

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – SEPTEMBER 6, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 6, 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

Mr. Harold Kupersmit, 612B Wren Song Road, stated he is trying to get information on the status of all the sewer treatment plants in Lower Bucks County. He stated he sent a Right-To-Know Request to all the Townships. He stated Mr. Fedorchak in his letter said he could not respond until October 3. Mr. Fedorchak stated under the State Open Records Act, if it is a request that requires a good deal of research, they are permitted to extend the time up to a **thirty**-day period; and that is what they have done. Mr. Kupersmit stated some of the Townships and Sewer Authorities have responded to him and some have not, and some of them refused to respond so he has filed an Appeal to get them to respond. He stated the Township has to decide what their strategy is moving forward because there can be a problem with funding. Mr. Kupersmit stated at some of the treatment facilities because they are chlorine based, they are not killing all the germs that are in the plants which can create a big problem in the future.

Mr. Tyler Geist, 14 Harvey Avenue, stated he has created a Petition after the death of Josh Goldinger to appeal to the Township for sidewalks along Makefield Road and throughout the Township. He thanked the Board for the study they voted for at their last meeting, and he asked if there is anything to report at this time. Ms. Tyler stated the study will take some time to be completed; however, one of the School Board Directors reached out to her, and they will be meeting with Chief Coluzzi so the Township, School District, and the Police Department will have a working group

awaiting the report to come back. She stated their first focus will be the vicinity of the Middle Schools, and it will be an ongoing process with regular updates. She stated those meetings will take place once they have the report from the traffic engineer so they can start to work on solutions.

Mr. Benedetto stated he feels it is wonderful that the Petition has been put together; however, beyond any of the studies that were conducted or anything about a bike path, what they need to do as a Township is to determine what caused the accident. He stated a bike path, lowering the speed limit, and a sidewalk may not be the solution. He stated he feels they should look at sidewalks and bike paths in the Township for safety purposes; however, that may not be the cause of the tragic accident that occurred, and the community needs to know what happened in that specific accident and if it was something that was preventable. He stated if it was something that was preventable, they need to look into solutions. He stated they need to know if the driver was going too fast or was on their cell phone. He stated he knows that Mr. Goldinger had ear buds in his ears, and at some point they need to get answers to the questions. Mr. Benedetto stated he does not feel a study of a bike path or a sidewalk solves the problem here. Mr. Benedetto stated he wants to know what happened that caused this accident.

Mr. Bob Wautlet, 1812 Makefield Road, stated he lives where the accident happened; and he has lived there for twenty years, and the Township has changed over that time. He stated they have started lowering the speed limits all over the Township except for Makefield which has two Elementary Schools right where he lives with more children riding bikes and walking, and he feels the Township should take under advisement lowering the speed limit on that road just like they did at Edgewood.

Mr. Isaac Appelbaum, 39 Breece Drive, stated he would like to know what kind of influence the community has over the 2017/2018 Fiscal Year Budget. He stated people in the community want sidewalks, and he would like to know if the community has influence over the Budgets to make flexibility for these kinds of programs. He stated he saw in the Budget that \$500,000 was spent on Quiet Zones, but it does not explain how the money was spent. He stated there was also \$2 million for recreational improvements. He stated he would like to know what influence the community has to make these changes happen. Ms. Tyler stated with regard to funding for programs like sidewalks, there are Budget meetings which are open to the public. She stated they need more information before they can spend money on the problem. She stated the Supervisors e-mail addresses are also available, and those interested should continue lobbying as they have been doing.



Mr. Isaac Appelbaum asked when the LMT Police plan to release the accident report. Chief Coluzzi stated generally if they believe there is an issue with regard to the accident that needs to be addressed right away, they would come out with that immediately. He stated in this instance it has been determined that the driver was not under the influence of any drugs or alcohol, was not distracted by calls or texting, and was driving the speed limit when the accident occurred; and therefore, there will be no charges levied against the driver.

Mr. Benedetto asked if the Police got the telephone records of the driver to make the determination that the driver was not distracted; and Chief Coluzzi stated the Police went through the driver's cell phone based on a consent.

Ms. Reiss stated sometimes terrible things are just accidents and are not preventable. She stated with regard to bike paths and sidewalks, the Township has a Grant Application for an area that has been studied for a sidewalk; however, that does not mean the Township is done, and next year they will look at what Grants are available and where the greatest need is. Ms. Reiss stated there are right-of-way issues because these are peoples' properties, and you have to get them to agree to the sidewalk or bike path. She stated this is a long process, and they have to identify where the greatest need is first and then work back. She stated she will be attending a program in Doylestown on bikes and bike paths in Bucks County, and Lower Makefield has signed on as one of the Municipalities that wants people to be able to feel that they can walk and ride their bikes safely.

Mr. Isaac Appelbaum stated it is therefore the opinion of the Board of Supervisors that sidewalks are good for the community. Ms. Tyler stated the safety of the residents is their number one concern, and they will continue to pursue all avenues to make the roads as safe as they possibly can for the pedestrians, bicycle riders, and motorists.

Mr. Benedetto commended the Chief and the Police Department for being transparent and telling exactly what happened. Mr. Benedetto stated he feels that the entire strip of Makefield Road should be 25 miles per hour. He stated the lack of a bike path or especially a sidewalk was not the cause of the accident. He stated while he commends the fact that the Petition was put together, the reality of the situation is that a sidewalk is not the solution. He stated he feels the solution is lower speed limits and traffic enforcement. He stated in this particular incident there were no charges against the driver of the vehicle because the driver was not exceeding the speed limit, distracted, or under the influence. He stated this was an accident that happened because of a horrible set of circumstances, and there was nothing the driver did. He stated sidewalks would not have changed the situation in this instance, and he does not feel a bike path would have either. He stated they need to lower the speed limit and enforce it. Mr. Benedetto stated he is not a big

proponent of sidewalks. He stated he does not have sidewalks in his neighborhood, and he does not feel most of the residents in his neighborhood want sidewalks; however, he does feel that there are certain areas where sidewalks would make sense.

Mr. David Appelbaum, 39 Breece Drive, extended his condolences to the Goldinger family and everyone who has experienced this tragedy. He stated as they drive down Makefield Road to go to the High School they are reminded of the tragedy because the markings from the accident are still on the road. He stated they were painted, and it does not come off; and he would suggest that it be painted over. Chief Coluzzi agreed to take care of that.

Mr. David Appelbaum stated in addition to looking at speed limits, it was known that the young man was wearing ear buds; and he feels bicycle safety is the other issue they need to look at, and he would like to be involved in putting something together about bicycle safety. Ms. Tyler asked Mr. Appelbaum to reach out to Kevin Treiber about this as he is working on this already. She stated they were trying to get a booth at Community Pride Day, but they could not get the program up and running. She stated they are also going to work with our new partner, Capital Health, about bike safety. Mr. Appelbaum stated he continues to see kids riding bikes without helmets.

Mr. Isaac Appelbaum stated currently there is a memorial at the intersection of N. Homestead and Makefield which has been destroyed by rain, and he asked if the Township could allocate money to put in a stone memorial there. Ms. Tyler stated she would defer to the Goldinger family on this.

#### APPROVAL OF MINUTES

Mr. Lewis moved, Ms. Reiss seconded and it was unanimously carried to approve the Minutes of August 16, 2017 as written.

#### BIG OAK WHITE TAIL MANAGEMENT (BOWMA) 2016/2017 FINAL REPORT

Mr. Andy Macan of BOWMA was present and stated during the 2016/2017 season, they took 115 deer between Lower Makefield and Upper Makefield Townships. He stated they feel having the adjacent Townships working together in this program is really helpful because deer can easily move eight miles in a day. He stated for Lower Makefield Township alone, the number was 61. He stated they take a lot of pride in the fact that the first deer that each member takes is donated to a local food bank; and for the 2016/2017 season that equaled approximately 730 pounds of meat or about 3,000 meals to help feed the hungry.



Mr. Macan stated they have been working with John Heilferty and Mr. Fedorchak in terms of adjustments they can make to the program without putting any additional burden on the properties with a particular focus on how they can make better use of the time they have in the Five Mile Woods. He stated they have applied their rigorous testing procedures and brought in some new hunters who will help on the days they have access to the Five Mile Woods so that there will be more hunters in the Woods, as the more they can have in such a big area, the better. Mr. Macan stated Mr. Heilferty reached out to BOWMA and they discussed ways they could enhance the results without having any additional impact on the community.

Mr. Benedetto asked what local food bank they donated to; and Mr. Macan stated it is all managed by Hunters Sharing the Harvest, and they spread the meals throughout Bucks County.

Ms. Tyler stated Mr. Heilferty is the Naturalist at the Five Mile Woods and works closely with BOWMA and has spoken highly of the program. Ms. Tyler stated a lot of the destruction of some of the plants and the younger trees has ceased which is good news.

Mr. Lewis stated he is a big fan of the program and gave their contact information to Solebury Township, and he asked if they reached out to BOWMA. Mr. Macan stated they heard from Solebury Township late in the season last year. He stated there were some local hunters who felt threatened by the prospect of BOWMA coming in, but he feels the results they have shown in Lower Makefield and Upper Makefield were definitely interesting to Solebury Township; and they did start to win over some of the local residents there who were initially opposed to such a program. He stated they feel they have made good contacts, and he thanked Mr. Lewis for the reference; and he stated they will continue to pursue this.

Mr. Lewis asked if they feel that the deer population has increased, stayed the same, or declined. Mr. Macan stated he feels that would depend on the area. He stated they are always looking for new public and suitable private property as the deer will move to where there is not pressure. Mr. Macan stated they are seeing less activity in the properties that they have regularly hunted since the program's inception. He stated he knows that some residents will say that they are seeing more deer than ever. He stated their program is helpful in terms of keeping the number down or maintaining the number particularly in the early season; and if they can harvest does, that will help. He stated they need to sustain this year to year or the population will mushroom.

Ms. Reiss stated here is an area at Oxford Valley and Roelofs where it is not unusual to see large numbers of deer. She stated as Lower Makefield has been developed, you do see more deer.

Ms. Lisa Baxter, Arborlea Avenue, stated she understands there are six tracts that are being managed; however, none of them are near her neighborhood, and they have a lot of deer. She stated there are a few wooded areas within the neighborhood. Mr. Macan stated the properties that are listed online are the properties that they partner with the Township to manage; but there are also private properties located throughout the Township as well which they manage as a service to the residents who invite them onto their property, but they do not generally publicize their participation in the program. Mr. Macan stated Mr. Fedorchak has their contact information, and they would be willing to go out to their area. Ms. Baxter stated she is concerned about safety when the deer are crossing the road. Ms. Tyler stated she does not feel the Township owns any parcels large enough in that area to accommodate the bow hunting. Ms. Baxter stated as they reduce the number elsewhere, it should also effect the number at their end of the Township.

Ms. Baxter stated they do have preserved areas in their neighborhood and she particularly noted the one off of W. Ferry. Mr. Fritchey stated they need to make sure that the area is large enough so that it does not impact residences nearby. Mr. Macan stated for the property to be a suitable size it needs to be approximately five acres. He stated in almost all areas, their operations are from an elevated stand so that the angle points downward. He estimated the longest that an arrow would travel would be twenty to fifty yards going down. Ms. Baxter stated she is not sure how big the wooded tracts are. Mr. Benedetto stated he would not be in favor of hunting close to any residential area. Mr. Macan listed the public areas where they are currently hunting. Mr. Benedetto stated all of those area are over five acres.

Mr. Baxter stated in addition to the problem with deer on the roads, she feels there could be a problem with deer starving if there is overpopulation. Mr. Macan agreed, and he stated deer overpopulation is bad for the environment as well.

Mr. Benedetto stated there was recently an issue brought to his attention about mange, and he asked Mr. Macan if he knows about this so that they could be culled from the herd. Mr. Macan stated he is not aware of this; but if they did find this, they would call the Game Commission who would come out and take those deer. He stated the Game Commission also tracks chronic wasting disease which is moving this way. He stated it is a virus that can be devastating to the entire deer population. He stated he has not seen it here yet.

Ms. Tyler thanked BOWMA for having a safe program and for their contributions to the Township and the food banks. Mr. Macan stated they appreciate their partnership with the Township.



## DISCUSSION AND MOTION TO AUTHORIZE ADVERTISMENT OF INTERNET PRIVACY ORDINANCE

Mr. Lewis stated on April 3 the President signed into Law legislation that reversed the FCC's rules on privacy of customers of broadband and other telecommunication services. He stated what this new Law did was make it legal and lucrative for ISPs to sell browsing history, App usage, and personally-identifiable information without your ability to opt out. Mr. Lewis stated the ISP knows every Website you go on so there is tremendous insight into your activities online which can have potential unintended negative consequences. He stated consumers often have the chance to opt-out of information sharing; however, in this area there are not those kinds of protections. He stated the only way to get around this right now is to use a Virtual Private Network (VPN) to mask your Internet traffic which is expensive and does not always provide the best Internet experience.

Mr. Lewis stated in May Seattle passed an Ordinance that would require cable operators to receive an affirmative opt-in from their customers before they could do information sharing. Mr. Lewis stated he feels it would be fair for customers in Lower Makefield to have protection, and he took a little more pro-industry approach which would be an opt-out rather than an opt-in so that it would not prohibit broadband operators from using the data as long as customers have the opportunity to opt-out. Mr. Lewis stated there is a provision in Federal Law that grants Municipalities the ability to issue Privacy Ordinances, and he has drafted an Ordinance which he would like the Board to discuss and potentially publish for consideration. He stated it uses Section 632 of the Cable Television Consumer Protection and Competition Act of 1992 to allow the Township to provide an opt-out for Lower Makefield residents. He stated this has nothing to do with a dislike of the current broadband providers, but it is something that **provides** protection; and while they are considering the upcoming Franchise Agreement renewals, it would give the Township more leverage to protect the data of Lower Makefield residents.

Mr. Lewis read his proposed Ordinance #406 which would create a new chapter of the Lower Makefield Township Code, Chapter #155 Privacy Protection on Cable Broadband Networks, to provide for the protection of personally-identifiable information on Cable Broadband Networks. Mr. Lewis stated this will provide customers the ability to opt-out of information sharing with third parties; and at the time of signing up for broadband, those who provide broadband service within Lower Makefield would have to offer their customers the ability to opt-out of information sharing and have an annual privacy notice that would allow the customers the opportunity to opt-out of information sharing.

Mr. Lewis stated the penalties and violations for enforcement are relatively modest, but they want to set a framework that gives customers choice. He stated other Townships in Lower Bucks are looking into this.

Mr. Truelove stated it would be appropriate for a Motion and a Second made to authorize advertisement of the Ordinance, and then have discussion.

Mr. Lewis moved and Ms. Reiss seconded to authorize advertisement of Ordinance #406, an Ordinance of the Township of Lower Makefield Township Bucks County creating a new Chapter of the Lower Makefield Township Code, Chapter #155, Privacy Protections on Cable Broadband Networks to provide for the protection of personally-identifiable information on cable broadband networks.

Mr. Benedetto stated he agrees with this in theory; however, he is not certain that it is within their purview to regulate this. He stated Seattle did enact this; and to date, they are the only one that has done so. He stated New York City looked into this but indicated that it was not within their local jurisdiction. Mr. Benedetto stated he feels the State would be the best to look into this type of issue although he does agree in theory that privacy issues are paramount. He stated he would prefer an opt-in situation. He stated he would be surprised if Verizon does not challenge this as he feels it is outside of the Board's jurisdiction. Mr. Benedetto stated he is not in favor of some of the enforcement mechanisms one of which discusses enforcement by the Township Manager, and he does not feel the Township Manager should be enforcing this; and he also does not want the Township Manager to have to be responsible for approving the process of how residents could opt out. Mr. Benedetto stated he would strike all language dealing with the Township Manager.

Mr. Benedetto stated this Ordinance also calls for reporting requirements for Verizon, and he feels that the costs for this will be passed onto the consumers. Mr. Benedetto stated the Ordinance is requiring that the Grantee shall provide a semi-annual report summarizing the type of personally-identifiable information that was collected, and Mr. Benedetto stated he does not feel this makes any sense. He stated it also requires that categories of all entities to whom such personally-identifiable information was disclosed be identified, and this is putting a burden on the cable/Internet provider that is out of the scope of what the Township should be doing. Mr. Benedetto stated he would strike all of the reporting requirements, as he does not feel the Township needs to know this information.

Mr. Benedetto stated it also discusses the number of customers and the number of customers who have opted out of information sharing which he does not feel the Township needs to know. Mr. Benedetto stated if he chooses to opt-out he does not feel the Township needs to know this, and he does not feel the Township should require Verizon to report this.



Mr. Benedetto stated he also has an issue with the enforcement portion where if the Grantee is found liable in a Civil enforcement proceeding, they will be paying a fine not to exceed \$600. He stated he feels the violation and enforcement piece is completely out of line, and he does not see a need for it. He stated they could agree to do this and partner with the Township or they will say they are not doing it and take the Township to court over this. Mr. Benedetto stated if the residents decide they want to opt out of this, that would be fine; but he does not want the Township to be overseeing any of this. He stated in theory he does feel customers should be able to opt out if they choose. He stated you do not have the option to opt-out with Facebook and Google. He stated people can choose to stay off Facebook or use Google; however, you do not have a choice with Verizon. He stated he is fine with the opt-out provision; however, he is not comfortable with the reporting requirements or the enforcement provisions.

Ms. Reiss stated she is in favor of this as she values her privacy and the privacy of young family members who use her Internet. She stated she does not want someone to start marketing to her grandchild. Ms. Reiss stated she does not have a problem with the reporting as that keeps Verizon "honest." She stated she is not concerned about additional costs for Verizon because they make a lot of money in Lower Makefield as does Comcast. She stated without enforcement there is "no teeth" to make them do anything. She stated this Ordinance makes it clear that they have to let the customers know exactly what they need to do to opt-out. She stated she does not want her information sold or insurance companies to know what health information she is looking at. She stated Verizon will not just be giving away this information, they will be selling it and make more money on people's personal browsing history.

Mr. Fritchey stated he is in favor of the opt-out provision that has been proposed; but he needs to give more consideration as to what is proposed with regard in terms of enforcement and reporting requirements and whether this should be the responsibility of the Township Manager, the Board of Supervisors, or decide not to have them.

Mr. Lewis stated before he discussed this with Mr. Truelove, he met with Dan Cohen who is our representative for the Bucks County Cable Consortium; and he is an expert in telecommunications law, and he indicated it was okay in terms of its ability to be legally upstanding. Mr. Lewis stated the enforcement provisions were suggested by Mr. Truelove as a base line. Mr. Lewis stated he is open to discussions around reporting and enforcement, as he feels the main point is giving the customers choice.

Mr. Lewis stated he is a satisfied customer of Verizon Fios, and this has nothing to do with that company. He stated this applies to the other broadband provider as well which he knows has made tremendous strides in their service as well.

Mr. Lewis stated any targeting of children under thirteen is protected by the Children's On-Line Privacy Act, and what he is proposing is not intended to change that. Mr. Lewis stated with regard to anything with respect to law enforcement, there is already a specific carve-out; and it would not limit in any way law enforcement's ability to get data if needed.

Mr. Benedetto asked Mr. Lewis is anything is modeled after the Seattle Ordinance specific to reporting or enforcement. Mr. Lewis stated the Seattle Ordinance is significantly more restrictive as it requires customers to affirmatively opt-in before their information can be shared. He stated he feels there should be a balance between reasonable presumption that customers can opt-out and not suffer ill consequences and for companies to harness that data in pro-consumer ways. Mr. Benedetto asked if there was an enforcement mechanism in the Seattle Ordinance; however, Mr. Lewis stated he does not recall the details of that, and he would have to look into that.

Ms. Tyler stated she would like to know from Mr. Truelove whether they have the authority to make this type of Legislation, the validity and enforceability of the reporting requirements, the enforcement mechanism whether it is the responsibility of the Township or would they have a private right of action if the resident wants to bring an action. Ms. Tyler stated she does agree with Mr. Benedetto that they should strike the "Township Manager" and replace that with "Township." Ms. Tyler asked if it would be appropriate to advertise this tonight or do they need the proper language before it is advertised.

Mr. Truelove stated if there are more changes after it has been advertised and discussed publicly, they could re-advertise it if it is modified in a substitutive way. Mr. Truelove stated in terms of enforcement, he looked at it to make sure it fit within the confines of what is allowed under the Second Class Township Code; and it seems to do that. He stated with regard to the term "Manager, Supervisor, etc." that would be up to the Board of Supervisors. Mr. Truelove stated with regard to private right of action versus Township, in terms of overall validity Seattle's has not been challenged that he is aware of. Mr. Truelove stated as Mr. Lewis noted there is a carve-out under the Federal law to allow for local Governments to enact appropriate Ordinances. He stated they have done some research, and there is not a lot of Case Law on this right now. He stated at this point they would just be voting to advertise and not enacting it tonight so it is still open for discussion.



Mr. Fritchey stated if there is a Federal carve-out that is a clear statement from Congress that the Federal Government is not preempting, and the Appeal could be occupied by State and/or Local Government. He stated he understands that there is no State Law that purports to occupy the field vis-à-vis local action so it would seem that there is no obstacle in their path to going ahead and taking advantage of the Federal non-preemption provision. Mr. Truelove agreed. He stated locally they have the right to regulate telecommunication towers. He stated until the State or Federal legislators enact laws to occupy those areas, they have specifically deferred to the local government. He stated how far and how long, they will have to wait and see.

Mr. Benedetto asked if they vote to advertise it, and the next time it comes before the Board they decide they do not want to include the reporting requirements or enforcement, would they have to re-advertise it. Mr. Truelove stated he feels they would have to re-advertise because those would be substitutive changes. Ms. Tyler asked Mr. Lewis if they should advertise it tonight or further discuss some of the issues; and Mr. Lewis stated he would be in favor of advertising it tonight and receive further comments and suggestions. He stated if the Board wants to make individual amendments, and they feel they need to make further public comment, he has no problem with that. He stated publishing it now gets the issue out and allows people to comment. Mr. Fritchey stated he is in favor of this approach which will contribute to the debate as there may be other perspectives coming in on the issues.

Mr. Harold Kupersmit stated he is in support of the proposed Ordinance.

Ms. Tyler stated this Ordinance would prohibit ISPs (Verizon and Comcast) from selling this information; but even if this were enacted, as soon as you log onto your computer and use Google or any other search engine, your information is available. Mr. Lewis stated you could go through DuckDuckgo which provides privacy protection. He stated you do have choice in how you use Google to make sure that they do not have all your data. Ms. Tyler stated she did not want to give anyone a false sense of security that this is privacy protection; and while it is as far as Verizon is concerned, if you go on the Internet your data can still be used, traded, and sold.

Ms. Vanessa Fiori, 1995 Woodside Road, stated there is the Consumer Protection Bureau that they could protest to. She stated she is concerned that such a move that they are proposing would create a bureaucracy within our own Township with regard to enforcement, and she questions if they really need this. Ms. Tyler stated she agrees and stated the residents do have a private right of action. Ms. Fiori stated she is concerned about the added expense to the Township.

Mr. Mike Brody, 509 Brookbend Court, stated credit card companies sell their data which is used for research; and he described how the data is used. He stated while he feels what is being proposed is a good idea to try to protect privacy, he wants to let the residents know that if they are using any kind of electronic means, especially credit cards, the data is out there and used in many ways.

Ms. Reiss stated if we do not have an opt-out in the Contract, she does not feel Verizon, Comcast, or anyone else would do this. She stated by having it in the Contract, it will allow the customers to opt-out. She stated they need to let people know in plain, simple English that they can opt-out.

Mr. Robert Smith, 1476 Brookfield Road, stated he is Vice President of Community Investment for Comcast. He stated he appreciates Mr. Lewis giving him the opportunity to address this issue with him, and he had met with Mr. Lewis along with Mr. Doug Smith from Verizon last week and discussed these issues. Mr. Smith stated they share the concern about privacy, and they have hundreds of thousands of employees who are also consumers. He stated they are glad, although not surprised, that the proposed Ordinance is not in response to complaints that they have violated anyone's privacy because they have not. He stated they are not aware that their company or the Township has ever received a complaint about Comcast sharing private information since they do not do it.

Mr. Smith stated Seattle is the only Municipality in the Country that has passed an Ordinance; and since adopting it, they have asked interested parties for comment and set out a timeframe by which those comments must be received.

Mr. Smith stated the FCC has classified Internet access as a service subject to Federal Jurisdiction - not State or Municipal jurisdiction. He stated there are some instances where Municipal jurisdiction comes into play such as in managing the rights-of-way where their physical plant traverses the Townships' rights-of-way, and the Township has the opportunity to manage that. Mr. Smith stated as members of the Board and members of the public have indicated, the Ordinance cannot address consumer privacy issues when it does not apply to all the "players" in the Internet system; and this Ordinance just targets two companies – Comcast and Verizon, and does not target any other ISP that residents of the Township have an opportunity to use, and it does not address any of the myriad companies that are interacted with through the Internet service provider such as Facebook, Google, and all the retailers. Mr. Smith stated those entities often collect and use much more information than Comcast does. Mr. Smith stated consumer data is widely available to many players on the Internet; and any privacy regulation in order to be effective needs to include protections that apply to all of those players.



Mr. Smith stated the reason this Ordinance targets Comcast and Verizon is because they are the Franchise Cable operators in the Township. He stated the current Franchise precludes the unilateral amendment of the Franchise, and it requires that any change to the provisions of the Franchise document be mutually agreed upon. Mr. Smith stated the Verizon franchise is up for renewal next year, and Comcast entered a three-year window leading up to their Franchise renewal next year. He stated the Franchise renewal process is really the process where the Township has the opportunity to change the rules that govern this relationship.

Mr. Smith stated there was discussion about Federal law allowing for this type of Ordinance, and they would respectfully disagree. He stated they share the concern about Internet privacy, but Section 621 of the Cable Act restricts local franchising authorities from imposing requirements, restrictions, or prohibitions on the provision of telecom services provided by Cable operators so no Franchise rule is permissible while broadband Internet is classified as telecommunication service. He stated there is also recitation of a provision in the Cable Act that says, "Municipalities may enact consumer protections;" and while that is true, it is consumer protections - not privacy laws. He stated the next provision of the Federal Act addresses privacy, and Comcast's attorney has suggested that if the first provision were to include privacy, the second provision would not be necessary.

Mr. Truelove stated while initially they would disagree with their attorney, if this is authorized to be advertised tonight they would still have a lot to review. Mr. Smith stated they would like to work with the Township to find a way to address their concerns without creating some of the burdens that were described. He stated they feel they have a good relationship with Lower Makefield and all the Municipalities that they serve; but across the Nation, there are tens of thousands of Municipalities who could pass slightly or greatly varying versions of Internet regulation. He stated they would support all of the Internet privacy provisions that people have indicated this evening they are concerned about, and he provided the Board and members of the professional staff with a copy of their Privacy Notice and their pledge not to sell private information as well as documentation from some of the other PACs they have joined in order to allay fears about privacy.

Mr. Benedetto stated he agrees with Mr. Smith and does not feel the Township should be in the business of creating an Ordinance that he feels will be challenged in Court. Mr. Benedetto stated he feels that this is something that should be regulated by the Federal Government and not local Municipalities.

Ms. Reiss asked why they have a problem with this if they are not going to use their personal information. She stated they should provide their customers with the statement every year that they are not going to sell their personal information, and Mr. Smith stated they do. Ms. Reiss stated she can choose what Websites she

goes to. She stated she also recognizes that when she goes on the Internet on her phone outside her home or uses Internet outside of her home, she has no sense of privacy; and it is made very clear that is not a secure network; but in her home, she wants to feel that when she gets on the Internet someone is not monitoring how often she is reading her e-mails or how long she is on the Internet. Mr. Smith stated he agrees but this Ordinance does not provide that protection, and this Ordinance only says that Comcast and Verizon cannot do it.

Mr. Smith provided the Board with copies of Comcast's current privacy notice, and Ms. Tyler asked that he also provide them with their attorney's legal opinion on the jurisdiction; and Mr. Smith stated he will make that available. Ms. Tyler stated she would like that opinion to be shared with Mr. Truelove as well, and she asked Mr. Truelove to provide an opinion on that once he has reviewed it.

Ms. Reiss stated she feels that there must be a lot of money involved or Comcast and Verizon would not have had them attend tonight's meeting. Ms. Reiss noted the length of the Privacy Notice which was provided, and Mr. Smith stated that Notice is required to be that way because of the regulations that require them to notify people about all the items included in the Notice. He stated that is a print out from the Web version. He stated almost all of the information that people obtain from Comcast is obtained on-line where it is much more user friendly when it is on a computer screen.

Mr. Smith stated they do use customer information, and there is aggregated information that does not contain personally-identifiable information; and there is de-identified information that is used to help them manage traffic on their system or help someone who is always using specific Websites to help them get quicker access to those sites or to get advertising related to their hobbies. He stated there is also personally-identifiable information that allows them to send a bill for the right services to the right home, etc. He stated there are portions of what they do where there is an opt-out opportunity, and those are listed in the Notice he provided.

Mr. Smith stated the reason they are interested in this issue is because this is a Federal issue being discussed at the Municipal level. He stated they believe the Board is sincere in their desire to protect customer privacy, and they would be happy to continue discussing this issue to find a way to meet those needs in a way that does not cause their corporate attorneys more concern than it already does.

Mr. Doug Smith, Vice President of Government Affairs for Verizon, thanked the Board for the opportunity to speak to them this evening. Mr. Smith stated everything Mr. Bob Smith just said, Verizon shares in a public policy forum on this topic. He stated Verizon does not sell, license, or share information with others that individually identifies their customers, people using their networks, or Website



visitors. He stated as just discussed, this Ordinance that impacts just two carriers does not control or have access to information contained in the cookies that go on your computers whenever you visit ad servers, ad networks, ISPs, Google, Facebook, Bing, and third party advertisers; and this Ordinance cannot touch them.

Mr. Smith stated there was a recent affirmation by the FCC of Federal oversight on privacy which is a good reminder that having multiple sets of privacy requirements one at the Federal level and another at the Municipal level does not work. He stated their networks are not defined by Municipal boundaries and oversight should not be by Municipal boundaries as they have a National infrastructure. He stated there are 2,500 Municipalities in the State of Pennsylvania; and if each one of those Municipalities passed Mr. Lewis' proposed Ordinance with one slight change multiplied by all the States in the Union it would not be feasible for them to manage that process. He stated this is why this is properly a Federal issue.

Mr. Smith stated there are two significant threshold issues involved that go to the topic of legal authority, and he will provide the Township the legal opinion they have asked for. He stated the first one is that, as drafted, this Ordinance conflicts with the Cable Act; and this is Verizon and Comcast's opinion. He stated it goes to the 631 versus 632 Sections. Mr. Smith stated they also feel that this Ordinance conflicts with the Verizon Franchise Agreement. He stated Section 10 of the Customer Service Standards, Article 7 of the Franchise Agreement with Lower Makefield specifically requires Verizon to comply with the Cable Act – Section 631 – which is the privacy portion and all applicable Federal and State Privacy Laws and Regulations. He stated the Agreement does not require Verizon to comply with local regulations with respect to privacy. He stated any imposition of requirements beyond the Federal and State Law would exceed Verizon's contractual obligations, and any attempt by the Township to impose different requirements on Verizon than what is in Section 631 of the Cable Act would be a Breach of Contract for the Cable Agreement. He stated the Cable Agreement, Section 2.7.1 states, "The Franchise Agreement contains all terms and conditions; and that if there is any conflict between the local Ordinance and the Franchise Agreement, the Agreement shall prevail." Mr. Smith stated they feel their Franchise Agreement will be violated by this Ordinance.

Mr. Smith stated they do not even do what this Ordinance suggests they are doing, and they do not sell their customer's information. He stated they have a Privacy Policy, and he will provide it to the Township through e-mail. He stated any additional requirements imposed by the Township would be a problem from a legal perspective. He stated Verizon takes privacy very seriously, and they vigorously protect their constituent's data.

Mr. Fritchey stated he understands that Mr. Smith is stating that an opt-out provision is unacceptable. Mr. Smith stated he is not stating that an opt-in or opt-out is the wrong way to go, rather he is talking about the proper jurisdictional oversight. Mr. Fritchey stated Mr. Smith is discussing the Franchise Agreement, and he is hearing that if they were going to negotiate a Franchise Agreement tonight, a Lower Makefield Township request to have the opt-out provision that Mr. Lewis has suggested would be unacceptable to Verizon. Mr. Smith stated he is not saying that. Mr. Fritchey asked if they would be open to it. Mr. Smith stated in those negotiations, they would discuss what provisions they want on privacy, and they would have to reflect the Federal guidelines. Mr. Smith stated they are looking for consistency because they cannot apply thousands of differing rules, and they are looking for one voice which has been and should be the Federal Government. Mr. Fritchey stated Mr. Smith is stating if they were re-negotiating the Contract tonight, they would not accept an opt-out provision because it would be inconsistent with the National policy. Mr. Smith stated while he is not a negotiator, his negotiator would want to mirror what the existing privacy standards are.

Ms. Reiss stated there are none; however, Mr. Smith disagreed, and he stated there are extensive privacy guidelines.

Mr. Smith stated Verizon is still one year away from negotiations. Mr. Fritchey stated they could re-negotiate a Contract at any time if they were willing to although he recognizes that they do not have to. Mr. Smith stated they will negotiate in a year, and the National landscape on privacy may change; and to that extent, Verizon would encourage in those negotiations to reflect the Federal standard as they have today in the Agreement.

Ms. Tyler asked Mr. Bob Smith and Mr. Doug Smith to make a statement to the Township through their Counsel as to whether individual private information is utilized by Comcast and Verizon. She stated she would like to know if they are addressing an issue that does not exist. Ms. Tyler stated the jurisdictional opinion on the existing privacy policy would be very helpful to the Township as they move forward.

Mr. Ed Gavin, Sensor Road, stated he is generally for anything that increases his privacy on the Internet; and he feels they need to start someplace. He stated these two people have come from the two largest ISPs, and they are saying that they do not sell private information yet Congress passed a Law which was signed by the President to allow them to sell private information. He stated he believes that you can change a privacy policy at any time. He stated he applauds the Board for trying to protect their privacy.



Mr. Zachary Rubin, 1661 Covington Road, stated he is the Chair of the Electronic Media Advisory Council; and it is part of their purview to look over the Franchise Agreement. He stated the Verizon Franchise Agreement which was for twelve years expires next year, and the Township has engaged a law firm to start the negotiations now. He stated the Comcast Agreement was for fifteen years, and has another three years to go.

Motion carried with Mr. Benedetto opposed.

#### MEMORIAL PARK EAST EXPANSION PROJECT UPDATE

Mr. Eisold stated the project is essentially complete. Final grading and seeding was completed in August with some minor work that needs to be completed within the rain gardens when conditions allow. Ms. Tyler asked if it is ready for parking, and Mr. Eisold stated it is ready for parking on the pavement; and he did discuss earlier with Chief Coluzzi their recommendations for parking on the adjacent fields for this weekend's activities. Ms. Tyler advised residents that if they plan on attending any of the Garden of Reflection activities this weekend the parking will be a little different than in the past, and they should follow the directions of the Police Officers when they arrive.

Ms. Tyler asked for more details about the rain gardens, and Mr. Eisold stated the one rain garden internal to the parking area and the entrance into the Park needs some fencing around it. He stated this was not part of the original Contract; and they feel they can work with the fence company to have this done fairly quickly although probably not by this weekend. Mr. Fritchey stated his concern was with the upcoming 9/11 weekend and new traffic patterns that people are not aware of and the fact that two of the three events will occur from twilight into the evening, and someone could drive their car into a rain garden. Chief Coluzzi stated they will have people positioned there either from the Road Department, Police Department, or Park & Rec. Ms. Reiss asked about the use of reflective paint, and Chief Coluzzi agreed to look into this.

#### DOG PARK UPDATE

Mr. Eisold stated they had a pre-construction meeting with the contractor a few weeks ago, and he indicated at that point he was scheduled to begin work on September 12; however, he was somewhat late with some of the paperwork that has to be submitted, and they are pushing the contractor to complete this. Mr. Eisold stated he understands from Mr. Fedorchak that he has been out of town for the last

week to ten days. Mr. Eisold stated they are going to have one more discussion with that contractor to make sure he is 100% on board with his documentation. Mr. Eisold stated they have spoken to the second bidder, and he will consult with Mr. Truelove to determine what needs to be done to make a switch if they need to do so. He stated the second low bidder was the same contractor who did the Memorial Park work, and he has indicated that he would be willing to step in quickly. Mr. Eisold stated they have a meeting scheduled Friday with the initial contractor to make sure things will get done in accordance with the timeframe projected. Mr. Eisold stated it is a local firm in the area, and they have done good work; but they need make sure he has not taken on too much.

Mr. Benedetto asked when the opening would be if the work does start on September 12, and Mr. Eisold stated it was anticipated the project would be complete by early November.

#### 2017 ROAD RESURFACE PROGRAM UPDATE

Mr. Eisold stated at this point the work is approximately 60% complete. He stated the areas in Memorial Park are complete. He stated there is a schedule on the Website that is updated every Friday that shows what is projected two weeks out. He stated because of the rain and holiday, there may be some delay. He stated they anticipate the project to be completed in three weeks.

#### RAILROAD CROSSING GATE MALFUNCTIONS DISCUSSION

Mr. Benedetto asked if there is a process in place if there is a railroad crossing gate malfunction. He stated he feels this is happening more frequently, and Chief Coluzzi stated he agrees it is happening more frequently. He stated the Police Department keeps a spreadsheet on all the incident reports that the Police Officers respond to, and they chart each crossing and what the malfunction is; and they report that directly to CSX and SEPTA, and usually they come out and correct the problem. He stated a few days later they again have a gate down, although fortunately they never had a gate up.

Ms. Tyler asked what is the cause and how can they correct it. Chief Coluzzi stated there are a number of different causes most of them triggered by a malfunction on the track or anticipating a train coming; and once the train passes, the gate does not go back up. Mr. Benedetto asked if there have been reports of gates up and a train coming, and Chief Coluzzi stated he has not had any reports of gates up.



#### MEMORIAL PARK DISCUSSION

Mr. Alan Dresser, 105 E. Ferry Road, stated at Memorial Park there is a new detention basin on the west side along Woodside Road; and he asked what landscaping is planned there since it is highly visible from the road, and they might want to spend additional money to make it look nice. Mr. Eisold stated part of the completion of the rain gardens is some ground cover in the bottom of that basin although not on the berm or the edge. He stated he is not sure what specific material it is, but it is some kind of a “plug” grass type material. Mr. Dresser asked if they could put in a wildflower mix, and Mr. Eisold stated he can discuss this with the arborist from his office who did the design. Ms. Tyler asked that Mr. Eisold provide the specifics to Mr. Dresser and the EAC who can comment on it.

Mr. Truelove stated the Board met in Executive Session beginning at 7:00 p.m. and items of litigation, informational items, Zoning Hearing Board matters, Real Estate, and personnel were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the Mike and Jackie Demaio Variance request for the property located at 1067 South Kimbles Road in order to permit construction of an in-ground pool and cabana resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### APPROVAL OF ORDINANCE #405 – LEEDS ORDINANCE AMENDMENT

Mr. Truelove stated at the last Board meeting there was a lengthy discussion about provisions of the existing LEEDS Ordinance, Chapter 88; and the main provisions are to change to designation from LEED Silver to LEED Certified. He stated it was accepted as an Amendment to update the standard to a LEED V4 for buildings designed and constructed from the former standard which was existing at the time the Ordinance was initially passed. Mr. Truelove stated the Ordinance has been properly advertised in a paper of general circulation consistent with the Second Class Township Code and is before the Board for consideration tonight.

Mr. Fritchey moved to approve Ordinance #405, and Ms. Tyler seconded.

Ms. Reiss stated Pennwood is Gold Certified and she asked the School Board why they went with Certified as opposed to Equivalent, and they indicated that the few additional dollars they spent had nothing to do with showers; rather it had to do

paint bought locally and it saves a considerable amount of money on maintenance for the life of the building. She stated she does not feel the Township needs the Certification which is not necessary, but she feels they should keep the Silver equivalency. She stated if they did not come up to par, they should not just say they are going to lower the bar; and they should do their best to try harder as it is their job to do the best they can, not the least they have to.

Mr. Lewis stated at the last meeting he outlined his strenuous opposition.

Mr. Zachary Rubin stated he is in opposition to the Ordinance, and he feels this Ordinance is a reaction to this Board and the previous Board's failure to uphold our Ordinances. He stated they have a Green Ordinance that says all Township built buildings must conform to a LEED Silver Certification or its Equivalence. He stated he has maintained in previous statements that this Board and previous Boards have been misled by certain "actors" involved in the construction of the buildings, especially the Community Center/Senior Center. He stated he looked at the video from the meeting held on March 5, 2014 where the representative from the architect firm that was submitting proposals for the Community/Senior Center was asked by Mr. Stainthorpe and again by Mr. McLaughlin, "Do these Plans conform with our Green Ordinance," and the architect responded, "Yes." Mr. Rubin stated on August 17, 2016 Mr. Dresser asked again the same architect, "Is this building going to be LEED Certified Silver as required by our Green Building Ordinance?" and again, the architect replied, "The building will have the equivalency of the Ordinance – that is the building will not be certified, but will have the equivalence."

Mr. Rubin stated this evening: "The equivalence of what? – our Green Ordinance which is Silver Certified or its equivalence." Mr. Rubin stated he maintains that the building was not in Code, and it was a violation of our Ordinance; and therefore, he feels what the current Board is trying to do tonight is not conform to the Ordinances but basically change the Ordinance so it can conform to their past actions. He stated he strenuously opposes this Ordinance.

Mr. Alan Dresser stated he also opposes this "weakening" of the Green Building Ordinance. He stated Green Building creates a healthier indoor environment for the occupants through better indoor air quality, use of less harmful products, and more natural daylight. He stated it also reduces waste, conserves energy, and decreases water consumption; and therefore a strong building Ordinance is good for the environment. He reviewed the four levels of LEED. He stated the Community Center would be better and save more money if they use a higher level of LEED.

Mr. Dresser stated in the past LMT has been known as an environmentally-conscious community, and in 2010 they received the Governor's Award for Environmental Excellence – the only Municipality in Pennsylvania so honored.



Mr. Dresser stated they also received an Achievement Award from USEPA during the same time period for our environmental initiatives; and now the Township seems to be backsliding.

Mr. Dresser stated the principal reason given for weakening the Ordinance is that based on our experience with the Community Center Silver LEED building costs too much. Mr. Dresser stated several years ago there was a renovation to the Makefield Elementary School which was LEED Gold level. He stated on the Website for the architecture firm that designed that project it states, "The Makefield School project's success proved that sustainable and energy-efficient design does not need to cost more than traditional design." Mr. Dresser stated the renovation of the Pennwood Middle School is going to be Gold Level Certified. Mr. Dresser stated if Pennsbury School District can construct at a LEED Gold level in a cost-efficient way, he feels Lower Makefield should be able to construct at the lower Silver level.

Mr. Dresser stated one of the responsibilities of the EAC is to insure that projects in the Township comply with environmental Ordinances, and this would obviously include the Green Building Ordinance and having the Community Center meet the Silver LEED. He stated unfortunately the Environmental Advisory Council failed in their attempt, and he does not feel the Township ever gave LEED Silver for the Community Center a fair chance. He stated he wants the Township residents to know that the EAC did try to get the Silver LEED. He stated the EAC attempted to get involved early in the design process since the earlier you get in the process to design for LEED, the easier and cheaper it will be. He stated you have to get the LEED concept in the beginning as you are designing it and not wait until the end. Mr. Dresser stated you especially do not want to wait until after it is under construction because that involves Change Orders which cost a lot of money. Mr. Dresser stated at the May 17<sup>th</sup> meeting of this year, the architect said that to meet Silver LEED they would have to spend \$100,000; and Mr. Peter Solar, who is an EAC member and a LEED-accredited professional, stated that if they would have done these changes in September before construction started, they could have done it for nothing.

Mr. Dresser stated the EAC was first involved early in 2015; and he and a former EAC member and LEED-accredited professional, Lisa Grayson-Zygmunt, met with the architects. He stated the architects presented the LEED points they already had in the design, and they discussed areas where additional points were possible so that Silver LEED could be achieved. He stated at the March 4, 2015 Board meeting a vote was taken to go out for Bids for the first version of the Community Center; and at that meeting, Ms. Zygmunt raised the issue of Silver LEED. Mr. Dresser read from those meeting Minutes as follows, "Ms. Tyler advised Ms. Zygmunt that if they could get up to Silver level without any additional money, they would be in favor of this." Mr. Dresser stated Ms. Zygmunt then went on to state that they could greatly

increase the energy efficiency at the property. Mr. Dresser stated at the end of the discussion there was no more Supervisor discussion, and it went to a vote; and he felt that they still “had a chance.”

Ms. Tyler asked that Mr. Dresser address the changes that they are considering making tonight rather than reviewing past history. Mr. Dresser stated he wants to let people know that they tried, and Ms. Tyler stated that is not in question.

Mr. Dresser stated they tried to have a meeting, and an e-mail was sent to Ms. Zygmunt and himself that there would be no more meetings with the EAC and the architects. He stated the EAC therefore dropped out of the process in 2015. Mr. Dresser stated the Bids that year were rejected, and the Township got new Bids; and at the August 16, 2016 meeting, he was told it was going to be Silver LEED. Mr. Dresser stated he sent an e-mail out asking for the details as to how they were going to meet the Silver LEED so they could go through it. Mr. Dresser stated they had Mr. Solar on the EAC then, and he knows LEED very well. Mr. Dresser stated he sent out the e-mail on August 22 but received no response; and he sent it out again on October 13, but received no response. Mr. Dresser stated on November 14 he did a Right-To-Know request on behalf of the EAC requesting the information documenting how Silver LEED could be met. He stated December 28 was the legal deadline for responding to that request, and they got nothing. He stated on January 30 the Township made available some construction drawings that involved the building that is being built now, but nothing specific to LEED. Mr. Solar got more involved and by April he was in discussion with the architect; however, by then they were so far along in the project, it was going to cost a lot of money. Mr. Dresser stated they could have done this all early, and it would have been fine in his opinion.

Mr. Dresser stated he wants people to know that the EAC tried to get the LEED Silver Equivalent for the Community Center, but he does not feel it was given a fair chance. He stated the justification for changing the Ordinance is “not there and it was more a matter of bad planning than a bad Ordinance.”

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

#### SUPERVISORS REPORTS

Ms. Tyler stated that there will be a Roll and Stroll at Memorial Park, and information on this can be found on the Township Website. She stated this is being hosted by the Disabled Persons Advisory Board.



Mr. Fritchey stated there are 9-11 Ceremonies on both the 10<sup>th</sup> and 11<sup>th</sup> at Memorial Park. The Pool Season is over, and they had another successful year at the Pool. Mr. Fritchey particularly thanked McCaffrey's who stepped up and took over the Snack Bar and did a wonderful job of operating it this summer; and the Pool Membership response of the job they did was excellent.

Mr. Benedetto stated he agrees that McCaffrey's did a wonderful job, and he asked if that was a one-year Agreement; and Mr. Fedorchak stated he had a conversation with Mr. McCaffrey who advised a few weeks ago that they will not be returning. He stated he had thanked him very much for stepping in and helping the Township. Mr. Fedorchak stated Mr. McCaffrey did make some suggestions as to who he felt might be interested, and Mr. Fedorchak stated he will be putting together a Request for Proposals very shortly, if this is acceptable to the Board. He stated he will reach out to a number of local vendors who are qualified and may be interested. He stated by the end of this year he plans on presenting a short list to the Board for the upcoming year. Mr. Benedetto suggested that this be a multi-year Agreement because he would not want them to be in this situation again. Mr. Fedorchak stated he would suggest that it be a three-year Agreement. Ms. Tyler stated if the vendor is not making a profit or the vendor is unsatisfactory, they may not want to be locked in.

Ms. Reiss stated she feels everyone was pleased with Community Pride Day, and she thanked Ms. Tierney and Ms. Liney for their work on this event. She stated she believes that there were 2,000 to 3,000 people present. She stated they had wonderful vendors, the rides were wonderful, they had forty-two teams participating in the basketball tournament, and they spectacular fireworks in the evening. Ms. Reiss stated she would like to make sure this continues every year. She stated there was **discussion** about changing the time of year, but it would have to be Memorial Day or Labor Day; and the general consensus was they would like to keep it at Labor Day. Ms. Tyler stated there was a very large presence of Lower Makefield Township employees including the Park and Recreation crew, Public Works, the Administrative staff, and the Police Department. She thanked all those who helped. Mr. Fritchey stated Ms. Liney and Ms. Tierney did a great job collaborating, and the entire Township staff was very helpful.

Ms. Reiss stated on October 14<sup>th</sup> and 15<sup>th</sup> the Newtown Quilters Guild will have their bi-annual quilt show at the Lower Bucks Masonic Hall on Edgewood Road. She stated they are a service organization and provide homemade quilts for bereaved children, support Quilts for Kids, they do philanthropy for Quilts of Valor and do quilts for mothers-to-be whose spouses are being deployed overseas. She stated they also teach workshops and would like to do work in Lower Makefield with learn to sew and learn to quilt. Ms. Tyler asked that this information be put on the Township Cable Channel and Website.

Mr. Lewis stated the Economic Development Commission is working on its annual survey. He stated the Zoning Hearing Board met last night to hear two cases, and both Applicants were given relief.

Mr. Fedorchak stated this Saturday between the hours of 4 p.m. and 8 p.m. there will be a fundraiser for the purpose of maintenance of the Garden of Reflection. He stated the fundraiser is being sponsored in part by the Bucks County Business Organization. He stated it will be held at the Legion Post in Yardley, and tickets are available at the Township Building - \$20 for adults, \$10 for children over 10, and under 10 children are free.

Mr. Benedetto stated the LMT Airport Task Force met on August 24 with approximately twelve individuals present, half of whom were New Jersey residents who are very concerned about the Airport expansion. He stated the Task Force was at Community Pride Day, and they will be at the Yardley Harvest Day and the Ewing Township Community Day. He stated the Task Force meets on a regular basis, and they are doing a two-pronged focus on the legal front and the political front. Mr. Benedetto stated the Planning Commission met and reviewed some of the Ordinances and discussed some changes with Mr. Majewski, and they will discuss them again at their next meeting. He stated he hopes that the Planning Commission will also review the Comprehensive Master Plan update at one of their meetings in September so that it can be passed on to the Board of Supervisors.

#### APPROVE LEASE AGREEMENT WITH AMERIPRISE

Mr. Truelove stated Ameriprise has been a very good tenant at the building owned by the Township in the Giant parking lot on Stony Hill Road. He stated they have been there since 2008. He stated the first Lease expired in 2011, and there was an Addendum for another three years to 2014, and another one to October 31 of this year. He stated they approached the Township wishing to renew, and a Lease Addendum has been prepared which incorporates all the prior Lease terms and a 3% annual rent increase per the recommendation of Mr. Fedorchak.

Mr. Lewis moved, Mr. Fritchey seconded and it was unanimously carried to approve the Lease with Ameriprise.



APPROVE HIRING POLICE OFFICERS

Chief Coluzzi asked that the Board approve the hiring of Mr. Jake Burgess and Mr. Doug Stout as Police Officers contingent upon their successful completion of medical, drug screening, and psychological examination. He reviewed their education and experience. Chief Coluzzi stated they do not have an exact hiring date, but he expects that they will complete the exams within the next two weeks.

Mr. Fritchey moved and Ms. Reiss seconded to approve the hiring of Jake Burgess Doug Scout subject to the Conditions set forth by Chief Coluzzi.

Chief Coluzzi stated these two individuals were previously approved by the Board earlier in the year, and they have one more individual who is undergoing a background check now who will be replacing an Officer who left the Department.

Motion carried unanimously.

There being no further business, Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,



John B. Lewis, Secretary

