

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JULY 21, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 21, 2021. Mr. Ferguson noted that while some members of the public are present, the public can still also call in to participate. Ms. Blundi called the meeting to order 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

COMMUNITY ANNOUNCEMENTS

Ms. Tierney stated during this portion of the Agenda residents and youth organizations may call in to make a special announcement or contact the Township to request a special announcement to be added to the Agenda.

Ms. Tierney stated there are no more digital recreation opportunities, and all activities are now in person including Yoga, Art, Zumba, and Summer Camp; and information can be found on the Township Website.

Ms. Tierney stated the Pool is open and August memberships are for sale. Information is on the Township Website.

Ms. Tierney stated Community Day will be August 28, 2021 and a number of vendors, food trucks, and activities are lined up. Vendors and sponsors interested in participating can contact the Township.

Ms. Tierney stated Registration is taking place for the upcoming 5K Color Run at Macclesfield Park, and information is available on the Township Website.

Mr. Lee Pedowicz, 247 Truman Way, asked if Philadelphia Electric will be contacted to participate at Community Day. He added the Electricity Reliability Committee has a good dialogue with PECO, and he believes they participated at Community Pride Day in the past.

Mr. Grenier joined the meeting at this time and stated he believes that the EAC has a contact at PECO. Ms. Tierney stated she will be reaching out to all prior vendors.

APPROVAL OF MINUTES

Mr. McCartney moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of June 16, 2021 as written.

TREASURER'S REPORT

Approve June Interfund Transfers

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the June Interfund Transfers in the amount of \$772,840.09 as attached to the Minutes.

Approval of Warrant Lists from June 21, 2021, July 6, 2021, and July 19, 2021

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Warrant Lists from June 21, 2021, July 6, 2021, and July 19, 2021 in the amount of \$2,747,028.80 as attached to the Minutes.

20 YEAR 9-11 COMMEMORATION UPDATE

Ms. Tierney stated the Committee has been meeting regularly. She showed a picture of the logo. She showed a sample of the postcard/invitation which would go out to family members and participants. In the morning they

will honor the victim of 9-11, at midday there will be a quiet time to reflect, and in the evening they will come together, unite, and move forward from 9-11. She stated the slogan Honor-Reflect-Unite will be on everything.

Ms. Tierney showed a list of donations which have already been received adding that the biggest donation is from Mid Atlantic Event Group which is doing all AV, sound, and lighting. It is anticipated that there could be a few thousand in attendance since it is a weekend and is twenty years later. She stated the Chief has had meetings with the Committee to discuss safety and security. Ms. Tierney stated Shady Brook Farm has indicated they will provide what is needed to decorate including flowers and bales of hay at no cost. Ms. Tierney stated they are also building Walls of Reflection and there are volunteers who will build it with Lowes donating materials at cost. Ms. Tierney asked those interested in participating to contact her.

Ms. Tierney stated on the day of the event they will need approximately fifty volunteers for set up and fifty volunteers for tear down as well as ushers and other support throughout the day. Ms. Tierney stated she will create a SignUpGenius for those interested in participating.

Ms. Tierney showed a slide of a map of the Park and a lay-out as to where the Ceremony will take place. Ms. Tierney stated she will come back before the Board with further updates and will be putting the information out to the public.

A slide was shown of the timeline for the day. The morning ceremonies will start at 8:00 a.m. From 12 to 3 p.m. It will be kept completely quiet at the Park so that there is a time for quiet reflection. The evening ceremony will start at 7:00 p.m. and last approximately forty-five minutes.

Ms. Blundi asked if volunteers need to be High School age and above. Ms. Tierney stated that would be correct for set up and tear down; however, there may be other opportunities for those who are younger. She stated in the past younger Scouts helped with candles, flowers, etc. Ms. Blundi suggested that youth leaders reach out directly to Ms. Tierney.

Mr. McCartney thanked Ms. Tierney and the Committee for the work they are doing on this huge undertaking. Mr. Grenier asked if there is anything they need from the Board at this time, and Ms. Tierney stated she would like to know if there is anything the Board would like to see that they are not seeing at this time. She stated the Committee is doing a great job.

ENGINEER'S REPORT

Mr. Pockl stated his Report was provided to the Board in their packet.

Mr. Pockl stated the Memorial Park Improvements Project will be beginning with erosion and sediment control measure materials being delivered to the site tomorrow. He understands earthwork will start on Monday. It has been worked into the Contract that there will be no construction on the Memorial Park site for the week before and the week after 9-11 so that people visiting the Park will not be distracted by the construction.

Mr. Pockl stated the Road Program is substantially complete, and they are addressing some minor punch list items. He stated that contractor is the same contractor who is working on the Edgewood Road mini roundabouts project, and they have moved onto that project. The detours are in place. They will start tomorrow on the ADA ramps on the Schuyler Drive side. They estimate approximately three weeks to complete the mini roundabout on Schuyler Drive, and they will then move over to Mill Road. They estimate about three weeks to complete that which would have everything substantially complete before School starts the end of August weather permitting.

Mr. Grenier noted the Quarry Road booster pump station and asked about the door treatment which was to look like a barn door. Mr. Pockl stated they are still some outstanding items to be done at the site, and he will contact PA American Water about the door treatment.

Mr. McCartney asked if the Sandy Run project will shut down the sidewalks and bike paths, and Mr. Pockl stated it is an active construction zone so people should not be going through there.

Approval of Change Order #1 for the 2021 Bike Path Reconstruction Project to Polaris Construction

Mr. Pockl stated the Bids were based on quantities installed in the field, and Change Order #1 is an addition to the Contract. He stated because there were some undulations in the surface of the bike path and the requirement to maintain a minimum 1" thickness so that it is structurally sound, additional quantities were required. Mr. Pockl stated an inspector was on site so they are confident that the amount of asphalt they are requesting payment for was delivered to the site and is on the bike path.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve Change Order #1 for the 2021 Bike Path Reconstruction Project to Polaris Construction in the amount of \$2,023.40.

Approval of Pay Application #1 for the 2021 Bike Path Reconstruction Project to Polaris Construction

Mr. Pockl stated this is the final payment. All work has been completed including the punch list items. All necessary paperwork has been received from the contractor. The amount of \$31,183.40 includes the entire Bid amount plus the Change Order that was just approved.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to approve Pay Application #1 for the 2021 Bike Path Reconstruction Project to Polaris Construction in the amount of \$31,183.40.

Approve Change Order #1 for the 2021 Road Program Project to Harris Blacktopping, Inc. as a Credit to the Township in the Amount of \$6,608.91

Mr. Pockl stated this is for an adjustment of quantities that were used in the field on the project which is substantially complete. There will be no more payments for any additional quantities. He stated the only outstanding payment would be for retainage that is being held while the punch list items are being addressed. He stated Change Order #1 is a credit to the Township as the quantities came in under the Bid value. Mr. Pockl stated because the price of asphalt has gone up 25% the contractor was entitled to additional monies for asphalt of approximately \$17,000. He stated in reality we were approximately \$23,000 to \$24,000 under Budget on this project; however, because this is a Liquid Fuels project, PennDOT requirements stipulate that the contractor is entitled to the additional money for the price of asphalt going up. He stated the total Change Order is still under Budget with a credit to the Township in the amount of \$6,608.91.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve Change Order #1 for the 2021 Road Program Project to Harris Blacktopping Inc. as a credit to the Township in the amount of \$6,608.91.

Approve Pay Application #2 for the 2021 Road Program Project to Harris Blacktopping, Inc.

Mr. Pockl stated the work has been completed and they recommend payment in the amount of \$537,444.78. He stated they are holding a 2% retainage on the project which is slightly under \$13,000 until the punch list items are complete.

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to approve Pay Application #2 for the 2021 Road Program Project to Harris Blacktopping, Inc. in the amount of \$537,444.78.

Township MS4 (Storm Sewer) Permit Status Presentation

Mr. Pockl stated Ms. Elizabeth Colletti is present from his office to assist in the presentation. Ms. Colletti stated last year they did an in-depth presentation on the MS4 Program. A slide was shown of a summary of the major pieces which are the Minimum Control Measures, the Pollution Reduction Plan, and the Pollution Control Measures. A slide was shown as to where the Township was last year when they gave the presentation and a slide was shown as to the status now with a majority of items completed to some degree. The timeline for PRP submission was shown. She stated they have been coordinating with DEP, and they submitted a draft of the 2020 Annual Report. She stated comments were received in 2020 and several meetings were held with the DEP. They plan to do the final submission of the Annual Report once they get one last okay from DEP before they go through the Public Comment period which has to last for thirty days. She stated this is the official Township announcement that the Plan is now open for Public Comment. At the close of Public Comment, they will address any comments needed to be addressed, and then have the final submission.

Ms. Colletti stated as part of the submission they have to include proposed and completed BMPs to meet our reduction requirements for the sediment loading. She stated the Township was able to take credit for a few detention and retention basins that were done as part of a few developments, and a summary of the credits was shown which are just below 6,000 pounds. She stated for the Township to meet its overall requirement for the first five-year cycle that we are in, we have to get to approximately 156,000 pounds of reduction.

Mr. Pockl stated the basins that they took credit for were only for BMPs that were finalized since 2017 as that is all DEP allowed the Township to take credit for.

Ms. Colletti stated they decided it made the most sense for the remaining proposed BMPs to reach the reduction value to be more of a BMP menu. She stated not all of the listed retrofits and projects have to be completed in the five-year cycle for the Township to meet the requirement, but this provides some flexibility should it be discovered that one project versus another would be more difficult to implement. She stated the total amount of reduction for the proposed BMPs is 217,000 pounds which is about 60,000 over what is needed, and that provides some flexibility.

Slides were shown of the potential projects that could be done for the reduction requirements. It was noted that some of the projects were at Core Creek which are mostly basin retrofits. A slide was shown of a stream-bank restoration project that would meet a large portion of the reduction requirement as it would give 47,124 pounds of sediment reduction. She also noted an area for pervious pavement replacement in the parking lot at the Five Mile Woods.

A slide was shown of a Table summarizing the proposed BMPs and their load reductions as well as cost estimates for planning purposes and upcoming Budgets. She stated as noted earlier all of the projects do not have to be completed by the end of the current five-year cycle which ends in 2023; however, we do have to get to 156,000. She stated how that will be done is up to the Township's discretion. Mr. Pockl noted that the current five-year cycle ends in 2023, but DEP has allowed the Township to go five years after the Pollution Reduction Plan is approved, and it has not yet been approved. Mr. Pockl stated he feels realistically the Township has five years from the end of this year. Ms. Colletti stated Lower Makefield has a PRP which does not require an individual Permit, and whether or not they give an Extension is not definite although they have been lenient.

A slide was shown of what a retrofit means. She stated a majority of the existing Township basins are detention basins which means that they are not designed to hold water, and retrofitting them to retention basins where they would hold water would provide more water quality benefits which is how you can get additional credits for the reductions to meet your requirements.

Slides were shown of what the focus was on the last reporting period which ended the end of June. Ms. Colletti stated there was a major push for MCM 4 which is construction site run-off to try to increase our Notices of Violations (NOVs) to make sure we are promoting a culture of compliance in the Township.

She showed the summary of the NOVs that were issued and the dates they were issued for the different developments.

A slide was shown of MCM 5 which deals with post construction stormwater management. She stated this is insuring that the Township has mechanisms to capture that all of the BMPs within the Township are being properly maintained.

A slide was shown which indicates that in 2020 approximately fifty Permits were issued that had BMPs associated with them; and to date this year, the Township has issued thirty Permits. She stated almost all of them have signed O & M Agreements from the property owners to make sure that it is clear who is responsible for taking care of them.

Mr. Pockl stated these are mostly small projects that would not necessarily meet the requirements for rate control. He stated they have required Operation and Maintenance Agreements for the large Commercial developments historically, but over the last year and a half they have focused on trying to establish a system where we are getting Operation and Maintenance Agreements on Best Management Practices that are being implemented on individual Residential lots where they are exceeding the impervious area currently and thus are being required to have a stormwater BMP to mitigate the run-off from the additional impervious area and requiring a signed Operation and Maintenance Agreement from the property owner indicating that they will maintain that BMP in perpetuity.

Ms. Colletti stated another upcoming compliance issue is that by 2022 the Township has to insure that their Stormwater Ordinance is in compliance with the 2022 model that was published by DEP. She stated they are currently reviewing this, and they will let the Township know if any adjustments need to be made to stay in compliance; and if so, they will start moving through that process.

Mr. Pockl noted the addition of a section for repair of riparian buffers/buffers along streams. Mr. Grenier asked if they have given any indication as to what the offset would be, and Mr. Pockl stated he believes that it is 50'. He added that the Township's Ordinance is "robust" compared to other Municipalities so the Township may already be in compliance.

Ms. Colletti noted the slide which gives an update as to where we are with meeting the Pollution Control Measures. She stated in Lower Makefield there are two different PCMs that we have to be in line with – pathogens from Neshaminy and priority organics for Martin's Creek and the Delaware River.

She stated the priority organics have a focus on PCBs and pesticides. She stated mapping and the source inventory have been completed. The follow-up investigation has just begun. She stated an effort was done to identify any potential source for these pollutants within the watershed, and there will be follow-up efforts to see whether or not those potential sources are indeed polluting; and if they are, coming up with mitigation plans. In two years from now we have to submit a report that provides a summary of what those findings were and what measures were taken to curb them.

Ms. Colletti stated in summary the over-arching mapping has been completed, and they need to budget for on-going field verification. She stated DEP is aware that it takes time and money to get these completely field-verified. She stated they focus on verifying the discharge points first and work out from there to verify where the inlets are, the pipes, etc.; and that will be an on-going effort.

Ms. Colletti stated they then need to move forward with constructing some of the proposed BMPs, and they will have the EAC collaborate with the Yardley Borough EAC for the investigation of potential sources since there is some overlap with our watersheds. She stated Yardley was able to secure some Grant funding for the Buck Creek Watershed. Ms. Colletti stated as noted earlier we may need to revise the Stormwater Ordinance. She stated there is also an Animal Ordinance requirement; and while Lower Makefield already has one, we may need to expand it because DEP is still working through the requirements for that Ordinance.

Mr. Grenier stated for those who do not know what an MS4 is, it is a Municipal Separate Stormwater System and PRP is a Pollution Reduction Plan. He stated this is the stormwater version of what we have to do with our Sewer system making sure the pipes going to the Sewer treatment plant are not leaking and dealing with infiltration. He stated the Township needs to meet these guidelines and needs to consider the Stormwater Plan in their Budget. Mr. Grenier stated there are several items that the Township has to address over the next five years. He asked with regard to the mapping do all of the inlets, pipes, basins, etc. have to be surveyed or is this a visual inspection. Mr. Pockl stated their mapping system is in tune with GIS. He stated they have a lot of the inlets, and it would involve going out with a GPS unit and then looking down into the inlet and identifying the size of the pipe, material of the pipe, and which way the water is flowing. Mr. Grenier stated he assumes this would not be an opportunity for volunteers so that the Township could save money.

Mr. Grenier noted the retrofit/basin issues. He stated there is the Basin Naturalization Program that the EAC pushed for, and he asked if that gives any credit. Mr. Pockl stated that would depend on the function. He stated if it is a dry detention basin with a low-flow concrete channel and it is not being mowed, it is still a dry detention basin and DEP would not give additional credit for that. He stated they selected the basin retrofits as opposed to a regional detention basin because that would be a significant cost. He stated the basin retrofits are adjustments to the outlet structures and possibly adding plantings to the bottom which is a relatively low cost compared to some of the other BMPs. He stated that would also qualify as a naturalization program and reduce the maintenance costs that Public Works is currently experiencing with having to mow all of the basins which factored into their decision on the BMPs that they selected.

Mr. Grenier stated with regard to stream restoration, the stream on Patterson Farm is mowed right up to the streambank in certain areas; and he asked if we were to plant trees there would we get credit for that, and Ms. Colletti agreed. She stated there is a riparian buffer credit and a general tree-planting credit. Ms. Colletti stated the requirement is that you have to have at least 50' on either side of the streambank for it to count, although they usually give partial credit if you cannot do that. Mr. Pockl stated he believes that stream is outside of the impairment zone which is within the Neshaminy Creek Watershed. He stated they could discuss this with DEP to see if the Township could get credit for that although DEP really wanted the focus to be on the impaired stream. Ms. Blundi stated she believes Mr. Majewski had looked at that already since the EAC had targeted it for a planting project, and she believes that they could not get credit for that.

Mr. Grenier stated he understands they will be coordinating with the Township's EAC, and they may have some ideas on certain basins since they have been looking into this for a long time. He stated they might know some stream areas that would be suitable for restoration work or riparian zone plantings. Mr. Pockl stated they needed to start with this presentation for DEP purposes and so that there is a base line, and the thirty-day Public Comment period is designed to get feedback so that they can improve the Pollution Reduction Plan and have it be a working document which is bought into by the community.

Mr. Grenier noted the timeline which indicated certain items were due in 2017/2018, and asked if there is an issue with that. Ms. Colletti stated they have been in constant communication with DEP and supplying them with submissions whenever they are requested. Ms. Colletti stated DEP has approved the map and now they need to have the Public Comment period. She added the Township is not in jeopardy of any kind of non-compliance issues.

Mr. Grenier stated he assumes they will need to budget for implementation in the 2022 Budget, and Ms. Colletti agreed. Mr. Pockl stated DEP considers this a working document. Mr. Pockl noted that if the Regency basins get Dedicated within the next year, and there is additional volume we can take credit for, that could be applied to this Pollution Reduction Plan thereby lowering the amount of pollutant load that we have to meet by taking credit for items that have already been done by developers.

Ms. Colletti stated over the last few years more of the Grant funding from the State is specific to these types of projects especially basin retrofits, and they would push for that and then Budget for the match money associated with those Grants and not the full amount of the projects.

Mr. Lee Pedowicz, 247 Truman Way, asked what NOV stands for, and Ms. Colletti stated it is Notice of Violation which is something that is issued if any active projects are in violation of any of the Township Ordinances particularly related to erosion and sediment control or issues with their stormwater management. Mr. Pedowicz asked if there is a monetary fee associated with those violations and a deadline for them to be corrected. Ms. Colletti stated there are deadlines for them to be corrected, but they only move to citations if they do not address the NOV within the timeframe laid out in the Notice. Mr. Pedowicz asked the typical timeframe; and Mr. Pockl stated usually if it is an active construction site and it is an erosion and sediment control measure, it is within twenty-four hours. He stated there are some violations which were issued where the construction entrance was not working properly and mud was getting tracked out onto Township roadways, and they notified the contractor who had a street sweeper there within twenty-four hours to address the issue. Mr. Pockl stated if the issue is not addressed, the Township can shut the work site down until the E & S violations are addressed.

Mr. Pedowicz stated on Dobry Road DeLuca was getting the road dirty, but they had sweepers there quickly. He stated he saw that Caddis was also on the list of violations. Mr. Pedowicz stated it was indicated that the Township did not get credit for the Regency detention basins, and Mr. Pockl stated they have not been Dedicated to the Township and they cannot therefore take credit for them yet. Mr. Pedowicz stated going south of Big Oak Road, there is a retention basin, and Toll Bros. is putting up houses there which is cutting down the volume of the retention basin. Mr. Pockl stated they are aware of that. He stated Best Management Practices are implemented to control the run-off from the development, and we are only allowed to take credit for the amount that is in excess of what is required for the development.

Mr. Pedowicz stated he heard that Toll Bros. did a “lousy job of grading and drainage in this whole area,” and he asked if that is being addressed. Mr. Pockl stated there are punch list items that are being addressed for drainage issues down between the houses getting to inlets. He stated the punch list items for the north development are actively being worked on and completed prior to putting on the final roadway paving. He stated on the south side there are some drainage issues behind the homes on Lavender Way, and they are implementing a plan to address those drainage issues as well.

PROJECT UPDATES

Mr. Grenier asked if there is an update from the Bridge Commission on any of the repair work they are to do in the Township near the Woodside bike path area and the Maplevale area. Mr. Ferguson stated Mr. Hucklebridge is in regular contact with them, and he understands that the paving and repair work is part of the same timeframe with the work being done in late August/September.

MANAGER’S REPORT

Approve Award for Route 332/Mirror Lake Signal Interconnection Project to Armour & Sons

Mr. Ferguson stated this project involves the installation of controllers, fiber inter-connection, and re-timing of the existing traffic signals at the intersection of 332 and Mirror Lake Road and Route 332 and Creamery Road. He stated this is entirely reimbursable through an ARLE Grant, and the Township had

budgeted \$57,000 as an estimated project cost which would have been the maximum Grant. Three Bids were received with the low bidder being Armour & Sons at a cost of \$38,925.00.

Dr. Weiss moved and Mr. Grenier seconded to award the Bid for Route 332/ Mirror Lake Signal Interconnection project to Armour & Sons at a cost of \$38,925.00.

Ms. Blundi thanked the CTC which has been tirelessly pushing for this project.

Motion carried unanimously.

Approve the Kaplan Tract Planning Module

Mr. Ferguson stated this is for the construction of an individual on-lot septic system and requires a DEP Sewage Facilities Planning Module.

Dr. Weiss moved and Mr. Grenier seconded to approve the Kaplan Tract Planning Module.

Mr. Grenier stated it is unusual for someone to ask to put in a septic system for a new development. He asked why they are going septic versus connecting to the public system. Mr. Majewski stated this property is not in close enough proximity to a public sanitary sewer system, and therefore they need to be on septic.

Motion carried unanimously.

Approve the Extension of ARLE Agreement Number 0611101A – Big Oak and Makefield Roads to June 30, 2022

Mr. Ferguson stated both the Big Oak/Makefield signal upgrade and the project just approved by the Board are being funded through ARLE Grants, and both of those Grants require an Extension. The Extension which has been applied for and approved is to June 30, 2022. He stated the State has determined that the Extension requires Board approval.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve the Extension of ARLE Agreement Number 0611101A – Big Oak and Makefield Roads to June 30, 2022.

Approve the Extension of ARLE Agreement Number 0611102A – Yardley-Newtown Road and Mirror Lake/Creamery Road to June 30, 2022

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve the Extension of ARLE Agreement Number 0611102A – Yardley-Newtown Road and Mirror Lake/Creamery Road to June 30, 2022.

Approve Fuel Contract Bid Through the Bucks County Consortium

Mr. Ferguson stated the Bucks County Consortium bids out fuel. The Bid itself is for the delivery charge, and this year the delivery charge for gasoline is actually a negative amount which means the low Bidder would take that off whatever the order would be. While there was a low Bidder. in the event that they could not deliver, the Township could shop off the entire list.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve the Fuel Contract Bid through the Bucks County Consortium.

Approve Winter Services Agreement with PennDOT

Mr. Ferguson stated the Township salts and plows Dolington Road from Washington Crossing to Taylorsville/Main Street. He reminded the Board that for years the length of that road was improperly listed as 2.0 lane miles and that Mr. Hucklebridge, the Public Works Director, had noticed when renewing that Agreement that it was actually 7.1 miles. The Board had approved the change, and this is the Extension of that Agreement for five years which starts with Year being a little over \$8,000 and ends up in Year 5 about \$8,700 which is reimbursement to the Township for salting and plowing that road.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve the Winter Services Agreement with PennDOT.

Approve Resolution to Authorize the Township Manager as the Signer of the PennDOT Winter Services Agreement

Mr. Ferguson stated this Resolution will authorize the Township Manager to sign the Agreement just approved by the Board.

Mr. Grenier moved and Dr. Weiss seconded to authorize the Township Manager as the signer of the PennDOT Winter Services Agreement.

Mr. Lewis asked who was the prior signer, and Mr. Ferguson stated it was the Township Manager. Mr. Ferguson added that the Board approves the Agreement and this authorizes the Township Manager to sign it.

Motion carried unanimously.

Approve Resolution to Increase the Tree Fee-In-Lieu Amount from \$315.00 to \$347.00 Per Tree Per the Applicable CPI

Mr. Ferguson stated this will change the Tree Fee-In-Lieu of Fee which was outlined in the original Legislation to be adjusted every three years according to the CPI. He stated the Planning & Zoning Director had computed what that compounded amount would be, and the Resolution will increase the Fee from \$315.00 per tree to \$347.000 per tree.

Mr. Lewis moved and Mr. McCartney seconded to approve the Resolution to increase the Tree Fee-in-Lieu amount from \$315.00 to \$347.00 per tree per the applicable Consumer Price Index increase.

Ms. Blundi thanked the EAC for their input.

Mr. Grenier asked if the Ordinance is strictly CPI, and Mr. Ferguson agreed. Mr. Grenier stated while he is in favor of increasing the Fee, he would like to know what is the real cost of installation of a tree to make sure the cost is being covered when the Township has to install it. Mr. Ferguson stated that would vary depending on whether it is contracted out or if the Township purchases the tree and has staff install it although he does not believe the Fee would be much different on either calculation given what a contractor would charge versus the indirect cost for the staff to purchase, deliver, and install the tree. Ms. Blundi stated the EAC did not raise that concern.

Motion carried unanimously.

2021 Mid-Year Revenue Update

Mr. Ferguson stated while this will not be a full, line-by-line review, he would like to provide an update to the Board.

Mr. Ferguson stated the Budget passed had an anticipated Fund Balance start of \$4,130,000.00 and the actual start was \$4,564,000.00. He stated he is still listing that as Fund Balance. He stated the \$3 million deposit for the Sewer system for audit purposes will still be reported as a Liability and not a Revenue at this point because if the Sewer sale does not go through the \$3 million would have to go back; however, for our calculations financially, he is still listing it in this way for this purpose. He stated the net effect of that is that the starting number was better than anticipated by a little over \$434,000.

Mr. Ferguson stated the Transfer Taxes can be volatile; and while early on this year it was a bit slower than over the last few years, it has picked up like is normally the case in May and June. The year-to-date number is \$766,460 which translates to a monthly average of \$127,000. He stated we need to hit \$125,000 on a month-to-month basis throughout the year to hit the \$1.5 million that was budgeted. Mr. Ferguson stated we are doing better this year, and it is more similar to 2019. He stated in 2020, the numbers were very low during the Pandemic, but it came back at the end of the year to get to the \$1,508,000. He stated it seems that for this year, we will be at a number comparable to what has been seen.

Mr. Ferguson stated the Local Services Tax is the \$52 Tax for people working in the Township. He stated there are exemptions for those making under \$12,000. He stated we are lower than where we were the last two years, but that number can vary quarter to quarter depending on the timing of when it is paid. He stated he does not feel we will end up far off from previous years.

Mr. Ferguson showed a slide with regard to the Building Permit Number. He stated the overall Permit total will probably reach 2,100 Permits this year. He stated this is what the staff of three is handling. He noted the June 30th total compared to what was budgeted. He stated we brought in a new Building Inspections company which was at a higher rate than we were previously paying, and they have been very busy. He stated while we are seeing more Revenue, when they consider the Budget there will be Expenses which correspond with that.

Mr. Ferguson showed a slide comparing Household Property Tax Collections for 2019, 2020, and 2021. He stated in 2020 they extended the face period from June 30 to the end of July. He stated this year through the face period, which was back to June 30, we are running ahead compared to where we have been. He stated we budget with the estimation of 98.5% households paying in a calendar year, and we have done better than that. He stated he believes we will meet those totals for this year.

Mr. Ferguson showed a slide with regard to the Pool. He stated this year we budgeted \$680,000 for Memberships, and then scaled the Budget back to assume an 85% total; but year-to-date, we are at \$831,000. He stated we budgeted \$125,000 for Classes and Sales, and we are currently at \$40,742. Mr. Ferguson stated we did have to budget some assistance from the General Fund this year to subsidize the Pool but from what is being seen it seems that the General Fund will not have to assist as much as was anticipated.

Mr. Ferguson showed a slide with regard to Food and Beverage at the Golf Course. He stated we are \$43,000 ahead, and for the full Budget we are \$162,000 ahead net compared to where we would hope to be with the Budget. Mr. Grenier asked how this compares to past years. Mr. Ferguson stated it is better than 2020; and based upon initial discussions with Golf Course management, it is an improvement from 2019 as well although he does not have an exact number.

Mr. Ferguson stated he will continue to update the Board including Expenditure reviews. He stated the Treasurer's Report provides year-to-date amounts.

Mr. Zachary Rubin, 1661 Covington Road, stated the starting fund balance for this year was \$4,564,660; and he asked if that includes the \$3 million advance payment from Aqua America. Mr. Ferguson stated it does. Mr. Rubin stated the Fund Balance would have been a little over \$1 million if we had not had the \$3 million advance, and Mr. Ferguson stated it would have been \$1,564,660. Mr. Rubin asked if that would have been at Safe Harbor, and Mr. Ferguson stated that would have brought with it another Bond downgrade and would not be deemed a number that Moody's would say is a harbor that would allow us to sustain the Bond Rating that we currently have. Mr. Ferguson stated when the Audit comes out that \$3 million will be reported as a Liability because the potential to have to repay that will require it to be listed as a Liability on our Financial Statements.

Mr. Rubin stated Mr. Ferguson indicated that we are about \$162,000 above Budget in Income for the Golf Course, and he asked the Debt Service for 2021 for the Golf Course. Mr. Ferguson stated he believes it is approximately \$1.3 or \$1.4.

SOLICITOR'S REPORT

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

ZONING HEARING BOARD MATTERS

With regard to Appeal #21-1922 Fred & Ashley Ritter for the property located at 59 Glen Drive, Yardley, PA 19067, Tax Parcel #20-047-091 Variance request from the Township Zoning Ordinance #200-14 B in order to install a concrete in-ground pool and patio with the Applicant requesting to increase the impervious surface from the existing 17.8% to 20.7% where 13% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1923 Peter Chapman & Pilar Otto for the property located at 106 West Ferry Road, Yardley, PA 19067, Tax Parcel #20-052-066 Variance request from the Township Zoning Ordinance #200-69 (14)(c) to permit the installation of a 4-foot split rail fence in the front yard where 3-foot is the maximum height allowed, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1924 Timothy & Abby Bevington for the property located at 752 Sumter Drive, Yardley, PA 19067, Tax Parcel #20-058-188 Variance request from the Township Zoning Ordinance #200-23 B in order to install a paver patio with the Applicant requesting to increase the impervious surface from the existing 18% to 22.3% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1925 Derek Camp for the property located at 917 Lanyard Road, Yardley, PA 19067, Tax Parcel #20-037-188 Variance request from the Township Zoning Ordinance #200-23 B in order to install an in-ground pool and patio with the Applicant requesting to increase the impervious surface from the existing 24.9% to 33.5% where 18% is the allowable amount Mr. McCartney moved and Mr. Grenier seconded that the Township participate.

Mr. Grenier noted the increase over what is allowable. He noted the MS4 presentation which was heard this evening discussed all of the work that is being done to address the stormwater, and the increase in impervious surface is a big part of why we have so many stormwater problems so it is important to participate in this matter.

Motion to participate carried unanimously.

OTHER BUSINESS

Sewer Sale Communication

Ms. Blundi stated she and Mr. Ferguson were discussing earlier this week about the possible sale of the Sewer and a communication that will be going out to the public, and she asked Mr. Ferguson to discuss this.

Mr. Ferguson stated on or around July 26 a letter will be coming out from Aqua as well as a letter from the Township with that letter. Mr. Ferguson stated there is a PUC requirement based on a Court Settlement that requires all PUC related companies to contemplate worst-case scenarios for potential rate increases. He stated the feasibility of those increases are immaterial to the process. He stated Aqua will have to come up with a rate increase that they could potentially have and advise people about if worst-case scenarios came to fruition. Mr. Ferguson stated a letter will be coming from Aqua stating that the rate increase for next year could be 28%. Mr. Ferguson stated the Township is including a cover letter with that because there is no way there would be a 28% rate increase next year since even if they were to file, it would never happen for next year. Mr. Ferguson stated in the Township cover letter they have outlined how this is checking the box for the PUC requirement and it will also briefly outline the Bidding process that we had, the two-year rate freeze, etc.

Mr. Ferguson stated it should also be noted that if there is a larger pool of customers that has a certain economies of scale. He stated one of the factors they would look at would be what would the rate increase be if for some reason Lower Makefield would not be permitted to go into the larger customer pool, but there is no reason that would happen. Mr. Ferguson stated the letters will be going to every ratepayer's house.

Lewis so that there would not be a rate increase until 2025. Mr. Rubin stated these are “just approximates,” and there is no legal document that stated we will hold them to what the Indicative Bids were. Mr. Ferguson stated the Bid talks about a two-year rate freeze as a requirement of the Bid. He stated if they decided to go to the PUC earlier than that, that would be inconsistent with when they have done the timing of the Filings. Mr. Rubin stated when they Bid, Aqua stated that by the end of 2030, it would be \$96 a month which is a 35% increase from what they started at; and Mr. Ferguson agreed.

Mr. Rubin asked if the PUC grants Aqua higher increases, can we hold Aqua to that figure; and Mr. Ferguson stated we could not as that was indicative. He added that for all of the Bids that was an approximation.

ZONING, INSPECTIONS, AND PLANNING

Approve Lot Line Change for JD Signature Homes – 936 Sandy Run Road (Plan #683)

John DiPasquale, attorney, was present with his father, Mr. John DiPasquale, Applicant/owner.

Mr. Truelove stated the property is on Sandy Run Road just south of the split of Sandy Run and College Avenue on the east side of the road. Mr. Truelove stated he sent a proposed approval letter to Mr. Showalter, the Applicant’s engineer. Mr. John DiPasquale, attorney, stated he did review the letter from Mr. Truelove.

Mr. John DiPasquale, attorney, stated existing on the property is a house that is outdated, uninhabitable, and non-conforming as it is very close to the street and very close to the existing Lot Line. He stated they realized that if they were to move the Lot Line they could create two, conforming Lots that would be more desirable than what is existing. He stated they put footprints and the basic development elements of the Lots on a Plan submitted for a Lot Line adjustment. He stated they made a presentation to the Planning Commission where they requested Waivers for sidewalks, road widening, and street trees which were granted. One Waiver request was not granted which was related to the Tree Ordinance. He stated there are six trees which need to be removed, one of which is on the southern border of the property and is in questionable health which was noted on the Plan. He stated there are three trees in the northern part of the property which are smaller maples and dogwoods and two in the center of the property which are somewhat larger.

Mr. DiPasquale stated the trees on the northern side of the property seem to be a prior owner's landscaping trees that are overgrown, and the tree on the southern border is in poor health. He stated this is not a wooded lot, and these are landscaping trees. He stated they requested a Waiver from the Planning Commission from the Tree Replacement as they were advised that by removing these trees they would be required to put twenty-four trees on the two Lots. He added that there is not a lot of room on these two Lots for twenty-four trees. He stated had they just done a Subdivision and come in with two individual Building Permits, they would not have this requirement. He stated they will probably plant ten to twelve trees depending on the desires of the eventual homeowners, but they do not know where the trees would be as they could be in the rear as a buffer or down the new Lot Line. He stated they feel ten to twelve trees is a generous amount of trees and is more than a one-to-one replacement of the existing trees.

Mr. DiPasquale stated when they brought up the issues they were having with the replacement trees and asked for the Waiver, the Planning Commission stated they should bring it up with the Board of Supervisors. Mr. DiPasquale stated Item #9 of Mr. Truelove's letter addresses this comment and indicates that they should replace with twenty-four trees or alternatively a payment to the Township in an amount as determined by the Township as a Fee-In-Lieu of planting the otherwise required replacement trees. He stated they are looking for a Waiver of the additional trees or a "wait and see approach" to see what trees the buyers for these Lots actually want and where they want them. He stated the developer could put trees on the Lots and then the individuals who buy the Lots may decide they do not want the trees and would take them down. Mr. DiPasquale stated they have no other issues with the letter.

Mr. Truelove stated if they do not want to plant the trees there is a Fee-In-Lieu option. He stated if they planted twelve trees, they could pay the Fee-In-Lieu for the other twelve trees which would be \$347 times twelve trees which would be approximately \$4,100.

Mr. Lewis moved and Dr. Weiss seconded to approve the Lot Line Change for 936 Sandy Run Road, Plan #683, a Lot Line Change and Grading review, Tax Parcel #20-025-014 and #20-025-014-003 subject to Conditions for a Lot Line Change which may enable conceptually for the construction of two new single-family dwellings on each conforming Lot as submitted. The Plan proposes to modify the Lot Line between each of the two above-referenced parcels, demolish

the existing two-story house on one of the Lots, and to construct a single-family dwelling on each new Lot as a result of the Lot Line change. Also proposed is stormwater management as part of the connection to Sandy Run Road.

Subdivision Plans submitted to the Township include a Lot Line Change Plan, six sheets, dated May 14, 2021 as prepared by R. L. Showalter & Associates, Inc., a Stormwater Management Report dated May 14, 2021 as prepared by R. L. Showalter & Associates, and a Waiver request contained in the May 20, 2021 submission letter from R. L. Showalter & Associates. All those aforementioned Plans as outlined are hereinafter referred to as the Plan.

Review materials consist of the following: The June 7, 2021 Remington & Vernick Engineers review letter, the June 23, 2021 SAFE Engineering review letter, the June 18, 2021 Bucks County Planning Commission review memorandum, a memorandum from the Lower Makefield Township Planning Commission from the July 12, 2021 meeting, and a review by the Fire Marshall.

Unless otherwise addressed during the Approval process, the Approval of the Plan is subject to all the terms and conditions contained in the Township solicitor's letter which include:

If required, you shall obtain beyond Appeal all necessary and/or required Variances from the Zoning Ordinance or in the alternative, you must revise the Plans so that they are fully compliant with the Zoning Ordinance;

In addition to the foregoing, you shall comply with the requirements set forth in the above-referenced Remington & Vernick Engineers review letter;

You shall comply with all requirements and determinations of the Township's traffic engineer as set forth in the SAFE Engineering letter referenced above;

You shall comply with requirements and determinations of the Yardley-Makefield Fire Company including but not limited to all requirements and Conditions as more fully set forth in their review letter dated June 7, 2021;

You shall comply with all requirements and determinations of the Bucks County Planning Commission as set forth in the above-referenced memorandum;

You shall comply with all requirements and determinations of the Lower Makefield Township Planning Commission including but not limited to all requirements and Conditions as fully set forth in a memorandum which will emanate from the July 12, 2021 Planning Commission meeting;

You shall pay all required Fees as applicable as set forth in the Ordinance unless noted otherwise and as determined by the Township prior to the Recording of the Final Plan;

Unless otherwise noted you shall be responsible to plant the required replacement trees as six trees of 10" caliper or more removed from the property, and accordingly each tree that is removed requires that four trees of 3" caliper be planted on site for a total of twenty-four trees or alternatively payment to the Township in an amount to be determined by the Township as a Fee-In-Lieu of planting the otherwise required replacement trees;

If applicable, you must obtain any and all necessary approvals from any and all other applicable Government entities having jurisdiction over this project including but not limited to the Lower Makefield Township Traffic Safety Officer and the PA DEP;

In addition, as requested the Township Board of Supervisors will grant Waivers for the following requirements of the SALDO Ordinance:

- 1) Waiver from Section 178-40.C from widening the existing cartway of Sandy Run Road in order to be consistent with the surrounding roadway network, to minimize impact, and to maintain the existing roadside swale;
- 2) Waiver from Section 178-47.A of the Ordinance to require sidewalks along either side of the street for safety and convenience as no sidewalks exist on Sandy Run Road in this area;

- 3) Waiver from Section 178-81.A of the Ordinance requiring that street trees shall be planted along both sides of all streets if suitable existing street trees or natural wooded areas do not exist.

Mr. Lewis stated he feels they are getting a “great deal as they do not have to put in sidewalks,” and they should not ask for the Tree Replacement Fee Waiver. He added that if they ask for the Tree Replacement Fee Waiver, he will vote no. Mr. DiPasquale, attorney, asked if he could propose an alternative, and Mr. Lewis stated he could not as they went through the process and “got a good deal, and now they are asking to negotiate again.” Mr. Lewis stated he will give them “the deal they had.”

Mr. DiPasquale, Applicant/owner, stated they are on the Agenda the same time that the Tree Fee “just got jumped on them before they got heard.” He stated they appreciate that Mr. Lewis is adamant about this, but he would like to be heard. Mr. Lewis stated developers have asked “to get out from under this, and one developer got over \$125,000 of corporate welfare by basically getting out from under the Tree Fee.” Mr. DiPasquale stated they are not that kind of developer. He added this is not a wooded site, and they are not clear-cutting the woods. He stated these are a couple of landscaping trees that were planted fifty years ago that “outgrew their health, safety, and welfare.” He stated these are basically vacant Lots with a couple of landscaping trees that are overgrown and should have been taken down years ago but were not.

Mr. DiPasquale stated they had this discussion with the Planning Commission who “got stuck on it because they saw their plight/reality.” He stated if it were clear cutting of a forested area, he would not argue. He stated if he were to have come in for a Building Permit for one of the Lots, he would not have had to come before the Board and he would not have to replace one tree. He stated he is “trying to do something that makes everybody’s life better including the Township’s” by making conforming Lots to make it less problematic for Variances, etc. in the future because they have downsized the houses so that there is more room for people to have patios, decks, and pools. He stated this is not really a Subdivision, and he did not get one benefit by doing this Subdivision other than two nicer Lots compared to one really nice Lot and one not nice Lot; and because of that this Tree Ordinance will require him to have to pay extra dollars. He stated he did not ask for three Lots or six Lots, and there are two existing Tax Parcels, and there will still be two existing Tax Parcels. He stated he is “not getting one, single big benefit.”

Mr. DiPasquale stated with regard to the street trees, there are no street trees in the neighborhood anywhere. He stated there are also no sidewalks. He stated there “have been other people who have done stuff in that area, and they have not done any of that either.” He stated this is a couple thousand dollars, but he is also trying to not get the houses to go over \$1 million, and they are trying not to be “the big million dollar builder.”

Mr. Truelove stated because the Application was made before tonight’s change in the dollar value per tree, the old number would apply which would be \$315 rather than the \$347 which would be a reduction from the number that was quoted. Mr. Truelove also stated as to a benefit, they will be able to build two houses instead of one house.

Ms. Blundi asked if Mr. DiPasquale is indicating that the \$3,400 will make him sell two, \$1 million dollar houses. She added that tree replacement is very important to the Township Board of Supervisors.

Mr. DiPasquale stated “it is not about the money, and it is really about the trees.” He stated he does not want to have to pay for trees and then have customers want him to plant other trees so that he has now paid for trees twice. He asked the Board how he can accomplish the goal to give the buyers something they want and not have to pay twice for it. Mr. Lewis stated he would not be paying twice as he has the option to pay the Fee-In-Lieu if he does not want to plant the trees. Mr. Lewis stated Mr. DiPasquale negotiated with the Planning Commission and they worked through a “nice Agreement, and now he has decided he wants out from this on two \$1 million dollars which would be less than half a percent.”

Mr. DiPasquale, attorney, stated they raised this with the Planning Commission, and they stated they should bring this up with the Board of Supervisors.

Ms. Blundi stated the Planning Commission denied this Waiver and advised that their relief would be before the Board of Supervisors. Mr. DiPasquale asked if they could take a “wait and see approach” since they may very well plant many or most of the trees; and they would “be happy to make it even by the time the CO is issued.” He stated they are looking for some practical flexibility as to how it is applied.

Mr. Majewski stated the way this is often handled is that they could defer the exact amount of the Fee or number of trees to be planted to the time of Building Permit so that when they have a buyer and go to apply for a Building Permit if they would like to have trees planted, they would plant the trees; and any trees that are not planted, they would pay the Fee-In-Lieu of. He stated if

there is a buyer who does not want any trees, they would have to pay the full amount for whatever was not planted. Mr. Truelove stated another option would be to have the amount for twenty-four trees times \$315 per tree held in Escrow; and if a certain number of trees are planted, some of that Escrow would be paid back. He stated this is a long-standing and very important part of Land Development process for the Township. He stated there is a Case on Appeal from the Township, and we need to be very consistent as to how it is applied.

Mr. Grenier stated he was going to recommend an Escrow amount that would be held; and depending on what the net is in terms of number of trees versus the Fee, they could refund if some trees were planted. Mr. Grenier stated he is very inflexible about giving relief in terms of the Fee or replacement adding that many developers and their attorneys have come before the Board about this. He stated he does not know that he would be in favor of the Waiver for the street trees. He stated normally he would be in favor of keeping the sidewalk since eventually they could connect the sidewalk. He stated Sandy Run is a narrow road, but it is near College Avenue which could eventually have a sidewalk connecting it to the Borough; and he would want to consider that at some point.

Mr. Grenier asked about the Waiver request from widening the existing cartway of Sandy Run. Mr. Majewski stated the Ordinance requires that the road be widened to a consistent cartway width; and in this instance in order to be consistent with the remainder of the surrounding area the Traffic engineer was in favor of the Waiver that a more consistent cartway width with the adjacent properties would make more sense. Mr. Grenier stated the Traffic engineer felt that the road was wide enough, and it has been in service for a number of years without incident; and to widen one section and then have either side narrow back in would not be advisable. Mr. Truelove stated this was discussed at the Planning Commission, and it was noted that the road is of a certain width, and to make it the normal cartway width would be an awkward expansion that would not be helpful.

Mr. Grenier asked if there are any sight line issues for the new driveway cut they will have to get. Mr. DiPasquale, Applicant/Owner, stated that they are using the existing driveway for the one house. He stated they have to add another driveway for the other house, but he does not believe there are any sight issues.

Mr. Truelove stated what is being considered this evening is a Lot Line Change and also a Grading review and Subdivision review as well.

Mr. Grenier asked if there are any natural resource setback issues. He asked if there are any wetlands or steep slopes. Mr. Majewski stated there are steep slopes on the property that were identified on the Plans, and he believes that they are in compliance with all of the Ordinances for those resources.

Mr. Grenier stated the Motion being considered would grant the Waiver requests other than the Replacement Tree Waiver request. Mr. Truelove stated there is a way for the developer to work with the Township to come to an accommodation so that if there are trees planted that are consistent with the Ordinance and if there is a balance left that number can be worked out through either the Permitting process or an Escrow process.

Mr. Grenier stated one Waiver request is for the street trees, and he would prefer not granting that Waiver so that the Township can get all the trees that they should be getting. Ms. Blundi noted that there are power lines in that area. Mr. Grenier stated they could plant the trees outside of the 10' Easement for the power lines. He asked if they would still be considered street trees if they were planted outside of the 10' Easement, and Mr. Majewski agreed they would. Mr. Majewski stated there are other issues including the utility lines, the water line, and the sewer line. Mr. Grenier asked if there are conflicts with utilities related to street trees does the Ordinance provide the ability to do something creative to still get the number of street trees like the Fee-In-Lieu for replacement trees, and he asked if we can apply that to the street trees. Mr. Majewski stated there are two alternatives to the street trees – one is to do a formal row of trees every 30' where it is a consistent spacing of the trees, and the other is where you cluster trees in groups so that there would be trees, open area, and trees. Mr. Majewski stated he is not sure how that would work in this instance although they may be able to plant some or all of the street trees in a cluster rather than every 30' and still maintain proper separation distances from sewer lines, water lines, etc. Mr. Grenier stated he would be interested in that.

Mr. Grenier stated with regard to the sidewalks, there was recently another project where they discussed a Fee-In-Lieu of sidewalks if they did not want to install the sidewalks in front of their property so that they could be tied into

the Township's sidewalk/trail system. Mr. Grenier asked if that is something that could be done in this instance. Mr. Truelove stated he would have to look into this further, and they have to be careful about off-site improvements.

Mr. Pockl stated with regard to the sidewalks, the Planning Commission had discussed the other project; and since there were sidewalks within close proximity to that project, they felt it was appropriate in that instance, but not necessarily appropriate in this instance because there are no other sidewalks on Sandy Run.

Mr. Pockl stated with regard to the street trees, they are proposing underground stormwater management basins in the front of the property which is not common; but the grade of the property slopes from back to front so putting an underground stormwater management system behind the house could lead to issues of infiltrated water from those systems getting into basements. He stated there will be stormwater basins up front as well as sewer laterals, water lines, and gas lines that would potentially conflict with street trees. He stated there are also three trees that are to remain that are in the front of the properties, and he believes they would count toward the Street Tree requirement. Mr. Pockl stated he believes that when they were calculated the total diameter of trees required for the street trees was 24" in diameter, and the existing trees to remain include one 10" diameter tree and two 7" diameter trees and the Applicant's engineer raised the fact that they were keeping the same diameter of trees for street trees. Mr. Pockl stated he believes that is why the Planning Commission recommended the Waiver along with the other issues of potential conflicts with the overhead lines, underground utilities, and the stormwater management system.

Mr. Grenier stated he is not in favor of underground stormwater management systems for Residential areas since the O & M by a private resident "does not happen." He stated if they were to remove those and make it a more traditional system or a rain garden, they could put trees around that with a cluster of trees. He stated he has lot of issue with what he is seeing, and he is inclined to vote against this although he would not have a problem sending it back to see if they could address these issues and reconsider it. Mr. Truelove stated that is an option, and they could Move to Table and ask the Planning Commission to reconsider it with the comments that have been made this evening.

Mr. DiPasquale, Applicant/Owner, stated he talked to the design engineer about the underground detention, and they were put up front so that they would not have any infiltration going into the basements. He stated doing rain gardens was a problem because of the steep slopes, run-off, and controlling water in a rain garden. It was determined that the best course of action was to keep the water underground and make sure that they get the best infiltration that they possibly could to keep it from going off site due to the slopes. He stated rain gardens try to hold the water a little longer, and you need spillways and overflows, etc. so the underground system was a more desirable choice to keep the water on site and keep it from flowing over and creating bigger issues.

Ms. Blundi asked Mr. Truelove if the discussion is crossing over into Zoning Hearing issues; and Mr. Truelove stated some of the issues are either for Variances and/or the development part, and there has not been an Application for the construction of the homes. Ms. Blundi stated there is a Motion that addresses what they are supposed to address at this point in time.

Mr. Lewis stated what they are voting for gives the Applicant the ability to build two houses, but they still need to come back with the Plans; and Mr. Truelove agreed adding that they have to comply with setbacks, buffers, etc.

Mr. Truelove asked if they accept the Conditions as set forth in the Motion, and Mr. DiPasquale, attorney, agreed. Mr. Truelove stated that is with the understanding that with regard to the replacement trees that there is a method to work on that to everyone's satisfaction.

Motion carried with Mr. Grenier opposed.

Approve Certificate of Appropriateness for 1700 Yardley-Langhorne Road – Dogwood Skate Shop Ramp

Mr. Majewski stated this property needs to have an accessible ramp into their building. He stated they went to HARB for a recommendation, and there was a lot of discussion about the ramp which comes from the parking area up to the building. He stated HARB voted to approve the ramp with the stipulation that in twenty-four months, it would be changed to a more historically-appropriate material, they would extend the lattice over to the support pole,

and change the railing on the landing to match the ramp. Mr. Majewski stated this will allow them to open up for business and sometime in the next two years do a more permanent solution for the ADA-accessible ramp into the building.

Dr. Weiss moved and Mr. Lewis seconded to grant the Certificate of Appropriateness for 1700 Yardley-Langhorne Road – Dogwood Skate Shop ramp.

Mr. Grenier stated the owner went to HARB after he put this in and no one “really likes this ramp at all,” but it is a necessity to be ADA-compliant and open the business. He stated the platform that the ramp connects to is not historically accurate, and the railing he put in does not match the railing of the rest of the house as it is PVC and not wood. Mr. Grenier stated there is limited screening, and he felt that HARB had asked that he put in some evergreen shrubs for the twenty-four months. He stated HARB wants to get this out within the next two years. He added the owner had talked about doing an addition that would not require any ramps in the next few years, and that is why HARB was willing to accept this ramp and let him open the business. Mr. Grenier stated HARB also recommended extending the lattice to screen more of the ramp from the roadway. Mr. Grenier stated the idea is to make sure that this is removed within the next two years and replaced with something more historically correct.

Dr. Weiss asked if it is to be removed within twenty-four months from today, and Mr. Grenier agreed.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, stated he demands that the Pennsylvania Democratic Party reinstate him. He expressed concern with Democracy and Capitalism.

Mr. Lee Pedowicz, 247 Truman Way, stated he sent a letter to the Board regarding emergency vehicle access on the northern side of Regency. He stated he feels this should be addressed before the final paving is done. Mr. Pedowicz stated Mr. Majewski did respond to his letter; however, he feels there are design flaws. He stated the streets do not meet the NFPA requirements. Mr. Pedowicz stated the street is 12' wide, but it is

supposed to be 20' wide; and he does not feel a piece of fire apparatus can turn around although the numbers say it can. He stated he would like to set up a meeting with Mr. Majewski and anyone else interested and have the Fire Department bring a "pumper or an aerial" to see if they can get in that way. He stated he will probably also need a Police Officer at the entrance to Renaissance off of Oxford Valley Road because there will be a piece of fire apparatus there trying to get through the entranceway. He stated they can then see if changes need to be made. Mr. Pedowicz stated the people in the community are older, and a few minutes in response time can make a big difference. Ms. Blundi stated the Board will consider this.

DISCUSSION ITEMS

Tree Ordinance Discussion

Mr. Majewski stated the Tree Ordinance has been evolving over time. He stated in the 1980's and 1990's the Township had developed a number of regulations on landscaping and planting for basins, buffers, street trees, and parking lot trees. He stated the Tree Ordinance was amended in 2007 and again in 2014 to require replacement trees for those removed during the Subdivision and Land Development process, Tree Bank requirements for those properties where they are unable to plant the replacement trees on the property, updating the plant list since the list from the 1980's was outdated primarily to add native plants as the primary method of tree replacement, and also to update references to applicable planting requirements and standards that were outdated from the 1980's.

Mr. Majewski stated since that time based on issues that have been observed with tree availability and survivability, they are recommending that the Township consider updating the Ordinance and make modifications.

Mr. Majewski stated currently it is required that all plants be native plants, and he has heard that we do not have a large variety of native ornamental flowering trees and shrubs on our list which has been problematic. He stated in 2007 when the Ordinance was adopted that specified native plants he was in favor of having a certain amount of the plants be non-native so that there would be the opportunity to have species such as cherry trees like those that are on Edgewood Road in front of the Library. He stated a small amount of non-natives could be allowed to be planted, and it is recommended that it be no more than 20% which would allow extra flexibility and make the Township "prettier" in terms of plantings.

Mr. Majewski stated another item identified was the size of the street trees. Currently the Ordinance requires 3" to 3 ½" caliper trees, and there has been an issue since the 1990's that a lot of nurseries do not have a large selection of trees that they allow to grow to the 3" caliper size. He stated when the developers are trying to plant trees, they are not able to get the best trees. He added that most other Municipalities have either a 2" or a 2 ½" caliper tree as their standard for street trees. Mr. Majewski stated small trees also have a little bit better survivability and they are easier to transplant than the higher trees where there is a higher death rate. Mr. Majewski stated the caliper measurement is typically taken at 6" above the ground level if the tree is 4' or less. He stated for replacement trees that are cut down, those are measured at about a 4' height. Mr. Majewski stated the Ordinance currently requires that for a certain caliper the tree needs a certain ball size and a certain height with the branching height properly laid out.

Mr. Majewski stated for buffer trees, the Ordinance requires a 6' minimum height for evergreen trees and a 14' height for shade trees or a 3" caliper, for ornamental flowering trees an 8' height or a 2 ½" caliper, and for shrubs a 3' height. Mr. Majewski stated he is recommending that all of those be reduced and would recommend that evergreen trees would be a minimum of 5' to 6' in height when planted, the shade trees be a minimum of 12' to 14' in height with a slightly smaller caliper size of 2" to 2 ½" caliper. He stated for the ornamental flowering trees, he is recommending a minimum of 6' in height with a minimum 1 ½" to 2" caliper. He stated he is recommending that the shrubs be not less than 18" to 24" in height. He added that if the tree is smaller, it starts growing fairly quickly, and often performs better than larger trees.

Mr. Majewski stated another issue identified over time relates to Farmland Preservation. He stated they have had issues over the years with the maintenance of the buffer; and in many of the developments, the required tree buffer was placed completely on the Farmland side. He stated as trees die or need to be trimmed, it is a burden on Farmland Preservation to maintain all of those trees. He stated there is potential for future development on the farms remaining in the Township; and if they use the Farmland Preservation option, it is recommended that there be a 25' buffer as is currently required in the Ordinance, but have the planted part of the buffer with trees and/or shrubs be on the Residential side of the property line which would put the maintenance on the residents as opposed to Farmland Preservation.

Mr. Majewski stated the recommendation is also to have the fence on the Farmland Preservation property and Farmland Preservation would maintain the fence. He stated the remaining 15' of the 25' buffer would be on the Farmland side of the property, and that would be planted in grass or wild-flowers which would be in keeping with how the farmland buffers are recommended by the State and the Agricultural Department.

Mr. Majewski stated for buffer trees it is recommended that native species not listed and native cultivars may be used with prior approval of the Township's plant expert; and that all required plants shall be native plants with the exception that not more than 20% of required ornamental flowering trees and shrubs may be non-native species subject to the approval of the Township.

Mr. Majewski stated for street trees, shade trees, and evergreen trees there does not seem to be a problem getting native species, but for the flowering/ornamental trees it seems that most of the trees he has seen in the developments are the same. He stated they plant the Eastern Red Bud tree which is nice tree; however, he is concerned about the over-abundance of one species of tree which may be problematic if there is ever a blight similar to the one which we had with the emerald ash borer.

Mr. Majewski stated the cultivars had been discussed with the EAC, and they looked at what other trees are available so that they could expand the native plant list. He stated Exhibit 1 in the Ordinance has the native plants, and there are thirteen flowering trees that are acceptable to the Township. He stated he looked into what surrounding areas are doing, and the Lancaster County Planning Commission developed the Pennsylvania Native Tree and Shrubs Landscaping Guide which has a number of additional trees that are not on our list so we could expand our list of native trees and this Guide would be a good starting point. He stated Lancaster County is in the same region that we are in so this list of plants would be suitable for the Township. He noted different trees that Lancaster has listed.

Ms. Blundi stated the EAC has discussed trees, and there is some belief that the concept of cultivars is more liberally embedded in the various Ordinances, and they can bring clarity as to what is a native species and what is an option. She stated it has been suggested by members of the EAC that we may want to amend the Ordinance to include what not to plant. Ms. Blundi stated she hopes that once the Board discusses this, it can be turned over to the EAC for their feedback.

Mr. Grenier stated with regard to changing the sizes based on what is available and what does well, he feels that makes sense, and he would be in support of that. He stated he is opposed to allowing any cultivars or non-native flowering trees. He stated a cultivar is a cultivated tree that is genetically different from a native species, and a lot of studies show how cultivars are genetically variant and persistent which is dangerous from an invasive perspective as compared to native trees. He noted a number of species which people felt were “pretty,” but they are invasive and have taken over much of the landscape causing billions of dollars in damage and resulted in native species being put under incredible amounts of stress leading to various diseases. He stated they also negatively impact the pollinators. He stated he can recommend many “pretty” trees that are native.

Mr. Lewis stated there is a DCNR list of native plants and species that the State has which includes some more options. He stated he would like them to find all the native species that are available to us. He stated he does not like invasive species and would be concerned about anything that would bring in additional invasive species.

Dr. Weiss stated he understands being opposed to non-native cultivars and invasive species, but he would like to see if they can expand the list to include all native species that would be appropriate in our area.

Mr. Majewski stated with regard to invasive species and noxious weeds, our Ordinance currently prohibits those and are not allowed to be planted in the Township. Mr. Majewski stated our list does need to be specific to our region of Pennsylvania. He added plants tend to do well in their own region.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she teaches Biology at the College level and agrees with Mr. Grenier. She stated she does not feel they should change the Ordinance without total agreement from the Environmental Committee. She stated there is no lack of ornamental trees in the Township. Ms. Tenney stated non-natives outcompete native trees. She stated native trees sustain wildlife that is different from non-natives and help better control the soils and provide erosion control. She stated this has “worked perfectly fine as it is.” She stated she feels there are many more important things that the Board should address than fixing something that is already “pretty perfect.”

Mr. Grenier stated he can provide the Bucks County Natural Areas Inventory which is an Inventory by County, and it includes a long list of native plants native to Bucks County specifically. Ms. Blundi stated this matter has come up because of concerns of the EAC, Farmland, and the staff; and this matter will be considered further by the EAC, and she feels they would like to have all resources that are available.

SUPERVISORS REPORTS

Mr. Grenier stated the Electric Reliability Committee met and will be sending a letter to Mr. Ferguson as they are reviewing the generator list and mapping the generators that have been installed since 2013/2014 to look for trends. He stated they will be recommending that a PECO representative come before the Board of Supervisors.

APPOINTMENTS TO BOARDS AND COMMISSIONS

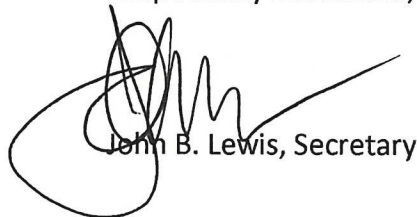
Mr. Lewis moved and Mr. McCartney seconded to appoint Sarah Daubert to the Ad Hoc Property Committee.

Mr. Grenier stated she would be the fifth member if appointed. He stated *they were specific as to the backgrounds of the members, and he stated he assumes she would fall under the community member at large.* Ms. Blundi stated she feels Ms. Daubert would fit a lot of different categories; however, she does not feel they need to consider that until they are close to the total to see if they have the right fit. She stated there is someone with a background in preservation already as well as someone with a background in science and business.

Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully Submitted,



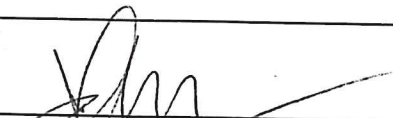
John B. Lewis, Secretary

**WER MAKEFIELD TOWNSHIP
BOS MEETING - 07/21/2021**


A/P WARRANT LISTS	6/21/2021		7/6/2021		7/19/2021		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund							
01- GENERAL FUND	247,858.52	4,086.20	206,527.02	233.74	89,939.48	2,036.00	550,680.96
02- STREET LIGHTS	576.27		46.69		2,652.11		3,275.07
03- FIRE SAFETY	366,000.00		888.50				366,888.50
04- HYDRANTS	12,318.52				12,503.54		24,822.06
05- PARK AND RECREATION	32,169.48		15,538.46	849.43	8,023.94		56,581.31
06- P & R FEE IN LIEU							-
08- SEWER	43,224.76		183,718.70		540,583.48		767,526.94
09- POOL	37,630.23		20,750.43	1,081.13	16,058.20		75,519.99
11- TRAFFIC IMPACT							-
15- GOLF COURSE	242,148.00				237,579.00		479,727.00
18- SEWER CAPITAL PROJECTS	1,843.11				8,354.77		10,197.88
19- SPECIAL PROJECTS	2,601.32			26,289.00			28,890.32
20- DEBT SERVICE			50,119.04				50,119.04
21- REGENCY BRIDGE	1,716.63						
30- CAPITAL RESERVE	93,730.00		357.00				94,087.00
31- POOL CAPITAL RESERVE FUND							-
32- TREE FUND							-
35- LIQUID FUELS			85,763.11				85,763.11
36- ROAD MACHINERY FUND		17,221.62	30,931.72				48,153.34
40- 9/11 MEMORIAL	323.64		1,909.17				2,232.81
45- PATTERSON FARM	1,475.00		762.05		2,000.00		4,237.05
50- AMBULANCE/RESCUE SQUAD	72,000.00						72,000.00
84- DEVELOPER ESCROW	4,802.80		21,523.62				26,326.42
91- UNEMPLOYMENT							
	1,160,418.28	21,307.82	618,835.51	28,453.30	917,694.52	2,036.00	2,747,028.80

JUNE 2021 PAYROLL AND INTERFUND TRANSFERS


Fund		
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT		760,143.06
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT		7,816.29
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT		4,882.74
		772,842.09



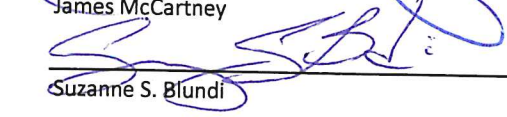
 John B. Lewis



 Fredric K. Weiss



 James McCartney



 Suzanne S. Blundi

 Daniel R. Grenier

