

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 10, 2020

The reconvening of the June 3, 2020 meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on June 10, 2020. Dr. Weiss called the meeting to order at 7:10 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 (joined meeting in progress)  
Barbara Kirk, Township Solicitor (left meeting in progress)  
Andrew Pockl, Township Engineer  
Kenneth Coluzzi, Chief of Police  
Monica Tierney, Park & Recreation Director

#### COVID 19 UPDATE

Ms. Tierney stated the information they are getting about COVID 19 is frequently changing, and they have received a lot of new recommendations from the County, the State, and the CDC. She recommended that they bring the Leagues back in a very modified way. She stated the Leagues have submitted Plans to do so to the Township and the Bucks County Department of Health which were approved.

Mr. McCartney moved and Ms. Blundi seconded to bring the Leagues back.

Mr. Grenier stated the virus has not gone away and there is no treatment or vaccine available although he understands that they are trying to get back to normal as much as possible in a modified way. He asked Ms. Tierney what it means to bring the Leagues back. Ms. Tierney stated they are looking to bring back small practices. She stated YMS is looking to do a camp format and PAA would be more of a practice format and possibly a camp format in the

afternoon. She stated the groups would be smaller than twenty-five, and there would be a lot of responsibility on the Leagues who would be monitoring their plans.

Ms. Tierney stated the Township would not be able to provide the support that they would normally because their staff has been reduced significantly. She stated the Township would bring in port-a-potties, and they would ask parents to provide their child's own hand sanitizer and wipes. She stated there would also be no sharing of equipment. She stated they would be maintaining the six foot social distancing. She stated there would be training of the coaches and education of the parents.

Mr. Grenier asked about the six foot social distancing during training, and Ms. Tierney stated that is what is expected. She stated it will not be a normal practice. She stated in the yellow phase, coaches would be required to wear face masks. Mr. Grenier asked if it would be self-oversight by the Leagues, and Ms. Tierney agreed. Ms. Tierney added that the Leagues have identified a leader to inspect the area, and the coaches will be responsible for keeping track of their own teams. Mr. Grenier stated anything surrounding the pandemic has been a "moving target," and guidelines can be confusing. He asked Ms. Tierney if she has considered any controls if they find that certain things are not working, and if they are flexible so that they can address different situations. Ms. Tierney stated she has been working closely with the heads of the Leagues, and they all understand that things can change. She stated they have considered what they will do if they go into the green phase, but then have to go back to the yellow phase. Ms. Tierney stated there will be signage installed so that they continue to educate the users.

Mr. Grenier asked about Township liability if someone were to get sick possibly because of their interaction through one of the Leagues adding that he understands there have been discussions about this with the Township solicitor. Ms. Kirk stated there is nothing by way of Case Law to substantiate one way or the other as this is a new arena, and it is a moving target; however, with all of the notices, CDC guidelines, and review by the Bucks County Department of Health, she believes everyone will understand that by partaking in activities of this nature where there is the potential for close proximity and not maintaining social distancing there is an assumption of risk. She added that in today's climate anyone can sue for any reason, but whether or not they prevail is a different situation.

She stated under the circumstances, while the Township may experience claims, she does not feel anyone would be successful in prevailing on those claims.

Mr. Grenier stated there have been comments on social media indicating that the Board of Supervisors was holding this up on purpose, but none of the Board members have a reason to do that. He stated the only reason this was not considered last week was because they had to postpone the meeting because of the power outage.

Mr. George Schlieben, 1035 Harbor Drive, Secretary of YMS, thanked the Board of Supervisors for considering YMS' proposal. He stated the goal is to open up in small group sessions/camp. He stated they want to give the parents a chance to have their children interact again, but stay socially distant. He stated it will not be full League play. He stated the YMS Board will insure that the players are safe. He stated there will be no spectators, and the parents will be kept back. He stated the children have been home for twelve weeks, and it is time to get back into activities and a "little normalcy" as best they can. He stated the Plan they have put together for the camps follows CDC guidelines. He stated it will be a moving target, and the Plan they have put together is something they can grow into over the summer to a point where they can get to League play. He stated YMS is committed to the youth of the community, and they will do what is best to keep them safe.

Dr. Weiss stated he feels that the Board agrees with what YMS is trying to do, and they want to see the players enjoy themselves safely; and it seems that they have a great plan.

Ms. Noelle Codispoti, 1908 S. Crescent Boulevard, Commissioner of PAA, stated she appreciates the time the Board is taking to address these concerns not only for recreational sports, but for the whole community. She stated they have been grateful for the opportunity to work with Ms. Tierney over the past months. She stated they have put together their yellow phase proposal for those teams that are still registered. She stated in April they refunded their entire in-house membership with the idea that they would be ready to put together a plan for players to get on the fields that would be in line with any guidelines that would be in effect at the time and in partnership with the Township. She stated they spent a lot of time on the guidelines and reviewed them with the Bucks County Health Department, the Little League organization, and the Babe Ruth organization of which they are a part. Ms. Codispoti stated they have held a coach's meeting with those who oversee the Gems and Travel Teams and advised them that there

will be a zero-tolerance policy for any child, parent, or coach that is in violation of the guidelines understanding that the use of the fields comes at the discretion of the Township. She stated they are working on a separate Plan for the green phase which will allow them to get more children on the fields. She stated last weekend the coaches spent a lot of time putting markers on the fields so the children will know where to hang their bags to eliminate contact and working on different kinds of drills that will limit the number of times a child would touch a ball. She stated they have also bought hand sanitizer, disinfecting wipes, thermometers, and lock boxes. She stated they are ready to be flexible but are eager to see the children back on the fields.

Motion carried unanimously.

Ms. Tierney stated playgrounds have been a “hot topic,” and she knows people are anxious to have their children get on the playgrounds; however, the staff is reduced and it would be very difficult at this time to be able to wipe the playgrounds down and keep up with the bathrooms in the way the CDC is requiring. She stated she still recommends that they wait for the playgrounds to be open until the green phase. She stated this would also be true for basketball and volleyball.

Ms. Tierney stated they are working on summer Camp which they hope to launch in the future. She stated they are going through a legal review at this time, and she will provide an update on this next week.

Mr. Ferguson reminded the Board that part of the cutbacks that were instituted in the Park & Recreation Department and Public Works included not hiring any summer workers to help clean, cut grass, etc.; and they have placed all of those responsibilities for all of the Parks on the full-time employees to offset the \$500,000 needed as a result of the pandemic. He stated the CDC guidelines call for regular disinfecting/cleaning of the bathrooms; and at this point it is problematic for the Township to meet those minimum standards in a way that the Township is comfortable with to protect the public. He stated there are similar standards for regular disinfecting of playground equipment, and that is not something the Township normally does. Mr. Ferguson stated when they go to the green phase, they will have to develop a strategy with the Health Department, Chief Coluzzi, and the Township solicitor regarding minimum standards so that they can protect people and the Township taxpayers.

Chief Coluzzi asked the Board to approve an extension to the Emergency Declaration that was approved on March 14. He stated there was a ninety-day expiration on the original Declaration. He stated the new Declaration will coincide with Governor Wolf's extension of the Emergency Declaration for the State.

Ms. Blundi moved and Mr. Grenier seconded to approve extending the Emergency Declaration for ninety days.

Mr. Ferguson stated this allows the Township to continue to apply for reimbursement of expenses that are incurred dealing with COVID 19.

Mr. Lewis stated there is nothing in the Declaration that would force the Township to do more or less limiting than the Commonwealth of Pennsylvania as far as opening access to public resources; and Chief Coluzzi agreed that there is nothing in the Declaration that would restrict the Board's ability to open, close, or take any action that they deem necessary in the Township.

Motion carried unanimously.

#### COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated information about Park and Recreation digital recreational opportunities can be found on the Township Website.

Dr. Weiss stated tomorrow evening at 7:00 p.m. there will be a Special Meeting on the consideration of advertising a Zoning Overlay Ordinance in the O/R District.

Ms. Blundi noted the shocking nature of recent events including the death of George Floyd, the resulting protests, and violence. She stated it is important for the community to come together. She asked for a moment of silence, and on behalf of the Lower Makefield Township community, she expressed our sympathy to the Floyd family. She stated we "must do more to bring together our great Nation, to deliver on the promises of equal justice for all, and to tear down the walls of racial divide that separate us."

A moment of silence was held at this time.

#### APPROVAL OF MINUTES

Ms. Blundi moved and Mr. Grenier seconded to approve the Minutes of May 20, 2020 as written.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, Inc., P.O. Box 285, Newtown, PA, stated at the May 20 Board of Supervisors the Board unanimously approved a Motion that indicated that the Minutes of the meeting would reflect the fact that the May 7 e-mail and attachment from Ms. Herman and RRTS titled “Urgent Request to Resume LMT’s TTN Review Board Monthly Meeting” is being submitted and accepted as Ms. Herman’s and RRTS’ Public Comment at the Board of Supervisors meeting held on May 6, 2020. Ms. Herman stated in addition to the May 7 e-mail becoming part of the Public Record, she e-mailed Public Comments, and she gave oral and e-mailed her Public Comment titled, “RRTS Comments, May 2020 LMT Board of Supervisors Meeting.” Ms. Herman asked Dr. Weiss that he or his designee read the language that is in tonight’s “draft Minutes” that pertain to RRTS’ Public Comment at the May 20 meeting.

Dr. Weiss stated while he does not have that language in front of him, he believes that language is in the Minutes of May 20. He stated because Ms. Herman has made comment this evening, her comments will be in this evening’s Minutes as well. He stated he will make sure that the e-mail and her comments are placed into the Record for May 20 and for tonight verbatim.

Ms. Herman stated she is not happy with that response, and she would have liked to have heard the language in the “draft Minutes,” so that in real time she could respond and have the solicitor speak as to whether they accurately reflect what the Board made the Motion on. She asked if anyone else on the Board, the Township Manager, or the Township Solicitor has the language from the Minutes. Ms. Blundi stated she has the Minutes. Ms. Herman stated she would like someone to read the exact language from the Minutes that they are voting on, and what she is interested in is the language that pertains to RRTS’ Public Comment at the May 20 meeting.

Mr. Ferguson read from the Minutes as follows: “Ms. Blundi moved and Mr. Grenier seconded that the Minutes of tonight’s meeting will reflect that the Board of Supervisors accepts Ms. Herman and RRTS’ e-mail and attachment from May 6 should be made part of the Record of this evening’s meeting reflecting their comments at the May 6 meeting.”

Ms. Herman stated the e-mail was actually dated May 7.

Mr. Grenier stated he is looking at the Minutes, and what Mr. Ferguson read was the actual Motion; however, there are three and a half pages of discussion specific to this, and the May 7 e-mail is called out with the actual subject line of “Urgent Request to Resume LMT TTN Review Panel.” He stated there is a lengthy discussion in the Minutes about doing exactly what Ms. Herman is saying, and the May 7 e-mail is expressly mentioned in the Minutes that the Board is looking at now.

Ms. Herman asked how she could review the Minutes, confirm that everything is accurate, and that the documents requested are attached as part of the Public Record, and how she could get to weigh in on this. She stated she had asked if she could look at the draft language, and she was told that it does not become part of the Public domain until after the Minutes are approved. She asked the solicitor the procedure once the Minutes are approved for her to address any inaccuracies or problems with the Minutes.

Ms. Kirk stated generally you would submit a request for a copy of the Minutes through the Open Records Policy, review them; and if she is not satisfied, at the next Board of Supervisors meeting after she has reviewed them she could make Public Comment as to how she feels the Minutes do not reflect what was stated. Ms. Kirk noted that the meetings of the Board of Supervisors are videotaped, and she could request that a section of that videotape dealing with her request be included as a supplement to the Board’s Meeting Minutes, and that should reflect the verbatim comments that were made that night. Mr. Ferguson added that once Minutes are approved and signed, they are placed on the Township Website so Ms. Herman would not have to go through the process of filling out an Open Records form. He stated they will be on-line in a day or two.

Ms. Herman stated she will go through that procedure. Ms. Herman stated it is beyond her comprehension that they have not heard back from Mr. McCartney regarding the date for the Airport Review Panel meeting which they asked to be held “urgently.” She stated she did not see that listed as a remote meeting.

Dr. Weiss stated at this point they are only discussing the Minutes, and Ms. Herman is welcome to bring her question up during either Supervisor Reports or General Public Comment.

Motion carried unanimously.

## SEWER ENGINEER CAPITAL EXPENDITURE PRESENTATION

Mr. Ferguson stated this presentation was made to the Sewer Authority and all items passed unanimously.

Mr. Ebert stated all five of these Contracts were part of the approved 2020 Lower Makefield Township Budget.

### Discussion and Motion to Authorize Advertisement for Sanitary Sewer Main Cured In Place Liner Project

Mr. Ebert stated this is an important project as it installs a liner in the inside of the sanitary sewer mains and stops leaks. There are no joints, and it does not require any excavation. He stated they will do one project in the Neshaminy/Bucks County Water and Sewer Authority area and one project in the Morrisville Municipal Sewer Authority area. He stated in the Bucks County Water and Sewer Authority area, this is required by the PADEP as part of our Corrective Action Plan. He stated this will allow the Township to continue to receive additional EDUs into the Neshaminy Interceptor to allow for projects that the Board of Supervisors may approve through the Land Development process. He stated it is also important to reduce the inflow into the system because Lower Makefield does not own a treatment facility. Mr. Ebert stated we pay for sewer treatment on a per gallon basis; and as you reduce the infiltration, you can reduce the costs to the residents and reduce future rate increases.

Mr. Ebert showed slides of the existing sanitary sewer mains. He stated in order to identify which areas they would do for this project, they televised areas that had very high flows by reviewing records from the pump stations and flow meters. He showed a picture of an area that was televised where it can be seen how much water is coming through a single joint.

Mr. Ebert showed a Plan of the area in the Neshaminy Service area where they propose to do the lining where they will do approximately 1,700 linear feet of 10" sanitary sewer main and 20 laterals. He stated this area is upstream of the Derbyshire area where the flows are so great that they have to have a by-pass pump station taking the flows to a second area so that they do not overflow the line. He stated it is from Derbyshire Road to David Terrace which parallels the creek and which has good access to do the work. He stated it is also an area where there is a very high groundwater table. He stated this is an area that has been identified in the Corrective Action Plan with DEP.

Mr. Ebert showed on a slide the area in red which is the area to be lined, and the areas in yellow are other areas they televised so that they could prioritize the area which had the greatest need within the confines of the Budget.

Mr. Ebert showed a slide of the Morrisville area, and area they chose is upstream of the Silver Lake pump station. He stated the reason that they chose this area is because in the 2021 Budget they will be upgrading the Silver Lake pump station, and they wanted to reduce as much flow in the area as they physically could so to reduce the cost of the upgrade. He stated they will parallel Silver Lake where there is a lot of high groundwater and mature trees. He stated this addresses specifically a hydraulic overload at the Silver Lake pump station which is an issue with DEP. Mr. Ebert stated the flows to the pump station range in a wet year an annual average of 1.2 million gallons a day and a maximum monthly flow of 1.8 million gallons a day. He stated in 2019 which was not as wet as 2018, it dropped to 800,000 gallons. He stated the annual average flow for the pump station should be 380,000 gallons a day so they are two to three times that which is how they identified this area. He stated it was very hard to see the leaks in the video because even during night, which is when there are normally low flows, they had almost a full pipe.

Mr. Ebert stated the construction cost estimate for the Neshaminy area project is \$171,703, and the Budget for this was \$175,000. He stated if Bids come in very good, there are areas identified where they can expand the scope of work to stay within the Budget if directed to do so by the Administration. He stated for the Morrisville area project the construction cost estimate is \$212,000, and the Budget is \$215,000.

Mr. Ebert stated this project was recommended for approval by the Sewer Authority.

Ms. Blundi stated it should be noted that the work to be done is not going to be done in Neshaminy or Morrisville, rather these are portions of the Township where the flows head toward those entities. Mr. Ebert stated Lower Makefield does not have a treatment plant. He stated there are two service providers; and when he refers to Neshaminy, it is the wastewater flows from the Township that are conveyed to the Neshaminy Interceptor which is owned and operated by the Bucks County Water and Sewer Authority, which then conveys the wastewater down to the City of Philadelphia for treatment. He stated we pay treatment costs that Bucks County receives from the City of Philadelphia and a conveyance charge from the Bucks County Water and Sewer Authority and that results in a charge to the Township on a per thousand gallon basis.

Mr. Ebert stated the second service provider is the Morrisville Municipal Authority, and Lower Makefield is a partner in that treatment plant. He stated as part of the partnership, Lower Makefield pays both operational costs on a flow proportional basis and Capital costs which are on a contractual basis.

Mr. Ebert stated the Township's operational costs are significantly influenced by the amount of wastewater that flows down the pipes. He stated the only real control the Township has with regard to the operational costs is to reduce the gallons per day that are sent down. He stated that has a direct effect on the sewer bills.

Mr. Ebert stated what is being proposed is not a short-term project, and this is something that they will be doing for an extended period of time if not forever. He stated in the Neshaminy area, they are only doing .83% of the system as there are approximately 210,000 linear feet, and they will be doing 1.750 linear feet. He stated in the Morrisville Municipal service area, they are doing .4% of the system as there is over half a million linear feet. He stated that is over 100 miles, and they will be doing a half mile. Mr. Ebert stated it is very important to start this which is the best thing they can do to protect the ratepayers from future rate increases and to minimize the expenses.

Mr. Grenier moved and Ms. Blundi seconded to authorize advertisement for the Sanitary Sewer Main Cured in Place Liner Project.

Mr. Truelove joined the meeting at this time.

Mr. Grenier asked how long cured-in-place materials last, and Mr. Ebert stated they do not know for sure since none have failed yet. He reviewed the process for installation of the liner. He stated these have been used for sixty years, and are still in place. He stated this is a permanent repair as opposed to grouting which only lasts three to five years. He stated they are doing this from manhole to manhole. Mr. Grenier stated it is also much less invasive than replacing pipe which causes more disturbance.

Mr. Grenier asked what percentage of the overall system will require lining. Mr. Ebert stated it is based on the age of the system; and anything installed after approximately 1980 used PVC pipe, and with PVC pipe there is very little failure. He stated normally he does not televise pipes that use PVC because historically they do not see failure there. He stated the Morrisville service

area is older than the Neshaminy service area. Mr. Ebert stated there has been a lot of growth in the Township since the 1980s, and he feels it is 30% to 40% of the overall area that has a high probability of requiring lining with the Morrisville service area probably being 50% to 60%.

Mr. Grenier asked Mr. Ebert if he has done an analysis in terms of impact on long-term rates based on implementing these projects and when we might be able to reduce the rates. Mr. Ebert stated he has not, as normally he waits until year 3 of the program so that they know the success rate and can quantify approximately how many gallons per day that they have taken out of the system. He stated he looks at this after three years so that he is not comparing a very dry year to a very wet year. He stated he needs a normalization of flows to do the analysis. He stated this will be done so that the Board of Supervisors can understand their return on investment. He stated it is not only the reduction of flows, but it is also a “decrease in the increase” that would have happened as it would have gotten significantly worse if they did not do the project.

Mr. Lewis asked how many thousand gallons per day they will reduce by doing these two projects. Mr. Ebert estimated it to be 20,000 to 30,000 gallons per day which he estimated by looking at the video tapes and estimating the leaks that he saw. He stated he also assumes that he is taking about 70% to 80% of the leaks out as they will move upstream. He stated as they move upstream, eventually the water will go to a creek. He stated currently the groundwater table is being artificially lowered by these leaks; and when he fixes the leaks, the groundwater table goes up and moves upstream. He stated that after three years, he has moved it far enough out, they he can keep it out. Mr. Lewis stated it seems that they will be able to save significant money by reducing the gallons, and the pay back is not that long for the investment; and Mr. Ebert agreed and added that is why they put this program together. He stated it was put in the Seven-Year Budget when he was appointed as the Township’s sewer engineer, and this was one of the highest priorities that he indicated that would impact the rates. He stated this is a long-term process, but they need to get started.

Motion carried unanimously.

Discussion and Motion to Authorize Advertisement for Sanitary Sewer Manhole Rehabilitation Project

Mr. Ebert stated this project will stop infiltration from going into the manholes and also provides a structural repair to the manholes. He stated this is done where the force mains discharge into the gravity sanitary sewer manholes. He stated when it discharges it releases a gas which eats away at the manholes. He stated many of the manholes were not originally lined. He reviewed the process to be done. He stated the spray-on liner has a ten-year guarantee. He stated they have not done this work for the last two years; however, prior to that time, the Sewer Department did this with very good success and those done lasted more than the ten years.

Mr. Ebert stated they are proposing to line four manholes in the Bucks County Water and Sewer Authority/Neshaminy area. He stated they looked at the force mains that were either very long or had very low flows. He stated the operation staff inspected all of the manholes and created a hierarchy of which ones were the worst and needed to be done first. He stated they then went to the next manhole downstream as well. He showed a Plan which shows the manholes to be lined. He stated in the Morrisville area, the Heacock force main is a very long force main which runs from one side of the Township across the width of the Township. He stated for the Neshaminy area, they budgeted \$15,000; and the estimated cost is \$14,500. He reviewed the process to take place in lining the manholes and fixing the concrete. Mr. Ebert stated \$20,000 is for the Morrisville Municipal service area.

Ms. Blundi moved and Mr. Grenier seconded to authorize advertisement for Sanitary Sewer Manhole Rehabilitation Project.

Mr. Grenier asked about how long this will take to pay for itself. Mr. Ebert stated this project is not really an “ROI” as far as saving operational costs; however, if they do not do this, the manholes, which are in the roadways will ultimately collapse. He stated that then requires an emergency repair which would cost \$10,000 to \$15,000, and there is also the potential for damage to a car or human life. He stated the cost is basically \$2,500 per manhole for this project.

Ms. Blundi asked the number of manholes in the Township, their life expectancy, and where we are on that cycle. Mr. Ebert stated in the Neshaminy service area, there are approximately 1,250 manholes,

and they are proposing to do four. He stated in the Morrisville area, there are approximately 3,100 manholes, and they are doing six. He stated all manholes do not need this type of repair. He stated once they complete all the force mains and structural deficiencies, he would use this line item in the Budget in order to do a liner on the outside of the cover to stop surface water from getting in and would also use it to install dishes, raise manholes out of a floodplain, or put in water tight framing covers. He stated the proposal is to handle the structural issues first so that there are not emergency repairs, and then consider the other items he just noted. Mr. Ebert stated this will be part of a long-term plan, and he will be looking at areas that have the highest potential for inflow coming in. He stated it will take two to three years to address the force mains.

Motion carried unanimously.

#### Discussion and Motion to Authorize Advertisement for Brookstone Pump Station Upgrade

Mr. Ebert stated this is the conversion of the Brookstone pump station which is currently a wet well/dry well style pump station. He stated it is basically a metal can connected to a concrete wet well, and the metal can has risen up out of the ground since the connection at the bottom has rotted out. He stated the high water table has forced the metal can out of the ground. He stated in 2018/2019 they had fear of a catastrophic failure so they installed an emergency by-pass. He stated they will replace the pumps in the concrete wet well and eliminate the steel can. He stated they are also significantly increasing the pumping rate of the pump station as the existing pump station was designed under different standards with lower flows and it is hydraulically overloaded. He stated DEP is requiring the Township to address all of the hydraulically overloaded pump stations.

Mr. Ebert stated there is an emergency generator at this pump station, and currently both pumps can be run with the emergency generator. He stated under the proposal, they will only run one of the two; but if the project comes in under Budget, he would recommend that they increase the generator although DEP only requires that they run one of the two generators. He stated one of the new pumps can do almost three times the existing capacity of the two existing pumps.

Mr. Ebert stated while they are doing this construction, they will have to by-pass pump this; and they are working on obtaining an Easement from the HOA to do this. He stated rather than using a diesel-driven pump, as it is close to some of the condominium units, they will use an electric pump which will result in significantly less noise for the two to three week construction period. He stated it will result in additional cost to have the temporary electric pump; however, he feels that would be in the best interest in the property owners that live near there.

Mr. Ebert stated the construction estimate including a 10% contingency is \$334,180, and the Budget for this project was \$334,750.

Mr. Ebert stated some additional work will be done to make it safer for the operators.

Mr. Lewis moved and Mr. McCartney seconded to authorize advertisement for the Brookstone pump station upgrade.

Mr. Grenier stated he understands that they are going to electric versus fuel, and he asked the difference in the life span. Mr. Ebert stated the use of electric is just for the by-pass pumping which would be only for two to three weeks. He stated if the electric were to go out, they are hooked up to an emergency generator.

Motion carried unanimously.

#### Discussion and Motion to Authorize Advertisement for Stackhouse Pump Station Upgrade

Mr. Ebert stated this and the next item are “sister Contracts.” He stated the first Contract is the replacement of the pump station which is a bladder-style pump station. He stated this technology has not been used in thirty to forty years in wastewater applications like this; and as a result it is very difficult to find parts, and they have had to get custom parts. He stated the pump station is located behind a house with no vehicular access, and it is built into the side of the slope that goes down to the Canal. Mr. Ebert stated they are proposing to re-locate the pump station. He showed a slide of the existing location. He stated there are retaining walls in the area of the pump station, and there is no ability to have emergency power there. He showed the location

of the new pump station where there will be an access driveway, a generator, and a control building. He stated it has been designed so that the exhaust goes away from the existing homes.

Mr. Ebert stated they applied for a PA Small Water and Sewer Grant and received the award in the amount of \$425,789. He stated the project costs more than that; however, the Grant program is limited to a maximum project size of \$500,000. He stated they broke the project up, and that is why there are two Contracts, the second Contract being for the conveyance system to bring gravity sanitary sewer flows from the existing pump station to the proposed pump station and then a force main that goes back. He stated that had to be Bid separately because it could not be fit within the Grant Budget. Mr. Ebert stated the overall cost of the project is approximately \$589,000 with approximately \$488,475.90 for the pump station of which we have \$425,789 in Grant money to offset that.

Mr. Lewis moved and Mr. Grenier seconded to authorize advertisement for the Stackhouse Pump Station Upgrade.

Mr. Grenier asked Ms. Kirk for an update on the land issues. Ms. Kirk stated at the present time they have worked out the details to buy the land from the property owner where the physical pump station will be constructed. She stated the conveyance system requires obtaining Easements from two property owners; and she has been negotiating with those property owners and is close to resolution with one, but at this point they have not yet reached a settlement with the second property owner although there is ongoing discussion. Ms. Kirk stated they have filed documents through the Court to condemn the required area if they need to proceed in that direction. She stated she is fairly confident that they will be able to come to a resolution for the conveyance portion of the system.

Dr. Weiss stated the Bids for the construction of the pump and station are related, but the land issue is separate from the actual Bid for the projects; and Ms. Kirk agreed.

Mr. Grenier thanked Representative Warren who was a key person in terms of helping the Township get this substantial Grant.

Mr. Grenier asked if there is a concern about schedule issues if they are delayed with the conveyance portion, and he asked if they could proceed with the pump station without having the conveyance portion available

immediately. Mr. Ebert stated he feels they are okay to proceed. He stated we could receive Bids but would most likely not award the conveyance until we have control of the land. He stated there is a significant difference in the construction time line and receipt of materials between the two projects. He added that for the pump station, it will take at least six months from the time it is awarded to the time that it is operational whereas the conveyance system involves readily-available materials that can be obtained in a few weeks and involves only about two weeks work. He stated they could stagger the award and construction. He stated he would like to get the work done this fall and be able to grow grass.

Mr. Grenier asked if there is a Bid expiration issue. Mr. Ebert stated currently it would be sixty days, but they could ask for an extension. He added he believes that with a month of Bidding and award of the Bid he they would most likely have obtained the land or made the determination if necessary to obtain it through eminent domain.

Motion carried unanimously.

#### Discussion and Motion to Authorize Advertisement for Stackhouse Pump Station Conveyance System

Mr. Ebert stated the overall cost for this is portion is \$101,494. He stated the net cost of the total project of \$592,881 is \$167,000 because of the Grant. He stated this portion of the project is the installation of 430 feet of gravity pipe and 493 feet of force main.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to authorize advertisement for the Stackhouse Pump Station Conveyance System upgrade.

#### Discussion and Motion to Send Letter to Elected Officials Regarding Funding Strategies for Sewer Projects

Mr. Lewis stated Representative Warren also got \$1 million that went to MMA in 2018. Mr. Lewis stated given that there are continuing sewer projects, he would like to invite Representative Warren, Senator Santarsiero, and Congressman Fitzpatrick to meet with the Township to see if we can strategize about getting additional Grants. He stated there are challenges

at the State level related to funding post COVID, but there are also some opportunities because we have shovel-ready projects. He stated at the Federal level sewer projects are potentially very valuable in helping to track outbreaks of COVID-19.

Mr. Lewis moved and Ms. Blundi seconded to send a letter inviting Representative Warren, Senator Santarsiero, and Congressman Fitzpatrick to work with us on a funding strategy and set up meetings with them.

Ms. Blundi asked that they also include Senator Casey and Senator Toomey.

Mr. Ebert stated Lower Makefield has identified a Seven-Year Capital Budget so that no matter what program comes out, they can look at the Budget to see if there is a project that fits one of the Grant programs.

Motion carried unanimously.

Ms. Kirk left the meeting at this time.

## ENGINEER'S REPORT

### 2020 Road Program Construction Update

Mr. Pockl stated the contractor, James D. Morrissey, has completed a majority of the work. He stated he is developing a punch list of items they need to complete. He stated they are aware of several issues along Combine Lane where puddling has occurred, and they need to correct that. He stated he spoke with the contractor today who indicated they want to complete the work as soon as they can.

Ms. Blundi stated she had been advised that on Esther Lane there were some wires sticking out of the pavement. Mr. Pockl stated he knows that there was an issue of wires down on Esther Lane but not that there were wires in the pavement. Ms. Blundi agreed to send an e-mail to Mr. Pockl regarding this issue.

Authorize Bid Alternate #2 to Pave Silo Road from Disk Road to Harvest Drive

Mr. Pockl stated for the 2020 Road Program, they are projected to come in under Budget. He stated he met with the Township and discussed increasing the scope of the Road Program given that there was additional money left in the Budget. He stated they are recommending that the Board authorize Bid Alternate #2. He stated the Board had awarded the Base Bid, Bid Alternate #1, which was Silo Road from Combine Lane to Disk Road, and Bid Alternate #3, which was Disk Road. He stated Bid Alternate #2 would be to pave Silo Road from Disk Road to Harvest Drive.

Mr. Pockl stated this project has an estimated cost of \$46,892.10, and the cost would be at the previously-approved Bid line item costs. He stated there is a mobilization charge for the contractor to bring the equipment back to the site in the amount of \$3,020 which has been included in the estimated cost.

Ms. Blundi moved and Mr. Lewis seconded to authorize Bid Alternate #2 to pave Silo Road from Disk Road to Harvest Drive at an estimated cost of \$46,892.10.

Mr. Jeff Nansteel, 1502 Harvest Drive, stated his home is on the corner of Harvest and Silo Road. He stated a number of his neighbors also want to speak on this matter. He stated he recently moved here and many of his neighbors are walking and biking on the road. He stated he walks his child in the stroller, and he feels that the piece of Silo Road that remains unpaved is unacceptable. He stated since the sides of the road toward the curbs are very choppy they are often tempted to move into the center of the road. He stated this is also the main artery in their neighborhood to which other roads feed in. He stated they do not have sidewalks.

Ms. Melody Henry, 1425 Silo Road, stated she is trying to understand the rationale for excluding Silo Road which is the main artery and most heavily traveled section by vehicles and pedestrians. She stated there are no sidewalks in the development. She stated the decision may have been made some time ago and no one questioned it at that time, and she asked if any of the Board members are questioning it now since it seems illogical. She stated they are 90% completed with this job, and they need to finish it. She stated the Board is voting on another section of Silo Road from Disk to Harvest which she supports, but she feels the same rationale for paving that section would logically apply to the remainder of Silo Road; and she does not see any reason to exclude the remainder of Silo Road.

Dr. Weiss asked Mr. Ferguson to provide insight on this matter before they continue with Public Comment. Mr. Ferguson stated this past year the Township developed, for the first time, an active three-year paving list. He stated in the assessment of the roads, the safety of the road is first and foremost. He stated they also developed a strategy of trying to pave in areas that are approximate to each other to avoid significant re-staging costs by going all over the Township.

Mr. Ferguson stated Silo Road from Disk to Harvest was not in the three-year paving list; however, because they were in the area they had it is a Bid Alternate in the event that there were cost savings; and they could include this area which will cost approximately \$46,000. Mr. Ferguson stated while they did not Bid the rest of Silo out, considering the costs for materials, etc. paving the rest of Silo would cost approximately \$110,000. Mr. Ferguson stated the funds are State-allocated, and they always work within the confines of the Budget.

Mr. Ferguson stated while he understands that it has been approximately thirty-eight years since the road was paved, there are other roads in the Township that have not been paved for that long and are in worse condition.

Mr. Ferguson stated there are three engineers that work for the Township, Mr. Pockl, the Township engineer, the Public Works Director who has experience in road programs, and the Planning and Zoning Director. He stated when they look at roads, the Public Works Director who drives the roads every day and consults with the Township engineer, will work to preserve the roads as long as possible. He stated at some point it gets to the point that patch will not hold because of the deterioration of the road. He stated when they establish a Three-Year Road Program that does not mean it will stay exactly the same.

Mr. Ferguson showed a picture of the 1400 block of Silo Road and a picture of the 1500 block of Silo Road. He stated that he has driven the road, and he agrees that it is not a “pristine road.” He stated the Motion that the Board is considering at this time is for the section of Silo from Disk to Harvest, and a picture of that portion was shown which he feels is in worse condition than the 1400 or 1500 block. Mr. Ferguson stated they also undertake in-house road repairs if there are sections of road that are particularly bad; and they are always going out and evaluating those areas if someone brings to their attention an area to see if there is something could be done to a particular area.

Mr. Ferguson stated the Board will next consider approval of a Motion to add Milton Drive to this year's Road Program. Mr. Ferguson stated Milton was not in this year's Road Program, but was included in 2021 in the Three-Year Plan. He showed a picture of the condition of Milton Road where the patches are not holding, and this was the rationale for adding it to this year's Budget. He stated in the last six months, this road had gotten progressively worse.

Mr. Ferguson showed pictures of roads on the 2021 list. He stated there are a number of roads that have come up all at the same time requiring paving. He stated currently they have a Budget on an annual basis of between \$800,000 to \$900,000. He stated there are 138 miles of road in the Township and money to pave approximately two and a half to three and a half miles of road. Mr. Ferguson stated while he agrees that the portion of Silo the residents are calling about is not ideal, the issue is that there are other roads that can be seen from the slides which are substantially in a further state of deterioration so that those roads were prioritized. He stated that every year during the Budget discussions, they update the Three-Year Paving Program. He stated Silo and other roads would be reconsidered moving forward. Mr. Ferguson stated the part of Silo which they have added in was part of the original Bid as an Alternate thinking that if they came under, they would try to do that road while they were there. He stated being under Budget allowed them to add a 2021 road which is Milton Drive which can be done at approximately the same cost as the segment of Silo being considered under the current discussion.

Ms. Elizabeth Thomas, 1530 Silo Road, thanked Mr. Ferguson for the explanation. She stated she disagrees that Milton Road is much different from Silo especially after the storms over the past few weeks. She stated she is not sure when the pictures were taken of Silo Road, and she does not feel the picture shown looks like the Silo Road that she lives on in the 1500 block. Mr. Ferguson stated he took the picture one week ago.

Ms. Thomas stated she drove on Silo Road and on Milton Road a few days ago. She stated in her home she can hear noise from cars turning off of Flail onto Silo which is audibly different from the newly-paved road onto Silo Road. She stated for the last thirty years, she has not come to the Board to complain about their roads not being done; but once the Program was started she feels that to do it is such a way that the main artery in the development is not being tended to is not acceptable. Ms. Thomas asked the Board to go back and find a method in which to do that portion of Silo Road. She suggested that Milton Road go back to 2021 since it is a small section.

Ms. Michelle Schachter, 1500 Silo Road, stated she has lived there for thirteen years. She stated she does not understand why they would do most of the neighborhood but not do three-quarters of a mile of it. She stated it seems that it would be a waste of money since they will have to bring back all of the equipment and men again. She stated she understands that there are other roads in the Township that need help, but she feels it is hard to understand why they would not have that “same opportunity everybody else has in our neighborhood.” She stated she is always avoiding holes and potholes in her road.

Mr. Joseph Thomas, 1530 Silo Road, stated he heard that an assessment was done before they “made the Bids available.” He stated he understands that there are no records of that assessment. He asked about the science as to how the assessments are made, and he feels they chose some roads arbitrarily. Mr. Thomas stated there are roads being done that are in developments that are much younger than Mirror Lake.

Mr. Ferguson stated there are roads of different ages that wear differently so the decision whether to re-pave is not necessarily age based. He stated he has been the Township Manager for two years, so he cannot address anything that happened specifically prior to that time. He stated there are a variety of factors they consider in choosing which road to pave which would be relative condition, which can be a function of age or not; and they also look to pave as many roads as they can in an area approximate to each other. He stated if they were to pick the worst roads in the Township which were all over the Municipality, the paving costs would be dramatically higher because they would be re-staging all over the Township. He stated he believes that for the first time in the Budget they have put out for public dissemination and critique three years’ worth of roads that they were contemplating; and they did this as part of the Budget in the initial presentation in October/ November through the end of the year. In January, they advertised for the first year of roads.

Mr. Ferguson stated they also have to recognize that finances do play an issue. He stated the money is from State Liquid Fuels money and there are certain constraints on the funding they get every year. He stated it may be determined that there is a road such as Silo which would cost \$110,000 as he noted earlier to pave, which may not get paved that particular year and a road that costs \$40,000 that may be in slightly better shape does get paved. He stated as he noted in the e-mails sent in response to e-mails that he received, Silo will be considered as part of the Three-Year Plan. He stated he cannot say whether or

not it will be a 2021 project versus being on year three of the Paving Plan. He stated they will discuss the recommendations to the Board in October/November with the presentation of the Budget. He stated every Budget year they are also looking at other sources of potential revenue to expand the Road Program. He stated they did not Bid Silo Road as part of the Road Program. He stated they also did not Bid Milton as part of the Road Program; however, the difference is that Milton will cost \$45,000 to pave and it will put them approximately \$20,000 above the allocation that we have. He stated Silo would have been approximately \$110,000 to pave which would push even further outside of the framework we have to pay for the roads. He stated all of these factors contribute to the discussion. Mr. Ferguson stated some people reached out to him that they were told that this would be done in five years; however, while he will not say that was not stated, he cannot speak to that. He stated they will be evaluating the roads moving forward, and Silo could be in the next Three-Year Paving Plan.

Ms. Teresa Foody, 1579 Silo Road, stated she has lived here for thirty-five years. She stated the roads have not been paved since she has lived here. She stated she is in the block that was paved, but she did not know that the entire street was not paved; and once she saw it she could not believe that the equipment had left and not finished it. She stated she is happy that they are considering paving it to Harvest, but she asked why they would not have a complete job when it costs so much to bring the equipment back. She stated they have left an “eyesore and a bad road” in the center of the development. She stated doing two ends of the development and not the middle, does not make sense. She stated if they do not get to it in three to five years, it will still be an eyesore because it will not match. She stated this is a through road from 332 to Yardley-Langhorne Road and is used quite frequently. She asked that the Board reconsider.

Mr. Ferguson stated the Public Works Director has just texted him and indicated that he has looked at this area of Silo, and if they would do that in the next year or two, they would also consider other roads in that area including Scammell and Highview as part of a contingent of roads in the area.

Mr. Mike Drobac, 1419 Silo Road, stated he has lived there for twenty years and he agrees with what his neighbors have said. He asked if it is the contention that Combine, Harvest, Harrow, Cultipacker, Flail, and Disk

all of which have been re-paved, were materially different from Silo Road during the assessment process. Mr. Ferguson stated he believes it was determined by staff that they were in worse condition than Silo Road. Mr. Drobac asked what can be provided that demonstrates that they were in worst condition.

Mr. Ferguson stated he does not have a document that would point to a rating of a road that would provide evidence that Mr. Drobac is asking for. He stated what he does have are two professional engineers, one of whom drives the roads every day and is in charge of repairing roads throughout the year; and he provided his recommendation that those roads would take priority. Mr. Ferguson stated the Township engineer also viewed those roads and signed off on those as well.

Mr. Pockl stated when they drive down the roads and assess them, they look at a number of failure systems within the roadway. He stated they look for transverse and longitudinal cracking as well as “alligator cracking” which is actually worse than longitudinal cracking as it gives an indication that there is a problem with the underlying structural stability underneath the surface. He stated they also look for raveling which is where the aggregate from the roadway is starting to peel off from the surface. He stated there is also settlement or rutting which is considered worse because that is indicative of the structural stability underneath the surface. He stated they look at all of this when making a decision as to a road that needs to be resurfaced now as opposed to a road that can wait a couple of years. Mr. Pockl stated he agrees with Mr. Ferguson that the Budget does play into it, and they also try not to use all of the funds in just one neighborhood and ignore the rest of the Township.

Mr. Peter Kakoyiannis, 1413 Silo Road, stated he has been on Silo Road since the beginning. He noted Supplemental #6 Attachment that was sent to the neighbors which was the 2020 Summary of Three-Year Road Paving Plan, and he asked who prepared this. Mr. Ferguson stated he prepared it with the help of the Township engineer and the Public Works Director. Mr. Kakoyiannis asked when it was prepared, and Mr. Ferguson stated it was first submitted to the Board during the Preliminary Budget discussion late October of last year. He stated it was part of the 2020 Budget that was approved in December of last year.

Mr. Kakoyiannis stated he does not see Disk on the list or money allocated to it. Mr. Ferguson stated as they were reviewing the Road Program for the year, they looked at whether there was a possibility for savings; and if there were savings was there a section that was approximate to where they would be paving that would cost what they might have available in savings as a Bid Alternate if they came in under Budget. He stated when they looked at the area, that was the area that was determined that they could include.

Mr. Kakoyiannis asked if there is another document that reflects the Bid Alternate. Mr. Ferguson stated as he noted this was not on the Three-Year Plan. He stated they Bid out this project because the engineer and Public Works Director had estimated and done measurements of the road to determine what the estimated cost would be. He stated that was presented to the Board of Supervisors, and it was put out as a Bid Alternate. He stated a Bid Alternate is something that they may or may not award. He stated because they were in the neighborhood, they evaluated the road, measured it, and included it in the Bid documents to get a price on it and consider if they came in under Budget. Mr. Ferguson stated they are under Budget, so they are recommending approval of this Bid Alternate.

Mr. Kakoyiannis stated when they were there, the Township decided to make the recommendation for Disk, but it could have been a recommendation for the balance of Silo as well. Mr. Ferguson stated it would not have been for the balance of Silo, because the balance of Silo is estimated to cost \$110,000; and it was the determination that there would not have been room under the Budget they had and was the interpretation of the staff that we would not have been that far under Budget to have that as a Bid Alternate.

Mr. Kakoyiannis stated he finds it “enlightening” that Mr. Pockl gave criteria dealing with cracking, etc. but he feels there are Federal, State, and County standards that show that a percentage of a road that has those conditions merits a rating of “one through ten.” He stated without objective criteria, it “becomes a beauty contest.” He stated it opens up the whole question of the project when there is not disclosure and transparency as to what is going on. He stated when they wait for over thirty years, it becomes a question. He stated the Township has indicated that staging is a criteria, but now they will be coming back at a second stage and be paying an additional fee. He stated if they wanted to be cost efficient, they should do the main artery since the ancillary roads have less wear and tear, and they should have some objective criteria going forward.

Mr. Kakoyiannis stated he does not see the balance of Silo mentioned on any of the plans. He stated when the neighbors had a meeting with Mr. Lewis, Mr. Lewis had indicated that he was in favor of putting the balance of Silo Road in the plan for 2021; however, he has heard no discussion about this other than it is “possible.”

Mr. Kakoyiannis stated funding is key. He asked if there has been any thought of settling the case we have on Sandy Run Road and factoring in that potential gain. Dr. Weiss stated they are considering the Motion at hand and Sandy Run Road is not germane to the Motion. He stated when they discuss Sandy Run Road, Mr. Kakoyiannis can ask his questions about that road.

Mr. Ferguson stated he did speak with Mr. Lewis about this, and he knew that Mr. Lewis did meet with the neighbors. Mr. Ferguson stated he had advised Mr. Lewis that Silo would be considered in the Three-Year Plan. He stated it is possible that Silo Road could make the Three-Year Paving Plan, but he cannot answer where it would land over the next three years. He stated they look at the sources of funding they have, the conditions of the roads, and staging as best they can so that they are not going all over the Township. He stated he feels this is the most transparent the Township has ever been with putting out a Road Paving Plan that was part of the Budget that the Board approved. He stated they will put the next one out in October. Mr. Ferguson stated with regard to road ratings, there are Townships which use road ratings; however, it is not a perfect criteria. Mr. Ferguson stated Mr. Pockl described how the road rating would be conducted; however, just because a road has a certain rating, that would not be exclusive to the decision. He stated they are making the determinations on the criteria that has been discussed.

Mr. Ferguson stated he understands the direct link between property values and condition of roads. He stated looking at the number of roads in the Township, in the past the Township has not paved nearly the number of roads that should have been paved. He stated he advised at last year's Budget discussion that the Township should get on a Road Program so that in a blended mix, they try to pave every road within twenty to twenty-five years as a standard. He stated that means we should be paving over five and a half to six miles of road a year, and we are currently doing about half of that. He stated many of the neighborhoods have all gotten old at the same time, and many of the roads are needing to be done all at once so it is very difficult to pick which roads to pave. He stated while he does not disagree that Silo needs to be done, unfortunately there are probably sixty roads like it, and they need to make difficult decisions.

Mr. Drobac stated he had called earlier but had been cut off before he had the opportunity to complete his comments. He stated he understands that it is the contention that the quality of Combine, Drill, Harvest, Flair, Harrow, and Cultipacker were "materially different" than Silo at the point of making the decision; and Mr. Ferguson agreed. Mr. Drobac asked if there is anything

to support that other than the Township staff driving the roads. Dr. Weiss stated the Board makes educated decisions, and there are qualitative decisions from the Township professionals. He stated as Mr. Ferguson has indicated, it is a matter of prioritizing a lot of “bad roads,” and they hope to get to Silo as soon as possible. Dr. Weiss stated while someone may disagree with the methodology of the professionals, this is how they do it in the Township. He stated there is also a lack of funds, and they are not able to do everything they want for everyone in the community.

Motion carried unanimously.

#### Authorize Paving of Milton Drive from Sutphin Road to Moon Drive

Mr. Lewis moved and Ms. Blundi seconded to authorize paving of Milton Drive from Sutphin Road to Moon Drive at an estimated cost of \$47,020.00

Mr. Pockl stated the contractor has indicated that if this project is not awarded, that they believe a surcharge of \$8,300 is in line because it will only take them about a half a day to do the section of Silo Road that was just authorized. He stated if the Board does not award Milton, there will be an additional charge of \$8,300 because the Contractor would have to pay their crew for a whole day and not a half a day.

Mr. Eric Halpern, 25 Milton Drive, stated those in their neighborhood believe that it was a minor mistake that in 2018 the Township paved S. Milton in lieu of Milton Drive. He stated the street across Sutphin was in much better condition and should not have been paved when the only road that was not paved in their neighborhood was Milton Drive. He suggested that the Board listen to the Board recording for March 28, 2018 at the twenty-seven minute mark for the Road Improvement Program where it was discussed that there was a rating protocol that was used at the time which was a one to five rating with one being the best for both road condition and travel, and for all of the roads on the Bid as well as the alternates, of which S. Milton was an alternate, the Board had asked Mr. Pockl and Mr. Hucklebridge if all of the roads were fives on the list in that they were the worst condition, and it was answered that they were. He stated S. Milton was on that list as one of the worst roads, and they all know that was not the case.

Mr. Halpern stated he understands the frustration of those calling in about Silo Road having a road not paved as that is exactly what happened in his neighborhood with Milton Road being the only road that was not paved. He stated it is

now two years; worse for wear. He stated Milton Road has all of the things wrong that Mr. Pockl listed. He stated for the safety of those using the road, he asked that the Board approve this.

Mr. Dennis Steadman, 10 Milton Drive, stated he has lived there for thirty-two years. He discussed the poor condition of Milton Drive which is a trip hazard for pedestrians and bikers. He stated it is overdue for paving. He stated at the intersection with Rickert there is a deep depression where there has been an orange cone in place for a year and a half to prevent cars from going into the depression. He stated the neighborhood does not have sidewalks. He stated he appreciates the Board's increased attention to paving in recent years, and the Budgets for this have grown which is important.

Motion carried unanimously.

Authorize Installation of Reflective Pavement Markings on Heacock Road from Stony Hill Road to Yardley-Langhorne Road

Ms. Blundi stated these reflectors will be a real safety improvement.

Mr. McCartney moved, and Mr. Lewis seconded to install reflective pavement markings on Heacock Road from Stony Hill Road to Yardley-Langhorne Road.

Mr. Pockl stated the estimated cost is \$3,772.80, and the cost will be based on the number of reflectors installed.

Motion carried unanimously.

Discussion of 2020 PA Multimodal Transportation Fund Grant Application Scope

Mr. Pockl stated the scope for the Grant has recently been released, and the Application deadline was initially July 30; however, it has been pushed back to September. He stated in discussions with Township staff, the appropriate scope that they have come up with are improvements to ADA ramps that are on the Three-Year Road Program. He stated PennDOT requires upgrading of the ADA ramps as roads get re-paved, and historically that has been included in the Road Program as it is covered by the Liquid Fuels funds. Mr. Pockl stated if there is a Grant that would cover this type of work, they could do this work in advance of the Road Program eliminating it out of the Road

Program. He stated currently the contractors who bid on the Road Program are asphalt paving contractors, and they have to sub out any type of concrete work and ADA ramps so there is a mark-up on concrete work when it is through the Road Program. Mr. Pockl stated if they can take that part out and get Grant funding for it, that would be a win for the Township. He stated the estimated cost to do all of the ramps for the balance of the Three-Year Road Program would be \$150,000 in addition to engineering inspection costs and administrative costs that they can incorporate into the Grant Application so that the Application would be in the amount of approximately \$165,000.

Mr. Ferguson stated if they were to get the Grant and the ADA ramp expense could be taken out of the Road Program, they would be able to pave an additional approximately one half mile of road.

Mr. Pockl stated the Board does not need to make a Motion on this at this time since the Application deadline is not until September. He stated he has had discussions with the Grant Coordinator, and the Grant would most likely be awarded in January, 2021.

Mr. Lewis asked if the money could be used for other road repairs such as patch repairs. Mr. Pockl stated the Grant Fund has a number of different types of work that are eligible. Mr. Lewis asked if they need to be specific in the Grant as to what the funds will be used for or could they include a range of projects. Mr. Pockl stated they do have to explain the nature of the work. He stated they could say it is pedestrian/ADA improvements on certain roadways and explain how that assists the Township in maneuverability from Residential areas to Commercial corridors. Mr. Lewis asked if they have to indicate which roadways or which type of improvements. Mr. Pockl stated at this point it is just an informal discussion. He stated it would help the Application if they were to list which roadways they are proposing as that shows that the Township has put thought into it and that it is close to being shovel-ready.

Mr. Ferguson stated Mr. Pockl just wanted to convey a concept that has been discussed by the staff. He added that he has asked Mr. Pockl to come up with any avenue he can that would allow them to do more roadwork, and Mr. Pockl came back with this possibility.

Mr. Lewis stated in 2018 the Township received \$300,000 from the State that they were able to allocate toward roads. Mr. Pockl stated that was for Oxford Valley Road. Mr. Lewis asked if there another opportunity to get Grants like that again. Mr. Pockl stated that was unique in that Oxford Valley Road was a main thoroughfare into the whole Township Complex and the road required more than just re-paving.

#### PAWC QUARRY ROAD BOOSTER PUMP STATION WAIVER OF LAND DEVELOPMENT REQUEST DISCUSION AND MOTION TO DEFER

Mr. Truelove stated he has discussed this with Mr. Majewski who provided a memo to Mr. Ferguson in this regard which indicated that PAWC is requesting a Waiver of Land Development for their proposed booster station project at the Snipes Tract along Quarry Road between Creamery and Dolington Roads. They have an existing below-ground station that has reached the end of its useful life, and PAWC is proposing to replace it with an above-ground station to be housed within a 30' by 13' building. He stated the project will also require the expansion of the existing Easement for access for installation and maintenance.

Mr. Truelove stated this request was discussed at the 9/18/19 Board of Supervisors meeting. He stated there were subsequent meetings one on 10/24/19 where the Sewer Authority voted to vacate the unused Sanitary Sewer Easement, one on 10/28/19 where the Planning Commission voted to recommend the Special Exception to the Zoning Hearing Board for the utility use to replace an existing underground station with an above-ground station, and one on 12/3/19 where the Zoning Hearing Board voted that the Special Exception be granted as well as the three Variances requested which are reflected in Mr. Pockl's recent review letter of 5/15/20.

Mr. Truelove stated PAWC submitted Plans and a Stormwater Management Design, and Mr. Pockl's May 15 review letter states that there no further comments or revisions needed to be made to the Plan; and that provided all other requirements are met, they would recommend approval of the proposed improvements. It was noted that there are no other stormwater management implications or traffic implications for this project. Mr. Truelove stated Mr. Majewski has recommended the Waiver of Land Development based upon the entire Record of information.

Mr. Truelove stated Waiver of Land Development is permitted under certain circumstances and authorized under the MPC, and this is also reflected in the Township's Ordinance under Section 178-126; and the Conditions seem to be appropriate if the Board desires to waive Land Development in this instance.

Mr. Ferguson stated if the Board were to waive Land Development, the Applicant would still have to go through professional reviews regarding components of their project; and Mr. Truelove agreed. Mr. Truelove added that there is still Permitting; and while this is a less formal process, there is still a lot of review, and both Mr. Pockl and Mr. Majewski will be on site.

Mr. Pockl stated there is a different level of review that goes into something like this versus someone putting in a pool or a shed in their rear yard even though what is being proposed is the approximate size of a shed. He stated they did review the stormwater management and reviewed the Plans under the SALDO Code Sections as if it were a Land Development.

Ms. Blundi moved and Mr. Lewis seconded to approve the request for Waiver of Land Development.

Mr. Grenier asked if they are not going through Land Development does that mean that there is no Public Notice requirements and the neighbors do not have an opportunity to make comments. Mr. Truelove stated the neighbors were notified when the Applicant went before the Planning Commission and the Zoning Hearing Board. Mr. Truelove stated the Board could attach a Condition to the Waiver of Land Development that certain notices would have to be sent out to notify neighbors when activities were going to occur. Mr. Ferguson stated as part of their Application before the Zoning Hearing Board a mailing did go out to a radius of 1,000 feet, and they did not get any feedback from the residents as a result of that mailing. Mr. Lewis stated he was at the Zoning Hearing Board, and no residents made Public Comment.

Mr. Grenier asked if they require a Variance to put barbed wire on top of their fences, and Mr. Truelove stated that was not a Variance request. Mr. Truelove stated the request was for a Special Exception to allow the pump station, a Variance to not require the 80' front yard setback from the Collector Road, a Variance to not provide the Type II Buffer yard in a wooded area abutting Residential, and a Variance was for Buffer requirements. Mr. Grenier stated he feels that barbed wire is something that needs a little extra review, and he is concerned about putting barbed wire in a Residential neighborhood that would be visible.

Mr. Grenier stated he is not in favor of waiving Land Development since this is a high-visibility property where they have proposed future development, and he feels there should be oversight by the Board.

Mr. McCartney asked what complications this would add for the Applicant in terms of getting this project done. Mr. Truelove stated it will take a little longer to get Plans submitted and reviewed. He stated they would have to come before the Board of Supervisors for formal Land Development approval. He stated he assumes they would request Preliminary/Final Land Development approval. Mr. McCartney asked if that incurs additional expenses for the Township, and Mr. Truelove stated typically review costs are borne almost entirely by the Applicant as part of the Escrow process. Mr. Ferguson stated the Applicant would have to post an Escrow, go before the Planning Commission for a recommendation, the consultants would review it as part of that process, and then it would come before the Board of Supervisors for a final decision.

Dr. Weiss asked if they have considered the location of the pump station in relation to the possible future re-location of the intersection. Dr. Weiss stated the only objection he would have to waiving Land Development would be if the intersection were to be a concern in the future. Mr. Pockl stated when it was reviewed and discussed with Mr. Majewski, it was indicated that the location of the pump station is further west than what the future extension of the roadway would be.

Dr. Weiss stated they did discuss this PAWC project in the past. He stated when they were discussing the future development of the rest of the property, the stormwater basins were a point of discussion, and the basins were changed to be at the opposite end of the property for the possible future development. Mr. Grenier stated the original location of the basins for the Snipes development were at a location which was found to be rocky and the infiltration rates were not good. He stated most of the water generally drains from the northwest to the southeast. He stated there was concern about whether or not the basin would be able to handle all of the water from a development of the size of the Snipes proposal. Mr. Grenier stated a few years ago the entire intersection flooded over the curbs. Mr. Grenier stated he does not know what the additional impervious from the PAWC project is or what the infiltration tests indicated for the rain garden. Mr. Grenier stated he is also concerned about how close this is to two Schools. He stated he feels these are all questions that they should consider at Land Development.

Mr. Pockl stated the Plan submitted which he reviewed shows that there is no impact to the future 70' wide right-of-way, and that right-of-way is further west than the area where the pump station would be. Mr. Pockl stated the area for the pump station is further south than any type of development that was considered when they looked at the development of the Snipes Tract, and he does not feel the PAWC project would have an impact.

Mr. Ferguson stated Mr. Majewski has texted him and indicated that there is nothing required regarding barbed wire, and that is what surrounds our other pump stations. Mr. Grenier stated he feels they should consider that during the Land Development process as well as the landscape buffers. He stated the site has a very high potential to be developed as a "premier, Public park," it is also across the street from two Schools, and there may be additional pedestrian access immediately surrounding it so they want to make sure that it is done right. Mr. Grenier stated he would also like to see some elevation views as to what the façade might look like as he did not see any in the package and he wants to make sure that it fits in with the surrounding area and the future plans for the area.

Dr. Weiss asked Mr. Pockl if the stormwater management issues were taken care of to his satisfaction, and Mr. Pockl stated they were. Dr. Weiss asked if they waived Land Development what could they miss versus going through Land Development for a small project like this. Mr. Pockl stated other than a recommendation from the Planning Commission and looking at architectural elevations, he does not feel they would be missing anything. He stated he feels Mr. Grenier could look at the elevations through the Building Permit process. Mr. Grenier asked if the Board of Supervisors usually reviews Building Permits, and Dr. Weiss stated the staff does.

Mr. McCartney asked Mr. Truelove what would be the advantage of waiving Land Development, and Mr. Truelove stated ultimately the advantage is to the Applicant since it cuts back on their submissions; however, it seems as if they have already had discussions and submitted information which effectively meets a lot of the Land Development standards. He stated it is a matter of whether the Township is interested in helping the Water Company get the project done quicker.

Ms. Blundi stated she felt that when this matter previously came before the Board of Supervisors, they showed the Board renderings at that time. She stated that if Dolington Road were to be relocated, the way she is reading the Plans, it is as if the road would go from one side of the structure

to the other side of the structure. She stated she is not sure what they would do with old Dolington Road, so she may want to take some time to consider this further.

Mr. Craig Darosh, Project Manager for Pennsylvania American Water stated they came before the Board of Supervisors in September, 2019 and explained the project. He stated since then they have gone before the Planning Commission and the Zoning Hearing Board. He stated much like the Stackhouse pump station, this is an underground can and the structure is failing. He stated they have already observed some settlement in it so time is of the essence. He stated they provide a public utility to the Township residents. He stated this is part of the reason why they were requesting a Waiver to try to speed the process along so that they could get the station in place without any interruption to the public.

Mr. Darosh stated they did provide a power point for tonight. He stated the station is a pre-fabricated station which has already been constructed; and was constructed almost identical to the renderings that they presented at all of the multiple Township meetings they attended. He stated they have Bids in hand, and they are ready to construct the project; and all they need is the Township's approval.

Mr. Grenier asked if they built the structure before getting any approval from the Township. Mr. Darosh stated it is a pre-fabricated pump station. It was noted that this is shown on slide #3. Mr. Darosh stated the structure can take twenty-four weeks to build off site once the Bid is awarded, and they did have it built. He added they have not done anything on site yet.

Mr. McCartney asked Mr. Truelove the typical turnaround for Land Development. Mr. Truelove stated if they have to go for Preliminary/ Final, it could be three months. Mr. McCartney asked why they did not go through Land Development concurrently as they were having the structure built.

Mr. Jeff Skinner, engineer for Pennsylvania American Water stated they have essentially gone through Land Development as they have gone before the Zoning Hearing Board for the Special Exception Use and for the buffer requirements, and they have gone before the Planning Commission on the Special Exception, and the Planning Commission agreed that this was a useful project. He stated they also went before the Sewer Authority for the vacation

of the Sewer Easement. He stated there is really no difference for that process from the Land Development process other than creating an Escrow for development issues as they go through construction and Recording the Plans.

Mr. McCartney stated his question was if the process is the same as far as time, and the only difference being the Escrow, why would they not just go through the normal Land Development process. Mr. Skinner stated they were of the mindset that this project did not necessitate full Land Development. He stated it is essentially a shed going on an Easement on the site. He stated they met all the other Land Development requirements, and they felt that they could make the process go a little quicker and not have to go through extra meetings for this process. Mr. McCartney stated they had determined twenty-four weeks ago that they wanted to start construction of the building. He asked how long ago they decided that this needed to be replaced. Mr. Darosh stated the structural deficiencies were noticed in December of 2018. He stated their corporate engineers came in and did a structural evaluation and drew up a report to consider whether it was cost effective to take the station off line and try to repair it versus replacing it in full. He stated it was determined that due to safety reasons, they would prefer to have an above-ground station; and while that would cost more, the repairs would have been costly and they would still have had an underground station that would not have been as safe and would be twenty-five years old.

Mr. McCartney asked when the Township notified them that they had to go through the Land Development process. Mr. Darosh stated they started working with the Township on this project in September, 2019. Mr. Skinner stated at that time they came before the Board of Supervisors and requested a Waiver of Land Development; and the Board indicated that they should first go and get all of the other issues taken care of and then come back to the Board of Supervisors to discuss further waiving Land Development. Mr. Skinner stated they got Planning Commission, Zoning Hearing Board, and Sewer Authority approval. He stated the “building is the building,” and the Land Development process does not change that. He stated Pennsylvania American took the initiative to have the building ready to go so that when the approval came through it would not take another twenty-four weeks waiting for the building to be constructed. He stated the pump station is not directly across the street from the Schools, but it does serve both Quarry Hill and Afton so that should the existing pumping station go down, there could be an issue to providing water service in the area so time is of the essence. Mr. Darosh stated it is the sole feed for that whole Zone.

Mr. McCartney asked if Mr. Grenier remembers from last year giving the Applicant a directive to first get the various approvals. Mr. Grenier stated he believes that this week is approximately twenty-four weeks from the Zoning Hearing Board approval. He stated the Applicant did give a brief intro to the Board of Supervisors and then went to the Sewer Authority meeting, which he had attended; and they agreed to vacate the Easement so that the Water Company could move forward. He stated they then went to the Planning Commission less than a week later, and then went to the Zoning Hearing Board approximately a month later. He stated he assumes that they ordered the fabrication of the building without coming back to the Township to ask whether or not the Board was absolutely going to require them to go through the Land Development process, and they just assumed that they would “get a pass.” He stated he feels that “was a bit presumptuous on their part to not re-engage the Board back in December after the Zoning Hearing Board meeting.” Mr. Grenier stated it has been almost six months since the Zoning Hearing Board meeting, and there was plenty of time for the Applicant to have the discussion they are having this evening. He stated they could have gone through the Land Development process and gotten their approvals in a timely manner. He stated he does not believe it is on the Board of Supervisors that the Water Company did not do anything since December. He stated they just received their stormwater letter less than a month ago, and all of this could have been done much sooner if they had started it sooner rather than waiting until they got the building pre-fabricated and assumed that the Board of Supervisors would be okay with it; and he is “upset that they are presenting this as an emergency but they have been sitting on it for about six months before coming back to the Board.”

Mr. Skinner stated they were also following through with the stormwater requirements of getting perc tests and running that analysis. He stated they submitted that information in January or February; and the while the engineer submitted a letter in March, it took two months for that letter to get to his office; and Mr. Skinner stated he had to call and keep requesting a copy of it. Mr. Skinner stated once he got that letter within a few days, he had resolved all those issues and submitted it back. He stated he then received another letter although it did take a couple of weeks after it was dated before it was received at his office. He stated there has been a communication breakdown along the lines, and he does not feel it was all on the client for this. He stated as the Township engineer has stated there is really no more engineering review to be done for the site, and they have met all the Land Development Ordinances and have all the Zoning Variances and Use approvals necessary for this. He feels that essentially

they have gone through the Land Development process, and he does not know what more could be gleaned from getting this pushed back to go through Land Development. He stated they have gone through all the Boards, and as was previously stated, no one has indicated that they are not in favor of this. He stated he does not see “what can be gleaned by dragging this out for two or three more months.”

Ms. Blundi stated she is concerned when she hears “provocative language – dragging it out.” She stated the Board of Supervisors has not seen the Plan since September.

Mr. Lewis stated he reviewed the Minutes of the September 19 meeting to see what the Board’s direction was, and at that time they did not indicate that they would waive Land Development. He stated they had indicated that the Applicant should get the approvals. He stated the Township has not stopped their work with respect to the Pandemic, and they could have continued reviewing the Land Development process without being in “their critical path.”

Mr. Skinner apologized for getting frustrated. He stated they were under the mindset that they needed to have a clean letter from the Township engineer before they could make the request of the Board of Supervisors to waive Land Development. He stated they now have this clean letter, and they do not know what else they could do to the project to make it better for the Township. He stated it is a utility that is necessary to be maintained. He stated while it is unfortunate that they have to put barbed wire around it, as previously noted pump stations and stations like this need to be protected. He stated he does not know what else they could do to make this more palatable for the Board.

Dr. Weiss stated the Easements and setbacks have been taken care of, and they have seen preliminary plans as to what the building basically looks like. He stated he recalls that Pennsylvania American wanted it to look like a small Residential building that would fit in with the neighborhood. Dr. Weiss stated the building height is not an issue nor is the traffic. He asked if there is anything further that should go before another Board that would require that they have this go through the Land Development process. Mr. Pockl stated to his knowledge, he does not see that there is any other item that they would need to review that would require them to go through the Land Development process.

Dr. Weiss asked Mr. Truelove if the Board could indicate that contingent upon seeing and approving the Final Plan, that they could waive the process. Mr. Truelove stated he would need to know what level of detail of Plans the Board would want to look at. Dr. Weiss stated he would want to insure that the stormwater management and impervious surface is taken care of within accepted parameters. He stated he would like to see the final package before they haul the building onto the site and dig the pipes. Mr. Pockl stated they could provide an As-Build Plan, and they could confirm that what is constructed is in accordance with what was reviewed by himself and the Building & Planning staff. Mr. Grenier stated an As-Built Plan is after the fact. Mr. Grenier stated the Applicant has the option to have a Preliminary/Final Plan; and he would be looking for that, and that would be an expedited process, but would still give the Board the opportunity to go through in detail the Plans that the Applicant has put together and have PA Water address any concerns that the Board has.

Dr. Weiss stated the Township has a history of “going without real oversight and ending up with extra expense.” He stated the Board is being extra cautious on all the projects because of years’ past. He stated if they waive the process but still get to look at a Plan, he does not feel the Board would have an issue. Mr. Skinner stated he feels the Plans that they have submitted are Final Plans and need no adjustment. Mr. Pockl stated they could make a presentation at the next Board of Supervisors meeting with data available so that the Board could review the Plans. Mr. Skinner stated they were prepared to do that tonight, and he had delivered a power point to the Township that included a picture of the building both inside and outside; and that could have answered a lot of the Board’s questions.

Dr. Weiss asked if they could arrange some one-on-one or two-on-one meetings with Pennsylvania American to answer any questions Board members may have and they could then call the question at the next Board of Supervisors meeting. Mr. Ferguson stated they could have a Zoom meeting or Pennsylvania American could share what they presented before; however, they would have to do it before next Wednesday if they were to be on the Agenda for that meeting. Mr. Ferguson stated the Board would then have the opportunity to ask questions or critique something in advance of the meeting to help them make a decision or to consider changes prior to that meeting. Mr. McCartney stated he would be in favor of that. Ms. Blundi stated

in September, they had agreed that there should be more rigorous notice to the residents which is helpful; and the fact that they have not received any feedback is positive.

Ms. Blundi moved and Mr. Lewis seconded to defer this to June 17, 2020. Motion carried with Mr. Grenier opposed.

#### MAPLEVALE ROAD DISCUSSION

Mr. Grenier stated he is getting messages from residents on Maplevale who are concerned about the condition of their street. He stated work has been done by the group working on the bridge as well as the Water Company, and they did not fix up the road. Mr. Ferguson stated he will have to discuss this with Mr. Hucklebridge. Mr. Lewis stated there have been issues like this in the past where others were doing work on Township roads and the roads were not left in good condition, and we should be following up every time to make sure that they leave the road as good or better than they found it. Mr. Grenier stated in general he feels we need to improve communications with PA Water to make sure that they follow through on fixing our roads when they dig them up and following our processes and procedures. Mr. Ferguson stated as a process and procedure, the Township does attempt to coordinate when we are going to pave a street so that they do not pick a road to pave in the spring when there is a plan to do a pipe project on that road in the fall.

#### PROJECT UPDATES

##### Big Oak/Makefield Road Turning Lane

Mr. Ferguson stated he had provided to the Board a memorandum that had been prepared by the Township traffic engineer with regard to the Big Oak/Makefield Road turning lane. He stated there was a period of time, even in the Budget, when the Big Oak Road project was listed as including a turning lane which caused a lot of confusion. Mr. Ferguson stated over a period of time the Township made an ARLE Application that included hardware upgrades to the lights, timing, etc. and that was something that was going to be explored by the previous Township traffic engineer. He stated over time that language got incorporated that it was part of project; however, Mr. Ferguson stated

as he had indicated previously, that was not part of the project. He stated the current Township traffic engineer has had discussions with PennDOT and has looked at the site himself and determined that the intersection is not performing badly currently as it is rated a B; however, in the memo provided he did talk about approaching PennDOT since they will be paving there about the possibility of re-striping that area which would provide a lane to get around on Big Oak and the possibility of giving a left turn off of Makefield since there is a left going one way but not the other. He stated potentially they could re-stripe and look at doing that at little cost, and they could see about getting this as part of the Grant, or if not, have that as part of the project whenever that road comes up for paving. Mr. Ferguson asked that the Board review the report. He stated they will be talking to PennDOT to see if that is something they could do as part of the paving project.

#### Discussion of Grant Possibility

Mr. Ferguson noted the potential for a Grant through a program called WalkWorks through the Department of Health that would provide funding for the Township to create an updated bike path plan. He stated they have a lot of the information available already that would need to be in the report. He would like to get a sense from the Board about putting the Application together as it is due July 2. He stated there is a meeting next week and one on July 1 when they could discuss the Board's interest in this. He stated it would identify and prioritize projects that would close gaps within the trail system. He stated having such a Plan allows the Township a greater means for success when the Township applies for Grants. Board members indicated that they would be in favor of proceeding with this.

#### MANAGER'S REPORT

##### Approve Lease to Purchase Financing Dump Truck by TD Bank

Mr. Ferguson stated on May 6 the Board approved the purchase of a dump truck the net cost of which was \$81,225. He stated it was included in the Budget that it would be financed over three years. He stated he put proposals out and received responses from two banks for a thirty-six month Lease with TD Bank being the lower of the two at a rate of 2.45% which is below what had been estimated.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve lease to purchase financing of a dump truck through TD Bank.

#### ZONING HEARING BOARD MATTERS

With regard to the James and Kimberly Perri Variance request for the property located at 1316 Lexington Drive in order to permit construction of an in-ground pool resulting in greater than permitted impervious surface, Mr. McCartney moved and Ms. Blundi seconded to leave the matter to the Zoning Hearing Board.

Mr. Larry Miller, 1326 Lexington Drive, stated he and his wife are concerned about the amount of allowable increase of impervious surface with the construction of the in-ground pool. He stated they would like to know what additional mitigation will be done to alleviate the water flow and prevent water flow onto the other adjoining properties. He stated they are asking the Board to put off making a decision until the Zoning Hearing Board meets which is June 16. Mr. Truelove stated the Board of Supervisors does not have direct authority on the Decision, and the vote tonight was whether they were going to send someone from the Township solicitor's office to participate or to defer to the Zoning Hearing Board. He stated the Zoning Hearing Board has experience in dealing with issues including the concerns that Mr. Miller has raised. Mr. Truelove suggested that Mr. Miller participate in the Zoning Hearing Board meeting and make his concerns known at that time. He stated the Zoning Hearing Board frequently takes residents' concerns into account and has made it a Condition of many approvals that certain mitigation measures are made. He stated while he does not have the Application before him, he believes that the Applicant has indicated that they are willing to provide mitigation.

Mr. Lewis stated the meeting will be a Zoom meeting on June 16 at 7:30 p.m. and residents can dial in. Mr. Lewis stated the Zoning Hearing Board often works with Applicants and residents to find solutions that work for everybody.

Mr. Fred Childs, 1345 Lexington Drive, stated he would be in support with Mr. Miller in his concern about the water flow that might impact their property. He asked that the Board take that into consideration before deferring this to the Zoning Hearing Board.

Mr. Grenier asked Mr. Childs if he is aware if there are drainage issues in the Applicant's area, and Mr. Childs stated his property is across the street from the Applicant's; however, he understands from Mr. Miller that they have had previous issues due to the grading of the property behind them on Knox Drive. Mr. Grenier asked Mr. Pockl if he has any knowledge about this, and Mr. Pockl stated nothing has been brought to his attention. Mr. Grenier asked Mr. Truelove if there is an engineer that takes part at the Zoning Hearing Board, and Dr. Weiss stated Mr. Majewski serves at the Township representative at the Zoning Hearing Board meetings; and Mr. Truelove agreed. Mr. Grenier stated he wanted to make sure that Mr. Majewski would be there so he could provide input.

Motion carried unanimously.

#### APPROVAL OF AMENDED FINAL LAND DEVELOPMENT FOR PAWC – EDGEWOOD ROAD WATER TREATMENT FACILITY EXPANSION

Mr. Lentowski, PAWC, was present along with Mr. Roger Phillips, engineer. Mr. Truelove stated this involves the Water Treatment facility that is across the street from the Township Municipal Building.

Mr. Lentowski stated they are proposing a disinfection improvement project which entails updating the disinfection systems and the treatment process to coincide with updated Federal regulations and to increase safety and reliability of the disinfection system. He stated this involves the installation of an ultra-violet disinfection system and the conversion from chlorine gas to sodium hypochlorite which is basically liquid bleach. Mr. Lentowski stated the project has gone to the Zoning Hearing Board where they were granted an extension of an existing Special Exception for the use in a Residential Zone, and they also received a Variance for an increase in the impervious coverage from 24% to 29%. He stated they also received a recommendation for approval from the Planning Commission on May 19, 2020.

Mr. Lentowski showed an aerial of the existing facility, and the green areas shown are what the improvements will be which include a carbon storage and feed building that will be constructed, carbon contact basins and sedimentation basins, a UV and chemical building, and a sludge thickener which is basically a tank for storage of the sludge before it is removed from the site. Mr. Lentowski stated there are no off-site improvements required or proposed for this project.

Mr. Lentowski showed a Site Plan showing the improvements just described. He stated on the northwest portion of the site is the stormwater management system. He added that even with the increased Variance from 24% to 29% impervious surface, the stormwater management system for the site meets the Township's Ordinance.

Mr. Lentowski stated they have a clean letter from the Township professionals where they meet all the Ordinances with regard to the Land Development process. He stated they have prepared a Landscaping Plan for the addition of trees on the southern and eastern side of the property to increase the buffer, and they have also agreed to work with Mr. Majewski to coordinate that the trees will be in the best interest of the Township and the neighboring property.

Mr. Lentowski showed an elevation of one of the buildings to be constructed, and the architectural treatments will be similar to what is there now.

Mr. Phillips stated they did request one Waiver at the request of the Township to reduce the number and amount of paper copies that are submitted to the Township, and Mr. Truelove agreed that was included in the Remington Vernick review letter.

Mr. Grenier moved and Ms. Blundi seconded to approve the Amended Final Land Development Plan for Pennsylvania American Water Company for improvements at the Treatment Plant at 1145 Edgewood Plan, Tax Map Parcels #20-034-044-1 and #20-034-045-2 Plans dated 2/20/, last Revised 4/8/20 consisting of twenty-five sheets subject to the following Conditions:

- 1) Applicant shall comply with the Lower Makefield Township Subdivision and Land Development Ordinance and Zoning Ordinance and all applicable State and Federal Ordinances, Statutes, and/or Laws with Variances granted as indicated;
- 2) Where applicable receipt of all Permits, Authorizations, and/or Approvals from all agencies having jurisdiction including but not limited to Pennsylvania Department of Environmental Protection and the Bucks County Conservation District;
- 3) Compliance with the Remington Vernick Engineers 4/21/20 review letter and any supplements to same including all Conditions set forth in the letter;

- 4) Compliance with the SAFE Engineering review letter dated 5/12/20 regarding traffic issues;
- 5) Compliance with the 5/12/20 letter regarding Sewer and related issues;
- 6) Compliance with the Zoning Hearing Board Decision dated 2/4/20 granting Variances which are noted in the Remington Vernick letter dated 4/21/20;
- 7) Waivers granted as listed in the Remington Vernick letter specifically Waiver from Section 178-23.B to not submit twenty-five sets of Plans and reports but to submit the following: seven full size Plan sets, fifteen 11" by 17" size Plan sets, three full size copies of the Traffic Control marking and sign Plans, three copies of all reports, and one electronic copy of the Plans and reports;
- 8) Applicant shall pay required and appropriate fees associated with the project.

Mr. Phillips agreed to the Conditions of Approval. He added that they have addressed all of the Remington Vernick comments already, and they received a clean letter from them as well as from the Traffic consultant and the Sewer consultant.

Mr. Pockl stated their April 21 letter has no further Conditions.

Mr. Grenier stated this has gone through the process and everything has been addressed. He stated they will probably get questions from the residents about the change to the disinfectant procedure, and he feels they should be ready to provide information to the public about the what the differences are.

Mr. Grenier stated it seems that they are doing a good job with the structure and landscaping which could use improvement in that area. Mr. Grenier stated it seems that they started the process in February of this year, and they have come before the Board in June; and Mr. Phillips stated he feels that is accurate. Mr. Grenier stated they were able to go through the process and get it done in a timely manner.

Motion carried unanimously.

Mr. Truelove stated the Board met in Executive Session last week (June 3) before their abbreviated meeting with the Executive Session commencing at 6:15 p.m. and ending at 7:30 p.m. Items related to litigation, Contracts, and confidential information were discussed.

#### PUBLIC COMMENT

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, Inc. stated they are not trying to shut down the Trenton Mercer Airport. She noted that at the May 26 Agenda meeting and the May 28 Formal meeting of the Mercer County Freeholders Resolution #10 was approved at the Formal Meeting with Freeholder Walter being the one dissenting vote. Ms. Herman stated she shares Freeholder Walter's concerns. Ms. Herman stated Resolution #10 was authorization to submit a Grant Application with the FAA for on-airport obstruction removal, design, and Permitting at the Trenton Mercer Airport in the amount of approximately \$480,000. Ms. Herman reviewed Freeholder Walter's concerns. Ms. Herman stated the Freeholders were unable or refused to tell the public the name of the environmental assessment or project that the obstruction removal was associated with. Ms. Herman stated it was unacceptable that the Chairman indicated that it was the FAA's desire for obstruction removal, which in this case is tree removal. Ms. Herman stated despite the public asking for maps and specifics about the exact area for designated tree removal, the Freeholders and Administration did not tell the public exactly where the tree removal was to take place on Airport property. Ms. Herman stated that while Freeholder Cimino had voted in favor of Resolution #10, afterward he indicated that if he had seen the map for Resolution #10, it may have influenced his vote.

Ms. Herman read from Congressman Fitzpatrick letter dated 11/2019 to the USDOS with respect to the Airport

Ms. Herman reiterated her "call for action" to the Board of Supervisors and Pennsylvania politicians up the line through the Federal level. She asked that the Board of Supervisors place on a meeting Agenda in the near future the topic "Trenton Mercer Airport Public Education Discussion." She asked that they educate residents about the toxic effects on the water supply and the health of families and that Pennsylvania politicians up through the Federal level attend and outline the strategy for preventing toxic contamination of our water supply.

Ms. Herman stated she will submit comments she made tonight in an e-mail to the Board and asked that the e-mail and attachments be included in the Public Record for tonight's meeting. She stated as directed by Dr. Weiss she will send her comments from the May 6 and May 20 Board of Supervisors meetings along with tonight's comments to the LMT Environmental Advisory Council.

Ms. Herman advised the Board that on "behalf of the residents of Lower Makefield, the Board's indifference regarding this topic is unconscionable." She stated they will not "sit quietly by as our water gets poisoned while you do nothing."

Mr. Ferguson stated Ms. Herman had previously mentioned Mr. McCartney with respect to the Airport group getting together. Mr. Ferguson stated there was a previous meeting and correspondence where they discussed trying to get all the Advisory groups to meet and set up meeting dates. Mr. Ferguson stated Mr. McCartney was trying to give the Airport group the opportunity to meet, and they e-mailed the Chair of that Committee on May 8 but received no response about setting up a meeting. He stated that they also e-mailed the Chair on May 12 with no response, and again on May 13. Mr. Ferguson stated they did get a response on May 13 from Mr. Preston, the Chair, indicating that he would check with another member on their availability to meet, but they have heard nothing since. Mr. Ferguson stated Mr. McCartney was pressing about having them set up a meeting date, and they e-mailed that group more than they did any other group in an aggressive attempt to give them a time to meet.

Dr. Weiss stated he has had communications with Ms. Herman in the recent past, and she is very concerned about the contamination of the River. He stated he made it known to her that he formally requested from Representative Warren and Senator Santarsiero that they contact the Pennsylvania DEP and any other agency that may be responsible for the quality of the Delaware River and test the water in that area. Dr. Weiss stated he has not received a response from either office. He stated he takes umbrage at the connotation that the Board of Supervisors is indifferent to development at the Airport. He stated he feels that over the past two and a half years they have done everything possible to see that the Airport expansion is mitigated as much as possible, and he is surprised by Ms. Herman's remarks. He stated they will follow up with their colleagues on the Federal level and hopefully will also get the Airport Review Board to meet.

Mr. Grenier stated with regard to reaching out to our State representatives, last year there were a series of meetings that he attended that involved a number of elected officials from the local, County, and State level discussing what could be done to work with the Federal Government. He stated he wrote letters on behalf of that group that went to different agencies and provided some guidance on a number of items. He stated he does not know if those meetings are still occurring, and he felt that those meetings were the best at bringing individuals together to come up with certain approaches.

Mr. McCartney stated the last meeting he had with them was in January and Representative Warren and Senator Santarsiero were there and there was a representative from Congressman Fitzpatrick's office present along with some other representatives and people from different groups. He stated the way they had left it with Ms. Herman was that a lot of this lies with the group in New Jersey since as much as we are concerned as neighbors of New Jersey, a lot of these decisions are being made outside of anything that we can control. Mr. McCartney stated the recommendation made was that those in New Jersey should get involved, but there was concern by some people in New Jersey that they did not want to get too involved in it. He stated this is not on our side of the River; and while we can oppose something that will impact the environment along the River, the fight itself needs to be taken in Mercer County.

Mr. Lee Pedowicz, 247 Truman Way, stated there is a hazardous and dangerous condition on the walk way adjacent to Oxford Valley Road in front of 301 Oxford Valley Road which is the Makefield Executive Quarters. He stated there are places where roots are protruding through and creating a very severe tripping hazard. He stated he has seen people trip in the area and saw someone fall off their bike. He stated in May he heard during the Board meeting that the repaving program for the walking path along Oxford Valley Road was put on hold. He stated he sees that there is a project planned to re-pave the walking path along Oxford Valley Road, but he feels it is really Heacock Road south of the Railroad tracks along Heacock Road/Oxford Valley Road. He stated when he was walking there today he saw markings on the walking path and that it was being surveyed for re-paving. He asked what can be done to take care of the problem immediately since it is such a severe condition in front of 301 Oxford Valley Road. He stated he does not feel a "band-aid" approach will work.

Dr. Weiss stated Public Works could look into this.

Mr. Ferguson stated someone e-mailed Mr. Majewski about this concern today, and they are going to look into whether this a trail that the Township is responsible for or a private trail. He stated if it is a trail that the Township is responsible for, they will get to it ASAP; and if it is determined to be a private trail, they will have Mr. Majewski or the Code Enforcement Department go to the private property owner in this regard.

Mr. Pedowicz stated he felt they could rope it off or install a sign warning about the danger.

#### SUPERVISORS REPORTS

Dr. Weiss stated the Historic Committee met last week, and their number one item of concern is getting the new gravestones placed at Slate Hill Cemetery. He stated they are working to put the stones in this month or early next month; and depending on the COVID conditions, having a ceremony dedicating the new stones in August or September.

Ms. Blundi stated the Financial Advisory group met, and they have asked if they could merge with Economic Development; and Economic Development reported to her that they were interested in that. Ms. Blundi stated she had asked that they send in a formal letter to confirm that, although they have not yet done so. Ms. Blundi stated both of those Committees are down in numbers, so she feels it would make sense for them to combine.

Mr. Lewis noted the Zoning Hearing Board will meet on Tuesday, June 16 at 7:30 p.m.

#### OTHER BUSINESS

Mr. Ferguson stated he is anticipating based on guidance and conversations with Chief Coluzzi, that the Board of Supervisors will be doing the virtual meetings in July and they will send out an e-mail consistent with the last one to try to piggy-back other meetings during the same weeks that the Board of Supervisors meet. He stated they will try to accommodate everyone that they can.

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There being no further business, the meeting was adjourned at 11:40 p.m.

Respectfully Submitted,

James McCartney, Secretary