

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 5, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 5, 2020. Dr. Weiss called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

Board of Supervisors: Frederic K. Weiss, Chair
 Daniel Grenier, Vice Chair
 James McCartney, Secretary
 Suzanne Blundi, Treasurer
 John B. Lewis, Supervisor

Others: Kurt Ferguson, Township Manager
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer
 Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated the 2020 Pool Registration is open. He stated the discount period ends Friday, March 6 at 4:00 p.m. He stated more information can be found on the Township Website and registration information can be found at communitypass.net/Lower Makefield.

Dr. Weiss stated the LMT Park & Recreation and The Pool Camp Registration is open. He stated more information can be found on the Website.

Dr. Weiss stated LMT Park & Recreation and The Pool are hiring for summer positions. He stated you can go to the Township Website to apply.

Presentation Regarding Honoring Congressman Mike Fitzpatrick

Ms. Ellen Saracini, 1460 Heather Circle, asked the Board if they would join her in honoring Congressman Mike Fitzpatrick with a designated sign near the Garden of Reflection. She stated Congressman Fitzpatrick was a model public servant serving in Washington D.C. and Doylestown working on behalf of the Bucks County residents. She stated as a County Commissioner he dedicated

himself to modernizing County Government and preserving open space. She stated as a member of Congress, he championed local causes on a National level. Ms. Saracini stated Congressman Fitzpatrick was an early and ardent supporter of the 9-11 Memorial/Garden of Reflection. She stated as a Bucks County Commissioner he procured the designation of the Garden of Reflection being the official Bucks County Memorial. Ms. Saracini stated with Congressman Fitzpatrick's help, on June 15, 2005, the Garden achieved the designation as the official Pennsylvania Memorial. Ms. Saracini stated despite exhausting fundraising efforts for nearly five years, they were only halfway to their goal; and they were concerned that they were not going to be able to dedicate the Memorial on the fifth anniversary of the attacks. Ms. Saracini stated during his first term in Congress, Congressman Fitzpatrick secured a \$750,000 Grant which allowed them to complete the Garden and dedicate the Memorial on the fifth-year anniversary in 2006.

Ms. Saracini stated she feels it is fitting that Lower Makefield honor former Congressman Fitzpatrick's work in Lower Makefield and the Garden of Reflection; and she is requesting that the Board approve tonight, at no cost to the Township, a simple street sign in honor of Congressman Fitzpatrick at Memorial Park to be located at the corner where the stop sign is located.

Mr. Lewis stated he had the opportunity to work with Congressman Fitzpatrick on occasion, and he was deeply saddened by his passing. He stated he does not have an issue with finding a way to honor him, and feels it would be best to have the Park & Recreation Board review potential ways that would be appropriate to honor him for his many years of service. Ms. Saracini stated she would be willing to work with Park & Recreation.

Mr. Truelove asked the dimensions of the sign, and Ms. Saracini stated it would be the size of a typical street sign.

Mr. Grenier stated over the years the Park & Recreation Board has a process for any Park & Recreation-related signs, and they may have some other ideas that Ms. Saracini would prefer; and he recommended that Ms. Saracini work with them and Ms. Tierney.

Ms. Blundi stated she is fully in support of whatever efforts it takes to get something done.

Dr. Weiss stated Ms. Saracini should work with the Park & Recreation Board, and he feels the Board of Supervisors will be in favor of whatever comes from that discussion. Ms. Saracini stated she knows the Fitzpatrick family will appreciate the fact that the Garden and Lower Makefield Township is honoring his memory.

APPROVAL OF MINUTES OF JANUARY 15, 2020

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of January 15, 2020 as written.

APPROVAL OF WARRANT LISTS FROM JANUARY 6, 2020 AND JANUARY 21, 2020

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the Warrant Lists from January 6, 2020 and January 21, 2020 in the amount of \$1,720,137.51 as attached to the Minutes.

APPROVAL OF DECEMBER INTERFUND TRANSFERS

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the December Interfund Transfers in the amount of \$1,075,702.03 as attached to the Minutes.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his report in their packet. He stated with regard to the 2020 Township Road Program, they had the pre-Bid meeting last Thursday, and two contractors were in attendance, and both seemed interested in bidding. He stated there were also approximately ten contractors that picked up the packet on PennBid so it seems that there are favorable conditions for the Bid. He stated the Bid opening will be next Thursday. Mr. Lewis asked about the asphalt prices at this time. Mr. Pockl stated it is favorable compared to when the Bid was completed last year for the 2019 Road Program. Mr. Lewis stated the hope would be that they would be able to do some of the Bid Alternates, and Mr. Pockl stated that would depend on how the Bids come in.

Mr. Pockl noted the Township's annual MS4 Report, and he stated he also provided a cost estimate to the Township to complete the Pollution Reduction Plan. He stated while theoretically that was due in 2017, when DEP reviewed it, they were not satisfied with the condition of the Report and advised the Township to create a new one based on some of the Township mapping of the storm sewer system. He stated they are working on that first as per DEP's directive. He stated they will get the storm sewer system mapped, and then they can move onto the Pollution Reduction Plan.

Mr. Grenier asked what needs to be done. Mr. Pockl stated he has a lot of information within the Township, the County GIS, and through various Record Plans for developments; and they are getting everything combined into a GIS program and then creating a map based on that. Mr. Pockl stated what DEP is ultimately looking for is a map of the entire storm sewer system throughout the Township. He stated DEP told the Township that because there are only certain streams that are considered impaired within the Township limits, they want the Township to focus on the sewer sheds in those impaired areas. He stated they can then get the Pollution Reduction Plan completed, and the next priority would be mapping the remainder of the sewer sheds throughout the Township.

Mr. Grenier asked if they need some field help, and asked if the EAC and others could volunteer to help with that. Mr. Pockl stated he feels some field review will be required, and they would be willing to reach out to the EAC to have them assist with the field work. He stated this would involve looking at inlets and determining the direction of pipes so that they have field verification of the information that they have. Mr. Grenier stated a number of those on the EAC have the background and interest in the stormwater system. Mr. Pockl noted that a lot of the stormwater system is in the road, so they have to be careful that no one is put in harm's way.

Mr. Pockl stated they recently met with both the HOA and the developer of the Regency Development regarding punch list items that the developer has yet to complete. He stated the developer's intention is to move toward completing those punch list items throughout the spring with a plan of paving the north side of the development sometime in June. Mr. Pockl stated he will not be able to sign off on any landscaping punch list items until the spring. He stated on the south side, the developer is working toward completing Phases 4 and 5.

Mr. Pockl stated with regard to the Estates at Sandy Run Road, the only punch list items left were a street light and some street signs along the cul-de-sac. He stated the developer has reached out to his office and requested an inspection next Monday so he anticipates that work being completed this week. He stated it is possible that they will be able to move toward Dedication within the next two months.

Mr. Pockl stated with regard to Scammell's Corner, they had requested Dedication which had been rejected based on the fact that the Conservation District had not issued the Notice of Termination or Approval of their stormwater management system. He stated he has talked to the Conservation District, and they are going to go out and do the inspection; however, they do not believe that they will be able to see anything until the spring so it is possible that they will not sign off on the Notice of Termination or the Approval of the stormwater management system and rain gardens until the spring.

Mr. Lewis asked with regard to that development, have they been able to allay the residents' concerns since he knows that Mr. Pockl has spent a lot of time with residents in that neighborhood. Mr. Pockl stated he has asked the residents to put all of their concerns on one list, and he will then decide if they should bring them in so that he and Mr. Majewski can meet with them. He stated at this point the Township has not received a master list of their concerns.

Mr. Pockl stated the construction work at the Artis Senior Living Center is complete, and they signed off on the Certificate of Occupancy. Mr. Pockl stated the work looks great. He stated a lot of the landscaping was completed in the fall and winter so they are not going to have a final sign-off on all of the trees, but he added that the count was correct.

CTC SANDY RUN RECOMMENDATION

Ms. Blundi stated the Citizens Traffic Commission had an opportunity to have an in-depth discussion of the proposal to re-open Sandy Run Road which would be to install temporary roundabouts at Schuyler and Mill Roads so that there would be right-in/right-out options and get Sandy Run re-opened. Ms. Blundi stated as a result of the discussion, the Citizens Traffic Commission made a unanimous recommendation, with one member not present, to endorse the project and move forward. Ms. Blundi thanked Mr. Fiocco for attending that meeting and thanked the members of the Citizens Traffic Commission for helping the Board with this decision.

Dr. Weiss asked for a Motion to proceed with preliminary design standards and conceivable options to be phased in if further traffic calming is needed.

Mr. Grenier stated he has not seen anything related to potential phasing of the project and associated costs with phasing, and he would prefer to have a Motion that would ultimately present how they would phase it and a rough estimate of the costs and consider that prior to the first phase of construction. He stated he would like to understand the costs before moving ahead.

Mr. Ferguson stated he provided this evening a document provided by Mr. Fiocco just recently. He stated this is a “tool box” of options. He stated what the staff and traffic engineer discussed was Phase 1. He stated the difficulty in giving other Phases is that a lot of that will depend on how effective Phase 1 is. He stated if Phase 1 were to make a dramatic improvement, Mr. Fiocco may make a recommendation for more marginal improvements; however, if the improvement is not as much as they hoped, the recommendation may be for something more substantial. Mr. Ferguson stated this document provided by Mr. Fiocco includes various options along with illustrations on the second page of what some of those would look like. Mr. Ferguson stated providing specifics on a Phase 2 would be arbitrary as that could vary depending on the outcome of Phase 1.

Mr. Grenier stated he is just looking for a cost estimate since this is a large Capital expenditure. He stated he feels they should know if Phase 1 works, what might the cost be to move forward. He stated what has been provided is a “laundry list of individual measures,” but it does not provide what they would be doing in Phase 1 and what it would look like. He stated he would like to see the details of Phase 1 in a report, and they could discuss that at the next Board meeting and vote at that meeting.

Mr. Ferguson stated there is no guarantee that this would be a permanent solution, and this is an interim measure.

Ms. Blundi stated she felt when the Board discussed this previously, they did have an idea of what the estimated cost would be. She asked if as part of the Motion to do the preliminary design standards could they have the design standards broken out into phases; and she asked Mr. Grenier if that would satisfy what he is requesting.

Mr. Fiocco stated Phase 1 is the concept that was put forward, and that is the interim solution to provide some access to Sandy Run Road. He stated they hope that the mini roundabouts once implemented will actually bring down the speeds significantly; however, if they do not, what they at least have is a right-in/right-out access for Sandy

Run Road traffic. He stated the worst-case scenario is that if someone is traveling over the speed limit they will have a rear-end type crash. He stated what they are doing is providing reasonable access for people on Sandy Run with the hope that the speed will be brought down significantly. He stated if they get it close to 25, they might consider this a permanent solution.

Mr. Fiocco stated that Mr. Ferguson had asked him what would be a follow-up, and that is what he has provided in the hand-out this evening; however, he stated he hopes that the speeds get down to 25 so that there is no need for follow-up. He stated they could move forward trying to provide full-turn movements if they choose to or if they want to further reduce speeds, that is what the hand-out items have been provided for. He stated he feels that even if they do not get a significant speed reduction, in the meantime, they have provided some access for Sandy Run Road. He stated they may not need to have other phases; however, they could entertain that depending on the results from the mini roundabouts.

Mr. Grenier stated he sees that Phase 1 is a temporary solution using a less-aesthetically pleasing solution. Mr. Fiocco stated they could improve the look if they were satisfied with the mini roundabouts and people were happy with them, and they could then proceed to make it look more permanent. Mr. Grenier stated he would like to see some level of that estimate before they proceed. Mr. Grenier stated he understands that they would go with Phase 1 to see if they are satisfied with that, and then there would be another cost on top of that to make some minor improvements if necessary and to make it a more-attractive permanent median. He stated they could then see what the next level of cost would be since he feels that they will hear from the residents that they are not satisfied with the look of the temporary work done in Phase 1.

Dr. Weiss stated while he understands Mr. Grenier's comments, at this point he feels they should not concentrate on the pictures being shown; and if they are going to do this, they should start with the roundabouts, and if it works they could get a cost for beautification if that will be the permanent solution depending on how much traffic-calming they get. He stated if they have to do more traffic-calming, they need to know what options are available and then they will find out the costs.

Mr. Grenier stated there is a ceiling as to how much they can spend. Dr. Weiss stated if the Board agrees to go forward, that would be the next step. Mr. Ferguson stated he feels it would be empowering the staff and traffic engineer to seek concept designs from engineering firms to come back and provide what their costs would be to put those concept designs together.

He stated it would not be bidding it, rather it would be to get proposals for what their concept design would be. Mr. Ferguson stated while they are getting those, they would work to bring back more specifically what they want to look for to get to the next level. He stated if they understand that there is \$750,000 and the initial construction is \$515,000, the Board would want to know how the remainder would be spent if there is more work to do, and how they would prioritize those dollars.

Mr. Grenier stated he wants to do things right the first time, and he would like to know the costs before they go out and prepare Bid documents.

Mr. Ferguson asked if the Board would be comfortable working to get concept designs from firms and at the same time work to give the Board a comfort level before anything is put out to Bid. Mr. Ferguson stated the concept design will have a cost as well so they need to factor that in. Mr. Fiocco stated they have the concept now, and they are going to advertise for someone to design the interim solution; and they could ask the same firms which are going to design it what it would cost to take it to the next step.

Mr. Grenier asked Mr. Fiocco if there is an engineer's estimate for his concept design, and Mr. Fiocco stated he believes it was between \$400,000 and \$500,000. Mr. Ferguson stated he believes the number was \$470,000. Mr. Grenier asked "where that stops," and Mr. Fiocco stated that was the construction estimate. Mr. Ferguson stated it would be for two roundabouts and right-in/right-out only. Mr. Fiocco stated depending on what is the post-construction analysis of the speeds, they may find that they do not need to do anything else to get the speeds down.

Mr. Grenier asked Mr. Fiocco if he has come up with an engineer's estimate range for the "final situation" at that location. Mr. Fiocco stated they that not looked at that because they do not know if the Board wants to try to get full access at Sandy Run Road or if they are satisfied with the right-in/right-out with the mini roundabouts. He stated if the speeds stay the way they are, and they want to re-design the intersection to allow for left turns, he believes that estimate was \$4 million. He stated if they can get the speeds down to 25, that option would not be \$4 million since they would not have to get as much sight distance at the intersection.

Mr. Ferguson asked if the cost of the construction of the roundabouts comes in close to what Mr. Fiocco has estimated even assuming engineering costs, if they take the list of options that he has provided this evening and take out the one that is \$300,000, they could afford within the Budget to do everything else on the list although he is not saying that they would. He stated the question is does

that mean that the traffic will be going 25 miles per hour, and he does not feel that they can answer that at this time. Mr. Grenier asked how much is in the Budget, and Mr. Ferguson stated there is approximately \$750,000 specifically for this project. Mr. Ferguson added that there is actually more money in the Budget potentially provided that there are not other things that come up so it could be between \$700,000 and \$800,000.

Mr. Fiocco stated the cost for the design is usually 10% of the cost of the construction; but for a small job like this, it may be higher than that.

Mr. Lewis stated they did a test with the chicanes where they were able to reduce the average traffic speeds, and they did work. He stated there were some potential designs; however, there were issues with those designs. He stated Mr. Fiocco has provided a unique analysis and a different solution with a model of how traffic would flow which was previously presented to the Board. He stated at this time what they are talking about is potentially authorizing Phase 1 which would be just the roundabouts. Mr. Fiocco stated it would be the roundabouts and providing right-in/right-out access at Sandy Run Road. Mr. Lewis stated the roundabouts themselves have been estimated to cost \$470,000 with 10% of that being the engineering costs. Mr. Ferguson stated the \$470,000 would just be for the construction. Mr. Ferguson stated the engineering costs could be higher than 10% for this since it is a smaller project so the total would be \$540,000. Mr. Lewis stated if the Township approved that process and the roundabouts are installed, they may find that speeds there have been mitigated such that they do not need to provide additional calming measures.

Mr. Lewis stated what they are considering voting on this evening is whether they should authorize getting engineering drawings of the two roundabouts that would be the proposed temporary solution. Mr. Ferguson stated it is seeking proposals for that. Mr. Lewis stated that once they have the proposals, they would have a better estimate of whether it would be \$540,000. Mr. Fiocco stated what they would have is what the design costs would be. Mr. Ferguson stated they would not be estimating construction, rather the Board would be approving a firm to put plans together for the construction. He stated they at that point we would not know the cost for construction, and we would just know whether the engineer was going to charge \$50,000, \$60,000, or \$70,000. Mr. Lewis stated he assumes at that point the engineering firm would have a fully-designed solution designing how the roundabouts work. Mr. Fiocco stated they already know how the roundabouts will work. He stated the set of Plans prepared would then be ready to be advertised for Bid.

Mr. Lewis stated all they are potentially voting on this evening is authorizing the engineering cost, and he would be in favor of this as it would move the process forward. He stated if they do that, he would ask how long it will take, how long it would take to go to Bid, and when conceivably the roundabouts could be installed if they want to proceed with that plan at that time. Mr. Pockl stated if they put in an advertisement next week, they need to allow at least two weeks until Bids are opened. He stated they would then need to vote on the Bids. Mr. Blundi asked if it would be an RFP, and Mr. Pockl agreed it is an RFP. Mr. Ferguson stated they would therefore not have to take the low bidder. Mr. Fiocco stated in Pennsylvania for engineering, he does not believe they are allowed to go low bid for a Public job; and they should be going with quality. Mr. Truelove stated it is always the lowest responsible Bidder.

Dr. Weiss asked for a Motion; however, Mr. Lewis stated he would want to get more information on the timing. Dr. Weiss stated he feels comfortable making a Motion, and they can determine the timing during the discussion phase. He stated they could amend a Motion to make it “not later than.” He asked if there is a Motion to at least proceed with an RFP for the design standards.

Ms. Blundi moved and Mr. McCartney seconded to approve an RFP for an engineering firm to develop design plans for the concept.

Mr. Lewis asked that there be a friendly Amendment not to exceed \$65,000. Mr. Ferguson stated while they could make that Amendment, the Board is going to get the quotes.

Mr. Lewis asked that they consider discussing the timing. Mr. Pockl stated the Board would need to vote on the Bids, and Mr. Ferguson stated he feels that could be done by the first meeting in April. Mr. Lewis asked how long it would take for the engineering to be completed, and Mr. Ferguson stated he feels it could be done in 60 days and by the second meeting in June they could put the project out to Bid. Mr. Pockl stated typically when you design these projects, there is a semi-final design and then a final design that would go out for construction. Mr. Grenier stated this process can take some time.

Mr. Grenier stated the first step in the process is to seek Bids, and there needs to be work done to put a Bid package together and an RFP put out, so the Bid package has to be completed first by the staff or Mr. Fiocco; and there is a fee to the Township associated with that in addition to the \$50,000 to \$60,000 that was previously discussed. Mr. Grenier asked if there is an estimate on what that cost would be.

Mr. Ferguson stated he has not worked that out with Mr. Fiocco at this point. He stated Mr. Fiocco has done much of the work already, and it will just be putting it in such a way that it can be put out to Bid. Mr. Ferguson stated he does not feel that part of the Phase would be much more than a few thousand dollars.

Mr. Grenier asked if Mr. Truelove will be reviewing it for any Terms and Conditions associated with it, and Mr. Ferguson stated he feels that would be a good idea. Mr. Grenier stated there are Terms and Conditions associated with our engineering services currently that Mr. Pockl and others have had to review. He stated he wants to make sure they include those Terms and Conditions within the RFP, and that they set certain requirements within the RFP in addition to the Bid to design this. Mr. Ferguson stated once this is put together, he could send the draft to the Board in advance of seeking proposals so that the Board can review it. Mr. Ferguson stated what they talked about when they brought Mr. Fiocco on was so that they have the ability to have these different checks and balances, and he wants the Supervisors to be on board before they move forward. He stated he will get the draft RFP to the Board before it goes to advertising. He stated they will probably also reach out to some firms directly and send it to them.

Mr. Lewis stated the reason he was asking about the timing is to make sure that they do not miss a construction season this year. Mr. Lewis stated he was speaking with Mr. Pockl, and it is felt that they could potentially have this done before the end of the calendar year. He asked that they track the progress of this project in the Manager's Report so the Board knows where they are with regard to the timeline and the Budget. Mr. Lewis stated he was impressed by Mr. Fiocco's novel approach and he hopes that they can proceed with it.

Mr. Fiocco's stated as far as highway projects go, this is an inexpensive job; and he feels the Township should include in the advertising for the engineering firms that the project needs to be completed in a certain timeframe so that it can be built this year. Mr. Fiocco stated it is a simple construction project adding that they do not need to acquire any right-of-way. Mr. Fiocco stated since this is a Township road, they will not have to go through the State or Federal governments for the process which should enable them to streamline the process. He stated he would not eliminate the safety checks, but they do not have to wait for PennDOT engineers to respond which could delay the project.

Mr. Ferguson stated he understands that the goal is to have this out by the fall recognizing that this is not a long construction project; and if they can get it out by the fall, the construction could be done by the end of the year, and the road could be re-opened by the end of the year.

Mr. Grenier asked that Mr. Ferguson provide to the Board by the next meeting information as to who will be conducting reviews and when they will be conducted so that the Board will know the overall process.

Ms. Patty Piech, 2 Sandy Run Road, stated she was told three years ago after the road was closed that CSX had money set because they knew there was going to be a sight issue, and she asked if that money is taken into consideration for this project. Mr. Lewis stated to the best of his knowledge the entity she suggested does not have money allocated for this. He stated the Board cannot comment further because it relates to an ongoing matter of litigation, and Mr. Truelove agreed.

Ms. Piech stated hopefully long-term, they will be able to make a left in and out of Sandy Run Road also. Mr. Ferguson stated at this point that is “not a given,” although it is a goal. He stated as was discussed at previous meetings the interim measure of right-in/right-out only does not exclude a more permanent solution. He stated they either have to solve the sight distance issue or the speed issue. He stated the traffic engineer has indicated that if they are able to get the speeds down to where they are at 25 miles an hour, a more comprehensive opening of the road becomes possible. He stated if they are not able to get speeds down to the satisfaction of the traffic engineer for safety reasons, it would require fixing the sight distance issue which is a much bigger dollar amount. Mr. Ferguson stated at this point they know that they do not have the money to fix the sight distance issue so the traffic engineer’s approach is to try to do what they are now considering to try to get at least a limited opening, and the hope is that they will be able to get the speeds down. He stated the traffic engineer also provided a list of other traffic control measures that could be considered once this project is completed if they need to focus on those. He stated the goal ultimately is to try to open it up to allow for lefts in and out if they can fix one of those two problems.

Mr. Lewis stated they want to be able to re-open the road because of its social costs especially for those who live on Sandy Run Road. Mr. Lewis stated with the dual roundabouts the total time loss is not as bad if they are trying to make a left as they can go to the second roundabout, come around, and make a right-hand turn, although they could not directly make a left in or out of Sandy Run Road. He stated while this is not ideal, if they are able to reduce the speeds, they can consider something else; however, they do not want to promise something that they cannot deliver and he wants to set fair expectations.

He stated ever since the road has been closed, the Board has been focused on this, and they want to make sure it is safe. Ms. Piech stated she feels the residents have been patient, and Mr. Lewis agreed.

Mr. Mark Piech, 2 Sandy Run Road, stated he felt the idea of the chicanes was to bring the speed limit down to 31 miles per hour; and he recalls that when they tried out the chicanes, that was achieved. He asked why Sandy Run Road was not opened to left-hand turns. Dr. Weiss stated while the chicanes did slow the traffic down to 31, the traffic engineer stated that 31 was not good enough even if they moved the intersection 92'. Dr. Weiss stated 31 miles an hour does not give a safe stopping distance even if they move the intersection. Mr. Piech asked why 31 was stated at that point as being a goal. Chief Coluzzi stated he does not believe that 31 was the goal, rather it was the speed that was obtained with the chicanes. He stated the goal was to get as close to 25 as possible. Dr. Weiss stated they could not get down to the posted speed which made it an unsafe situation, and they have now come to this possible solution of right-in/right-out which they feel is the best way to make it safe.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to call the question.

Motion carried unanimously to approve the original Motion.

PROJECT UPDATES

Big Oak Road/Makefield Road Turn Lane and Route 332/Mirror Lake Signal Interconnection

Mr. Ferguson stated both of these projects have been turned over to the current Township traffic engineer. He stated with the regard to the signal interconnection, the design is almost done, and all of the information will be provided to Mr. Fiocco to handle from this point forward.

Mr. Ferguson stated with regard to the turning lane that is in “far more a stage of infancy” than he understood. He stated that project will also be turned over to Mr. Fiocco who will review what the previous Township traffic engineer did. He stated there is a meeting that needs to be held with PennDOT for preliminary discussions, and that did not happen with the previous traffic engineer. He stated he asked that all the information be submitted to the Township so that those files in their entirety can be given to Mr. Fiocco.

Dr. Weiss asked if the Grant is in jeopardy for the Big Oak/Makefield intersection project. Mr. Ferguson stated typically for these Grants, if there is a deadline, you can request an Extension; and he will make sure to coordinate this with Mr. Fiocco.

Mr. Grenier asked Mr. Ferguson if he feels they will be able to get these projects completed in 2020. Mr. Ferguson stated he feels the signal interconnect will be a 2020 project as it is almost ready. He stated he will have Mr. Fiocco confirm all of the work that TPD did on that project. Mr. Ferguson stated he does have both projects in this year's Budget, but they can roll them over after checking on the deadline dates for the Grant. Mr. Ferguson stated Mr. Fiocco has some connections with PennDOT so he is hoping that we will be able to move a little faster with their involvement than we have in the past. Mr. Fiocco asked if it is an ARLE Grant, and Mr. Ferguson stated it is. Mr. Fiocco stated it is his understanding that there is no time restrictions on the ARLE Grant; and the Township will front the money, and then ask to be reimbursed when the project is done.

Ms. Blundi stated she has been very interested in Big Oak/Makefield Road turning lanes as is the Citizens Traffic Commission. She stated Representative Warren was able to get funding to have Big Oak Road paved, and she had asked if there was a way to coordinate those projects. She stated she now finds that with regard to the turning lanes projects, we are further behind than we thought we were so it will not be able to be coordinated since Big Oak is going to be paved this spring. Mr. Ferguson agreed adding he believes Big Oak will be paved in April/early May. Mr. Fiocco stated while he does not know anything about the project, as soon as he is provided with the information, they may be able to work with PennDOT on this.

Ms. Blundi asked that they also look into anything that can be done along Big Oak with regard to reflectors or otherwise enhancing the markings since Big Oak is a difficult road to drive on. Mr. Ferguson stated they did have the Public Works Director reach out to his counterpart at PennDOT who indicated that was not in the Budget. Mr. Ferguson stated he has asked Mr. Fiocco to reach out to those higher up at PennDOT to see if something can be incorporated. Mr. Fiocco stated PennDOT does not want to put in anything more since it would have to be maintained, so PennDOT has to feel that anything additional that is done is justified. Mr. Fiocco stated if there were a lot of crashes there, they may be able to convince PennDOT to make the road safer. Ms. Blundi asked that they do whatever they can to look into this.

Pool Bathrooms Project

Mr. Ferguson stated he will be coming back to the Board soon with the Park & Rec Direction regarding a timeframe for the Pool bathrooms project and some creative options they are looking into with regard to Bidding.

MANAGER'S REPORT

Approval of Park & Recreation Board Recommendation to Move Community Day to Saturday, August 29, 2020 and Saturday, August 28, 2021

Mr. Ferguson stated with regard to the recommendation of moving Community Day back a week away from Labor Day the idea is that this will not conflict with the final week at the Pool, will result in a much lower cost to the Township in preparing for the event, and it will also provide Sunday as a rain date.

Mr. McCartney moved and Mr. Grenier seconded to adopt the recommendation of the Park & Recreation Board moving Community Day to Saturday, August 29, 2020 and Saturday, August 28, 2021.

Mr. Grenier stated he is the Liaison to the Special Events Committee and there was concern about having Community Day so close to the September 11 memorial events this year and next year if the date was not changed. Mr. Grenier added that 2021 will be the 20th Anniversary. Mr. McCartney stated that was discussed at the Park & Recreation Board meeting as well.

Mr. Lewis asked what was the vote by the Park & Recreation Board on changing the date; and Ms. Tierney stated while there was significant discussion, the vote to change the date was unanimous. Mr. Grenier stated while Special Events did not have a quorum and could not vote on it, it was a topic of discussion.

There was no public comment.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to call the question.

Motion approved unanimously.

Approval of Park & Recreation Board Recommendation to Permit One-Year Permit for LFMA Flag Football Practice at Memorial Park Football Field

Mr. Ferguson stated as noted in the Manager's Report, this would just be for practice and it would not be for games. He stated they estimate that the usage would be Monday through Friday from 4:30 p.m. to 7:30 p.m. in the spring and the fall with control if the fields are wet. He stated they would not be permitted to practice anywhere else in the Park, and it would only be permitted in the football field area. He stated a majority of the Park & Recreation Board were in favor of this.

Mr. McCartney moved and Ms. Blundi seconded to approve the Park & Recreation Board recommendation to permit a one-year Permit for LFMA Flag Football practice at Memorial Park Football field.

Mr. Grenier asked if there was any discussion about Permit Fees associated with this. He asked if the User Fees paid by that League cover everything they do across any Park. Ms. Tierney stated the Fees are per user. Mr. Grenier asked if there are any additional Fees associated with this specific Permit, and Ms. Tierney stated there would not be unless it brings in more athletes. Mr. Grenier stated his only concern is that this is a field that has not experienced that much use yet; and since it is football, he feels they will probably incur additional expenses in terms of maintaining the grass. Mr. McCartney stated they did discuss that this would be age-restricted, and there would be no tackle which would alleviate a lot of the heavy use. He stated Ms. Tierney had also discussed having LMFA use just a specific area, and they could not use the entire Park. Mr. Grenier asked if they know how many teams may be playing at one time; and Ms. Tierney stated they did discuss this, and they are limiting it to the youngest players and will limit it to a certain number of players on the field. Ms. Tierney stated there is also limited parking there.

Mr. Lewis stated he agrees that flag football will do less damage to the grass than tackle. He stated it is also just for practice so it will probably not get the same level of intensity as there would be with games. He stated he hopes that there is a strict prohibition on temporary lights. Ms. Tierney stated they were not going to put in any lights.

Mr. Lewis moved to Amend the Motion that there would be no temporary lights allowed; and this was acceptable to the Board.

Motion as amended carried unanimously.

Approve Request to Advertise RFP for Painting of Pools at LMT Community Pool Complex

Mr. Ferguson stated last year they did construction at the Pool and the painting was more limited. He stated they are ready to proceed with the advertisement.

Ms. Blundi moved and Mr. McCartney seconded to advertise the RFP for painting of the pools at LMT Community Pool Complex.

Ms. Blundi asked that they consider current color trends. Ms. Tierney stated white is one of the safest colors since the lifeguards can see better if it is white. Ms. Blundi asked about the “kiddie pool;” and Ms. Tierney stated they could consider a different color for the baby pool.

Motion carried unanimously.

Approve Advertising Resurfacing of Multi-Use Trails from Covington Road to Oxford Valley Road and Big Oak Road from Five Mile Woods to Knightsbridge Road

Mr. Ferguson stated this is part of the 2020 Budget, and there is a preliminary estimated cost in the Budget for \$36,000. He stated Mr. Pockl was involved doing some of the preliminary walk-throughs to spec this out.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve advertising resurfacing of multi-use trails from Covington Road to Oxford Valley Road and Big Oak Road from Five Mile Woods to Knightsbridge Road.

Mr. Ferguson stated this will result in approximately 6/10ths of a mile of trail maintenance which is a step toward making sure we maintain the current trails in the Township.

Mr. Truelove stated the Board met in Executive Session starting at 6:50 p.m. and items related to litigation, Real Estate, and personnel were discussed.

ZONING HEARING BOARD MATTERS

With regard to the Ben Manis Variance request for the property located at 630 Friar Drive in order to permit construction of an in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Timko Family Associates, L.P. Variance requests for the property located at the northwest corner of the intersection of Edgewood and Sandy Run Road in order to permit construction of a dwelling resulting in less than required setback and less than required wetlands buffer, Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried that the Township oppose.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS – 1703 LANGHORNE-YARDLEY ROAD (DR. KATHLEEN GEORGE – ORTHONTIC SPECIALIST) – ADDITIONAL NEW BUSINESS SIGN

Mr. Ferguson stated the Board voted unanimously on January 14 to approve the wall sign as presented, and he showed a photograph of the sign.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Certificate of Appropriateness for the new business sign.

APPROVAL OF DEVELOPMENT AGREEMENT FOR LOWER MAKEFIELD CORPORATE CENTER NORTH CAMPUS

Ms. Barbara Kirk, Township solicitor, was present. She stated the project came before the Board of Supervisors for Preliminary and Final Land Development approval on October 16, 2019, and the Board did grant approval. She stated the project involves aesthetic, outdoor construction to create a park-like setting internally on the Campus. She stated one of the requirements involved the construction of an internal connector from the existing internal sidewalk to the bike path along Stony Hill Road should further development occur on the adjacent lot.

Ms. Kirk stated she has spent a significant amount of time over the last few weeks going back and forth with the developer in getting the final version of the Development Agreement, and it came in this evening just before tonight's meeting. She stated it has been signed by the developer in addition to the

Association that operates the Condominium units, in that a portion of their project will be allocated to the areas around the units versus a common space. Ms. Kirk stated the Association requested to be a Party to the Agreement, and between themselves will decide how to allocate distribution of cost. She stated she did advise them that it is not the Township's obligation to police the two of them as to who is responsible for what, and it will ultimately be the developer.

Ms. Kirk stated the issue before the Board tonight is that with this approval, they will be funding by a Letter of Credit through their mortgage lender. She stated for some reason the mortgage lender believes that they need the Board of Supervisors' approval of the Development Agreement first before it issues its final approval of the Letter of Credit. She stated she explained to the developer that it should be the "other way around," and the Township needs the Agreement signed by the developer in order to proceed. Ms. Kirk stated because of this "Catch-22" she worked with the developer's corporate counsel on additional language in the Agreement which indicates the Agreements are not effective until the lender issues its approval of the Letter of Credit, that notice is provided to the Township, and the Township receives the financial security required. She stated no work will be able to commence until all those conditions are met.

Ms. Kirk stated because of the distance between the developer and their Association, they did provide her documentation that has been signed in counterparts with the originals being Federal Expresed to her attention which, if this Board approves, would be signed by the appropriate agent for the Township.

Ms. Kirk stated she has everything in appropriate form. She stated she also has confirmation in writing by a letter directed to Mr. Ferguson, of which she was copied, confirming the deadline for the Letter of Credit to be issued and provided to the Township. Ms. Kirk stated if that deadline is not met, they will not be permitted to commence any work. She stated the developer knows this, and she has explained it to them numerous times. She stated they are asking the Board to move forward with approval of the Agreement.

Ms. Kirk stated the only other issue that remains is that Mr. Pockl advised earlier today that there is some discussion as to their submission of their Plan to the Conservation District which may, based on their revisions, alter the Escrow amounts. Ms. Kirk stated the Agreement that is being presented to the Board tonight deals with the Board's approval of the original Plan as approved in October of 2019. She stated that if there are revisions to the Plan that require additional Escrows, they will be required to submit an Amendment to the existing Agreement.

Ms. Kirk provided the Agreements to Mr. Ferguson this evening. She stated she also has multiple copies of the letters if the Board would like to have their own copy.

Ms. Kirk stated Mr. Lewis had asked her what was XCU insurance, and Mr. Lewis stated he has found that it stands for Explosion, Collapse, and Underground. Mr. Lewis asked that as a policy, anytime an acronym is used in an Agreement, it should be spelled out on the first usage; and that was not done in some Agreements he had reviewed

Mr. Lewis stated the Board had not seen the Agreement prior to just being provided it. He asked if there is a timing issue which requires the Board to approve it tonight. Ms. Kirk stated there is in that the lender for the developer wants the Board's approval of the Agreement before they will issue approval of the Letter of Credit. Ms. Kirk stated she believes it is through their existing mortgage company; however, she does not know who that is. Ms. Kirk stated she has reviewed the Agreement numerous times over the last week, and she feels it is the tightest she will be able to get for the Township. She stated the developer clearly understands what their obligations are. Mr. Lewis stated while he understands banks can be difficult, he asked that the Board have a recess so that they can review the documents.

Mr. Lewis asked if there are copies of the Agreement available for the Board to review, and Ms. Kirk stated she did not have multiple copies, but copies could be made for the Board this evening.

Mr. Grenier stated normally the Board gets the Agreements in advance of the meeting so that they can review them prior to having to vote on them; however, in this case, Ms. Kirk was working on it until just prior to the meeting, the Board was not provided a copies in advance of the meeting so they would be voting on something they have not seen. Mr. Grenier asked if there is a reason for them to not hold off until the next Board meeting to do this. Ms. Kirk stated based on her understanding of the developer's discussions with their lender, if the Board approves the Development Agreement, the lender has assured the developer that they will finish the process to approve the Letter of Credit which will be in the Township's hands no later than the close of business Friday, February 14. She stated that will then enable the Township to begin the pre-construction meeting, etc. She stated if it is delayed until the Board's next meeting on February 19, she does not know how much further out their lender will push back the approval of the Letter of Credit.

Mr. Pockl stated there was a pre-construction meeting with the contractors, the developer, and the Township staff earlier this week; and the contractors indicated that they were ready to proceed on Monday of next week. He stated his is not sure if a further delay would have an impact on the cost of the project or not.

Mr. Lewis asked who is the counsel for the developer; and Mr. Kirk stated she has been dealing with a multitude of counsels, and local counsel is Mr. Murphy. She stated Mr. Murphy has been involved with David Walker at Rubenstein Partners although she is not sure if he is the corporate counsel for the developer or the corporate counsel for the Condo Association. Ms. Kirk stated she is not sure whether there was a misconception as to how things are done in Pennsylvania versus other States.

Mr. Lewis asked if there is also this same problem with the other Agreement for the South Campus; and Ms. Kirk stated there is, and they both came in at the same time.

Dr. Weiss stated that the meeting will be recessed at this time, and the Board went into Executive Session.

The meeting was reconvened at 9:20 p.m.

Ms. Blundi moved and Mr. McCartney seconded to approve the Development Agreement for the Lower Makefield Corporate Center North Campus.

Mr. Grenier stated they need to find a way to make sure something like this does not happen again. Mr. Ferguson stated he had promised to do a process internally, and he will insure personally moving forward that the process is followed.

Mr. Lewis stated the Security Agreement for the North Campus does not have page numbers, and Ms. Kirk stated there are numerical paragraphs.

Motion carried with Mr. Grenier opposed.

APPROVAL OF DEVELOPMENT AGREEMENT FOR LOWER MAKEFIELD CORPORATE CENTER SOUTH CAMPUS

Ms. Kirk stated this is the “mirror Agreement” for Land Development based upon the Board’s Final Approval of the Plan in October, 2019. She stated the only difference between the two Agreements is that there is no inter-connector internally to an existing bike path as it was for the North Campus. After review, Ms. Kirk stated the inter-connector is on the South Campus and not on the North Campus. She stated other than that everything is exactly the same. She stated the developer e-mailed these to her at approximately 5 p.m. this evening asking that the Board consider it. She stated the mortgage lender who is providing the Financial Security Letter of Credit will not approve or make the final decision until the Board of Supervisors approves this. She stated there is a letter from Mr. Murphy confirming that if this Board approves the Agreement, the lender anticipates approving the Letter of Credit with the official Letter of Credit to be submitted to the Township by February 14, 2020.

Ms. Kirk stated the Letter of Credit must be provided to the Township’s counsel first for review and approval before submission. She stated the Development Agreement will be wholly contingent upon receipt of those additional documents before the Township will process or allow Permits for construction.

Ms. Blundi moved and Mr. McCartney seconded to approve the Development Agreement for Lower Makefield Corporate Center South Campus. Motion carried with Mr. Grenier opposed.

APPROVAL OF DEVELOPMENT AGREEMENT FOR OCTAGON CENTER – OFFICE CONDOMINIUM PHASE II (A/K/A PALAGANO BIG OAK DAYCARE)

Ms. Kirk stated the Development and Financial Security Agreements were presented to them through counsel a few weeks ago. She stated at that time the financial security was going to be a Tri-Party Agreement with a financial institution in New York. She stated as of Monday, the financial institution indicated they would not do it, so they are now asking that the security be a bond. Ms. Kirk stated she prepared the revised Financial Security Agreement and submitted it to counsel. She stated the documentation was signed in counter-parts, Notarized, and delivered to the Township. She stated she understands the proposed Agreements with the exception of whether it was a Tri-Party Agreement versus a Bond had been given to the Board for review. Ms. Kirk stated she has reviewed all the documentation, and it is in a form appropriate

for the Board's review and consideration. She stated she understands that they have not had any type of pre-construction meeting, but Mr. Palagano wanted to get everything in order knowing that tonight was a regular meeting of the Board of Supervisors.

Mr. Grenier stated the Board received an electronic version, and he asked if it matches what they have now; and Ms. Kirk agreed.

Ms. Blundi asked Ms. Kirk if she is satisfied with the different type of funding, and Ms. Kirk stated she actually prefers a bond as opposed to a Tri-Party Agreement.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve the Development Agreement for the Octagon Center Office Condominium Phase II (a/k/a Palagano Big Oak Daycare).

POSTPONEMENT OF APPROVAL OF DEVELOPMENT AGREEMENT FOR HEARTIS VILLAGE OF YARDLEY (A/K/A CADDIS HEALTHCARE)

Ms. Kirk stated last week she worked with Mr. Murphy on the language of the Agreement to address the issue of the re-construction of Dobry Road between this project and another nearby project. She stated Final form documents were submitted to Mr. Murphy with instructions that the original signed and Notarized documents with Financial Security in the form of a bond should be delivered to the Township in time for tonight's meeting. She stated those documents have not arrived, and she is asking the Board to postpone the consideration of this Development Agreement until the next meeting on February 19 so that she can reach out to Mr. Murphy to ascertain what happened.

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to postpone this matter until February 19, 2020.

SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board met last evening and considered a number of Applications. He reminded residents that if they are planning to do a home improvement project of any type, they should get the contractor's name and address, have a written Agreement with the contractor, and make sure that the contractor follows the proper Permit process with the Township. He stated

last evening the Zoning Hearing Board dealt with a case where a homeowner had followed that process with one of their home improvement projects but not with another. He stated that individual had to hire very expensive counsel as well as additional individuals for what was originally a relatively low-cost home improvement project; and because the Township could not inspect the electrical, etc. as well as the fact that they by-passed the rules on impervious surface, it has now resulted in a difficult circumstance.

Mr. Grenier stated the Sewer Authority met and reorganized with Mr. Phil Tyler serving as Chair for 2020. Mr. Grenier stated the Special Events Committee did not have a quorum but they did discuss moving Community Pride Day as he noted earlier. Mr. Grenier stated they also discussed the 20th Anniversary of 9/11, and he would like the Board of Supervisors at some point to consider establishing a 20th Anniversary Committee to plan for that event.

Ms. Blundi stated the Citizens Traffic Commission and the Police Department have discussed an issue brought forward by a resident about the Kohl's/Shop Rite parking lot where all the lines are fading and no one can see the stop lines or which side of the road they should be driving on. Ms. Blundi stated the Police Department met with that private landowner who has agreed to make a number of improvements in terms of signage, striping, and trimming hedges so that there is better visibility. She advised residents that if they have any issues, they should reach out to the Township if they feel there is something that can be done to help improve the Township.

Mr. McCartney stated the Golf Committee has two vacancies, and those interested in serving should contact the Township. He stated there will be a Valentine's Day/Wine Pairing Dinner at the Golf Course, and you can find information on the Makefield Highlands Website. He stated the Golf Course is a great asset to the community and everyone should be utilizing it even if they do not play golf as there is more to do there than just play golf.

APPOINTMENTS

Mr. Grenier moved and Mr. McCartney seconded to appoint Mike Blundi to the Park & Recreation Board. Motion carried with Ms. Blundi abstained.

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to appoint Joe Camaratta to the Historic Commission.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to appoint Dawn Parkinson Stern to the Planning Commission.

PUBLIC COMMENT

Mr. Mark Piech, 2 Sandy Run Road, stated with respect to electricity reliability, he is getting ready to make a substantial investment in a whole-house generator, and he would like to know if there is any reason to think that our electric has become more reliable so that he would not need to make that investment. He stated they lose their power a number of times a year, and he often has to use his portable generator.

Mr. Grenier stated PECO has done significant improvements in various parts of the Township although he is not aware of any projects recently in Mr. Piech's neighborhood. Mr. Grenier stated they continue to work with PECO to address areas where there are issues. He stated he would be willing to reach out to the PECO representative to get a history of Mr. Piech's property or Mr. Piech could do it on his own. He stated he has done that for others in the past. He stated they could see if there are projects planned in the future specific to Mr. Piech's neighborhood. Mr. Piech was asked to send an e-mail to Mr. Ferguson about this.

Mr. Harold Kupersmit, 612 B. Wren Song Road, asked where the Supervisors are in approving or rejecting Wegmans. Dr. Weiss stated they are not at that point yet. Mr. Kupersmit asked where the Board is at with regard to the "investment or sale of the wastewater treatment facility." Dr. Weiss stated Lower Makefield does not have a waste treatment facility. Dr. Weiss stated they are still in the process of reviewing the wastewater treatment options. Mr. Kupersmit stated this his eleventh year of participating in the meetings. He stated one of the "tenants of good governance is redress of grievances." He stated he always thought that the Supervisors did an excellent job in that area until now. He stated he does not feel there is any reason to move Public Comment from 7:30 p.m. to 9:30 p.m., and it makes it difficult for Seniors like himself to participate. He stated it should be moved back to 7:30 p.m.

Mr. Robert Abrams, 652 Teich Drive, stated following the last Supervisors' meeting he spoke to Mr. Rubin who advised him to listen to his Public Comment from that meeting regarding moving Public Comment on the Agenda to the end of the meeting. Mr. Abrams stated he did that, and he agrees with Mr. Rubin's comments. Mr. Abrams stated there are only six people present this evening, when normally there would be twenty people present. Mr. Abrams stated he feels it shows the weakness of this Board and where the community is going. He stated Dr. Weiss' attitude is to keep he and everyone else quiet. Mr. Abrams stated even the Pennsbury School District "who tries to shut everyone up" has Public Comment at the beginning of the meeting and at the end of the meeting. Mr. Abrams stated here the community is being shut out. He stated it is "disgraceful" what is going on. Mr. Abrams stated there are 11,000 households, and he feels they have more ideas than those on the Board.

Mr. Abrams stated the Township Manager took a half million dollars from the public last year, and he asked if he is taking another half million this year or more. Mr. Abrams stated he is referring to the Sewer bills for excessive rain. He stated the increase last year was 30%. Mr. Ferguson stated in 2019, the increase was 24%, and for 2020 it was 37%. Mr. Abrams stated it has been ascertained that in 2019 there was a half million extra which was more than a half million more than needed to pay the bills because there might be excessive rain.

Dr. Weiss advised Mr. Abrams that his three minutes was up; and if he would like to discuss this further, he can contact the Township Manager.

There being no further business, Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 9:45 p.m.

Respectfully Submitted,

James McCartney, Secretary