

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 7, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on April 7, 2021. Ms. Blundi called the meeting to order at 7:30 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 (joined meeting in progress)

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

COVID 19 UPDATE

Ms. Tierney stated the Pool will be opening, and they are on schedule with Pool projects. She stated there will be a public meeting on May 10 to explain how they will adapt for COVID 19. Ms. Tierney stated the bathrooms will be open by the end of the day tomorrow and they will be cleaning them throughout the week Monday through Friday, but those using the bathrooms should follow COVID protocols including masks when inside the facility. Ms. Tierney stated they will have a modified Summer Camp for twenty campers. She stated they are also looking at some one-week camp alternatives including a skateboard camp and a science camp. Ms. Tierney stated there is a large waiting list for Summer Camp so they are looking at options.

Ms. Tierney stated they will start some outdoor programming in the Parks. She stated it is not permitted to run your own programs without going through the Park & Recreation Department. She stated those interested in teaching a class can communicate directly with the Park & Recreation Department. Ms. Tierney stated the first outdoor class will start in May which

will be an outdoor sunset yoga class at Memorial Park. Ms. Tierney stated they are looking to transition back to the Community Center in July. She stated there will be COVID protocols in place. She stated they are trying to bring in some Senior programming and rentals.

Ms. Tierney stated the Leagues are operating with COVID protocols in place. She stated Bucks County is reviewing all of their COVID protocols which are basically what they were in the fall. Ms. Tierney stated the Pennsbury Tournament will be coming back in a modified way this year.

Ms. Tierney stated they are looking at doing a modified version of Community Day, and they are trying to make it more community-based and have less high-touch activities. Ms. Tierney stated while they have not yet found a solution for the Veterans' Parade, there will definitely be a Ceremony this year which will be discussed at a future meeting.

Ms. Tierney stated they just completed the Egg Hunt which was very successful, and they look forward to doing that again in the future. She stated the Senior bags were also successful. She stated they are trying to offer as much as possible.

COMMUNITY ANNOUNCEMENTS

Ms. Tierney stated TMA Bucks and TMA of Montgomery County and the Bicycle Coalition of Greater Philadelphia are joining for a free webinar on April 17 from 10 to 11 to create awareness and educate and promote bicycle safety. She stated information on how to sign up can be found on the Township's social media.

Ms. Tierney stated you can safely dispose of unwanted, unused, or expired medications on April 24 from 10 a.m. to 2 p.m. at forty-seven sites in Bucks County including at Lower Makefield Township. She stated more information can be found at Bucks County Drug and Alcohol Commission Incorporated. She stated this will also be posted on the Township's social media.

Ms. Tierney stated information on Park & Recreation digital recreation opportunities can be found on the Township Website and there is also a link on the Agenda.

Ms. Tierney stated Registration is open for the Bucks County Senior Games for those fifty and over. She stated this year it will be in-person and virtual, and those with questions can call 267-880-5700.

Mr. Ferguson stated the first scheduled Yard Waste Drop Off day is Saturday, April 10 from 7 a.m. to 3 p.m. He stated all of the dates are posted on the Township Website. He stated they will also be putting it out on social media in advance of the dates. Ms. Tierney stated there will be mulch available during the drop off.

Mr. Grenier joined the meeting at this time and stated this is the last week to get the guaranteed t-shirt and medal for the Yes You Can 5K which benefits the Pennsbury PTOs and the School Board. He stated it is a virtual 5K.

APPROVAL OF MINUTES

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of March 17, 2021 as written.

APPROVAL OF PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN FOR PRICKETT PRESERVE AT EDGEWOOD (PLAN #670)

Mr. Truelove stated with respect to tonight's proceeding for Prickett Preserve at the last Board of Supervisors meeting held on March 17, 2021, the Applicants and retained professionals representing the developer for Prickett Preserve made a complete and final presentation of all aspects of the Land Development Application except for the two Conditional Use matters which will be held separately this evening after the Board's consideration of this Application.

Mr. Truelove stated the matter was listed on the March 17, 2021 Agenda as Item 14b which Agenda was published on the Township's Website as well as on social media. Mr. Truelove stated as has been the custom since March, 2020, the meeting was conducted via Zoom and public participation was invited and made accessible as it has been during the last more than thirteen months. Mr. Truelove stated after the Applicant's presentation, Board members asked several questions about the development; and it was announced that Public Comment was available that night as well, but that the actual vote on the Application would not occur until April 7, which is tonight.

Mr. Truelove stated after Board comment, Public Comment did occur and three people participated – Lisa Tenney, Tom Kearney, and Michelle Anthony.

Mr. Truelove stated as no additional information will be presented tonight by the Applicant, Public Comment will be confined to the information presented on March 17. He stated those who did not participate on March 17 will be permitted to participate and make Public Comment subject to the conventional rules regarding participation with three minutes of comment per caller, and the request that comments not be repetitive.

Mr. Truelove stated after all the comments are received, or if no comments are made, a public vote on the Application will be taken.

Mr. McCartney moved and Mr. Grenier seconded to approve the Preliminary/ Final Subdivision and Land Development Plan for Prickett Preserve at Edgewood Tax Map Parcels #20-012-001-003, #20-012-002-002, #20-016-039, #20-016-040, & #20-016-040-001. The Plan proposes to construct a Mixed-Use development consisting of Commercial and Residential units, specifically a Wegman’s grocery store, two restaurants, two Retail stores, a major chain pharmacy, a bank, nine multi-family buildings and a clubhouse, in addition to grading, utilities, landscaping, lighting, erosion control, and stormwater management on 38.787 acres of land. Existing parcels as listed above are proposed to be consolidated into one single parcel to be known as Parcel A, which will contain both Commercial and Residential uses. Of nine proposed buildings, two are existing and are intended to be rehabilitated and incorporated into the project improvements. The Residential use contained in the nine three-story buildings will house 200 apartment units with a single-story clubhouse at the entrance of the living facilities.

The Preliminary and Final Land Development Plans submitted to the Township include:

Preliminary/Final Land Development Plans consisting of sixty-six sheets, dated September 11, 2020, last revised February 12, 2021, prepared by Bohler Engineering LLC of Chalfont, PA;

General Project Description and Stormwater Management Calculations dated September 11, 2020 and last revised February 12, 2021 with supplemental information provided on March 8, 2021 as prepared by Bohler Engineering;

Erosion and Sediment Pollution Control Plans and Post Construction Stormwater Management Plans, consisting of forty-four sheets, dated September 11, 2020 and last revised February 12, 2021 prepared by Bohler Engineering;

Environmental Impact Assessment Report dated September 11, 2020 and last revised February 12, 2021 prepared by Bohler Engineering;

Transmittal/Response letter to Lower Makefield Township dated February 12, 2021, and as revised March 17, 2021 prepared by Bohler Engineering;

Site Features Exhibit consisting of one sheet dated January 25, 2021 prepared by Bohler Engineering;

Prickett Preserve at Edgewood Presentation Boards consisting of eighteen (18) Power Point slides dated March 17, 2021 as prepared by DeLuca which were presented at the meeting on March 17; and

Pump Station Site Plan and Details consisting of nine sheets dated February 1, 2021 as prepared by Castle Valley Consultants, Inc. of New Britain, PA.

All the aforementioned Plans as outlined above are hereinafter collectively referred to as the "Plan."

Unless otherwise addressed during the approval process, the approval of the Plan is subject to all of the terms and conditions contained in this letter. You (being the developer and applicant) are required to comply in all respects with each and every requirement of the Lower Makefield Township Subdivision and Land Development Ordinance, the Lower Makefield Township Zoning Ordinance, all other Municipal Ordinances and regulations, and with the laws and regulations of every level of government having jurisdiction over any aspect of your property. All references in this letter are to the Ordinance unless otherwise indicated. Furthermore, all references in this letter to "you" shall mean, without further explanation, to the developer and/or applicant of this project.

Without limiting the generality of the foregoing, the Township Board of Supervisors has approved the Plan subject to specific compliance with the following terms:

1. If required, you must obtain, beyond appeal, all necessary and/or required Variances from the Zoning Ordinance, or, in the alternative, you must revise the Plan so that it is fully compliant with the Zoning Ordinance.
2. In addition to the foregoing, you shall comply with the requirements set forth in the letter dated March 11, 2021, prepared by the Township's engineering consultant, Remington & Vernick, Engineers Incorporated herein as though set forth in full.
3. You shall comply with all requirements and determinations of the Township's Sewer Engineer regarding the proposed sanitary sewer facilities, including but not limited to all requirements and conditions as more fully set forth in the review letter dated March 9, 2021 as issued by Ebert Engineering, Inc.
4. You shall comply with all requirements and determinations of the Township's Traffic Engineer including but not limited to all requirements and conditions as more fully set forth in the review letter dated March 11, 2021 as issued by SAFE Highway Engineering, LLC.
5. You shall apply for and obtain the otherwise required PennDOT Highway Occupancy Permits as applicable to this project.
6. You shall pay all required fees as applicable and as set forth in the Ordinance unless noted otherwise, and as determined by the Township prior to the Recording of the Final Plan.
7. If applicable, you must obtain any and all necessary approvals from any and all other applicable governmental entities having jurisdiction over this project, including, but not limited to:
 - a. Bucks County Conservation District;
 - b. Lower Makefield Township's Traffic Safety Officer;
 - c. Pa Department of Environmental Protection.

After review, the Board of Supervisors also approved the eighty-five (85) feet height of the Wegman's clock tower as shown on the Power Point slides.

In addition to the foregoing, as requested, the Township Board of Supervisors has granted Waivers from the following requirements of the Ordinance:

1. Waiver from Section 178-53 of the Ordinance to allow four light poles within the Wegman's parking area to be located on parking surfaces, each of which shall be protected by taller foundations.
2. Waiver from Section 178-53.A of the Ordinance to allow the light poles within the Wegman's parking lot to be twenty-five feet high although maximum mounting height is twenty feet high.
3. Waiver from Section 178-57.G of the Ordinance to allow parking spaces to be closer than twenty feet to buildings.
4. Waiver from Section 178-95.F of the Ordinance to permit retention of the stripped topsoil on site for re-use with any topsoil that cannot be used to be hauled off site, which is otherwise prohibited by the Ordinance.

It is your responsibility to incorporate the items in this letter into your final Record Plan which will be Executed and Recorded after it has been reviewed by the Township Engineer.

Mr. Harris stated on behalf of the developer, this is acceptable; and upon receipt of the letter setting forth those terms, the developer will sign and return the letter approving all of the terms read.

Mr. Grenier asked why they are approving the Site Plan prior to approving the Conditional Use. Mr. Truelove stated the Plan would have to be approved first before the Conditional Uses would be considered. He stated if there was a determination that the proposal would not be accepted, it would make the Conditional Use Hearing moot.

Mr. Grenier noted Mr. Pockl's review letter of March 11 where there were seventeen outstanding items. He asked Mr. Pockl if they are in a position to satisfy all seventeen items; and Mr. Pockl stated they should be in a position

to satisfy all seventeen, although he has not received any documentation that they have been satisfied. Mr. Grenier stated the Motion is predicated on the Applicant satisfying all of the letters, and Mr. Truelove agreed adding that the letter from Mr. Pockl dated March 11 is incorporated and compliance with all of the terms set forth in that letter is part of the Motion. Mr. Grenier stated they heard from Mr. Harris that they had no issues with any of the seventeen items, and they will comply; and Mr. Truelove agreed.

Mr. Grenier asked if there have been any changes since the last presentation before the Board of Supervisors. Mr. Harris stated everything has stayed the same. He stated assuming the Board approved the Preliminary/Final Plan, they will then make all of the revisions required and re-submit the Plan to all of the Township consultants; and upon the consultants indicating that they have complied with everything, they will then present the Final Plan to the Board for signature and Recording.

Mr. Grenier stated there is no longer a request for a Waiver from the Tree Replacement Ordinance, and they will work with the Township to satisfy this; and Mr. Harris agreed. Mr. Grenier stated he understands that Mr. Pockl had indicated that there are trees associated with the new pedestrian walkway that he wanted to incorporate into that so they are still working on the final numbers.

Mr. Grenier stated the pedestrian walkway had been updated, and it is pursuant to PennDOT approval; and Mr. Harris agreed.

Mr. Grenier stated there is to be coordination with the Historical Architectural Review Board for the barn and the house on the site. Mr. Harris stated they are working on the Phase 2 archeological study to present to HARB and the Pennsylvania Historic Museum Commission; and upon completion they will move that forward. He stated they will coordinate with HARB.

Mr. Grenier stated he had requested some additional trees at the site itself depending on final lay-outs, and he had brought up previously the synthetic turf and what the ultimate cover type will be.

Mr. Grenier stated at the Planning Commission they discussed the Sewer pump station, and he understands they recommended approval. He asked for more details on that. Mr. Harris stated this will come to the Board of Supervisors on April 21.

Mr. Grenier stated a big part of the Plan is the various traffic improvements. He asked Mr. Fiocco if he had any final comments. Mr. Fiocco stated the Applicant has made a number of changes for the better; and as they progress through the PennDOT approval process, his office will be reviewing on behalf of the Township. He stated he is very pleased with the way this is proceeding.

Mr. Grenier stated one of the primary goals was the pedestrian connection, and he asked Mr. Fiocco if he feels there is any risk of PennDOT changing that approach. Mr. Fiocco stated they will do their best to convince PennDOT that we are interested in the safety of the pedestrians, and that what is being proposed is in the best interest of the safety of the pedestrians. He stated he will work together with the developer as they approach PennDOT to make sure every possibility is explored.

Mr. Grenier asked Mr. Majewski if he had any concerns. Mr. Majewski stated he feels the developer started out with a good Plan which has been revised to address comments from the Township's consultants, advisory Committees, and the Board of Supervisors; and they are in a great position to finalize everything and proceed.

Mr. Grenier stated this has been a long process with a lot of input, and he feels this developer has worked very well with the Township staff, professionals, and the Board.

Mr. Lewis stated he appreciates that the developer has worked with the Township on some of their concerns specifically about the Township not "subsidizing the tree impact fee."

Mr. Lewis noted the sewer pump station at the entrance, and he asked who will take ownership of that pump station. Mr. Harris stated initially it will be Dedicated to the Township, and then it will be sold as part of the overall sale of the Sewer system to Aqua; and it will become Aqua's responsibility. Mr. Lewis asked Mr. Ferguson if the Township will be compensated by Aqua for \$680,000 worth of equipment. Mr. Ferguson stated this will be built by the developer so there is no cost to the Township. He stated it will be a Dedicated pump station just like the others in the Township, and that will be Dedicated over. Mr. Harris stated it is part of the overall compensation that the Township is receiving for the system, and he assumes Aqua is well aware of the infrastructure improvements that are being made; and he assumes that when the Township negotiated the price it included the fact

that his clients were going to build this pump station which would be part of the package that would be bought. Mr. Truelove stated Aqua was aware of the project and the infrastructure.

Mr. Lewis stated he knows that they have not submitted the request yet for review by the PUC; and he asked if this pump station was on that request. Mr. Ferguson stated if this is approved, it will be added to the list of assets that would be transferred to Aqua. Mr. Ferguson stated the cost of this pump station was not included a year and a half ago when this was put out. He stated this is a transitional time period during which the Township is going to be repairing three pump stations.

Mr. Lewis stated Aqua will get the benefit of the additional customers and the additional infrastructure at no additional cost. Mr. Ferguson stated Aqua will have the maintenance responsibilities moving forward. Mr. Lewis stated they are “getting a huge subsidy, and it makes the case that the Sewer sale was a very bad policy decision.”

Mr. Lewis stated this project is not “100 percent clear cut like the Sewer decision is.” He stated he does have concern about other Retail space not being able to thrive in Lower Makefield and there could be property tax revenue loss or “not much benefit in terms of the cost brought on with the new development.” He stated he is also concerned that in the future we may require additional *public safety resources* for this. He stated he also feels it will “probably unleash a torrent of additional projects that the Township will be facing in that area for a time to come with additional development.” He stated he is not “enamored with this particular project.” He stated while he will be voting “no,” he is not 100 percent “certain that this is wrong.” He stated he hopes that the benefits from the traffic revisions will benefit everyone at all times and not just Monday to Friday. He stated he is also hopeful that economic growth will be such that it is completely built and that the other Retailers and Restaurants in Lower Makefield will do well. Mr. Lewis stated he believes that this will still open up a significant number of challenges for the Township. He stated he does appreciate the improvements to the Plan that have been made.

Mr. Ferguson stated at the last meeting there were three people who spoke at Public Comment, and he presumes that if any of those three individuals were to call this evening, they would not be afforded the opportunity to speak again since they had already spoken; and tonight they are opening up Public Comment to any additional comments. Mr. Truelove stated that

was his understanding and the impetus for the statement he made previously. Mr. Truelove stated the Board can decide if they want to take all callers even if they are repetitive from before; but it was his understanding based on the format that was established last time, that the approach he noted earlier was the approach that they were going to take.

Ms. Blundi stated Public Comment was completed on March 17. Mr. Truelove stated the Board is being more generous than they would have to be; but given the gravity of the project, everyone was sensitive that people may want to weigh in and they may want to be “over inclusive rather than under inclusive.”

Mr. Lewis stated he would be in favor of allowing any Public Comment including the three prior Public Commenters, and he would be willing to listen to them again.

Mr. Grenier stated there had been posts on social media claiming that there were up to thirty people in the queue for Public Comment at the last meeting and only three were heard, and he asked that this be addressed. Ms. Tierney stated when people call in, they are notified how many people are in the meeting in total; and there are up to ten devices assisting in the production of the meeting. She stated while it may indicate that there are thirty people that includes the Board of Supervisors, herself, the Chief, and Mr. Ferguson. Ms. Tierney stated there were only three people on the line for Public Comment, and they all had the opportunity to speak. Mr. Majewski stated that thirty also included the Applicant who had eight to ten people. Mr. Ferguson stated there were several other callers that night who had called in for other items.

Ms. Blundi stated Public Comment will be re-opened to anyone who did not have a chance to comment on March 17. She thanked those who did comment on March 17 adding they will hear from others tonight. It was noted that those who had spoken on March 17 were Lisa Tenney, Thomas Kearney, and Michelle Anthony.

Mr. Mark Cercone, 2150 West Wellington Road, asked that the Board approve this “beautiful” Plan. He stated they are all excited and do not want to see this delayed any longer.

Mr. Lee Pedowicz, 247 Truman Way, asked if any consideration had been made to a comment made previously regarding the “overpass over 95” when the developer indicated that they were going to put in an 8’ wide pedestrian path

with a concrete barrier. He stated he does not believe there is much room on either side; and while he understands that would help with pedestrian traffic, he is concerned about vehicular traffic. He asked if that design is still being considered.

Mr. Fiocco stated from a traffic standpoint, it is the intersections that typically control how much traffic will “get to where they want to go during the rush hour.” He stated he does not anticipate traffic being backed up onto the bridge. He stated the lanes will be narrowed down, and hopefully it will slow traffic as it approaches the bridge from either side. He stated assuming PennDOT approves the Plan, people will hopefully cross the road on the other side of the Interstate. He stated the speed limit is lower over there; and by narrowing the bridge, from a capacity standpoint they do not anticipate any problems and hopefully it will make it safer all around and for the pedestrians as well.

Mr. Ferguson asked about the barrier separating the pedestrians from the vehicular traffic, and Mr. Fiocco stated he is insisting that there be a barrier since he is not comfortable with having pedestrians walking along a shoulder area that does not have something physically separating the motor vehicles from the pedestrians. He stated PennDOT has to approve this, and they will meet with PennDOT and hopefully come up with something that everyone is happy with.

Mr. Pedowicz stated if there is an 8’ wide pedestrian walkway with a concrete barrier, he feels this will be as narrow as the Washington Crossing bridge.

Mr. Pedowicz asked with regard to the sewage “pumping plant,” what would happen if the plant would go out of service. He also asked if it is designed to serve just that development. Mr. Harris stated it is designed to serve the project, and it will have an automatic generator back-up so that if power is lost, the generator will operate it.

Mr. Majewski stated with regard to the width of the bridge, the Washington Crossing bridge is 15’ wide from barrier to barrier; and this road with the 8’ path and barrier will have 24’ – two 10’ wide lanes, and two 2’ wide shoulders. He stated this 24’ wide cartway width is wider than many of the Township roads.

Mr. Grenier stated on the Agenda they have included links to the Plans, and in the Plans there is a drawing showing the layout of the bridge.

Mr. Nick Primola, Yardley Hunt, stated he feels this is a great plan, “but plans change.” He stated this project is primarily being “marketed and sold as the Wegmans project.” He stated it is the “excitement and enthusiasm around that from the community which has moved this forward to the extent that they are considering all of these exceptions.” He stated “no one is excited about apartments or drive-throughs,” and it is the Wegmans that is “shouldering the weight.” He stated he had previously asked if there is “actually a deal with Wegmans.” He stated while the developers have indicated they have a Lease, he asked if the Board has spoken to anyone in an official capacity from Wegmans that “this is a go.” Mr. Ferguson stated since the last meeting, he has seen first-hand, the signed Lease with Wegmans to occupy the site. He stated it is a twenty-year Lease.

Ms. Natalie Brook, 1704 Grandview Drive, thanked the Board and Township staff for working on this project working on behalf of those living in Lower Makefield going through great detail and having the developers address all of the issues. Ms. Brook stated she has lived in Lower Makefield for over twenty years, and where she lives in Dolington Estates, she is close to Newtown Borough which is where she shops as well as in Quakerbridge at the Wegmans there. She stated it is very desirable that there will be this new Retail space in Lower Makefield that she can now go to. Ms. Brook stated with regard to present Retailers being hurt by this development, she stated she feels with an anchor like Wegmans and more residents living in Lower Makefield this will be an enhancement to the current Retailers in Lower Makefield as it will draw in more people to Lower Makefield rather than people going to Newtown and other places. She stated she was pleased to hear the positive partnership between the developers and the Board of Supervisors and the accommodations that the developers have been willing to make to meet all of the requirements that the Board had.

Ms. Judy Hoechner, 1406 Silo Road, stated she did speak at an earlier meeting to voice her opposition to changing the Zoning for this property. She stated she has owned a property in Yardley for three decades. She stated when the Industrial Commons was built in Newtown, it was considered a “boon” for the area because it brought pollution-free jobs without excessive traffic or the need for Township services associated with housing and Retail. Ms. Hoechner stated with the existing Zoning on the property they could have built a similar Industrial Commons, and they have missed an opportunity. She stated it is “wrong thinking” to add an unneeded grocery store and Retail space, and the Residential traffic will add a lot of burdens to the Township.

Mr. Eric Rothstein, 1838 Windflower Lane, urged the Board of Supervisors to approve this quickly as he feels this is exactly the type of use that is going to attract more people to the Township. He stated there had been a trend where people were moving out of the suburbs and into the city because they wanted easy access to shopping, restaurants, parks, etc.; and this is exactly the kind of project that will attract more people to stay in areas like Lower Makefield where they can have easy access to a great center with great shopping, great places to live, and easily accessible by either a car or by walking.

Ms. Becky Kent, 942 Roelofs Road, stated she hopes the Board will approve this as she is very excited about it. She stated she has lived in Lower Makefield for over twenty-six years and works right next to the proposed site. She stated she is not worried about the traffic as that has been addressed in the Plans. She stated she is excited to have Wegmans and the other stores come in. She stated as a Realtor, she is excited about having additional housing as we are lacking it right now in our area.

Motion carried with Mr. Lewis opposed.

PUBLIC HEARING AND CONDITIONAL USE APPROVAL FOR DRIVE-IN WINDOWS AND DRIVE-THROUGH SERVICE FOR A PHARMACY & BANK FOR PRICKETT PRESERVE AT EDGEWOOD

Mr. Truelove stated his partner, Ms. Kirk, will be overseeing this portion of the meeting.

Mr. Lewis stated he will be recusing himself from the vote on this. He stated at the last meeting the Applicants indicated that JPMorgan Chase was the bank for the Conditional Use. He stated he is a former JPMorgan Chase employee and a former shareholder. He stated JPMorgan Chase is a client of his company, and he is a Chase private client customer. He stated it would therefore be inappropriate for him to vote on this. He stated with regard to the pharmacy, while the Applicant did not disclose which pharmacy is making the Application, his wife is an employee of Aetna which is owned by CVS, and he believes that they are a current client of his company as well. He stated he is also a customer of CVS, and he feels he should recuse himself from that as well.

Mr. Truelove stated while he is not certain that Mr. Lewis would be required to recuse himself, it is Mr. Lewis' right to recuse himself from this matter.

Ms. Blundi stated she does not feel that being a CVS customer would require anyone to recuse themselves. Mr. Lewis stated if he were just a CVS customer, he agrees that would not be an issue. Mr. Truelove agreed.

Mr. Grenier moved and Mr. McCartney seconded to open the Public Hearing to discuss the Conditional Use Approval for drive-in windows and drive-through service for a pharmacy and bank for Prickett Preserve at Edgewood.

Ms. Kirk stated because this is a Conditional Use Hearing, it is technically falling under the realm of a Zoning Hearing, that being a Special Exception in that it is a permitted use as it sits under the Ordinance; however, there are certain Conditions that need to be met. She stated as a Conditional Use matter those Decisions are to be made by the Board of Supervisors as opposed to the Zoning Hearing Board.

Ms. Kirk stated there is a Court Reporter present who will Record all of the proceedings, and everyone who speaks will be asked to identify themselves and be sworn in for the Record including fact experts.

Ms. Kirk stated several documents have already been distributed to Mr. Harris, counsel for the Applicant, as well as to Mr. Majewski and Mr. Ferguson; and these documents should be marked for the Record so that there is a clear understanding of what documents are being referenced.

Ms. Kirk marked the Exhibits as follows: Exhibit A-1 is the Bohler letter dated September 11, 2020 which is the actual written submission for a Conditional Use Application on this project. Exhibit A-2 is a copy of the two-sheet Plan prepared by Bohler Engineers, Revision #2 dated December 11, 2020. Exhibit A-3 is the Curriculum Vitae of the Applicant's expert witness, William Reardon, the engineer. Exhibit A-4 is the three-sheet Plan prepared by Bohler Engineering entitled "Overall Commercial Drive-Through Exhibit."

Ms. Kirk stated certain Notices were required for tonight's Hearing. Exhibit B-1 is the Proof of Publication of the Hearing in the Bucks County Courier Times. Notice was posted at the property of the Hearing, and a Certificate has been signed by the appropriate Township staff member attesting to posting the Notice, and that Certificate was marked as Exhibit B-2. A copy of the actual Hearing Notice that was posted at the property was marked as Exhibit B-3. Ms. Kirk stated an e-mail communication from Mr. Majewski confirming Notice of the Hearing was posted on the Township

door and on the Website, and that e-mail was marked as Exhibit B-4. A two-page memo prepared by Mr. Majewski to the Board of Supervisors outlining the requested relief as well as the standards for Conditional Use approval was marked as Exhibit B-5. Ms. Kirk stated since this Conditional Use Application is arising under the newly-adopted Mixed-Use Overlay District, a copy of that Ordinance was marked as Exhibit B-6 so that there is a clear Record of what is being referenced.

Ms. Kirk stated it is the Applicant's burden to move forward to present the information to the Board of Supervisors and show that the proposed drive-through services for both the bank and the pharmacy meet the requirements and general conditions as outlined in the Township Zoning Ordinance.

Mr. Harris asked if they will be asking if there is anyone who wants to have Party Status. Ms. Kirk stated they could wait until they have Public Comment at which time people could request Party Status. Ms. Kirk stated members of the public are able to make comment as to the pending Conditional Use requests similar to participating in a Zoning Hearing. She stated they can ask for Party Status; and if they are granted Party Status, they would be able to receive Notices of any Appeals or Court actions that are filed and would receive a copy of the Board of Supervisors' written Decision on the Conditional Use request. Ms. Kirk stated typically Party Status is requested at the time that someone comes before the Board in order to make a public comment so she does not know if now is the appropriate time, and they may need to wait until each person comes forth before asking if they are interested in Party Status.

Ms. Kirk asked Mr. Harris to identify for the Record everyone he has with him this evening so it is clearly on the Record as to who is the Prickett team present tonight. Mr. Harris noted the following: Vince DeLuca, Joe DeLuca, and Bob Rosenthal, who are representing the Envision Land Use (ELU) DeLuca, Yardley, LLC portion of the group. He also noted as present Bob Dwyer, representing Shady Brook Investors, LLC, and the consultant, Bill Reardon, and his assistants Jason Korczak and George Bongart. Also present is Seth Shapiro and Travis North as well as Chris Williams. Ms. Kirk stated she also has as present Matt Koenig and Lauren Moran, and Mr. Harris agreed.

Mr. Harris called Bill Reardon who was sworn in. Mr. Reardon stated he is employed by Bohler Engineering and he is a professional engineer Licensed in the State of Pennsylvania. He has been with Bohler for twenty-three years and Licensed for fourteen of those years. Mr. Harris asked if he is the principal engineer in charge of the Plans for Prickett Preserve at Edgewood, and Mr. Reardon agreed.

Mr. Harris stated Mr. Reardon's Curriculum Vitae has been marked as Exhibit A-3, and he asked Mr. Reardon if the Curriculum Vitae is accurate including his educational background, expert Testimony, and select project experience; and Mr. Reardon stated it is. Mr. Harris stated the Board has heard from Mr. Reardon over the last year and a half, and he asked that Mr. Reardon be recognized as an expert in the field of Civil Engineering. Ms. Kirk stated unless the Board has any opposition, she would recommend that he be accepted as an expert in Civil Engineering.

Mr. Grenier asked Mr. Reardon if he was the engineer of Record who signed and sealed the Site Plan, and Mr. Reardon agreed.

The Board had no Objection, and Ms. Kirk stated Mr. Reardon will be accepted.

Mr. Harris noted Exhibit A-4, Sheet #1 which is the Approval Plan of the Commercial side of Prickett Preserve at Edgewood. Mr. Reardon showed the area of the drive-through for the bank which is at the northern end of the property adjacent to Stony Hill Road. Mr. Reardon showed the location of the drive-through for the pharmacy which is located to the rear of the store just interior from the main access to the Commercial section of the development off of Stony Hill Road.

Mr. Harris noted the second Plan in Exhibit A-4. Mr. Reardon stated this is a zoom-in version of the overall Site Plan, and it shows in greater detail the location of the bank as well as the drive-through and the location of the actual teller kiosk which is at the bottom of the screen. It also depicts seven vehicles within the drive-through lane which actually exceeds the minimum stacking requirement of six vehicles for a financial institution.

Mr. Harris stated the teller kiosk will be a pneumatic tube that goes back and forth between the kiosk and the bank, and Mr. Reardon. Mr. Harris stated that design has been approved by the bank, and Mr. Reardon agreed.

Mr. Harris stated for both of the drive-throughs there are specific requirements in addition to the number of cars that can stack which at the bank is six, and they are actually showing seven. Mr. Harris stated in general the requirements are, in addition to stacking, that the stacking lane shall not be used for parking lot circulation aisles nor shall it in any way conflict with through circulation or parking. Mr. Harris asked Mr. Reardon if this design meets that requirement, and Mr. Reardon stated it does. Mr. Reardon stated the stacking lane is separated from both the access driveway as well as the internal parking circulation driveway by a landscaped island. He stated there is the ability to have full two-way movement in the parking area as well as through the development exclusive of the drive-through lane.

Mr. Harris stated establishments with drive-in or drive-through services are to be in a suitable location consistent with the intent of the Article and shall not interfere with pedestrian circulation and the use of neighborhood open space. Mr. Harris asked if this design meets that requirement, and Mr. Reardon stated it does. Mr. Reardon stated the drive-through lane is located at the far end of the parking field opposite where there is pedestrian circulation from the bank to the parking field, and it is removed from the central location of the neighborhood open space between the barn and the existing house.

Mr. Harris stated in addition to specific requirements for a drive-through, there are general requirements set forth in the Zoning Ordinance. He stated he will refer first to the bank and then they will discuss the pharmacy. Mr. Harris stated the first requirement is that a Conditional Use shall be in accordance with the Lower Makefield Township Comprehensive Plan and consistent with the spirit, purpose, and intent of the applicable Zoning District. Mr. Harris asked if this design meets that requirement, and Mr. Reardon stated it does. Mr. Reardon stated it is part of a Mixed-Use Development which was identified in the Comprehensive Plan, and it is associated with a proposed bank which is a Permitted Use in the Mixed-Use District.

Mr. Harris stated it must be an improvement which shall not be a detriment to properties in the immediate vicinity, and he asked if this drive-through meets that requirement. Mr. Reardon stated it does adding that the drive-through lane is completely separated from any of the adjacent properties, and its circulation patterns are internal to the site and do not therefore impact any of the adjacent properties.

Mr. Harris stated the third requirement is that it is suitable for the property in question and designed to be constructed, operated, and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity. Mr. Reardon stated it is separated from the apartment field, but it is incorporated so that it is part of the overall design, and it is separated by areas that can be sufficiently landscaped so that it will have a similar appearance to the balance of the development.

Mr. Harris stated the fourth requirement is that it must be in conformance with all applicable requirements of this Chapter and all Township Ordinances, and he asked if this design is in conformance with all applicable requirements in the Chapter and all Township Ordinances; and Mr. Reardon agreed.

Mr. Harris asked if it is suitable in terms of effect on highway traffic and safety with arrangements for access adequate to protect streets from undue congestion and hazard, and Mr. Reardon stated it is.

Mr. Harris noted the third Exhibit in A-4 which is the stacking lane for the pharmacy. Mr. Harris asked if the Plan shown a blow-up of the pharmacy and its stacking lane, and Mr. Reardon agreed.

Mr. Harris stated a Retail establishment such as a pharmacy is required to have stacking for eight vehicles, and he asked if this design complies. Mr. Reardon stated it does, and it shows a total of eight vehicles from the window to the back of the drive-through lane. Mr. Harris stated the stacking lane must not be used for parking lot circulation aisles nor shall it in any way conflict with through circulation or parking, and Mr. Reardon stated this design meets that requirement. Mr. Reardon stated the drive-through lane portion of the pharmacy area is exclusive of any parking and there is provision for a by-pass lane that allows for free flow of exiting vehicles around any of the stacked cars at the drive-through.

Mr. Harris stated it has to be suitable in terms of effects on highway traffic and safety with arrangements for access adequate to protect streets from undue congestion and hazard. Mr. Reardon stated similar to the bank it is contained entirely within the development and it has easy access to the internal circulation drive lanes exclusive of any of the travel lanes on the adjacent Stony Hill Road.

Mr. Harris stated Mr. Reardon had testified that the stacking lane is not used for parking circulation or has any conflict with through circulation or parking. He asked Mr. Reardon if the establishment of drive-through services are in a

suitable location consistent with the intent of the Article and will not interfere with pedestrian circulation and the use of neighborhood open space.

Mr. Reardon stated it is located to the rear of the building, and all of the pedestrian circulation connections are outside of the zone of influence of the drive-through; and this is also removed from the neighborhood open space in a similar fashion to the bank drive-through.

Mr. Harris asked if it is in accordance with the Lower Makefield Township Comprehensive Plan and consistent with the spirit, purposes, and intent of the applicable Zoning District; and Mr. Reardon agreed. Mr. Harris asked if it an improvement that will not be a detriment to the properties in the immediate vicinity, and Mr. Reardon agreed. Mr. Harris asked if it is suitable for the property in question and designed to be constructed, operated, and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity, and Mr. Reardon agreed. Mr. Harris asked if it is in conformance with all applicable requirements of this Chapter and all Township Ordinances, and Mr. Reardon agreed. Mr. Harris asked if it is suitable in terms of effect on highway traffic and safety with arrangements for access adequate to protect streets from undue congestion and hazard, and Mr. Reardon agreed.

Mr. Harris Moved for the admission of the Applicant's Exhibits A-1 through A-4. The Board was in favor of the admission and acceptance of the Applicant's Exhibits as marked. Ms. Kirk recommended the admission and acceptance of all Board Exhibits that were marked as Exhibits B-1 through B-6. Mr. Harris had no Objection, and the Board Exhibits were accepted.

Dr. Weiss stated the drive-in for the bank has pneumatic teller access, and asked if there is any provision for a drive-in ATM machine; and Mr. Harris stated there is not.

Mr. McCartney asked Mr. Reardon if he has worked on any similar projects of a similar scope that they could reference. Mr. Reardon stated they have worked on a number of developments in and around Bucks County. Mr. McCartney asked Mr. Reardon if he is the engineer for the entire project or just this piece, and Mr. Reardon stated he is the engineer for the entire project. Mr. McCartney asked Mr. Reardon if he has worked on a similar project of this scope before, and Mr. Reardon stated he has. Mr. McCartney asked what was that project. Mr. Reardon stated on his Curriculum Vitae a pharmacy is one of the projects that is referenced, and that was an award-winning project in Lower Providence Township which

was a CVS which also had a drive-through. He stated with regard to a bank with a remote teller, they recently completed a project that is currently under construction in Doylestown Borough. Mr. McCartney asked if he has done anything similar in “scope of this size with a Wegmans and multiple Retail.” Mr. Reardon stated on his Curriculum Vita Ellis Preserve is referenced which is a large, Mixed-Use development with a Whole Foods and a series of other Retail as well as Office and Residential components. He stated this is located in Newtown Township, Delaware County on a property of approximately 218 acres. Mr. McCartney asked Mr. Reardon if he had similar “plans and fixes” for the drive-through portion of those projects, and Mr. Reardon agreed.

Mr. Grenier noted the location of the bank on the edge of the development and asked Mr. Reardon if it is his opinion that if it were a high-traffic day at the bank drive-through it would not impact pedestrian or vehicular traffic throughout the rest of the site; and Mr. Reardon agreed. Mr. Reardon stated beyond the lane that is provided, there are additional internal circulation lanes as well as parking spaces adjacent to the bank building, which is Building 3, as well as to the east of that at Building 2 for overflow parking should it become necessary. He stated there is plenty of internal storage and stacking should it become necessary.

Mr. Grenier stated from a safety perspective, there is an ingress/egress point to the overall development in that same corner of the development. He asked if that is a right-in/right-out only. Mr. Reardon stated the far northern driveway is a right-in/right-out/left-in driveway. The only movement that is restricted is a left-out.

Mr. Grenier stated he is looking for potential conflicts between pedestrian use and vehicular traffic at the two sites and how they could mitigate that and making sure that those mitigation measures were considered within the Conditional Uses. He stated at the bank site, he feels they have it covered mostly by location, but also there are multiple means of ingress and egress and sufficient overflow in his opinion. Mr. Reardon agreed.

Mr. Grenier stated with regard to the pharmacy, he is somewhat concerned mostly because it is closer to the main entrance of the overall development; and it is the center of the site between the Commercial versus the Residential. Mr. Grenier stated he would expect more pedestrians to be walking by this drive-through area. Mr. Grenier asked the possible methods for the pedestrians to avoid the “ultimate” egress or ingress to the pharmacy. He noted as an example a pharmacy could have a long line related to COVID

testing, and he asked how pedestrians would be able to avoid interaction with the drive-through to safely cross into the Retail sections. Mr. Reardon stated the main point of pedestrian access is the trail along Stony Hill Road, and that has a direct connection from the Residential section to the neighborhood open space; and it is completely removed from the drive-through. He stated there is also internal sidewalk connection between that trail as well as sidewalk that is on the main access into the site as well as sidewalk that is on both sides of the main driveway that connects between the Commercial and the Residential. He feels there are least three to four different routes that pedestrians could take heading from a southerly direction from the Residential to a northerly direction to the balance of the Commercial and completely avoid the drive-through and any of the cars that are stacked in the lane or even within the parking lot itself.

Mr. Grenier asked how many additional trips does a drive-through create for a pharmacy use; however, Mr. Reardon stated as he is not a traffic engineer, he would not be able to answer that question.

Mr. Grenier stated with regard to his example about COVID testing, he feels a drive-through has a beneficial use as it would not require someone who may be infected from going into the pharmacy and exposing anyone.

Mr. Grenier asked Mr. Reardon if he feels that the drive-throughs have any potential impact on the pedestrian use of the development, and Mr. Reardon stated he does not.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to close Testimony.

Public Comment was opened at this time.

Ms. Lisa Tenney, 156 Pinnacle Circle, initially refused to spell her name, but then indicated she is Lisa Breuninger-Tenney.

Ms. Kirk stated she is the Township attorney handling this matter and advised that this is a formal Hearing so Ms. Tenney will need to be sworn in by the Court Reporter before making comments.

Ms. Tenney was sworn in. She stated she would like the Board of Supervisors to say “no” to these developers for the Waiver for the drive-through as it is not consistent with the Master Plan nor is it a burden to the developers to not have

it. She stated it is inconsistent with Mixed-Use Zoning. She stated it does not increase connectivity of pedestrian pathways to the O/R District and the “Town District” as a Mixed-Use Zoning is supposed to have.

Ms. Tenney stated they advertise this as a live/work community and it is “looking more like a drive-to community.” Ms. Tenney stated there is a lack of “community and integrative-community accommodations and duplicative community amenities that this offers such as the dog thing which we have a dog park and we have a swimming pool and across the street we have live entertainment.” She stated it “actually just taxes existing infrastructure.”

Ms. Tenney stated she is unable to see Sheet #2 where the Plan shows an 8’ pedestrian pathway over I-295 exists, and she would like to see that. She stated she knows that it has not been approved.

Ms. Blundi stated at this point the Board is having a Hearing on the Conditional Use, and she asked that Ms. Tenney limit her comments to the Conditional Use.

Ms. Tenney stated “nobody knows how the bridge is going to be for the pedestrian crossing to be built. “

Ms. Kirk asked Ms. Tenney if she is looking for Party Status; and Ms. Tenney stated she is not, and she is looking for “citizen status.”

Ms. Blundi stated anyone who is calling in for Public Comment as noted by Ms. Kirk will need to be sworn in as this is not just the traditional Public Comment section but an actual Hearing so the Court Reporter will be transcribing the Testimony in a separate Record.

Mr. Barry Kritz, 1451 Heather Circle, affirmed to tell the truth. Mr. Kritz stated he is opposed to the Variances and the drive-throughs that are being requested tonight.

Ms. Kirk asked Mr. Kritz if he wants to have Party Status, and Mr. Kritz stated he is not requesting Party Status.

There was no further Public comment.

Mr. McCartney moved and Dr. Weiss seconded to close the Public Hearing.

Mr. Grenier stated one of the primary concerns with the drive-throughs is potential impacts to pedestrian traffic, and he asked at what point they could ask Mr. Fiocco to provide an opinion; and Ms. Kirk recommended that this be done prior to closing the Hearing.

The Motion to Close was “withdrawn for the time being.”

Mr. Joe Fiocco, Township traffic engineer, was sworn in.

Mr. Grenier stated he had asked Mr. Reardon about potential impacts to pedestrians and vehicular traffic associated with the drive-throughs. He asked Mr. Fiocco with the location of the drive-through for the bank at the northwest corner on the edge of the development, what was his opinion about the potential traffic impacts and/or impacts to any pedestrian use in that area. Mr. Fiocco stated there are no pedestrian paths that cross over the general use of the drive-through. He is not concerned about this introducing any unnecessary risk for pedestrian crashes because it is separated from what would be seen to be the anticipated pedestrian travel paths within the site.

Mr. Grenier asked about the pharmacy drive-through adding he is slightly more concerned because of its location more toward the center of the site where there may be more pedestrian access from the apartments wanting to access the Commercial side or coming into the main entrance and trying to walk in the area. He asked Mr. Fiocco to provide an opinion on potential impacts to vehicular and pedestrian traffic specific to this drive-through. Mr. Fiocco stated similarly there is no real pedestrian path projected through the drive-through operation. He stated relative to exiting the drive-through, there is a stop condition so it is the same condition that they have for the balance of the site. He stated the vehicle operator would be required to yield to the pedestrian crossing the intersection. He stated as was shown, there is ample storage; and beyond that getting back into the drive aisle there would still be room for vehicles to get around, and the pedestrians are not anticipated to be moving in and around that drive-through operation. He stated he feels it is isolated well and does not raise a concern for him.

Mr. Grenier asked Mr. Fiocco if he got any feedback from the Township public safety officials on the Conditional Use over the course of his review. Mr. Fiocco stated they have received comments from the traffic safety officials, but there was nothing specific as to a concern for the safety of pedestrians with respect to the drive-throughs.

Mr. McCartney asked if this is a Conditional Use they are looking to do in the Overlay, and Ms. Kirk stated it is a Conditional Use arising under the Mixed-Use Overlay District. Mr. McCartney asked if the Conditional Use allows for different tenants of the drive-throughs or are they specific to the bank and pharmacy. Ms. Kirk stated the approved Ordinance lists the Uses permitted by Conditional Use. Mr. McCartney asked about a restaurant. Ms. Kirk stated if a restaurant were to be in one of the buildings and wanted to provide drive-through window service, they would have to file an Application before the Board of Supervisors to get Conditional Use approval for that drive-through. Mr. Truelove stated if the Use were to change at either of these locations, they would have to qualify for a Conditional Use under the standards.

Mr. McCartney asked if drive-throughs were not permitted at these two locations would that limit their marketability for these spaces. Ms. Blundi stated after the Public Hearing is closed, she believes this question would be appropriate during the deliberation/discussion portion.

Ms. Kirk stated before they close the Public Hearing portion, Mr. Harris should be asked if he has any opposition to Mr. Fiocco having answered questions from Mr. Grenier in his capacity as the Township traffic engineer. Mr. Harris indicated he did not oppose Mr. Fiocco's Testimony in an expert capacity as the Township's traffic engineer.

Mr. Grenier moved and Mr. McCartney seconded to Close the Testimony. Motion carried. Mr. Lewis did not participate in the vote.

Ms. Kirk stated the Board of Supervisors could approve both of the Conditional Use Applications, or there could be separate Motion for the Conditional Use Application as it relates to the bank drive-through and a separate Motion for the Conditional Use Application for the pharmacy drive-through.

Mr. Grenier moved and Dr. Weiss seconded to approve the Conditional Use Applications for the drive-in windows and drive-through service for a pharmacy and a bank for Prickett Preserve at Edgewood.

Mr. Harris stated with regard to the question asked about drive-throughs for the pharmacy and the bank, they are a requirement for those uses in this day and age.

Mr. Grenier stated the way the Overlay District is set up, anytime anyone wants to put in a new Conditional Use, they would have to come before the Board of Supervisors for approval; and they could not switch out a pharmacy for a restaurant. He added the Board is not looking for drive-through restaurants in the future.

Mr. Ferguson asked if there were to be a change from one bank to another bank or one pharmacy to another pharmacy would they have to come back and present a new Conditional Use if the Use were the same. Mr. Truelove stated the conditions imposed would have to be honored by the new proprietor of the property. Ms. Kirk stated as long as there is no specific modifications to the existing building, and it was just one pharmacy moving out and a different pharmacy coming in, that would be permitted provided they comply with any and all conditions that the Board imposed on this Decision.

Motion carried unanimously. Mr. Lewis did not participate in the vote.

Ms. Kirk stated the Board will have a formal written Decision which must be submitted to the Applicant within the next forty-five days. She stated she has requested the Court Stenographer to transcribe the Hearing Testimony. Ms. Kirk stated she will draft a Decision for the Board's consideration which she hopes to have to the Board within the next twenty-eight days at the latest.

Mr. Harris thanked the Board for their attention to this matter.

Ms. Kirk left the meeting at this time.

ENGINEER'S REPORT

Mr. Pockl stated that the Board received his Report in their packet. Mr. Pockl stated since he submitted this Report, he received the Contracts for the 2021 Road Program signed by Harris Blacktopping, and he will be delivering them to the Township for signature tomorrow. He will be scheduling a pre-construction meeting with the contractor who will most likely complete the inlet repairs first.

Approval of Escrow Release #1 for the Octagon Center – Office Condominium Phase II (Lightbridge Academy)

Mr. Pockl stated this is in the amount of \$321,200 which is the Final Release for this project. He stated the work has been completed, they have inspected the work, and it is acceptable. Mr. Pockl stated there is a Maintenance Bond, and a check has been received by the Township in the amount of \$29,159.93.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve Escrow Release #1 for the Octagon Center in the amount of \$321,200.

Approval of Escrow Release #2 for the Yardley Preserve Development

Mr. Pockl stated this is the Development that was formerly known as the Erin Development and is on the north side of Dobry Road. He stated the work is on-going, and they have inspected the work contained within the Release which has been completed. He is requesting authorization for Escrow Release #2 in the amount of \$229,058. The amount remaining within that Escrow for the performance of work is over \$2 million.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve Escrow Release #2 for the Yardley Preserve Development in the amount of \$229,058.

Discussion of Entrance Improvements Project for the Township Community Center

Mr. Pockl stated this was put out to Bid, and the Bid opening was April 1. He stated forty-five people picked up the Bid package; however, no Bids were received for the project. He stated they are working with Township staff on putting this back out for Bid as quickly as possible.

PROJECT UPDATES

Memorial Park Project Discussion and Motion

Mr. Ferguson stated this matter has gone through several iterations. He stated this was Budgeted last year. He stated there is a \$250,000 Grant, and we have

the \$250,000 match. He stated in the midst of the Pandemic, we pulled back on proceeding with this out of an abundance of caution regarding the Township's finances, and we did not Budget to do this project this year.

Mr. Ferguson stated as he had outlined in his Manager's Report, there is a Fee-In-Lieu of Fund for Park & Recreation that must be used for new items. He stated this could be used to build a new tennis court, but not fix an old tennis court. Mr. Ferguson stated this is money that is collected from developers, and it is not Tax Revenue. He stated this Fund is at approximately \$210,000, and more money will be coming into that Fund in the next four to six weeks. Mr. Ferguson stated if the Board is interested in moving forward with the Memorial Park project and using that money as the match, it would not take long for them to put this out to Bid as a lot of the details had already been detailed by Remington & Vernick. He stated Mr. Pockl could make a presentation at the April 21 Board of Supervisors meeting and discuss how this would be put out to Bid. He stated this would be done in phases, and Phase I would include the tennis/pickleball courts, the trail, the concrete pad for where the playground equipment and pavilion would go, and the additional paving that would be needed for the increased parking. He stated they could see what the quotes are for Phase I. He stated if they had to make revisions, that would give time to put out a second Bid for the remaining items, and to adjust that if necessary.

Mr. Ferguson stated where this is located, it would not interfere with 9/11 Events which are very important this year. He stated if work were still going on, they would have a provision in the Agreement that they would have to stop the week of 9/11 so that it would not have any visual interference, sound, etc.

Mr. Lewis asked if the Plans are the same as previously. Mr. Ferguson stated the Plan is the same, but the way it would be put out to Bid would differ as he had noted as to what would be put out first so that they could see where the pricing is. He stated the Plans are the same as what was presented to the Board last year. Mr. Lewis stated he would be comfortable putting Phase I out for Bid now. He stated if they were to get it out faster, he feels they would get a better price than if they wait.

Mr. Grenier stated what they have available for the match right now is short of the \$250,000 needed. He stated the Applicants they saw tonight will have a significant Recreation Fee-In-Lieu as part of their project which he feels would bring in what is needed. Mr. Ferguson stated there are other

projects as well where Revenue will be coming in. He stated he does not have a concern that we will not be able to make up the \$30,000 to \$40,000 by the end of the Budget year. Mr. Grenier stated these are Fee-In-Lieu funds and not taxpayers funds; and in that this is a shovel-ready project, he feels we should get this done as quickly as possible to get the best pricing.

Mr. Ferguson stated he agrees with Mr. Lewis that the quicker this is put out to Bid the quicker we will see where the pricing comes in. He stated if they want to go right back out with a second Bid for the playground equipment, pavilion, etc. there would be time to get that out as well so that this is a project that the community could see come to fruition this year.

Mr. Lewis moved and Dr. Weiss seconded to Bid out Phase I of the Memorial Park Upgrade Program as outlined by the Township Manager.

Mr. Grenier asked if they are ready to do this, and Mr. Ferguson stated the only thing that would change a little would be the spec in that we had anticipated doing all of the work at one time; and it will just be put out in phases.

Mr. Grenier asked Mr. Ferguson how he would envision the timeframe for the double-Bid project. Mr. Ferguson stated if they approve this tonight, the Board could approve a Bid at one of the May meetings. He stated at that time we would have an idea of pricing leading into that Board approval so that we would know how much room under the \$500,000 there would be to tweak the remainder of the Plans; and they could advise the Board at that same meeting if they wished to advertise Phase 2.

Mr. Grenier asked if they could use an Alternate Bid approach like they did with the Road Program. Mr. Pockl stated when they received Bids last time for the full scope of work, there were Bids that were significantly higher than the estimate. He stated contractors had advised the Township that part of the reason the Bids were high was because the nature of the additional work was such that it would require multiple sub-contractors that they would have to monitor, and there is a mark-up associated with that.

Mr. Ferguson stated one of the alternatives he would look at would be to consider the purchasing alliances we are in that include playground equipment, and that would pre-Bid installation as well. He stated they could see if there is an opportunity to go off a Consortium list that may be more efficient and less expensive. He stated we could Bid it and then compare it to the Consortium pricing that we get.

Motion carried unanimously.

Woodside Bike Path

Mr. Ferguson stated we had put in for a Multi-Modal Grant for this project, and those reviews have been suspended indefinitely at this point. He stated when they hear about other possibilities, they will advise the Board. He stated we have \$125,000 set aside for this project, and there is a Grant toward soft costs of approximately \$55,000 to \$60,000. He stated the project as priced out in the 2021 Budget was \$625,000, and they will continue to look for other opportunities for that.

Mr. Grenier asked if this project would be an option for Recreation Fee-In-Lieu Funds, and Mr. Ferguson stated it could be used for this as it is new construction.

Big Oak/Makefield Road Signal Upgrade

Mr. Ferguson stated he anticipates Mr. Fiocco coming to the next Board meeting to present the final project as he is ready to go to PennDOT. Mr. Fiocco has coordinated with the Police staff on some changes that the Police would like to see. Mr. Ferguson stated he would like the Board to have the final sign-off on this before Mr. Fiocco goes to PennDOT with it.

Route 332/Mirror Lake Signal Interconnection

Mr. Ferguson stated he is hopeful that on April 21 the Board will be able to have a Motion to advertise for this project so that it can be put out to Bid.

MANAGER'S REPORT

Approval to Purchase a JCB 3CX Backhoe

Mr. Ferguson stated this was Budgeted out of the Road Machinery Fund, and this will be followed at a future meeting with a financing proposal for a three-year, short term Lease arrangement. He stated this was Budgeted at approximately \$106,000 and the total net cost is \$102,282.75.

Mr. McCartney moved, Dr. Weiss seconded and it was unanimously carried to purchase a JCB 3CX backhoe at a total net cost of \$102,282.75.

Approval to Purchase a JCB TM420 Loader

Mr. Ferguson stated the total net cost is \$99,223.51, and \$111,000 has been Budgeted. This will be financed, and the financing will be brought before the Board at a subsequent meeting.

Mr. Grenier moved and Dr. Weiss seconded to approve the purchase of a JCB TM420 loader at a total net cost of \$99,223.51.

Mr. Grenier asked about the cost for each year. Mr. Ferguson stated they are paying these over three years. He stated for 2021 the loader will be approximately \$19,000. He stated for the backhoe it will be approximately \$18,000 this year.

Motion carried unanimously.

Approval to Execute Supplemental Agreement with PennDOT Updating Winter Services Agreement

Mr. Ferguson stated as outlined in his Report, the Township gets money from PennDOT to salt and plow Dolington Road. He stated the Public Works Director had examined the Agreement as he felt that the long-standing Agreement with PennDOT was inaccurate. He had asked for an audit of that which PennDOT provided, and it was determined that it was inaccurate. This will change the annual payment that they make to the Township from \$2,191.82 to \$7,780.95. He thanked Mr. Hucklebridge for the work done on this.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to execute the Supplemental Agreement with PennDOT updating the Winter Services Agreement.

Approval to Award Consortium Bid for Road Materials

Mr. Ferguson stated the Board received in their packet a copy of the results of the Bucks County Consortium Bid for asphalt and stone material for 2021 and 2022.

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to award the Consortium Bid for road materials as presented.

Approval of Payment Request #3 from AJM Electric, Inc. for the Brookstone Pump Station Upgrade Electrical Contract

Mr. Ferguson stated this in the amount of \$20,515.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve Payment Request #3 from AJM Electric, Inc. for the Brookstone Pump Station Upgrade Electrical Contract in the amount of \$20,515.

Historic Home Discussion

Mr. Grenier asked about the shutter painting and other “fixes” to the sills at the “historic home.” Mr. Ferguson stated the shutters are back up. He added they had been sanded down, and there was a problem with one or two which the Board is aware of. He stated they were inspected by Mr. Hucklebridge when they went back up. He stated two of the sills that were anticipated to be done are finished. He added that there were two additional sills that he sent pictures of to the Board regarding the casing that had some issues, and he has asked that those be done as well. Mr. Ferguson stated he assumes those will be done quickly.

Mr. Grenier stated the Board received some photos of “less than great paint jobs on a couple of them,” and he asked if that is what Mr. Ferguson is referring to which was fixed; and Mr. Ferguson agreed. Mr. Ferguson added that the contractor was very apologetic. He stated given the weather, the contractor had agreed to keep them in their shop the entire time; and it seems that they did not dry as well inside, and they were sanded down and re-painted. Mr. Hucklebridge has been out to the property to make sure that none of those issues remained, and they have been re-hung.

SOLICITOR’S REPORT

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

Approval of Amendment of Responsible Contractor Ordinance as Advertised

Mr. Truelove stated there had been previous discussions about reducing the review period for the public to inspect Contracts that have been deemed as recurring, and the definition of Recurrent Contracts will be determined by the Township Manager with the assistance and input of one or more staff members. The Ordinance has been advertised and is now ready to be considered for approval as advertised.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Amendment of the Responsible Contractor Ordinance as advertised.

Approval to Advertise Amendment to Chapter 130 of the Code of Ordinances Related to Article I Short-Term Lodging Facilities

Mr. Truelove stated in the last two to three years, the Board enacted an Ordinance related to short-term lodging facilities. He stated over time and with some experience, they have found that it required some tweaking. He stated Ms. Kirk did research and review of Ordinances in other Municipalities where Challenges and Litigation have occurred. He stated the intent is to expand the Ordinance to make clear the purpose, and definitions will be included for *the terms bedroom, rents, rental, and short-term lodging to make it very explicit* as what type of circumstances are addressed. He stated License requirements and Conditions will be much more detailed and require oversight and periodic review. He stated there will also be Performance Standards and Conditions for those places that would hold themselves out to be short-term lodging facilities, Airbnbs, etc. He stated there would also be review of the marketing so that the Township has the opportunity to determine if what is being represented actually does satisfy the Ordinance.

Mr. Truelove stated the Township has been involved in litigation over the last year in one particular circumstance where the Township has succeeded; however it was felt it would be helpful to have more specific terms that might close off the opportunity for litigation to ensue if those circumstances arose.

Mr. Lewis moved and Mr. McCartney seconded to approve advertisement of an Amendment to Chapter 230 of the Code of Ordinances related to Article I Short-Term Lodging Facilities.

Mr. Lewis stated he is pleased that the Township passed the Ordinance a number of years ago, adding that the Township was ahead of the curve against other Municipalities. He stated that Ordinance has helped resolve issues for neighbors in the community, and he feels these amendments are constructive and will help the Township.

Mr. Grenier stated he assumes they would have to re-advertise if someone wanted to make changes at the next meeting. Mr. Truelove stated that would be correct if it was a substitutive change. He stated they have had significant input to this point.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to the K/S Pools and Patios for Jay Bayliss, Tax Parcel #20-057-090 Variance request from Township Zoning Ordinance #200-23B in order to install an in-ground fiberglass pool with concrete decking which would increase the impervious surface from the existing 19.5% to 22.3% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, asked if the Township will be getting any of the Stimulus money that is being made available. Mr. Ferguson stated the Township was given the aggregate number of what its allocation would be which was approximately \$3.2 million. He stated there was no specific information as to how that could be used. He stated there has been an indication that the money would be for towns that experienced shortfalls in certain categories of their Budget; and if they had run a deficit in a particular fund, they could access this money to make up for those shortfalls during what would be deemed a defined period of time. He stated if that were the case, they would be drawing on that \$3.2 million and not necessarily being entitled to all of it. He stated they do not have any of the details yet; and as they emerge, he will be presenting that to the Board of Supervisors as to what those opportunities would be. He added that while he does not have a timeframe, he assumes it would be this calendar year.

Mr. Robert Abrams, 652 Teich Drive, asked if any monies were taken from the "Bond Debt Fund" as there was talk about using allocated Funds for Bond Debt and moving them out of that Fund into the Roads money. Ms. Blundi stated there had been discussion about how to pave more roads in the future, but it has gone no further than a discussion. Mr. Abrams stated the "Bond Debt Fund" is an allocated Fund. Mr. Ferguson stated when he made his presentation about paving roads, he did not suggest that Bond money would be used for paving roads.

Mr. Abrams stated there is one contractor in the Township who he feels is destroying everything that Lower Makefield is about. He stated if there were five or six developers "doing different things in the Township," it could mean that the Township was "ripe for development;" however, there is "one guy who is collecting all of the projects and getting all these Variances." Mr. Abrams stated he has questions about "how he is doing it."

Mr. Abrams stated investments made for the Township, especially "in that tower and what is going on with Wegmans is garbage." Mr. Abrams stated they will not turn over any Lease or Agreement with Wegmans which is a problem. He stated the apartments will go up first, and then Wegmans will "disappear."

SUPERVISORS' REPORTS

Mr. Lewis stated the Trenton-Mercer Airport Review Board will meet next week. They have had some initial discussions with Senator Casey's staff, Senator Toomey's staff, and Representative Fitzpatrick's staff. At this time a letters have been sent to the FAA and there was a response from the FAA to a letter he wrote on behalf of the Board. He stated they have not heard back yet from the New Jersey DEP. Mr. Lewis stated Representative Fitzpatrick has also written to the FAA, and they are working through letters from the Senators as well.

Mr. Grenier stated the Electric Reliability Committee will meet tomorrow at 7:30 p.m. and a representative from PECO will be present to give a presentation and answer questions that the ERC has had over the course of the last year. Mr. Grenier stated this is a public meeting, and people can call in. Mr. Grenier stated he would like to have PECO come before the Board of Supervisors at some point in the future.

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Mr. Grenier thanked Ms. Blundi for the addition to the Agendas of the various links. Ms. Blundi stated these are all the different ways that the public can stay in touch and understand what is going on in the Township. She thanked Ms. Tierney for including these on the Agenda adding they are doing their best to try to get the residents all types of information as easily as they can.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to appoint Debbi Senko to the 9/11 Committee.

There being no further business, the meeting was adjourned at 10:30 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'JBL', with a long horizontal flourish extending to the right.

John B. Lewis, Secretary