Community Pride Day on September 3 and the 9-11 Memorial events on the 10<sup>th</sup> and 11<sup>th</sup> of September.

Ms. Reiss stated they renamed the Citizens Budget Committee the Financial Advisory Committee, and she would like to look at the people who were on the Citizens Budget Committee as Ms. Gladwell has tasks that she could use help on. Ms. Tyler asked Mr. Fedorchak to have as many of those prior members who are available to come to the next meeting. Ms. Reiss stated Special Events will be looking to see what the new Park & Recreation Director needs.

Mr. Lewis stated the Economic Development Commission met this evening to plan out the Annual Business Survey which will be going out shortly. Mr. Lewis stated the Environmental Advisory Council met last week, and they spoke with the Yardley EAC which is putting together a Growing Greener Grant Application; and the Township should write a letter of support. Mr. Lewis stated Mike McGrath will be coming to Lower Makefield on October 28 at 10 a.m., and they will start the marketing process for that for those who are listeners of WHY. He stated the EAC will be having a Community Pride Day booth. He stated there will also be a summer newsletter going out from the EAC, and there is a discussion of open space



opportunities. Ms. Tyler asked for more information about the newsletter that the EAC puts out; and Mr. Lewis stated they have a recurring newsletter that goes to 700 people who have opted in to receive their newsletter.

Mr. Lewis stated the Zoning Hearing Board met last evening and heard two cases. He reminded the residents that when appearing before the Zoning Hearing Board, it is good to be constructive with the Zoning Hearing Board members and have an open mind and framework to work through issues when the Board wants to try to give some form of relief.

Mr. Benedetto Citizens Traffic Commission will be meeting Monday, August 21 and will be discussing Makefield Road and some of the potential traffic-calming issues that were discussed earlier this evening.

Mr. Benedetto stated while the Electronic Media Advisory Board did not have a quorum when they met on August 14, they had a robust discussion around the Franchise Agreement with Verizon. Mr. Benedetto stated in 2005 there was an Agreement that was reached between nineteen Municipalities and Verizon; and the dollar amount for equipment for Public Education and Government was \$160,000 total, and Lower Makefield received \$11,651 as part of that Franchise Agreement. Mr. Benedetto stated Municipalities Falls Township negotiated individually and received \$40,000, and Middletown Township negotiated to get \$.17 per month per subscriber which equaled approximately \$200,000. Mr. Benedetto stated they have discussed whether it would be better for Lower Makefield to negotiate a better deal individually because what they would be receiving would hopefully be significantly more than what they received with the consortium. Mr. Fedorchak stated he will have Mr. Truelove look at the Agreement, and it would be up to the Board to decide what they would ultimately approve.

Mr. Benedetto stated they also discussed legislation that was passed regarding an opt-in requirement with regard to browsing history, and Mr. Lewis has a draft Ordinance to enforce privacy requirements. Mr. Benedetto stated Mr. Truelove has indicated that it is legally doable, and it would provide local Government control over privacy concerns. Mr. Lewis stated in April the President signed legislation that removed all the FCC privacy protections when you use an ISP. Mr. Lewis stated this means that every site you browse, the ISP has the data which they can sell. He stated there a number of things that could be done which would seem to be harmless but could hurt you in the future. He noted if you were to visit a tobacco site, you may no longer get appealing offers for life insurance. Mr. Lewis stated in Seattle, they made it so that you would have to opt-in to allow your information to be sold; and what he has drafted as an Ordinance would be that you would have to opt out so it is a little more friendly to Verizon, but it would protect people from

Verizon selling your browsing history. Mr. Lewis stated what he is suggesting is allowed by Law. Mr. Lewis stated this would not limit law enforcement's capability as it relates to getting access to data when needed. Mr. Lewis stated they could then negotiate with Verizon in terms of increased privacy protection and increased revenue for the Township. Mr. Lewis stated it would give the Township additional negotiating leverage which is why he feels it is important to get ahead of this now while the negotiations are starting. Mr. Lewis stated they want to protect the privacy of the residents so that they feel comfortable in browsing and using the Internet without fear that their specific data is being sold and used, and they should have the right to opt out of that.

Ms. Tyler stated she would like the solicitor to weigh in on this and consider it during the negotiations with Verizon. Mr. Lewis stated the Supervisors have had this information for about six months and the solicitor and Mr. Dan Cohen have reviewed it as well. Mr. Lewis asked that this be Agendized for the next meeting, and Ms. Tyler stated she will get it on a future Agenda.

#### POSTPONE DISCUSSION OF NAMING OF THE COMMUNITY CENTER

It was agreed to discuss this at a future time.

#### CHANGE DATE OF SEPTEMBER 20, 2017 MEETING

It was noted that the next meeting is scheduled for a Jewish holiday, and it was agreed to have the meeting on Tuesday, September 19, 2017.

#### APPROVE DONATION OF POLICE VEHICLES

Chief Coluzzi stated he needs the approval of the Board to donate two unmarked, used Police vehicles to the Pennsbury School District.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to donate the Police vehicles as discussed by Chief Coluzzi.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to appoint Barbara Nuzzolo to the Historic Commission.

Mr. Benedetto asked about Mr. Hirko, and Ms. Tyler stated she would like him to go the Historic Commission meeting next week and provide feedback unless the Board would like to appoint him to the Historic Commission this evening.

Mr. Benedetto moved and Mr. Lewis seconded to appoint Mr. Hirko to the Historic Architectural Review Board.

Ms. Tyler asked if they were not going to appoint him to the Historic Commission. Mr. Benedetto stated Mr. Hirko indicated in his letter from four months ago that he was interested in HARB. Ms. Tyler stated as she has indicated previously and discussed with Mr. Hirko this evening, the problem with Mr. Hirko serving on HARB is that he will be working on the Satterthwaite House, the houses on the point, and on all these items that will come before HARB, he would have to recuse himself. Ms. Tyler stated they discussed during his interview that he would be very valuable on the Historic Commission, and he indicated that he would be happy to serve on that Commission.

Ms. Reiss stated he would have to recuse himself from voting on those issues if he were on HARB. Ms. Tyler stated they would then be asking the HARB members to vote in favor or not in favor of their fellow Board member. She stated Mr. Hirko acknowledged that it was a conflict and stated he would be happy to serve on the Historic Commission. Mr. Fritchey stated when he would have to recuse himself that would leave HARB shorthanded. Mr. Fritchey stated he did indicate he was willing to serve on the Historic Commission. Ms. Tyler stated she had expressed why they need a member on the Historic Commission. Mr. Fritchey stated there is also no reason why he could not have input on HARB and still do the work on the properties. Ms. Reiss stated if he were to work on any of the historic buildings that are not part of the Historic District, he would have the same conflict.

Mr. Benedetto stated he feels Mr. Hirko would be a much more valuable member of HARB, and he has a vision for Edgewood Village. Mr. Benedetto stated Satterthwaite, the Slack House, and the Ishmael House are all hypotheticals; and Mr. Hirko had indicated he would recuse himself if he had to once or twice. Ms. Tyler stated she does not feel it would be just once or twice that he would have to recuse himself because things to be moving forward on in the Historic District are projects which Mr. Hirko is already intimately involved with and has been seeking to do construction on. Ms. Tyler stated she has discussed this conflict with the Board of Supervisors previously, and Mr. Hirko understood the conflict; and she had also indicated that they needed him on the Historic Commission.

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When the vote was called, Mr. Benedetto and Mr. Lewis were in favor, Mr. Fritchey and Ms. Tyler were opposed, and Ms. Reiss abstained. Mr. Truelove stated in this situation the abstention would be a no vote.

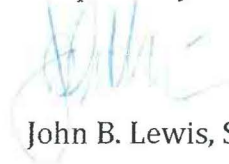
Ms. Reiss stated she would like Mr. Hirko to go to the Historic Commission and come back to the Board of Supervisors; and if he is not happy to revisit this.

Mr. Truelove stated normally an abstention is only allowed for purposes of a conflict so Ms. Reiss would have to vote.

Ms. Reiss stated if she has to vote, she would vote in favor; and the Motion to appoint Mr. Hirko to HARB carried.

There being no further business the meeting was adjourned at 11:55 p.m.

Respectfully Submitted,



John B. Lewis, Secretary