

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 17, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on March 17, 2021. Ms. Blundi called the meeting to order at 7:31 p.m. and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police
James Majewski, Director Planning & Zoning
Monica Tierney, Park & Recreation Director

BARBARA ELLISON PROCLAMATION

Mr. Ferguson read into the Record the Proclamation honoring long-time employee Barbara Ellison who has retired. Ms. Blundi noted that Ms. Ellison had been a great help to the Board and wished her well in her retirement. Mr. Lewis stated Ms. Ellison was an asset to the Township and the community and will be missed.

COMMUNITY ANNOUNCEMENTS

Ms. Tierney stated that information about Park & Recreation digital opportunities can be found on the Township Website. She stated they are also working on some additional opportunities within the Park system.

Ms. Tierney stated March 29 to April 1 the Township will be hosting an Egg-Stravanganza! at the Township parks. She stated those finding eggs should bring them to the Community Center to pick up their prize. She stated they will be posting on social media updates on what parks to check for the eggs. Over 1000 eggs will be hidden throughout the week.

Ms. Tierney stated the 10K a day Stepping Into Summer Challenge started on Monday, and Registration will be open until Friday. Participants receive a t-shirt; and if you complete the challenge with 10K steps a day, you will get a medal at the end. It is not a participation medal, and you have to complete the steps required.

Ms. Tierney thanked Manor Care, ShopRite, McCaffrey's, the law offices of Kaitlin Files, Neighbors in Need, and the many residents who donated to the 80 Senior activity bags that are being dropped off to Township Seniors.

Ms. Tierney stated Pool Registration is still open and being done remotely although if it is necessary to come in to the Township, people should call in advance. She asked those with questions to contact the Township.

Mr. Grenier stated the first annual Yes You Can 5K was held in 2019 to benefit Pennsbury PTOs and Pennsbury students in general. He stated due to COVID they were not able to hold it in 2020; however, this year they announced that there will be a Yes You Can Virtual 5K being held between Friday, April 16 and Monday, April 26. Mr. Grenier encouraged those interest to do a Google search for the Yes You Can 5K.

Mr. Ferguson showed a picture of the Katherine Burke Nature Preserve sign that will be installed shortly.

APPROVAL OF MINUTES

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of March 3, 2021 as written.

TREASURER'S REPORTS

Approval of February Interfund Transfers

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the February Interfund Transfers in the amount of \$734,492.48 as attached to the Minutes.

Approval of Warrant Lists from March 1, 2021 and March 15, 2021

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Warrants Lists from March 1, 2021 and March 15, 2021 in the amount of \$1,072,810.04.

APPROVAL OF AWARD OF THE BASE BID AND ALTERNATE FOR THE EDGEWOOD ROAD SAFETY IMPROVEMENT PROJECT (SANDY RUN ROAD MINI-ROUNDBOUTS)

Mr. Majewski stated that the Township received three Bids on March 8, 2021, and the low Bidder for the Base Bid was Harris Blacktopping, Inc. in the amount of \$545,977.50 and for the Alternate Bid, Harris was also the low Bidder for a total of \$562,042.55. The Bid packages were reviewed by the consultant, Michael Baker International. The Township is familiar with Harris Blacktopping since they were just awarded the Bid for the Township Road Paving Program.

Dr. Weiss moved and Mr. McCartney seconded to award the Contract to Harris Blacktopping for the Base Bid and the Alternate in the amount of \$562,042.55.

Mr. Grenier asked if the review of Harris under the Responsible Contractor's Ordinance could be expedited given that the Township just went through the process with them. Mr. Truelove stated while he does not feel this would be considered a recurrent Contract, that does not mean that the review period could not be shortened given the Township's familiarity with their work and reputation; and that could be made an Amendment to the Motion.

Mr. Grenier stated he would be in favor of that approach for Harris since the Township just went through the review process for them.

Mr. Grenier stated he does have some reservations about the timing of proceeding with this project because of other financial concerns. He stated the PUC is supposed to be coming to a conclusion on the DELCORA Sewer sale on March 26, and the deal was recommended not to be approved by the Administrative Law Judges. He added that deal was similar to the Township's deal in terms of how it was set up. Mr. Grenier stated he is concerned about what level of risk that puts on the Township Budget. He stated he would like to see what the DELCORA decision is so we would know what level of risk that may mean for the Township and how that may effect our long-term Budget. He added that there was the recent announcement about \$3.2 million coming in from the Biden Plan, but it is not known how that will be able to be spent. Mr. Grenier stated while he is in favor of

the design which accomplishes their goals, he is concerned about voting today to approve it. Mr. Grenier also noted we have not yet settled our Court Case against the engineers “who put us in this situation.” He stated there is still outstanding the several hundred thousand dollar Quiet Zone case against the “group which is also the group that defrauded our Township which forces us to use Bond proceeds that were originally set aside for Sewer issues and open space acquisition and do projects that essentially we never should have had to pay for.” Mr. Grenier stated he would like to consider Tabling this for a final vote until the next meeting of the Board on April 7.

Mr. Ferguson stated there is outstanding litigation, and the “demands that were put forth in part are going to be based on the actual cost of this project.” He stated that is on pause until something is awarded to get that moving with the goal of recouping money which will hopefully pay for a majority of what the Board is considering to approve. He stated with regard to the Sewer sale, even if the sale does not go through, money has been set aside for this project. He also noted that the Sewer Plan that was put forth for seven years, is covered by the current surcharges. Mr. Ferguson stated with regard to the timing, the target was to get this project completed just before School starts, and it is a tight timeframe. He stated if a Motion is made to reduce the review time, that would be helpful. Mr. Ferguson stated the date of the PUC meeting is March 26, but he is not sure that there is a guarantee that they will make a decision at that meeting. He stated he also does not know whether that decision will give direction to our Sewer sale. He stated the Township has been diligent about creating specific “pots of money” so that it is known that there is a dedicated reserve for this project.

Mr. Truelove stated with regard to the DELCORA matter, there was an ALJ opinion that disapproved the sale based upon the objections of some of the Municipalities involved; but since the Judges’ decision all of the objecting Municipalities have reversed their decision and have all agreed to allow the sale to go through.

Mr. Lewis stated in this case, the amount of money that the Township will receive from the Biden America Recovery Plan is so significant that it will “dwarf any of the possible break-up costs if we lose the sewer deal.” He stated he feels we could responsibly use that money for infrastructure projects immediately. He stated while he remains significantly opposed to the sale of the Sewer system because it was a “bad decision financially for the Township,” he feels that we are safe to continue with Sandy Run. He stated Lower Makefield was very fortunate during COVID and did not

have the same impact that other Municipalities had which rely on an Earned Income Tax; and since Lower Makefield never implemented one, we had a very stable Revenue base. Mr. Lewis stated people have been waiting a long time for Sandy Run to reopen.

Dr. Weiss stated it has been four years with a lot of discussion regarding Sandy Run, and money has been put aside for this project. He added that the Township will also be getting significant funds from the new COVID Relief Plan, and that should cover any shortfalls in other areas if funds are needed and if the Sewer sale does not go through. He stated he would not hesitate to move this project through.

Motion carried unanimously.

Ms. Blundi asked if the Board would like to make a Motion to reduce the review time.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to modify the Responsible Contractor Ordinance specific to the review of the Sandy Run Road Bid to fourteen days for both the Township and public review in an effort to get the project done before School starts.

Mr. Ferguson thanked Mr. Fiocco for all the work he did on the Sandy Run Road project. Mr. Lewis stated particularly helpful was the modeling and visualization, and Mr. Fiocco took a very complex situation and found a very novel answer to it, and demonstrated why it would work.

ENGINEER'S REPORT

Mr. Pockl stated that the Board received a copy of his Engineer's Report in their packet.

Approve Escrow Release #1 for the Caddis Development (On-Site Improvements)

Mr. Pockl stated the Caddis Development has completed the majority of the work. There are some minor outstanding punch list items and some work that is required based on a television inspection of the sanitary sewer and storm sewer that was installed. He stated they posted an Escrow of close to \$1 million, and this is the first Release requested. Mr. Pockl stated after this Release, there will be over \$140,000 remaining in the Escrow for any outstanding items to be completed.

Dr. Weiss moved and Mr. McCartney seconded to approve Escrow Release #1 for Caddis Development (on-site improvements) in the amount of \$737,613.69.

Mr. Grenier asked Mr. Pockl to discuss the items that still need to be done.

Mr. Pockl stated there are punch list items. He stated we want to make sure that the landscaping that was installed in the fall has survived the winter.

Mr. Pockl stated they provided televised video of the sanitary sewers and the storm sewers and there is some minor cracking in the storm sewer pipe that needs to be repaired. He stated there was also some damage to the bike path along Oxford Valley Road and the concrete curb also needs to be repaired. He stated there was some construction debris on Oxford Valley Road and some cracking within the ADA ramp areas where the concrete needs to be repaired.

Mr. Grenier stated he assumes they have converted their sediment basins to active stormwater basins, and Mr. Pockl stated they have; however, he has not yet received the Notice of Termination from DEP yet so that is an outstanding item as well. Mr. Grenier stated the EAC had significant concerns about their design, and he would like to make sure there is enough in the Escrow to address all of those issues in case there is evidence that the stormwater system is not working as planned. Mr. Pockl stated that was part of the storm sewer system that was televised, and there was no standing water or a significant amount of sediment within the underground infiltration basins.

Mr. Lewis thanked Mr. Pockl for all the work he did dealing with the challenges they had with Caddis. Mr. Lewis stated the resident at 1667 Dobry Road has been waiting for his sewer connection, and he asked if that will be handled before this is finalized; and Mr. Pockl agreed. Mr. Lewis stated he has not heard from any of the residents lately about the light issues. He feels there is sufficient money being held to cover all of the outstanding issues.

Mr. Lee Pedowicz, 247 Truman Way, stated no one is “paying attention to the electrical issue that he brought up regarding where they mounted their switch gear, which is an apparent violation of the National Electric Code.”

Mr. Pedowicz asked that someone advise him why it is located there and how it conforms with the National Electric Code as he has safety concerns about its design and installation. Mr. Pockl agreed to contact Mr. Pedowicz regarding this matter.

Mr. Fred Falk, 253 Truman Way, stated although there have been some improvements with regard to the lighting, it is still casting a glow into his house and onto his deck which is not in compliance with the Ordinance.

He asked what more can be done before all the plantings grow sufficiently high enough to negate the glow of the lighting. He stated with regard to the plantings, there is already evidence that a number of the arborvitae are dying; and he asked how the developer will be advised that they need to be replaced.

Mr. Pockl stated with regard to the lighting, he does not agree with Mr. Falk. He stated they have been on site and at the property line with the light meter several times and showed that no light is being cast into the back yards off of the Caddis property. Mr. Pockl stated there is light observance, but it is not light spillage. Mr. Falk stated there is a reflection of the light on the walls of his house in his bedroom and his living room. He stated it may not be measurable by the light meter, but it still something “that is happening and is a concern.” Mr. Pockl stated light being cast onto the bedroom wall means that it is lighter outside than it is inside. He stated it is not reflecting anything from where the light is coming from. Mr. Falk stated before the street lights were put in the parking lot there was no light cast into his house from that area.

Mr. Pockl stated Caddis provided a Plan that was approved that was in accordance with the Township Ordinance as far as casting light downwards. He stated there is no spillage of light off of the property by measured light meter. He stated they painted the inside of a lot of the parking lot fixtures to insure that the bulb is not seen and it assisted in casting the light downward from the fixture. He stated they have met the Ordinance and provided lighting in accordance with the approved Plan.

Mr. Falk stated he does agree that they have done a lot of work to help mitigate the light, but there are some that they did not do; and those are the ones that continue to cause issue with the light that is coming through. He stated they need to complete the job for the lights that have not been addressed yet. Mr. Pockl stated the lights that were not addressed are on the other side of the parking lot that are shining light south.

Ms. Blundi asked about the trees, adding she assumes that if there are trees that did not survive the winter there is a process to make sure that they are replaced. Mr. Pockl stated they will have a landscape architect review all of the plantings that were installed for the entire project; and anything that they see as diseased or dead will need to be replaced, and we are holding Escrow for that work to be done if necessary.

Mr. Grenier asked with regard to replacing any of the trees, are they obligated to replace them with a tree of similar size or is there a minimum height that they put in. Mr. Pockl stated it comes down to availability at the nurseries. He stated he believes 8' to 10' is what is typical of arborvitae that are planted. He stated if the trees were planted at the end of the planting season in the fall last year, they did not grow that much throughout the winter; and he feels a replacement tree required by Ordinance will be similar in size to what was provided.

Motion carried unanimously.

Approval of Escrow Release #1 for the Caddis Development (Dobry Road Off-Site Improvements)

Mr. Pockl stated this is for the Dobry Road off-site improvements in the amount of \$301,249.50. Mr. Pockl stated there is approximately \$63,000 left in Escrow for any remaining work to the storm sewer pipe within Dobry Road, surface cracking, or adjacent work needed for Dobry Road.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve Escrow Release #1 for the Caddis Development (Dobry Road off-site improvements) in the amount of \$301,249.50.

Authorize Advertisement to Bid the 2021 Bike Path Maintenance Project

Mr. Pockl stated the Board was provided in their packet an overview which was aerial photography of the work to be done for the bike path maintenance project in the area of Heacock Road and Stony Hill Road. He stated specs were put together, and the intent is to advertise early next week with it being put up on PennBid. He stated Bid opening would be April 14, with the Board reviewing the Bids and possibly voting on them at their second meeting in April.

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to authorize advertisement to Bid the 2021 Bike Path Maintenance Project.

MANAGER'S REPORT

Approve Payment Request #1 from Blooming Glen Contractors for the Brookstone Pump Station Upgrade Mechanical Contract

Mr. Ferguson stated the Board was provided in their packet a memo from the Sewer engineer, Mr. Ebert, indicating that the amount of money remaining on the Contract is over \$250,000. This payment is for mobilization, setting up by-pass pumping, and the demolition of the existing pump station.

Dr. Weiss moved and Mr. McCartney seconded to approve Payment Request #1 from Blooming Glen Contractors in the amount of \$19,790.46. Motion carried unanimously. Mr. Grenier was not present for the vote.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m. and items related to litigation, Real Estate, and informational items were discussed.

Consider Authorization of Advertisement for Amendment to Responsible Contractor Ordinance

Mr. Truelove stated as discussed previously the review period for what has been discussed as Recurrent Contracts is what is before the Board for consideration to be advertised. He stated a proposed Ordinance was presented with the amended language to the Board for their review. Mr. Truelove stated this is for the public review process and only for those Contracts which are deemed recurrent.

Mr. Truelove read the language as follows: "The review period described in this Section shall be reduced to a period of no more than fourteen days for public inspection for those Contracts that are recurring, for example occur on a regular basis such as annually. Such recurrent Contracts include for reference purposes only and are limited to annual Street and Road Resurfacing Contracts and Municipal Pool Re-Painting Contracts. Initial determination as to whether a Contract is recurring will be made by the Township Manager upon the recommendation of one of the following individuals as applicable under the particular Contract: Director of Zoning, Inspections, and Planning, Township engineer, Township Sewer engineer, or Township traffic engineer.

Mr. Truelove stated they tried to be as definitive as possible but also allow for flexibility. He stated they did not want to be so definitive that it would only be specific recurrent Contracts and then if there was a change, they would have to Amend the Ordinance which would require another advertisement, legal fees, etc.

Dr. Weiss moved and Mr. McCartney seconded to authorize advertisement of an Amendment to the Responsible Contractor Ordinance. Motion carried unanimously. Mr. Grenier was not present for the vote.

Approve Authorization of Advertisement to Accept Bids for Patterson Farm Lease

Mr. Truelove stated there have been discussions previously about some slight modifications to what had been presented.

Mr. McCartney moved and Dr. Weiss seconded to authorize advertisement to accept Bids for the Patterson Farm Lease.

Mr. Truelove stated the Patterson Farm Lease is soon to expire based on the five-year term. He stated there has been input from Township staff as well as Supervisors, and it was decided to make the Lease a little more flexible and a little more progressive in terms of the type of either farming techniques or crops to be produced. He stated items in the Notice to Bidders included “special consideration to be given to proposals that include one or more of the following: sustainable crops, farming crops that address food insecurity issues in local communities, and crops that would promote local farm to table and local sale of such products; and also promoting best practices as demonstrated by the Penn State Extension or some other similar entity regarding practices as forage and food crops, controlling insects, pests, and diseases, stormwater management, run-off issues, and crop selection rotation.” Mr. Truelove stated there would be terms in the Lease which reflect this as well.

Mr. Truelove stated they hope to promote flexibility and the type of farming that would reflect well on the community with respect to the types of crops that could hopefully be sold in some of our local supermarkets or farm stands in the area to show the interaction between farming and the community and to promote farming within the community. Mr. Truelove thanked everyone for their insight into the final product.

Mr. Ferguson stated if this is approved by the Board this evening, the specs will be on the Township Website tomorrow and the necessary ads will be in place to fulfill the Bidding requirements. He stated the current Lease expires the end of April, and the current tenant sent an e-mail to the Board outlining all of the things that they do which was more expansive than many realized. Mr. Ferguson stated they will be looking to have the Board approve a Lease at their second meeting in April. Mr. Ferguson stated there is an option to quote a five-year and ten-year Lease.

Mr. Grenier thanked the staff for taking this approach. He stated the five and ten-year options will be helpful to farmers as it provides them stability. He stated the items which were added to both the Lease and the invitation to Bid with respect to "local content is good to see" as are the various conservation measures which have been added.

Mr. Truelove noted sub-paragraph K which will indicate that the Lessee will conform to all of the requirements set forth in the Agricultural Conservation Easement that was entered into in 2018. He stated the Conservation Easement was imposed after the current Lessee was here, and the Lessee has done nothing to violate any of the terms of that. He added that the Conservation Easement does discuss the types of crops that would be consistent with what has been discussed including besides field crops, fruits, vegetables, horticultural specialties, and some other items. He stated his recommendation would be that the paragraph be modified to reference the Conservation Easement itself.

Mr. Grenier moved to amend that the current sub-paragraph K be changed so that the reference to the Patterson Farm Conservation Plan be changed to the applicable Conservation Easement as directed by the solicitor.

Mr. McCartney agreed to the Amendment, Dr. Weiss agreed to second; and the Motion as amended carried unanimously.

ZONING HEARING BOARD

With regard to the John and Amanda Mohan Variance request for the property located at 892 Duchess Drive, Yardley, PA 19067, Tax Parcel #20-39-213 in order to install a small laundry room/mudroom addition which would increase the impervious surface from the existing 18.7% to 21.6% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Robert and Kathleen Widner Variance request for the property located at 913 North Pennsylvania Avenue, Yardley, PA 19067, Tax Parcel #20-054-071-001 in order to install an in-ground pool with decking, a pool house, and a shed which would increase the impervious surface from the existing 18.41% to 21.64% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the William Harn Variance request for the property located at 1131 Lily Pond Lane, Yardley, PA 19067 Tax Parcel #20-060-238 in order to install a split rail fence within the wetlands, Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried that the Township participate.

With regard to the William Maloney Variance request for the property located at 1240 Silver Stream Drive, Yardley, PA 19067, Tax Parcel #20-003-036-015 in order to install an open rail black aluminum fence within a stormwater Easement, it was agreed to leave the matter to the Zoning Hearing Board.

ZONING INSPECTIONS AND PLANNING

Approval of Certificate of Appropriateness for 706 Stony Hill Road – investors Bank

Mr. Dennis O'Hara, Senior Vice President of Compass Sign Company, Bensalem, PA, was present. He stated they were hired by investors Bank which is acquiring the Berkshire Bank location on Stony Hill Road. Mr. O'Hara stated their Plans were approved by HARB. He stated they plan to remove the existing signs and install similar non-illuminated signs with the investors Bank letters and corporate seal. He stated the signs will be installed in the same area where the Berkshire Bank letters are presently located. Pictures of the signs were shown.

Mr. Lewis stated he believes this is the first investors Bank branch in Pennsylvania. He welcomed them to community. Mr. O'Hara stated investors Bank is community oriented and gets involved in a lot of programs that are beneficial to the Township.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Certificate of Appropriateness for 706 Stony Hill Road – investors Bank.

Discussion of Preliminary/Final Subdivision and Land Development Plan for Prickett Preserve at Edgewood (Plan #670) and Approval to Advertise the Conditional Use Hearings for Prickett Preserve

Mr. Steve Harris, attorney, was present with Mr. Vince DeLuca and Mr. Bob Dwyer, developers. Others present included Mr. Bill Reardon and Mr. Travis North, engineers, the traffic engineer, Mr. Chris Williams, and planner, Mr. Seth Shapiro.

Mr. Harris stated with regard to the request for a Waiver from the Fee-In-Lieu of tree replacement, they are withdrawing that request for a Waiver, and they will work with the Township to compute the appropriate Fee. Mr. Harris stated with regard to the review letters from Remington Vernick, Ebert Engineering, and SAFE, they are all will comply. He stated with regard to the comment from the EAC regarding the engineered soils in the detention basin, Mr. Reardon will comment on that and indicate that they are in full compliance. Mr. Harris stated with regard to the Historic Commission letter, the developer continues to commit to actively re-use the historic house and historic barn. He added that they are in the process of doing a full archeological and architectural reviews which will be submitted not only to the Township but also to the Pennsylvania Historic and Museum Commission for their approval. Mr. Harris stated with regard to the parking issue, although they are keeping the same parking as has been indicated, they will be installing a significant amount of pervious paving. Mr. Harris stated with regard to the Bucks County Planning Commission review letter they have raised the same issues which they raised at prior reviews which the Applicant has already commented on.

Mr. Harris stated Mr. Shapiro will show a brief power point presentation which will address only items that have changed since the prior meeting with the Board. They will show the significant improvements which have been made as a result of meetings with Township staff and the Township's consultants. Mr. Harris stated Mr. Reardon will discuss the engineered soils issue and review the four Waivers being requested.

Mr. Harris stated at the conclusion of those discussions the Applicants will answer questions, and he assumes that there will then be public comment. Mr. Harris stated they will need to schedule the Conditional Use Hearings, and they are proposing that those be on April 7. These are the Conditional Use Hearings for the drive-in for the pharmacy and the drive-in for the bank.

Mr. Shapiro showed a slide of the Plan which shows the revisions that have been made. He noted the location of a pedestrian path connection which will be an amenity for the residents of the apartments as well as the community. He stated the connection is up to Stony Hill Road and across Stony Hill Road.

Mr. Williams showed the updated plan for the path over 295. He stated they previously discussed a path connection from the apartments to Stony Hill Road and a mid-block crossing at a location he showed on the Plan to meet up with the existing path on the south side of Stony Hill Road, and then it would continue to the east over 295 toward Edgewood Village. He stated that plan has changed, and they are now proposing to build an entirely new path solely on the north side of Stony Hill Road. This is shown in orange on the slide. He stated this new path on the north side will also include a new crossing at the intersection of Township Line Road and Stony Hill Road on the north leg. This will provide a direct connection from the new trail over to the west side of Stony Hill Road and a connection to Shady Brook Farm. This is a crossing that will occur at a signalized intersection.

Mr. Williams stated all new pedestrian facilities as shown on this Plan and the next Plan he will show are depicted in orange.

Mr. Williams stated the path he discussed will stay on the north side of Stony Hill Road. They are still proposing the direct connection to the apartments, and they are still proposing the median in the middle of Stony Hill Road which is shown in green. He stated the intent of the median is to act as a traffic-calming feature and a welcoming gateway feature for traffic headed into Edgewood Village.

Mr. Williams stated they are dealing with tight constraints. He stated they have grading on the north side of Stony Hill Road due to detention basin in the area, and there are guiderails on the north side of Stony Hill Road. He stated what they will do is shift Stony Hill Road to the south, and in doing so they will remove and replace the existing path that exists today on the south side of the road so they will be exchanging the existing path on the south side of the road for an entirely new path consistently on the north side of the road.

Mr. Williams showed a slide which has the path continuing on the north side of Stony Hill Road over the 295 bridge. He stated they continue to show the physical barrier between the path and the travel lane over the bridge.

While this concept is the same as what was shown, what is different now is that it has all been shifted to the north side. Once the path crosses the bridge and you get to the east side of the bridge, the path would continue along Stony Hill Road and continue to the westernmost driveway of the Artis Senior Living facility. In this area Stony Hill Road was changed when the Artis development came in, and there are medians in the area; and the speed limit is reduced to 35 miles an hour. Mr. Williams stated they are crossing the path on the north side of Stony Hill Road to the south side of Stony Hill Road at the location of the median, and they will have an ADA-compliant crossing of Stony Hill Road at that location. He stated from there the path would continue on the south side of Stony Hill Road tying into the existing sidewalk that was recently constructed by the Artis project shown in red.

Mr. Williams stated what they are therefore now proposing is a shift of the path to the north side, and it is now a continuous path on the north side of Stony Hill Road and provides a direct, convenient connection to the signal at Township Line Road and Stony Hill Road and a direct connection over the 295 bridge. He stated this concept was developed in coordination with the Township so far, and they will continue to work with the Township with regard to the design and review of this new pedestrian solution. He stated because Stony Hill Road is a State road, they will also work with PennDOT to obtain their approval as well.

Mr. Grenier asked for a description of the ADA-compliant crossing, and he asked if that would be signalized. Mr. Williams stated it will not be signalized. He added that what is existing there today is a raised median in the middle of Stony Hill Road; and what they would provide as part of the concept is to have an ADA-compliant handicap ramp on the north and south sides of Stony Hill Road, and an ADA-compliant transition through the median to complete the connection. Mr. Grenier asked if PennDOT would allow for the type of crossing that has lights that go off and beep. He stated there may be people from Artis who want to cross here and it may take them a little longer to cross; and he is wondering how this could be done safely. Mr. Williams stated traditionally you would see those types of features at traffic signals and not at this type of location unless a traffic signal were installed as part of this crossing. He stated because it is not a traffic signal under all conditions, the pedestrian does have to yield the right-of-way to moving traffic. He stated it is therefore important that there is adequate sight distance which they believe there is as they are a considerable distance away from the bridge over 295. He stated while most pedestrians would be able to cross in one movement, a slower-moving pedestrian does have the

advantage of the refuge from the median to complete a two-stage crossing if necessary. He believes that this is a superior location for the crossing for a variety of reasons. Mr. Williams stated this will be submitted to PennDOT for their review. Mr. Grenier asked if it is a raised median, and Mr. Williams stated it is. Mr. Williams stated this is not considered a mid-block crossing, and it will be considered crossing at an intersection since it is a driveway intersection which he feels is better than a mid-block crossing.

Mr. Shapiro stated there had been discussion previously as to where the rain gardens and pervious paving were located. He showed a plan with the area in yellow being the pervious paving including pathways and in parking areas. He stated the rain gardens are shown in red.

Mr. Shapiro stated there had been discussion about the open space in the area of the existing house and barn. A rendering of this area was shown of what this area could look like during special times when this area would be closed off. He stated they had discussed fencing, and a rendering was shown looking into the open space with split rail fencing along the pathway.

Mr. Shapiro stated previously they had shown a flat, two-dimensional drawing of the Residential elevation based on the building types that exist in New Britain. He stated they have since modeled the building in three-dimension, and that rendering was shown. He stated they are trying to create a unified theme which would be “farmhouse chic” which they feel will fit in with the rest of the architecture in the community.

Dr. Weiss stated the reason why they would be eliminating the pathway on the south side would be because they are shifting the road, and Mr. Williams agreed. Mr. Williams stated when it was proposed to have the pathway entirely on the north side of Stony Hill Road, it presented a challenge because they are dealing with grading issues on the north side with the basin; and in order to fit the path in that area, they have to shift the curb line and move the road slightly to the south. He stated this became a bigger project than they originally anticipated, but they feel it is a better project. He stated in order to make it work, it is at the expense of the existing path on the south side. He stated they want to get the pedestrian traffic over to the path on the north side where there is a safe connection over the bridge and continuing into Edgewood Village.

Dr. Weiss stated it seems that it will be a narrower path on the north side than it was on the south side, and he asked what will be done about bikers. He asked if there will be a bike lane painted onto the surface of the road. Dr. Weiss stated he feels that there will be walkers and bicyclists. Mr. Williams stated the existing path shown in bright red at the bottom of the page is already narrower in that area than the path that will be eliminated on the south side of Stony Hill Road. He stated the existing path was 8', and what they are showing is a 6' path which matches the existing path heading south on Stony Hill Road. He stated they can look to maximize the width as much as possible, but they are constrained because of the need to provide the path between the edge of the road, the guiderail, and the basin on the north side. He stated they need to provide a buffer between the path and the edge of the road. He stated the 6' path is primarily intended for pedestrians. He stated he has seen a 6' paths work fine for pedestrians and bicyclists. Mr. Williams stated if the Township desires, they could stripe the roadway with a "Share the Road," so that the more experienced bike riders could choose to stay in the road which is what happens on the other side of 295 in Edgewood Village where it goes down to a 5' sidewalk which was built in front of Artis. He stated they could match that Share the Road concept on the west side of the bridge as well.

Mr. Grenier asked what is the overall impervious surface percentage for the site, and Mr. Rearden stated it is 63.6%. Mr. Grenier asked if they are taking credit for the pervious paving areas in the 63.6%, and Mr. Reardon stated they are not. Mr. Reardon stated they are also not taking credit for it in their stormwater management volume control analysis. Mr. Grenier asked what it would be if they took credit for it; however, Mr. Reardon stated he did not know. Mr. Reardon added that the stormwater management system that was designed and submitted and approved by the Bucks County Conservation District as part of NPDES did not have those measures originally so they are not part of the approved NPDES Permit; however, they are added measures since the many iterations they have done since then trying to address the concerns that were presented by the Planning Commission and the EAC. He stated these are therefore added safeguards that will help mitigate stormwater above and beyond what is already a compliant approach.

Mr. Grenier stated by Ordinance they are permitted to have up to 65%; and while they are at 63.6%, in reality, it is probably a couple percentage points less than that based on pervious pavement which is very good. Mr. Grenier

stated he feels that other similar developments in the area have higher percentages than what they are proposing here. Mr. Reardon stated both the Giant and McCaffrey developments are probably at 68% to 70%.

Mr. Reardon stated with regard to the concern about the credit they are taking for the large surface infiltration basin at the corner of Stony Hill and Township Line Road, that is an existing basin; and they did extensive soil analysis of that area, and they yielded very good results for infiltration. He stated the design also calls for placement of 18" of an engineering planting soil in the bottom of that basin to help support the naturalized vegetation that they are proposing. He stated the combination of that soil and the underlying infiltration capabilities of the soil lend itself to not only the infiltration credit that they were granted, but also the ET credit that you get for that system through the worksheets.

Mr. Grenier asked for a description of the approach they are using for the naturalized basin. Mr. North stated it will be a seed mix comprised of different native species that can survive conditions both wet and dry. He stated they have root masses that get several feet deep so that they can easily pick up the water that is available in the soil. Mr. Grenier asked if it will be similar to an emergent wetlands species mix; however, Mr. North stated it will not since this is technically not a wetlands. He stated they are specifying a retention basin wildlife seed mix because even though this will get wet for long periods of time, they also expect it to have drought conditions in the summer. He stated they need a seed mix that can adapt to both. He stated if they were to use a wetlands mix, they would have to maintain water in the basin year round, and they do not want that.

Mr. Grenier asked who will have ownership of the basin, and Mr. Reardon stated the landowner will have ownership and maintenance responsibilities for all of the stormwater systems that are shown on the Plans.

Mr. Grenier asked if the Board of Supervisors grants approval this evening will it be subject to HARB's approval of the two historic buildings. Mr. Truelove stated he does not anticipate an approval this evening, but the developers will "engage in an interactive process with HARB."

Mr. Grenier noted the open space/shared area, and he asked if they are still considering using the “Astro-turf style cover versus a pervious more hardscape-looking area.” Mr. North stated they are contemplating using a synthetic turf in that area as they envision this as a multi-use area which could include outdoor exercise or other activities that you would not want to do on concrete. He stated they will continue to work with the Township on the details. Mr. Grenier stated if there is any way they would be able to get more trees or shade along the path, he would encourage that.

Mr. Grenier thanked the developers for considering everything that the professionals, staff, Committees, and the Board have asked for to address the concerns of the Township.

Mr. Lewis stated with regard to the rendering of the Residential façade, he is pleased with the façade variations that are now being shown.

Mr. Lewis asked if they have calculated what will be the Tree Replacement Fee, and Mr. Pockl stated they have not yet. Mr. Pockl stated they recently submitted HOP Plans for work on 332 which showed some tree removal, and he wants those to be incorporated into the tree replacement count as well. Mr. Lewis asked if there is a rough estimate, and Mr. Pockl stated he believes it will be between \$200,000 and \$250,000.

Mr. Lewis stated the Bucks County Planning Commission has suggested a number of things throughout the process, and he asked the developers why they chose not to do some of the things that they suggested. Mr. Lewis particularly noted the Overlay District concept and purpose and the perpendicular parking along the access way between Buildings 5 and 6. Mr. Reardon stated with regard to the parking, the area they are talking about is between the pharmacy and the two Retail buildings to the north of that. He stated that parking is necessary to support those Retail buildings, and it is opposite a right-in/right-out driveway which is a restricted access driveway; and it is not uncommon in most Commercial developments to see a parking configuration consistent with this orientation. He stated they feel this approach is appropriate here.

Mr. Shapiro stated with regard to their comment that they would have liked to have seen Residential on top of Retail which is a vertical Mixed Use, he feels that only really works in the right location; and he feels that “urbanity” is foreign to this particular area. He stated he feels this is more Suburban/Rural. He stated he considers this Mixed Use because it is very pedestrian friendly with the linkages. He stated he does not feel having the Residential over Retail would work in this situation, and you generally need much greater density. He stated where you see this work is where there are three hundred to four hundred Residential units over Retail. He stated he does not feel this site fits with that pattern.

Mr. Lewis stated the Bucks County Planning Commission also mentioned Neighborhood Open Space for those living in the two-hundred multi-family units, and they had concerns that there was not enough usable outdoor space for residents; and he asked the developers to comment on that. Mr. Shapiro stated he feels they have provided a lot of space for the residents in that area. Mr. Reardon stated the Mixed-Use Ordinance has a requirement that the Neighborhood Open Space is 15% of the Net Buildable Tract, and this Plan actually exceeds that; and he believes they have more than 17%.

Mr. Shapiro stated high-end, multi-family communities have a central club house and an outdoor active space which in this case is the pool and the small recreational field. He stated there are also other opportunities within the Plan where there is room for other items/activities, and they are still exploring these opportunities for this community. He stated there could be an exercise station, picnic area, bocce courts, and seating areas in addition to the paths.

Mr. Majewski stated the Bucks County Planning Commission felt that there should have been less open space in the Commercial area and more in the Residential area; however, this development is not just for the residents who live there but for the residents who visit the Retail and restaurants. He stated they will be able to take advantage of the open space in the Commercial portion to walk in the development or sit in the courtyard/open space. He feels what they have presented is a good mix.

Mr. Shapiro stated he agrees with Mr. Majewski and he also feels that from a Residential-community standpoint, the residents in the apartments would be able to make use of the central open space that is framed by the historic buildings. He stated it is meant to be an integrated community.

Mr. Lewis asked if they are requesting Preliminary approval this evening with Final approval contingent on approval of the Conditional Use approvals.

Mr. Harris stated he understood from Mr. Truelove that the Board would not be acting on the Plan this evening. Mr. Harris stated the Conditional Use Hearings would be at the next Board meeting on April 7, and they would be looking for Preliminary/Final approval at that time assuming the Conditional Uses are granted. Mr. Truelove stated this was his understanding as well.

Mr. Harris stated they are asking for four Waivers which they would like the Board to consider. Mr. Truelove stated the requested Waivers are noted on the last page of the Remington Vernick review letter of March 11.

Mr. Reardon stated the first Waiver request is related to the height of the light poles within the Wegmans parking field. The requirement is that lights be set at a 20' mounting height, and they are proposing to increase that height to 25' which will allow them to reduce the number of light poles proposed within that parking field and have a better, more even distribution of light within the parking field.

Mr. Reardon stated the second Waiver request is related to that which is the location of light poles within that parking field. He stated there are four light poles that are not located within landscaped islands, and they are located at the intersection of parking spaces and elevated by a protective concrete barrier. He stated this allows them to have a more even distribution of light throughout the parking field.

Mr. Reardon stated the third Waiver is from the minimum dimension of 20' from parking to a building. He stated this is just in the Commercial section of the development and not in the Residential. He stated the distances vary from a minimum of 8' adjacent to the pharmacy, and in some instances it is between 10' and 15' adjacent to the Retail buildings; and in all other locations, they are providing 20'. Mr. Reardon stated this is to maximize the amount of open space that they have within the central portion of the development. It has been reviewed by the Township Fire Marshall, and there is no concern from an emergency access standpoint to those buildings between the parking.

Mr. Reardon stated the last Waiver is for the removal of topsoil from the property. He stated with the proposed additional improvements on the property, it is impossible for them to replace all of the topsoil. He stated

this is a common request for Commercial developments, and they are looking to remove that portion of the topsoil that cannot be reused within the landscaped areas.

Mr. Reardon stated they did discuss these Waiver requests in detail with the Planning Commission which voted unanimously to recommend approval of these four Waivers.

Mr. Truelove stated he feels it is appropriate that the Board take Public Comment at this time. Mr. Ferguson stated it is his understanding that there is not a prerequisite that to entertain Public Comment that there needs to be a Motion on the floor, and Mr. Truelove agreed.

Mr. Harris stated he would ask that the Board make a Motion this evening to advertise for the Conditional Use Hearings at the April 7 meeting. Mr. Grenier stated the Conditional Use requests are for the two drive-through facilities – one at the bank and the other the pharmacy. The location of these was shown on the Plan. Mr. Grenier asked if the Board decided not to grant one or both of the Conditional Uses would that require a new submission or fundamental changes to the Site Plan. Mr. Reardon stated the only change would be in the bank area where the green strip could be converted to parking, but it would be nothing substantial because of the way the design is oriented.

Mr. Lewis asked if there is a signed Agreement for the pharmacy and/or the bank. Mr. DeLuca stated they have a signed Lease for the bank with JPMorgan Chase, and they are close to signing the Agreement with the pharmacy but do not actually have one signed at this point.

Ms. Lisa Tenney, 156 Pinnacle Circle, urged the Board of Supervisors to consider Preliminary but not Final approval because there is no viable plan for the building of a safe pedestrian path over the “Stony Hill bridge.” She stated there is “no 8’ nor 6’ easement” to provide any path. She stated if there are two trucks crossing at the same time, there is “no pedestrian that would be safe.” Ms. Tenney stated it is on a hill so there is a sight distance problem as well with that bridge. She stated the connectivity to Edgewood Village is a key element for the true use of Mixed-Use Zoning; and if that is not built, the Zoning’s intention is not met. Ms. Tenney stated the goals of the Plan are not consistent with the Master Plan. She stated although there have been “electric fuel stations in development for many years, it will not be eco-friendly.” Ms. Tenney stated for many, many years there will be more carbon gases due to heavy car volume, use of electrical demands, and removal of photo-synthetic plants, and an increase in wastewater removal.

Ms. Tenney asked the developers if the pool for the apartments will be available for LMT residents as well as visitors. She stated there was “an issue with making this project LMT-friendly and resident-friendly.” Ms. Tenney asked if LMT residents can use that pool. Mr. Dwyer stated they cannot. Ms. Tenney stated that then has to be “taken out of the equation.” Mr. Dwyer stated the apartments have common open space that would be usable by the general public, but there are also private areas; and the pool will not be open to the public. Mr. Dwyer stated the trails are open to the public. Ms. Tenney stated when they go for Final approval, they should make sure that it is known what the Township residents can use and what they cannot.

Ms. Tenney stated with regard to the lights going from 20’ to 25’, there are concerns about migrating birds in the fall and in the spring. She stated this is a problem.

Ms. Tenney asked if a drive-through bank or pharmacy does not come forth could it become a Chick-fil-A or fast food restaurant. Mr. Harris stated those uses cannot be converted to a fast food restaurant as that is not a permitted use in that District.

Mr. Grenier stated there have been comments on social media about whether they meet Township requirements for open space, and he asked Mr. Majewski if he agrees with the Applicant that what they are calling as open space meets the definition of open space in the Ordinances; and Mr. Majewski agreed.

Mr. North stated with regard to the light issue raised by Ms. Tenney, the lights will be mounted at 25’ which is common for this type of Application. He stated he has never heard any concerns about migrating birds with a 25’ pole height. He stated the trees surrounding the site are significantly taller and are 60’ to 80’ tall so he does not know why there would be any concern about the lights.

Mr. Grenier stated there will actually be fewer lights by increasing the height to 25’ and the overall night sky impact will likely be less. Mr. North stated the lights are dark sky compliant.

Mr. Thomas Kearney, 1473 Merrick Road, stated he and his family have lived here for over twenty-three years; and they have seen a great deal of change. He stated based on his research on the proposed project, there appears to be many benefits for the Township including traffic improvements, storm-water management improvements, additional walking trails, significant

additional landscaping, rain gardens, and tree planting with minimal to very limited maintenance responsibility by the Township. He stated there will also be preservation of the historical structures. He stated the Applicant has submitted a well thought out Plan for this development. He stated it also appears that the Tax Revenue for the Township will be a real benefit. He stated one of the reasons he lives in Lower Makefield is because we do not have an Earned Income Tax; and he feels with this development, we will benefit from additional Tax Revenue. He stated he feels this is a much better Plan than the previously-approved Plan for Office or Warehouse Distribution which is not a benefit for the Township. Mr. Kearney urged the Supervisors to approve the Plan and move it forward to reality so we can all benefit from it. He thanked the Board for the work they do.

Ms. Michelle Anthony 1841 Windflower in Flowers Field, stated she has lived there for three and a half years, and she agrees with Mr. Kearney. She stated she is totally in favor of the development especially because of where she lives and being able to walk there and enjoy the open space and Wegmans. She stated there will also be improved traffic on Stony Hill at this location. She stated she understands that “change is scary,” and a lot of people do not like change, but she feels they will recognize the benefit of this development and how much it will bring to the Township. Ms. Anthony stated she has lived in the Township since the mid-80’s and seen a lot of change, and she would be thrilled to see this development add to all the “wonderful things we already have in Lower Makefield.” Ms. Anthony encouraged the Board to move forward with this project.

Mr. Grenier moved to advertise the Conditional Use Hearings for the Prickett Preserve Development on April 7, 2021 with the time to start being no earlier than 7:30 p.m.

Mr. Majewski stated this will be advertised twice in the newspaper, and they will also post the information on the Township Website and in the window of the Township Building. Mr. Harris stated it will also be posted on the property.

Dr. Weiss seconded.

Mr. Grenier stated the Agenda does have a link to the Application documents. Ms. Blundi stated at the bottom of the Agendas, they have been adding clickable links so that information can be accessed easily.

Mr. Truelove stated the Conditional Use Hearings will be held prior to any vote on the Preliminary/Final Land Development Plan.

Motion carried unanimously.

PUBLIC COMMENT

There was no one from the public wishing to speak at this time.

SUPERVISORS REPORTS

Mr. Lewis stated the Citizens Traffic Commission met and discussed traffic at Regency South and Big Oak Road. There is a group of Regency residents who have concerns with traffic issues in the area and accessibility across the road. He stated it is likely that they will be scheduled for an upcoming Citizens Traffic Commission meeting for an initial discussion. He stated there was discussion whether a reasonable traffic analysis could be done at this time since construction is not completed and we are still dealing with COVID issues. He stated he feels the initial meeting will be to listen to the concerns of the Regency South residents.

Mr. Lewis stated the Trenton-Mercer Airport Review Panel has worked with Senator Toomey, Representative Fitzpatrick, and Senator Casey; and there are letters going out from Representative Fitzpatrick, and we should have confirmation from the Senators shortly. He stated these are likely to go to the FAA Administrator. Mr. Lewis stated he has written letters himself as well.

Mr. Grenier stated HARB saw a Site Plan for the houses at The Pointe in Edgewood Village which will be going before the Planning Commission. He stated the Historic Commission brought up several issues which they want to discuss with Mr. Majewski.

Mr. Grenier thanked Mr. Ferguson for setting up a meeting with PECO representatives and the Electric Reliability Committee on April 8 at 7:30 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to re-appoint the following with dates to begin when their prior terms expired:

EAC	– Soumya Dharmavaram
Electronic Media	– Joshua Waldorf
Emergency Management	– Kevin Treiber and Jeffrey Gusst
Financial Advisory	– Fred Childs
Park & Recreation	– Douglas Krauss

There being no further business, the meeting was adjourned at 10:21 p.m.

Respectfully Submitted,

John B. Lewis, Secretary

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 03/17/2021**

A/P WARRANT LISTS	3/1/2021		3/15/2021		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund					
01- GENERAL FUND	192,406.25	7,785.21	114,380.14	7,777.00	322,348.60
02- STREET LIGHTS	1,410.14		2,598.79		4,008.93
03- FIRE SAFETY					-
04- HYDRANTS	20,544.02				20,544.02
05- PARK AND RECREATION	14,370.32	410.97	9,398.27		24,179.56
06- P & R FEE IN LIEU					-
08- SEWER	78,259.44		112,192.22		190,451.66
09- POOL	13,474.71	805.79	707.73		14,988.23
11- TRAFFIC IMPACT					-
15- GOLF COURSE			204,784.00		204,784.00
18- SEWER CAPITAL PROJECTS		30,780.00	19,790.46	13,000.00	63,570.46
19- SPECIAL PROJECTS	23,180.38		572.00		23,752.38
20- DEBT SERVICE					-
30- CAPITAL RESERVE			178.50		178.50
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND					-
35- LIQUID FUELS	7,122.07		53,646.87		60,768.94
36- ROAD MACHINERY FUND			44,782.68		44,782.68
40- 9/11 MEMORIAL	61.26	1,737.95	381.37		2,180.58
45- PATTERSON FARM	12.15				12.15
50- AMBULANCE/RESCUE SQUAD					-
84- DEVELOPER ESCROW	94,411.23		1,848.12		96,259.35
91- UNEMPLOYMENT					
	445,251.97	41,519.92	565,261.15	20,777.00	1,072,810.04

FEBRUARY 2021 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	728,011.34
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	6,481.14
	734,492.48

John B. Lewis

James McCartney

Fredric K. Weiss

Suzanne S. Blundi

Daniel R. Grenier