

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 19, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 19, 2022. Mr. McCartney called the meeting to order at 7:33 p.m. and called the Roll.

Those present:

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

Others: Kenneth Coluzzi, Interim Township Manager
 James Majewski, Community Development Director
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer

COMMUNITY ANNOUNCEMENTS

Mr. McCartney stated during this portion of the Agenda residents and Youth Organizations may call in to make a special announcement or may contact the Township to request a special announcement be added to the Agenda.

Mr. McCartney stated the Styrofoam Recycling event will be held at the Township Building, 1100 Edgewood Road, Yardley, PA on Saturday, October 29, 2022 from 10:00 a.m. to Noon. Bring your Styrofoam, wine corks, amber/white plastic pill containers and alkaline household batteries.

Mr. McCartney stated the EAC will be hosting a Halloween Candy Wrapper Recycling event from November 1 to November 5 and November 7 to November 10 between 8:00 a.m. to 4:30 p.m. Drop-off boxes will be located in the lobby at the Community Center, 1550 Oxford Valley Road, and the Township Building, 1100 Edgewood Road.

Mr. McCartney stated runners from beginner to advanced are invited to run a 5K/10K race at the Makefield Highlands Golf Course November 4, 2022. All proceeds will be donated to Folds of Honor. Visit <https://irun.redpodium.com/race-the-course-2022> to register. Sponsor is State Farm Insurance. Mr. McCartney stated he believes there is also a Golf Outing that day prior to the Run.

Mr. McCartney stated the Annual Veterans Parade and Ceremony will be held on November 5, 2022 with the Lower Makefield Veterans Committee. The parade will run along Edgewood Road from Whitehall Drive to Heacock Road and will conclude with a Ceremony at Veterans Square. The parade will start promptly at 1:00 p.m. Come join us and line the street for our Veterans. Sponsors for this event are Artis Memory Care and Commonplace Reader.

Mr. McCartney stated Lower Makefield Township will be hosting a Blood Drive for the Red Cross on Wednesday, November 23, 2022 from 1:00 p.m. to 6:00 p.m. in the meeting room at the Township Building, 1100 Edgewood Road, Yardley, PA

APPROVAL OF MINUTES FOR SEPTEMBER 21, 2022

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of September 21, 2022 as written.

TREASURER'S REPORT

Approval of September, 2022 Interfund Transfers

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the September, 2022 Interfund Transfers in the amount of \$1,267,664.08.

Approval of Warrant Lists from October 3, 2022 and October 17, 2022

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Warrant Lists from October 3, 2022 and October 17, 2022 in the amount of \$1,986,611.08.

ENGINEER'S REPORT

Approve Change Order #2 for a Contract Time Extension of 40 Days for the 2022 Road Program

Mr. Pockl stated this is necessary because the contractor has run into supply chain issues obtaining detectable warning surfaces for the ADA ramps, and this has held them up throughout the project. In addition PECO is doing work on Quincy Drive and

Dickinson Drive which is part of the Road Program, and this held the contractor up from completing paving on those two roadways. There is also a storm sewer project on Maplevale Drive which has not been completed yet, and the contractor will not pave the road until that is completed. Mr. Pockl stated the time Extension is for forty days. The original completion date was October 13, and the new completion date will be November 22. The contractor is not intending to demobilize from the site. There is a zero-cost Change Order for a time extension.

Mr. Lewis moved and Ms. Blundi seconded to approve Change Order #2 for Contract time extension of forty days for the 2022 Road Program.

Mr. Grenier asked if the forty days will be sufficient for the completion of Maplevale, and Mr. Pockl stated they believe that it will be enough.

Motion carried unanimously.

Approve Pay Application #3 for the 2022 Road Program in the Amount of \$65,548.50

Mr. Pockl stated this is for work completed as of September 1. It was originally going to be considered at the second meeting of September; however, the contractor did not have the back-up paperwork submitted in time to be processed for that meeting. There was no meeting held by the Supervisors at the beginning of October so it is now on this Agenda. He stated this work was milling of roadways, inlet repairs, and ADA ramp upgrades.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #3 for the 2022 Road Program in the amount of \$65,548.50.

Mr. Lewis stated with regard to Maplevale, there have been questions about line-of-sight issues related to branches around the signs. He stated he understands Tom Roche has followed up on that, but he asked if the crews will look at that when they are doing the paving to make sure that all of the signs are visible. Mr. Pockl stated generally that would fall on Township maintenance, and he can have his inspector look at that when they are there doing the inspections.

Motion carried unanimously.

Approve Pay Application #4 for the 2022 Road Program in the Amount of \$1,042,448.30

Mr. Pockl stated this is for work completed as of September 30/October 1. He stated this is for milling a number of roadways throughout the Tanglewood Development and the Schuyler Drive area as well as paving a lot of the roads that are in the southern portion of the Township. Mr. Pockl stated there is still about \$1.5 million being withheld for the project.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #4 for the 2022 Road Program in the amount of \$1,042,448.30.

Mr. Grenier asked if there have been any issues, and Mr. Pockl stated there are always some issues that arise with any road program. He stated equipment vibrates and there can be a crack of the curb, etc. but the contractor has agreed to address all these issues. He stated with regard to the Budget, we are under Budget at this point.

Motion carried unanimously.

PROJECT UPDATES

Memorial Park Project

Mr. Pockl stated we have not received much response from the contractor as far as addressing the outstanding items for the Memorial Park Project. He stated last week we sent a Certified Letter to their Bonding Company, and it has been his experience that usually puts a little more pressure on the contractor if they understand that getting a Bond for future projects is in jeopardy because they have not closed out a project. Mr. Pockl stated the comments were generated from the DCNR inspection so he feels that will prompt the contractor to get the work done. Mr. Pockl stated we are still within the window of good weather where the work can be done, but that window is closing quickly.

Mr. McCartney asked how much is left in Escrow, and Mr. Pockl stated there is over \$11,000 being withheld. Mr. McCartney asked if any of the items have to do with the pickleball courts, and Mr. Pockl stated the majority of the punch list items have to do with pickleball. He stated there are also the ADA signs needed for the parking spaces by the pickleball courts. He stated there is cracking on the surface of the pickleball courts and repairs needed at the gate.

Mr. Grenier asked about the stone/spoil area, and Mr. Pockl stated they need to top dress and seed that.

Mr. Lewis asked if the contractor does not respond by the next meeting, will we announce the name of the contractor in public; and Mr. Pockl stated that is public knowledge, and the contractor is Meco Constructors.

Multi-Use Trail

Mr. McCartney stated the work is in progress, and it is anticipated to be completed by the end of the year.

Other Project Updates

Mr. Grenier asked about Woodside Road; and Mr. Pockl stated the Contracts are being signed, and it is anticipated there will be a pre-construction meeting with the contractor shortly. There are still a lot of submittals that need to be sent to the Township as to the type of stone and the type of asphalt and some of the drainage products that they are going to be using. Mr. Pockl stated once we have the pre-construction meeting there will be a better idea as to when they will be starting.

Mr. Grenier asked about the Schuyler Drive tennis courts; and Mr. Pockl stated that work has started, and they began milling the existing tennis courts. He added they anticipate that in two to three weeks they will be completed. Mr. Grenier stated photos have been posted on the Township's Facebook page on this work, and they have done a lot of earth disturbance. He stated this area is directly uphill from Brock Creek, and he does not see any erosion control devices. Mr. Pockl stated he will look into that. He stated there was an E & S Plan in place. He stated the milling of the tennis courts is not necessarily considered earth disturbance in accordance with the Bucks County Conservation District. Chief Coluzzi suggested that Mr. Fuller look into this.

PARK & RECREATION

Approval of Resolution to Approve Match for the Five Mile Woods ADA Accessibility Project as Part of the PECO Greenways Grant

Ms. Tierney, Park & Recreation Director, was present.

Ms. Tierney stated they were able to come up with a project that fit in with the scope of work for this Grant which is an accessibility project at the Five Mile Woods. The Township match would be \$10,00 from Fee-In-Lieu money for this \$10,000 Grant. The work would be done by the Friends of Five Woods and the staff. Ms. Tierney stated the project is 600' of ADA-accessible trail to provide access to the vernal pool and two ADA parking spaces.

Dr. Weiss moved and Ms. Blundi seconded to approve a Resolution authorizing the application to PECO Green Region Grant Open Space Program for the Five Mile Woods ADA-Accessibility Enhancement Project in the amount of \$10,000 as the Township match.

Ms. Blundi asked the width of the path, and Ms. Tierney stated it is 48" which is in compliance with the ADA standards. Ms. Blundi stated as it is going to be "done locally" we may have more flexibility to make it a little bit wider since two people could not walk side by side at 48". Ms. Tierney stated while it could be made wider, it would either shorten the length of the path or we would have to invest in more money. Ms. Blundi stated we could use more of our Fee-In-Lieu money to make up the difference, and Ms. Tierney agreed. Ms. Tierney noted that every 200' there would be a bump-out for ADA accessibility. She added at the end there would be a platform that looks over the vernal pool, with educational signage posted about the eco-system; and that was part of the Grant. Ms. Blundi stated she would still like it to be wider.

Chief Coluzzi stated Mr. Pockl has indicated that it would take approximately another \$10,000 that the Township would have to approve, and the Motion could be amended to add this amount.

Dr. Weiss moved and Ms. Blundi seconded to amend the Motion that the Township match would be no greater than \$20,000.

Mr. Grenier asked about the surface to be used. Ms. Tierney stated it will be a composite wood decking replacing some existing decking and adding additional decking. She will work on the educational signage with Mr. Heilferty who has been working with her on this project.

Mr. Lewis asked if there should be an Amendment indicating that this is Resolution #22-11. Mr. Truelove stated if that is not the correct number, the Record could be amended later.

Mr. Lewis stated the Motion may not need to be revised for that. Mr. McCartney stated it should be noted "for the bookkeepers" that it is believed it is #22-11, but that will be confirmed. Mr. Truelove stated the next Resolution would be #22-12 but would be corrected if necessary.

Mr. Grenier noted that the Disability Advisory Board and the Park Board were in support of this project.

Motion carried unanimously.

Approval of Resolution to Approve the Match for the Veterans Square ADA and Improvement and Build-Out Project and the Memorial Park ADA Improvements as Part of a DCNR Grant

Ms. Tierney stated some of the projects that were approved as part of the Sewer Proceeds Fund added up to \$280,000. Ms. Tierney stated there was a pop-up Grant from DCNR where we could combine some of those projects, and the projects include the ADA-accessibility projects at Veterans Square and Memorial Park. At Memorial Park it is the shade structure and the rubberized surface and at Veterans Square it would be building out the remainder of the park.

Ms. Tierney stated some revisions will have to be made to the Plan for Veterans Square in order to move forward with the ADA-accessibility project. She showed a slide of the old Plan, and she noted where the parking lot bumps into a shade structure/pavilion. She stated this was recognized as a problem for ADA-accessibility; and she met with members of the Veterans Square Foundation who were okay with making some amendments to the site provided everything was included. She stated Mr. Pockl came up with a modified plan for the ADA-accessibility. She stated we will be applying for paving of the parking lot along with ADA-accessibility, playground improvements, and the shade structure. She stated the full amount of the Grant is \$440,000, and the Township match would be \$220,000. The amount of money set aside from the Sewer Fund for these projects was \$280,000 which would allow leeway for soft costs, etc. She showed a Plan of how the parking lot would have to change. She stated the location of the shade structure is still being discussed and can be finalized later. Ms. Tierney stated there would be a full loop bike path for walking and a pollinator garden. She stated that would all be included for less than we expected to spend with the Sewer proceeds, and we would be able to complete Veterans Square.

Ms. Tierney stated the rubberized surface needs to be replaced as it is at the end of its usable life, and there is also the need to add shade.

Dr. Weiss moved and Ms. Blundi seconded to approve a Resolution authorizing the Application to Pennsylvania Department of Conservation and Natural Resources Grant for improvements to Veterans Square Park and the Secret Garden/Memorial Park for a \$220,000 match.

Mr. Grenier asked what the lay-out would look like at Veterans Square when we have the parade and ceremony. Ms. Tierney stated there would have to be some changes to the lay-out. She stated with regard to the pavilion, she felt originally it was meant to be a stage; but in discussion with the Veterans Committee, she found out that it was never meant to be a stage, but it was meant to be a shade structure. With the revisions, they have continued with the shade structure but moved it to a different location. She stated although some changes can be made, we need to “keep to the Grant.” Mr. Grenier stated as they go through the planning process, they need to consider potential events to be held there. Ms. Tierney stated the plan is still use it for the Veterans Day Parade/Ceremony, but we may have to change the way we lay out a stage and use the microphones.

Mr. Grenier asked if this will all be covered in a single Grant, and Ms. Tierney stated it will be one Grant since they are “like projects.” Mr. Grenier stated it is two different sites, and Ms. Tierney stated it is two different sites, but they are ADA modifications. She stated these are our two Township monuments, and they are both receiving ADA modifications.

Mr. Lewis asked for an amendment to include a not-to-exceed \$280,000 cap. Dr. Weiss moved and Ms. Blundi agreed to amend the Motion not to exceed \$280,000.

Motion carried unanimously.

CHIEF’S REPORT

Approval to Proceed with the Public Process for Snipes Tract

Ms. Tierney stated she is asking the Board’s permission to have conversations with the public about Snipes. She stated as we start to get information back from the Macclesfield Park Study and looking at a naturalist to review the

Snipes Tract, for the biological studies, it would be good to get permission from the Board to be able to start to have public discussions with the information we have at hand. She stated she can come up with a full schedule, but she does not anticipate that this would start until January after we get information back from the studies.

Ms. Blundi moved and Dr. Weiss seconded to proceed with the public process for the Snipes Tract.

Mr. Grenier stated he will not vote in favor of this Motion not because he is against anything ever happening at Snipes but because a few months ago there was a very thoughtful conversation about taking a step back and looking at how we manage Park & Rec in general with the Leagues and our fields. He stated he feels the Board did a good job moving forward with the Macclesfield Study so that we can begin to do that; and once we get that information, we will be able to determine what can be done at Macclesfield and what may come out of that for potential future uses at Snipes and other places. He stated he feels it is very premature to do anything at Snipes right now. He stated he is “embarrassed that this is on the Agenda tonight” because when we start talking about doing a public process at Snipes, for those who “really want something at Snipes it sort of taints the process and makes it look like we are just going through the motions at Macclesfield to make sure we can get Snipes.” He stated he does not feel this is fair to anybody regardless of how they feel about Snipes going forward. He stated he is not in favor of starting Snipes now. He stated when we get something back on Macclesfield and see what we are going to do there, then we can see what we might do at Snipes and have a thoughtful process.

Mr. Lewis stated he is also concerned, and he has a process issue in that the Interim Township Manager is “not saying this is a policy that he is supporting,” and it was just placed on the Agenda. Mr. Lewis stated he concurs with Mr. Grenier adding that part of the reason we selected the firm we did for the Macclesfield Study was because they included in detail a comprehensive field utilization analysis, and that was one of the driving reasons why he voted for that firm. Mr. Lewis stated he is concerned with “putting the cart before the horse.” He stated the last study that looked at this was in 2017; and at that time there was a Bucks County Planning Commission Study done which indicated that fields could be helpful. Mr. Lewis stated since then there have been significant changes in demographics and sports preferences; and he feels it is wrong to engage the community with something when “they do not know exactly what they are engaging with.” Mr. Lewis stated at this point we

do not know what the Macclesfield report is going to indicate with regard to the number of fields needed. He stated he does not feel it is fair to the public, supporters, or opponents of the project. He stated people should feel that the Township is objectively reviewing projects with outside specialists consulted and their advice and analysis is considered well before decisions are offered to the community. He stated they can then suggest different alternatives for what could be done with the Snipes Tract. Mr. Lewis stated he voted in favor of the Plan in 2017 which was a difficult decision and was compounded by litigation. He stated we want the community to feel comfortable that the decisions the Board makes are done with significant due diligence. He stated at this point, he is not sure what the community would be commenting on if there is not a plan or concept for them to work on. He stated he feels these discussions are better to have later on the process.

Mr. Lewis stated he is concerned that this is being brought up from a process perspective since he felt there was agreement that we would be looking at this objectively. He stated it is “frustrating when there is one line that undoes what he thought we all agreed to.” He stated he will vote no on this Motion.

Dr. Weiss asked Ms. Tierney to defined “public process” and what her goal is in the short-term. Ms. Tierney stated she would not want to do this before the first habitat assessment. She stated she has a meeting next week with Natural Lands to discuss an assessment of Snipes. She stated she hopes we will be able to partner with them in this process. She stated there would be a two-season analysis, and they would come out to the site in December and then in the spring. She stated they would do a full habitat assessment as was discussed previously with the Board. A report would be provided after the December site visit, and they would then do it again in the spring. They still need to provide a quote.

Ms. Tierney stated the residents had indicated that they were concerned about the habitat, and we can see where we would have the least impact on the environment. She stated the public process would go along with that process and with the Macclesfield Park Study. She stated we should have some data in the first three months. She stated there would be “some initial roll-up-your sleeves workshop conversations.” She stated we would show the figures we have and ask the public’s thoughts about what they would like to see at the Snipes Tract based on what is known at that time. She stated a second meeting would include more information and possibly initial drawings. She stated there would also be public meetings including Park & Rec meetings so that there would be other opportunities for the public to be involved.

She stated as a base line there would be “two public roll-up-your sleeves workshops.” She stated there could also be a Committee, if we wanted that, which would review things along the way like we are doing with the Macclesfield Park Study. She stated she wants “all the intelligent, great-minded people of Lower Makefield to put their input in” so we can have a long-term plan for the community; and they would see it well in advance, make plans around it , and “get into it.” She stated she wanted to give them a lot of opportunities.

Dr. Weiss stated this process would include public input and what the contractors are doing with the Master Plan at Macclesfield. He stated we may find through the process that we have limits on what can be developed, if anything, at Snipes. He stated he feels this process is expanding the scope a little bit so that while we are working on Macclesfield, we can know what the limitations at Snipes are by these further processes. He stated the environmental/habitat assessment at Snipes was already approved by the Board; and working with the contractor doing the Macclesfield Plan and the general public, we can get a better flavor of what can be done at Snipes, if anything. He stated we may find that Snipes cannot be used for fields, that it is very limited as to what can be done at Snipes, or that what happens at Macclesfield will change the whole concept of what happens at Snipes. He stating working with that in tandem, does not seem to be “putting the cart before the horse.”

Mr. McCartney asked Ms. Tierney her timeline on the public input at Snipes, and when that would be started. Ms. Tierney stated if we go forward with Natural Lands, the first assessment would be done in December, and we would also have all of the mathematical data on Macclesfield back. She stated they have already done two assessments at Macclesfield - one on a Wednesday evening, which is the busiest evening and one on a Saturday from the morning until most of the games were done. Ms. Tierney stated this would be a lot of data back, and she would be looking at January as the first public meeting on Snipes. She stated moving forward there would be more information coming from the Committee about Macclesfield as there would also be two meetings about Macclesfield going on at the same time. Ms. Tierney stated we would then have the second Snipes assessment, and there would be a follow-up meeting possibly with some drawings; and this would probably be around March.

Ms. Tierney stated the end of the Macclesfield Park Study would be coming up with the report to include recommendations based on what the Committee’s findings were and public feedback. Ms. Tierney stated a nine-member Steering

Committee was formed for Macclesfield which included residents, neighbors, League representatives, a member from the EAC, a member from the Disability Advisory Board, and a member from the Park Board.

Mr. Lewis stated we have already proven that there is nothing stopping us from putting fields at Snipes ecologically because we have already gone through that process. Mr. Lewis asked Ms. Tierney if she is stating that the Macclesfield Report is not going to be finalized for three months. Ms. Tierney stated while we will have data, the Plan will not be done for six months; but we would have a report on the data in three months which would be January. Mr. Lewis stated he feels people should first have a chance to read that report before scheduling a meeting about Snipes. He stated if Ms. Tierney would come to the Board in January asking to schedule a meeting in February about Snipes, he would not have a problem with that since people would have had time to review the report. He stated otherwise it does not build trust.

Mr. Grenier stated he agrees with Mr. Lewis. He stated the Macclesfield Plan would be developed, and the public would have a chance to provide input; and then we could consider other things which would feed into the decision-making process moving forward with other assets. He stated he is concerned that there are Park & Rec Board members going onto social media saying “build the fields now” which is frustrating. He stated they are hard-working volunteers “but they hurt themselves when they say yes to everything and then go on social media saying build the fields.” He stated this upsets many people who are present this evening because there are Park & Rec Board members saying that with no data and no plan, and this “short circuits” the whole process that we are trying to get done. Mr. Grenier stated whether people agree or disagree with the ultimate outcome, at least they should have a say in the process. Mr. Grenier stated with Prickett Preserve, people had a say in the process which made that project better. He stated Snipes is another project that people have strong feelings about in both directions, and he wants it to have the opportunity to succeed by going through a process that people can get involved in.

Dr. Weiss stated he does not disagree with Mr. Grenier, but he feels public engagement from the beginning is critical to success. He stated he feels while the contractors are working on the Master Plan at Macclesfield, we can follow a parallel track and have public engagement/workshops to get the public’s ideas on Snipes. He stated no decision would be made until we have all of the information, and the Board of Supervisors will make the final decision based on all the data received. He stated he feels that healthy, public participation throughout the process would be desired by the Board as it will involve a lot

of land and a lot of money; and the results will last for decades. He stated it is desirable to get as much information from the public as possible; and he does not understand why public input even at this early stage would not be desirable. Dr. Weiss stated once the data is received in January, we can ask the public for their initial thoughts; and he does not feel it will hurt the process at all.

Mr. Bill Gaboda, 1230 Ash Lane, stated he is delighted that they are working with Natural Lands as they are an excellent outfit. He asked if they are going to assess the trees and woodlands along with their habitat assessment. He stated SALDO Section #200-51.B reads “70% of all woodlands to remain undisturbed.” He stated before they can start the plans, they have to know which are the mature trees and where are the woodlands. He stated if it is all forest, “they would be kind of done.”

Mr. Richard May, 1270 Creamery Road, stated he is at the corner of Creamery and Quarry Roads directly across the street from the area where the construction is going to be. He stated they were looking at hiring a consultant to look at Macclesfield, which has been done, and the indication, and the indication had been that it would cost about \$90,000 to do that. He stated the indication was that the Snipes project would cost about \$10 million dollars, and that was before we “got into the Ukrainian War, inflation, and the cost of gasoline.” He stated everything is more expensive and usually projects like this tend to go over budget. He stated he feels that a project that will cost the Township \$10 million or more should come up for a vote in the voting booth. He stated once all the facts are received it can be laid out for the voters of the Township. Mr. May stated if we spend \$10 million or \$15 million on this, everyone’s taxes will go up at a time when people can barely afford the taxes that they have to pay right now.

Mr. May stated the field area has gotten smaller than the last time this was being considered because Pennsylvania American Water put in a facility in part of the space that was originally considered where this would be done. He stated when they were looking to build this in 2017, there were sixteen items like the traffic study, environmental issues, the possibility of flooding, and the loss of habitat for the animals that are in the area including a bald eagle. He stated “they were going to wave a magic wand to get rid of those sixteen areas of concern.” He stated he feels the consultants should be aware of the laws that may restrict them from doing something they may recommend.

Mr. May stated he is also concerned about the way this Agenda item reads: “Consideration to Proceed with the Public Process for Snipes Tract” as if we have all decided that this is something that is going to happen. He stated he resents that “you are trying to jam this down our throat and blow through.” He stated all of the money that we got from the Sewer sale is being spent on Park & Rec because “they are burning through it.” He stated they got approval to spend “1.1 million on something else, \$450,000 for the fields, and an issue earlier where they would match a \$10,000 Grant but then added another \$10,000.”

Mr. May stated the number of people that are of an age to play soccer in this Township has declined. He stated he is in favor of soccer, but he feels there are enough fields as he sees there are fields that are open when he is at Macclesfield.

Mr. McCartney stated the voters have voted on how money is going to be spent at the Township level, as the five sitting Supervisors received the highest votes in the history of Lower Makefield Township. He stated the Board will make sure that they are doing their due diligence with regard to the finances. He stated later on the Agenda, the Board will be considering a Trustee for the Sewer proceeds, and they are not spending all of the money on Park & Rec, and a big percentage of that will be going into a Trust.

Mr. May asked if they are putting that money in Trust will it be spent to do something to lower the cost of sewer bills because the sewer bills have tripled. Mr. McCartney stated that has not been decided yet. Dr. Weiss stated there has not been a sewer increase in the Township in three years, and there will not be a sewer increase for at least another three years. He stated the Indicative Rates that Aqua gave us before the Board made a decision to sell the system showed that for the next ten years, rate increases would be 20% to 30% less than if we had not sold the system. Dr. Weiss stated there is a problem with those who have a second meter for irrigation systems and swimming pools that is being dealt with because Aqua did not “hold up their end of the bargain;” but that has nothing to do with general sewer rates in the Township which have been stable since 2019 and will be stable until 2024; and indicative rates for sewers will not go up as high as if we did not sell the sewers. Mr. May stated he is getting higher monthly bills right now. Dr. Weiss stated the bills do go by the month now instead of the quarter, but they are at the exact same rate that they were in 2019; and there is no difference except for those few people who have second meters and now have to pay sewage that they should not be paying for.

Mr. Barry Kritz, 1451 Heather Circle, stated he feels this is premature as it will be six months until we have the Macclesfield Plan and six months until we have a full report from Natural Lands Trust. He stated if we start public discussion now we are going to have a “war” between the people that want to build more fields even though our population usage of the fields is declining and even though we have discussed looking at usage of the School fields versus the people who live near the property and whose signs have been stolen because they oppose the building. He stated if we wait until we have a plan for the Macclesfield area and a plan that shows what can be done at Snipes, we will then have a logical foundation to discuss what can be done at Snipes. He stated if we have the meeting now, it makes it appear that we are going forward with a “de-facto intention” to build the fields where the residents do not want them as they do not want the noise or the lights, and they do not want to pay for it.

Mr. Lewis moved and Mr. Grenier seconded to Table this item to a future date.

Motion did not carry as Mr. Grenier and Mr. Lewis were in favor and Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Mr. McCartney stated Ms. Tierney will have at least two-thirds of major data points to talk about during the public workshops which would be the biological and the “rough” data from the Macclesfield Study. Ms. Tierney agreed adding that if they do not have that information, we would have to change the date.

Mr. Grenier asked if they will be able to insure that the data is not “tainted by folks showing up extra strong on nights where they know they are going to be observed.” He also asked if they are looking at what the membership is on the Steering Committee to make sure that it is actually balanced and it is not totally League-driven. Ms. Tierney stated there was normal flow on Wednesday and Saturday dur the site visits. Mr. Grenier asked if we know if there were any e-mails sent out saying “we are going to be observed as that actually happens.” Ms. Tierney stated she cannot guarantee that.

Ms. Blundi called the question.

Mr. Grenier stated Ms. Tierney needs to careful about that.

Ms. Blundi again called the questions.

Mr. Grenier stated he is concerned when “people say that because they want to hinder debate.” Mr. Lewis agreed. Mr. McCartney stated he understands both Mr. Grenier and Mr. Lewis have concerns. He stated they tried to Table it, and now they have more concerns; however, he feels it is time to call the question.

Motion carried with Ms. Blundi, Mr. McCartney, and Dr. Weiss in favor; and Mr. Grenier and Mr. Lewis opposed.

Approve Award of Leaf Collection Contractors

Chief Coluzzi stated Mr. Fuller, Director of Public Works, is recommending the approval of Corcoran Landscaping at \$184 an hour, Ken’s Lawn Service at \$179 an hour, and Marrazzo’s Manor Lane at \$190 an hour. Chief Coluzzi stated these are the same contractors who worked with us last year.

Mr. Grenier moved and Mr. Lewis seconded to approve award of the leaf collection contractors.

Mr. Lewis thanked Mr. Fuller for the detailed analysis including Bidding terms so that the Board could make a decision.

Mr. Grenier reminded residents not to put their leaves in the storm sewers as a lot of expensive damage can occur. He stated leaves are to be to the curb, and do not have to be on the road for them to be vacuumed.

Motion carried unanimously.

Ms. Blundi thanked Ms. Tierney for having the trees planted at Kids Kingdom today. She stated Ms. Tierney and her team continue to get trees planted using the money from the Tree Bank.

Approve Award of 2022/2023 Snow Removal Contractors

Chief Coluzzi stated the recommendations are Corcoran Landscaping, Green Grass Landscaping Services, Marrazzo’s Manor Lane, and Effluent Retrieval. He stated these are as-needed contractors during the snow removal process.

Mr. Grenier moved and Dr. Weiss seconded to approve award of the 2022/2023 snow removal contractors.

Mr. McCartney noted that the Township has its own snow plows; however, if there is a big event which the Township cannot cover itself, we will use these companies.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated there was an Executive Session held on October 6, 2022 from 6:30 p.m. to 7:15 p.m. and issues regarding confidential matters and informational items were discussed. Mr. Truelove stated tonight there was an Executive Session beginning at 6:00 p.m. and collective bargaining, litigation, Real Estate, and informational items were discussed.

Authorize to Advertise an Amendment to the Zoning Ordinance for Open Space Requirements in Residential Zoning Districts

Ms. Kirk and Mr. Majewski were present.

Mr. Truelove stated this is to advertise only and not to enact the Ordinance. He stated the Board for some time has considered the possibility of Cluster Ordinances which is to require an open space set aside for all Residential Zoning Districts. He stated when Ms. Kirk and Mr. Majewski first started working on this, it was felt we would do this by way of an Overlay Ordinance; however, as they got more into the process, it looked like it would be more effective to change the Performance Standards under the Ordinance. Mr. Truelove stated this is a draft for advertisement only, and it would have to go through the MPC process to be vetted by the Township Planning Commission, the EAC, and the Bucks County Planning Commission. Mr. Truelove stated this is to advertise only, and it could go through changes depending on the comments received back.

Dr. Weiss moved and Ms. Blundi seconded to authorize advertising an Amendment to the Zoning Ordinance for Open Space Requirements in the Residential Zoning Districts as described.

Mr. Grenier stated he has reviewed this and generally he feels it is a good idea, but he asked if the EAC has reviewed this and had their comments incorporated. Mr. Truelove stated none of the Advisory Boards have reviewed it yet, but they will have a chance to officially weigh in on this going forward as part of the process. Mr. Grenier stated he “is frustrated that we are looking at this for the first time and looking to advertise it day one.” He stated his strong preference would be to allow our EAC and Planning Commission to look at it ahead of time.

Ms. Kirk stated what is being looked at is a revision to what was originally presented as a Cluster Overlay. She stated the process starts if the Board of Supervisors is interested in enacting Amendments to an Ordinance. She stated a draft version is then prepared by the Administration for the Board of Supervisors; and once there is approval for advertisement, the draft goes to the Bucks County Planning Commission and the other Township Advisory Boards. She stated the Board is starting the appropriate method to get this reviewed. She stated when the comments come back, if the Board wishes to accept any of the recommendations, the Ordinance would be revised and would then go back for additional review so that everything is appropriately vetted by all of the Advisory Boards and Commissions before a formal Hearing is held by the Board of Supervisors.

Mr. Grenier stated he feels most of the Ordinances that were revised over the last few years were not advertised first. He stated he feels the EAC, Planning Commission, etc. did their review first. He stated every time we advertise, we have to spend money so he would prefer to allow the volunteers “to save us some money to make sure that what we are advertising day one is something that they can get behind and advise the Board on.” He stated when they get through that process it would be smoother and everyone could recommend approval across the board. He stated he is not comfortable advertising this now before any of that is done. He stated he is also not comfortable with this as he has not had a lot of time to review it.

Mr. Truelove stated there could be a concern if some developers were to come in and not have to comply with this. He stated if the Board were to approve going to advertisement tonight, it would become a Pending Ordinance so that anyone would have to comply with the final version. He stated he does agree that the Committees would have to review it. Mr. Truelove stated while this is a significant Amendment, it is not a wholesale change or addition to the Ordinance. Mr. Truelove stated if the Committees have comments that require substitutive changes, it will have to be re-advertised.

Motion carried with Mr. Grenier opposed.

Ms. Kirk stated she will take the revisions that the Board had in red-line form and create a clean document to be submitted to Mr. Majewski who will submit it to the Bucks County Planning Commission and put it on the Agenda for the Township Planning Commission. Ms. Kirk stated she will make sure that the EAC has an opportunity to look at it as well. The Board also asked that this go to the Park & Recreation Board.

Approve Lower Makefield Township Trustee

Mr. Truelove stated the Sewer sale generated proceeds in excess of \$20 million. The Board and Administration has worked diligently over the past several months to devise a process whereby a certain amount of funds would be set aside in a Trust for the benefit of the Township. There was also discussion as to who would be best to administer the process. Mr. Truelove stated outside council weighed in as well. He stated entities to administer the Trust were interviewed, and it is appropriate for the Board to consider approval of an entity for that purpose. He stated there has no final decision as to how much would go into the Trust or what the funds will be dedicated toward.

Mr. McCartney stated they looked at different entities in Pennsylvania and Internationally, and they were looking for a partner who would be a fiduciary on our behalf. He stated it was narrowed down to a couple of candidates who were interviewed on October 6. There were follow-up questions and answers came back from those entities. There are two candidates being considered at this time.

Dr. Weiss moved and Ms. Blundi seconded to engage PNC as the Corporate Trustee for Lower Makefield Trust.

Mr. Grenier asked if their offers could be reviewed and what they were proposing to do from an investment perspective and a Trust perspective as well as their Fees. Mr. McCartney stated they could discuss percentages as opposed to actual dollar amounts. Ms. Blundi asked if the Motion is approved could they invite PNC back so that they could provide a high-level presentation. Dr. Weiss stated what usually happens is once we have engaged a Trustee they would work with the Township to solidify the Trust documents and state an investment policy as to how to invest the money. He stated engaging the Trustee would be the first step. He stated he would

like to engage PMC because their net Fees were the most reasonable overall compared to the other finalist, and they also have a large network, and seem to be more socially engaged. They also have a “basket of investment instruments” that will fit well with the Township.

Mr. Lewis asked what the final revised Fee structure was for PNC; and Dr. Weiss stated that answer was provided after the last questionnaire, and he believes it was below 50 basis points. Mr. Lewis asked if he was sure about that; and Dr. Weiss stated he believes so although the Fee may go up a bit depending on the actual investments. Mr. Lewis asked the Fee structure for the second participant; and Dr. Weiss stated they were 65 basis points plus a small additional fee, and he believes their overall was 72 basis points. Mr. Lewis asked the original PNC Fee before they reduced their Fees; however, Dr. Weiss stated he did not have that information in front of him.

Mr. McCartney asked Mr. Lewis if he did not get any of the feedback that was sent; and Mr. Lewis stated he did not get a statement that told him a final analysis of what the structured costs were. Mr. McCartney asked Dr. Weiss where he was quoting the numbers from, and Dr. Weiss stated it was from the answers that we got back from “Pauline.” Mr. McCartney asked Mr. Lewis if he got those answers from Pauline; and Mr. Lewis stated while he did, he did not get a spreadsheet that “told him which one is cheaper.” Mr. McCartney asked Dr. Weiss how he was able to determine the basis points, and Dr. Weiss stated when PNC answered, they revised their Fees. He stated while he could be mistaken on the exact number, their Fee structure was slightly less than the other finalist.

Mr. Lewis stated in this process the special counsel, in concert with the Supervisors, selected four potential financial services companies, and all of the financial services companies that were considered are insured depository institutions subject to Federal regulation, and they all met the standards and criteria. He stated there was a questionnaire that the Township sent to those four entities, and all four came back with answers. Mr. Lewis stated at that time two of the Supervisors wanted to only consider two of the companies; but he had suggested that we consider a third because they are the existing Pension provider and potentially there would be economies of scale, but he was rejected in that.

Mr. Lewis stated they then heard from two companies which were both very good with two different investment philosophies. He stated there was then some additional price discussion, but at no time did we receive a summary

that says “this is what they expect the costs would be under different scenarios.” He stated we also did not receive revised estimates of rates of return. He stated we never received a revised analysis that said “here are the rates, and here is what the indicative performance of the proposed investment strategy was” from either of the two finalists. Mr. Lewis stated this is a large amount of money, and we need to have an understanding of the net cost. He stated over the years this Board has tried to reduce our investment management costs particularly on the Pension side where we have tried to move away from actively managed funds to more “ETFs” to lower our Fee basis and still get reasonable rates of returns.

Mr. Lewis stated he is having a hard time with this analysis because “typically someone would say this is the expected cost and bank A is 40 or 20 or 10 basis points cheaper than bank B and this is what their projected rates of return are with this portfolio.” Mr. Lewis stated he did not find out who the intended bank was until it was mentioned which is “part of his frustration with this.” He stated he is open to voting in favor of this particular financial institution as he “thinks very highly of PNC;” however, he wanted a comparison to make that call. He stated this is similar to how the Board reviewed the leaf collection and snow removal as we had the list of Bids detailed in an analysis and a staff recommendation; but we do not have that here. Mr. Lewis stated if the people who were recommending this company had indicated what the cost structure is and what their rates are and why they were recommending them, and put that in the “pre-work material, he would have been felt okay.”

Mr. McCartney stated he sent Mr. Lewis an e-mail on October 6 with PNC’s presentation in a PDF format, and on Pages 13 of 25 it specifically talks about their fees and charges. Mr. Lewis asked if there is a final one that compared the two. Mr. McCartney stated it was what their presentation was. Mr. Lewis stated they came back with a lower rate later. Mr. McCartney stated Mr. Lewis knew it was lower, and Mr. Lewis agreed but added he did not know the final rate for a comparison.

Dr. Weiss stated it is the responsibility of the Board of Supervisors to determine who the Trustee will be, and he made Motion to select PNC and provided his reasons. He stated all Board members had the same information, and could all analyze it how they wished. He stated if Mr. Lewis had questions, he could have called any of the Board members, but he did not. Dr. Weiss stated there was no “prior knowledge of Mr. Lewis’ lack of understanding of the data.” He stated Mr. Lewis could also make an alternate Motion. Dr. Weiss stated it is not true that some people get information and others do not. He stated he made his recommendation based on what he had read.

Ms. Blundi stated the reason she was willing to second the Motion was in large part due to the experience that PNC has in this space, which is a unique space. She stated that the nature of the process going forward is that there will be on-going input by the Supervisors and there is flexibility within the choices that are being discussed. She stated she was impressed with PNC and she found that they have a good reputation in terms of customer service.

Mr. Grenier stated we are not only looking at the fees, but we are also looking to set up legal documents where we will “be able to do certain things through the fiduciary through the Trust.” He stated our solicitor and an outside law firm worked together to review the proposals, facilitate questions, and “some other things;” but he does not believe that we got a formal recommendation from the outside counsel. Mr. McCartney stated that is correct. Mr. Grenier stated he would have appreciated getting one if they were willing to provide one prior to the meeting. Mr. Grenier stated from an investment perspective, he feels there is probably less risk with the approach that PNC uses as it is a less-managed approach than some of the other entities use. He stated he personally does not like a lot of risk and does not like managed approaches.

Mr. Grenier stated he is also concerned that as we set up the Trust that we make sure that we are doing enough with the Trust in terms of putting enough money in it. He stated we are spending money on expensive law firms to help us, and we are looking to invest in the future. He stated there have been other things on the Agenda tonight, and we have \$20 million to \$25 million “that we are looking to do something with, and tonight we have heard that a special project might cost \$10 million or more.”

Mr. Blundi stated we heard that figure from a resident. Mr. Grenier stated we have had discussions about how much a sports complex at Snipes would cost many times. Dr. Weiss stated the \$10 million is for both Macclesfield and Snipes. Mr. Grenier stated he wants to “make sure that the Trust is an actual Trust,” and we are not putting only \$10 million in and spending \$15 million on “nice-to-have projects and other stuff as that is where we start to lessen the importance of the Trust long-term to the Township and there may be other options we should look at if we are not going to actually protect a large portion of the principal long-term.”

Mr. Grenier stated he feels PNC’s approach from an investment perspective is something he appreciates more than the other approaches, and their fees are lower. He stated he is not yet comfortable with the Trust itself and how it is set up.

Dr. Weiss stated we do not yet have a Trust; and after the Trustee is engaged, they will work with the Township and our attorneys to solidify the Trust documents that we can agree to and be comfortable with. He stated once that is done, the money will be transferred into the Trust. He stated we have already agreed that we would start with \$10 million, and that is a “floor not a ceiling.” He stated once we have an idea of what the Township needs, the rest will go into the Trust to benefit the taxpayers. He stated the Motion on the Table is just to engage the Trustee to help us solidify the next steps.

Mr. Grenier stated there was an issue with regard to taking out a loan against the Trust or “we had some other features that one of the firms covered and was included in the cost; and the other one said that they did not offer that and we would have to go outside.” Mr. McCartney stated he believes that was a basic amortization schedule. Dr. Weiss stated we could do that.

Mr. Lewis stated they are saying that PNC’s new rate is 57 basis points. Mr. McCartney recommended that Mr. Lewis read the presentation again that he was e-mailed and solidify what he feels are the basis points based on the presentation. Mr. Lewis stated he “would not have asked the question if he had not looked at the e-mail.” Mr. McCartney asked Mr. Lewis if he knows what it is, and Mr. Lewis agreed he does. Mr. McCartney asked that Mr. Lewis state it for the Record as he feels “it is counter-productive to ask what it is, if he knows what the answer is.” Mr. Lewis stated the difference is three basis points between the two, but he does not know what the fixed Fees are per year. He stated PNC was originally much higher and they came down in price which is “wonderful, and other providers could have done the same, and we could have possibly gotten a better deal.”

A gentleman from the audience stated that the only one “making any sense was Mr. Lewis and they should listen to him and make it a shorter conversation.”

Motion carried unanimously.

Mr. Grenier asked if this was advertised in time to get it into the Public Notice, and Mr. Truelove agreed. Mr. Truelove stated a question was raised yesterday at approximately 1:00 p.m. and twenty-four hours is required under Act 65, and he understands it was placed on the Website and advertised before 7:30 p.m. yesterday.

ZONING HEARING BOARD MATTERS

With regard to Appeal #22-1980 Hydroscape/Marc Waldman for the property located at 848 Duchess Drive, Yardley, PA 19067, Tax Parcel #20-039-218 Variance request from Township Zoning Ordinance #200-23.B in order to construct an in-ground fiber-glass pool with concrete decking which would increase the impervious surface from the existing 22.4% to 24.1% where 18% is permitted, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1981 Frank Mettee for the property located at 1279 Fountain Road, Newtown, PA 18940, Tax Parcel #20-004-165 Variance request from Township Zoning Ordinance #200-69A(14)(c) in order to construct a wood or PVC post and rail fence in a Floodplain Easement, it was agreed to leave the matter to the Zoning Hearing Board.

PUBLIC COMMENT

Mr. Gerald Wall, 3 Griffin Way, stated he is the President of the HOA at Yardley Woods; and he is joined by several other residents. He stated he was before the Board of Supervisors last month and sent a follow-up e-mail on October 12 to which Dr. Weiss responded. Mr. Wall stated while Mr. Majewski called him this morning, he had waited ten days without any information; and to date no one has told him what the Township is having the developer do, what the developer has done, and whether what has been done has been verified that it is being done correctly. He stated he understood the Board's intent was to help them, but he does not want to have to keep coming back before the Board. Mr. Wall stated they want the project finished the way it should have been before it was signed off on. He stated it should not have been signed off on, and they still want the punch list items done. He stated there are several areas where the lawns were not re-seeded the way they were supposed to be done last year, and their landscaper is telling them now that it is too late in the year to be planting grass. He stated the spring is also not the best time to be planting grass. He stated they want the developer to be forced to do what they should have done last year.

Mr. Pockl stated Mr. Majewski reached out to the developer, and they engaged with a landscape company, and they planted twenty-four trees to replace those that were dead or missing from the approved Landscape Plan. He stated there are bare areas where grass will be overseeded, and he understands that will happen shortly.

Mr. Wall stated Mr. Majewski reached out to him this morning, and he indicated he would meet with him on Friday. Mr. Wall asked what has been done so far, and Mr. Pockl again stated it was planting of trees that were dead or missing. Mr. Wall stated the pictures that he e-mailed show that there are trees missing. Mr. McCartney asked when the plantings took place, and Mr. Pockl stated it was within the past two weeks. Mr. McCartney asked Mr. Wall when his photos were from. Mr. Wall stated they were out on October 3rd and 4th, and then they were gone. He stated he kept asking what they were doing and if they were done because the residents were asking him, and he told the residents “he had no idea what they were doing because no one was relaying it to him.” Mr. Pockl stated they went by the approved Landscape Plan.

Mr. Grenier asked if we still have money in Escrow for this development, and Mr. Pockl stated we do not. Mr. Pockl stated these were trees that were originally planted, and the number was correct; and that is when the development was closed out which was over a year ago. Mr. Wall stated the final money was released in the spring. Mr. Grenier stated someone would have had to inspect that to see that it was completed according to the Plan; and Mr. Pockl stated that was done by his office. Mr. Grenier stated they then came to the Board and the money was released. Mr. Pockl agreed that his office certified that everything was constructed in accordance with the approved Plan. Mr. Grenier asked if anyone has done further inspections to look into this. Mr. Pockl stated when they came out on October 3rd and 4th and observed them installing the trees. Mr. Grenier stated it appears that they completed everything in the spring, and he asked why they came back and planted additional trees. He also asked if the trees were removed, destroyed, or died. Mr. Pockl stated the trees either died or were removed. Mr. Grenier stated he understands the residents contacted the Township, and he asked if the Township ever went back and did a comparison as to how it was before October 3 and advised the developer how many trees were missing. Mr. Pockl stated there was a Plan of where they were going to plant the trees and a count of the number of trees, and they observed them being installed on October 3rd and October 4th.

Mr. Grenier asked if they ever told them why some of the trees were removed. Mr. Pockl stated the HOA is responsible for the maintenance of the landscaping after it is turned over from the developer. He stated they are assisting the HOA in facilitating the work getting done by the developer. Mr. McCartney asked when it was turned over to the HOA, and Mr. Wall stated the HOA took over responsibility from the developer in September, 2021. Mr. Wall stated the developer finished the project in November.

He stated there was a punch list done on November 16, 2021, and that punch list stated “top soil and seed all areas washed out.” Mr. Wall stated nothing was going to grow that was planted after the punch list was done, and they never returned until he sent letters to their attorney and he came to the Township; and then they came back. He stated they had indicated that they were done; and the reason they said they were done was because the Township said they were done.

Mr. Wall asked if they re-did the catch basins when there were out three weeks ago. Mr. Pockl asked Mr. Wall what he means by catch basins. Mr. Wall stated it would be the storm inlets in the back of the units that would catch the water. Mr. Pockl stated they did not do anything to those to his knowledge. Mr. Wall stated someone told him that they did, and “there are a couple that they seeded everything right where the basin was, and maybe they did and maybe they did not.” Mr. Wall stated he had asked for the As-Built because people were saying they had trouble with drainage; but he has not seen the As-Built yet, and he should not have to go through the Freedom of Information Act for an As-Built so he can verify. He stated he has no idea what they came back and re-did because “there is no communication.” He stated the developer is not going to help them because they tried to “get out of it with their lawyer and do nothing.”

Mr. Wall stated the HOA is responsible once it is done; but according to the punch list, it was never done regardless of whether the money was released or not. He stated he feels it is “on the Township to make sure it was done correctly.” He stated his arborist reported that the trees were not planted correctly as they did not release the balls on the bottom, and that is why they are having issues. Mr. Wall stated there are a lot more trees that have not died yet, and he would like to know what they are supposed to do with those that were not put in correctly. Mr. Wall stated he does not know to what extent it is the Township’s responsibility for the landscaping, although he knows that they have to make sure that it is all there and that the grass is established. He stated the pictures he sent show that the grass is not established. He stated the developer’s money was released in March without any input from the HOA.

Mr. McCartney asked Mr. Truelove about our legal recourse. Mr. Truelove stated he would have to look into this including the timeline of information.

Mr. Grenier asked if they had a Notice of Termination from the County Conservation District. Mr. Pockl stated they got a sign-off from the County Conservation District; but because it is part of the Matrix Development, it was not a Notice of Termination rather it was a Transfer of Ownership. Mr. Grenier stated the Conservation District did their inspection and part of their review is that the vegetation is established for erosion purposes only and not the landscaping, and they signed off on that. Mr. Pockl stated their threshold is 70% of grass establishment – not 100%. Mr. Wall stated while he understands that, he asked what is the Township's expectation. Mr. Pockl stated if there is a punch list item where they need to re-seed and they come back out and re-seed and stabilize that, that meets the punch list. Mr. Wall stated they addressed the punch list in the middle of November, but grass will not grow then. Mr. Pockl stated if the seed is still there, it will grow in the spring and it takes sunlight and water to grow grass. Mr. Wall stated he does not feel grass planted at Thanksgiving will come up in the spring, adding Mr. Pockl had agreed with that last month. Mr. McCartney stated there are still companies that are aerating and seeding now. Mr. Wall stated we are now at the end of the season, and they will not be doing it at Thanksgiving and guaranteeing that it will grow.

Mr. Pockl stated he and Mr. Majewski have committed to assisting the HOA and addressing the items going forward. Mr. Wall stated while he appreciates that, he would appreciate a little more communication. He stated if someone would have reached out to him like he requested last month, we would not have had to come tonight.

Mr. McCartney asked if the HOA has irrigation at these spots, and Mr. Wall stated they do not. Mr. McCartney asked if that is adding to the problem, and Mr. Wall stated it could at some spots. He added they just want to get it started correctly, and then the HOA will take care of it. Mr. McCartney stated if it is seeded now and there is another dry spring/summer, they will not get growth if there is not irrigation at those spots. Mr. Wall stated he agrees.

Mr. Lewis asked when the HOA assumed the take-over, did that agreement include that the punch list would be completed. Mr. Wall stated the punch list had not been done yet. Mr. Lewis asked if it was a condition of the transfer, and Mr. Wall stated the developer controlled the HOA up until September; but as far as the completion of the punch list, there was nothing formal. He stated he was elected to the Board and is new to this. He stated he does

not know if there were any conditions, and there was just an election “and they gave up two seats, and the homeowners assumed two seats so we had control.”

Mr. Lewis stated we have dealt with these kinds of issues in the past where it “takes a while for the developer, frequent calls and shaming.” Mr. Lewis stated he understands it was Ryan Homes, and Mr. Wall stated they were the homebuilders. Mr. Pockl stated the other issue is the developer purchased the land and put in the public improvements, and that is what we hold Escrow on. He stated they sold the lots to the homebuilder who came in and built the homes and is responsible for the lots. Mr. Lewis stated he understands that Ryan does not have any other current development projects in the Township, and Mr. Pockl stated they do not to his knowledge.

Mr. McCartney stated his concern is having irrigation in place after they seed because they will need sun and water; and if they are not going to irrigate those areas, they are never going to get grass to grow there. Mr. Wall stated it should be done properly at the proper time, and the HOA will take it from there. Mr. McCartney stated there could be another drought next spring and summer and nothing will grow even if seed had been laid down. Mr. Wall stated while this is correct, it has to be done right to begin with. He stated if the seed is put down right and there is a drought, that would be on the HOA. Mr. McCartney asked if we could help facilitate the developer coming back and doing it properly at the site between now and the end of the month, would the HOA at that point assume responsibility; and Mr. Wall stated they would if it is verified that it was done properly. Mr. Wall stated there are sixty-two homeowners who paid quite a bit for their homes, and he does not think it is unreasonable for them to expect the grass to grow. He stated they had no idea this was going to happen because when most of them moved in, the developer was not done yet; and they relied on the Township to make sure that it was done properly. He stated when he checked, the developer told them the money was already released. Mr. McCartney stated this is why he asked the Township solicitor if there was any recourse. He added that everyone experienced dead lawns this summer, but probably the timing when they were trying to establish grass was a challenge. He stated if the developer does what they are supposed to do, it would then be on the HOA or weather to take care of it.

Mr. McCartney stated he has heard that there is also an issue with trees. Mr. Wall stated he cannot speak to whether what they replaced was on the “drawing.” He stated he had sent the Board pictures of areas that had

trees that died and no trees were put back. He stated he does not know if they are verifying that the landscaping that they were supposed to do was done. Mr. Lewis stated there should be a Warranty on the trees. Mr. Grenier stated when tree planting is done, there is usually a one-year warranty on the trees. He stated with regard to the comment about not “opening the root balls that is poor practice.” Mr. Wall stated they spent \$3,000 to have someone tell them that it was not done right. Mr. Grenier stated with regard to the grass, you need good soil; but a lot of developers put in the wrong material. Mr. Wall stated they have clay. Mr. Pockl stated he believes that the soil is compacted and there is some clay. He believes that there was topsoil placed, but some of it eroded. He stated he feels that aeration and over-seeding will establish the grass. Mr. Grenier stated with the trees they have to make sure that they are installed properly although the inspector would only see what it looks like once it is installed.

Mr. Wall asked with regard to recourse, was the security that the developer put up in the form of a Surety Bond or cash. He stated Surety Bonds are good for two years. Mr. Truelove stated they will look into that. Mr. Lewis asked that there be a status update on this issue on the next Agenda under the Engineer’s Report. Mr. Wall asked if “he could be provided with that so he does not have to find out what it says.”

The Yardley Woods homeowners present were asked to raise their hands so that the Board could see how many residents were present.

One gentleman stated he lives in the development, and he asked if they did a final survey. He stated he observed water coming out where it is not supposed to come out. He stated it should not be graded the way it is graded. Mr. Pockl stated there is no final survey that surveys the grades, and it was a final survey for an As-Built for the sanitary sewer system and storm sewer system making sure that they were installed in accordance with the Plan. The gentleman stated they just lowered an inlet about 12”, and he did not know if that was the result of a final survey or why it happened. He stated “if they did final surveys, it should have been done long ago, but they just did it.” He stated they adjusted the grade about “35 feet and after that it goes the wrong direction.” Mr. Pockl stated that is work that he is not aware of, and he is not sure who ordered that work to be done or who did it. Mr. Pockl stated he will look into it.

Ms. Terry Wall, 3 Griffin Way, stated when they moved here, they investigated all the developers in the area and Ryan “had a pretty decent product and they bought it for a lot of money.” She stated Gerry was voted onto the Board, and

he has to answer to all of the neighbors for everything that happens. She stated when they found out that the money was let go, all of the plants that had been planted in their front yard had died and had to be removed, and Association money paid for those plants. She stated when the arborist came out and took them out of the ground, it was clear that they were not planted properly as there was clay. Ms. Wall stated she herself planted flowers digging out the clay and putting in the proper soil, and she has flowers. Ms. Wall stated the trees are dying and people paid a lot of money to live here. Ms. Wall stated before the Bond was let go, she believes the Township came out and replaced all of the areas where the water goes down as they were all done incorrectly. Ms. Wall stated they are here because the developer has moved on, and we “are stuck with this product.” She stated they understand that water is needed in certain areas, and they have already thought about how the “area where the dogs play is going to get watered.” She stated they do appreciate the help that the Township is giving them.

Mr. Grenier stated based on the comments it seems that their civil contractor did not do a good job. He stated he wants to make sure that moving forward future developments are inspected so that if a developer is seen compacting soil or putting in rock where topsoil should be, it is “called out ahead of time.” He stated moving the inlets 12” seems to be a compliance issue or a Code issue that needs to be looked at. Mr. Pockl stated it sounds like that was done recently. Mr. Grenier stated that is concerning.

Mr. Wall stated that is why he brought it up because he understood that they had changed the catch basins. He stated it was signed off on in February or March; and when they raised concerns about drainage the developer indicated that nothing was wrong, but then they moved the catch basins. He stated he feels they were on the punch list and the realized that they did not do it then, and it was not verified. He stated he feels sure that they changed a couple of catch basins even though they said that there was nothing wrong with them. Mr. Wall stated no one knew what they were doing including Mr. Majewski. Mr. Wall stated the management company of the HOA got a notice three days before saying they were going to come out and “fix some grass and replace some trees under Warranty.” Mr. Wall stated they do not know what they did or what they plan to do. Mr. Grenier asked that Mr. Wall take some pictures of the inlets that were moved.

Mr. Truelove stated he will review the file with regard to the security documents and see if there is any recourse.

DISCUSSION ITEMS

Mr. McCartney stated the Township is currently in the process of interviewing candidates for Township Manager. He thanked Chief Coluzzi for being part of this process. He stated we have been working with an outside firm and on November 1 and November 2, there are interviews lined up with some of the candidates.

Mr. Grenier stated American Legion Post 317 and VFW Post 6393 will be conducting their Veterans Day Observance Ceremony on Friday, November 11 at 11:00 a.m. at the Afton and Delaware Avenue monument and all are invited to attend.

SUPERVISORS REPORTS

Dr. Weiss stated the Ad Hoc Property Committee met last week and are developing a Master Plan for Patterson Farm. He stated they listened to a presentation from Avison Young, an architectural firm; and they wish to engage them to help form the Master Plan. Dr. Weiss asked since we have already approved the process if we still need to vote on this. He stated if a vote is needed, we will have to do that next meeting; or if there is no objection by the Board, we could pass along that they can use Avison Young to help them with the Master Plan. Dr. Weiss stated the Project Manager would be Jennifer Stark who is a member of HARB, a long-time member of the community, and very well experienced with these types of projects.

Mr. Truelove stated if the Township is going to expend funds for that, it should probably have a vote although it could be ratified at the next meeting based on a consensus based on the information provided. He stated there is no paperwork on this, although he has worked with Ms. Stark over the years in different capacities. Mr. Truelove stated if time is of the essence that this be done before the next Board meeting, there could be a consensus of the Board to proceed, and it could be officially voted on at the next meeting.

Ms. Blundi stated she supports the idea, but she would want to make sure that we are following the rules. She stated she is confused as to whether this is an expenditure that the Board has already approved. Mr. Truelove stated he feels there would need to be details about a figure not to exceed, the scope of the work, etc. Dr. Weiss stated while he was not at the Ad Hoc Property Committee meeting, he heard that their Fee to “get things started

was about \$20,000, and it is a six-month project.” Mr. Truelove stated he would recommend that the Board wait until the next meeting to vote on this. Mr. McCartney stated he did read the Minutes from the Ad Hoc Property Committee, but he will discuss this further with Mr. Steadman to make sure the proposal for the Lower Makefield Township Master Plan “is in that range.” He stated this can then be put up for a consideration for vote at the next meeting. Mr. McCartney stated he will decide if there should be a presentation or just have the Minutes shared with the rest of the Board.

Mr. Grenier stated there are a lot of good firms that specifically do this type of work. He stated he knows Ms. Stark very well as he is the HARB liaison, but we have a responsibility to the Township to cover everything. He stated he would like to see an RFP developed and to make sure that we are on board with the RFP. He stated there are State Grants “readily available for those specific cultural resources/historic resources planning that our Historic Commission is trying to put forth.” Mr. Grenier stated we might be able to get this paid for by the State because we are a Certified Local Government, and “that puts us on a higher ranking to get Grants specifically like this to do historic planning to cover exactly this kind of project.

Mr. McCartney asked if they have applied for any of those Grants in the past, and Mr. Grenier stated they are working on it right now. Ms. Blundi asked if the Historic Commission is working on this for the Ad Hoc Committee, and Mr. Grenier stated the Historic Commission has been working with Mr. Majewski to see “what priorities they could have and what projects they may do to help the Township.” He stated Patterson Farm is high up on the list. He stated one of the items they have been doing is identifying Grant opportunities; and because we are a Certified Local Government, there are several Grant opportunities “to do exactly this with those types of numbers.”

Mr. Grenier stated the Historic Commission is also looking into completing the process that was never completed to get the Patterson Farm listed on the Historic Register which also gets us more opportunities for public funding “to do more planning and other stuff in the future.” Mr. McCartney asked how long we have owned the Patterson Farm, and Dr. Weiss stated it is twenty years or more. Mr. McCartney asked why in that twenty years, we have not been able to get it on the National Registry. Mr. Grenier stated it is eligible. He added that the Application was submitted “a while back by an outside group,” and questions came back which he does not believe were ever responded to. Mr. Grenier stated the Historic Commission is trying to work on that right now.

Mr. McCartney stated his only fear with that approach is that it has been twenty years and there has been no movement. He stated with every passing season that happens at Patterson Farm, there is “more dilapidation to those buildings.” Mr. Grenier stated it does not have to be on the Historic Register to get those Grants. He stated we can leverage the CLG status that we already have to get Grants soon. Mr. McCartney stated he is concerned that we are going to make the same mistakes that prior Boards have made waiting for money to come in. He stated he would like there to be movement on this. He stated he has sent the Ad Hoc presentation to the Board, and he asked them to look at it. He stated if necessary Mr. Steadman could come before the Board if there are any questions. Mr. McCartney stated if there is a plan in place that is shovel ready, a Grant may become more readily available.

Mr. Grenier stated he would like there to be a scope of work, terms and conditions, rates not to exceed, etc. so that there is a fully-vetted proposal.

Dr. Weiss stated the recommendation from the Ad Hoc Committee was to engage Avison Young, and the solicitor has indicated that this should be put on the Agenda for the next meeting to be voted on. Mr. McCartney stated he has sent the presentation to all of the Supervisors and included Mr. Steadman; and if the Board feels like Mr. Steadman needs to be in front of the Board at the next meeting, he will make sure that he is there.

Mr. Grenier stated HARB met for the fourth/fifth time with the developer of Prickett Preserve to review the proposed designs for the barn. He stated there was a lot of back and forth and a lot of great improvements made to the design of the barn through those conversations. He stated HARB has recommended approval of a Certificate of Appropriateness for the design of the barn which will be coming before the Board of Supervisors. Nothing has gone before HARB relative to the house yet. Mr. Grenier stated they tried to stick to what was written in the Ordinance relative to protecting the integrity of the historic structure and other improvements were made because of HARB’s input. He stated everyone worked together well including the developer.

Mr. Grenier stated the Historic Commission met but did not have a quorum.

Ms. Blundi stated the EAC is doing a lot of work in partnership with Ms. Tierney and Public Works where they leveraged their experience to help us pick the right trees to plant which will be most successful.

Mr. Lewis stated the Citizens Traffic Commission met and reviewed some items. He stated Keller Arnold has resigned, and he thanked her for her service. He asked anyone interested in serving on the Citizens Traffic Commission to consider applying.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. McCartney stated the term of the Chair of the Golf Committee, Rich Eisner, will be expiring the end of the year, and he has indicated that he would like to be re-appointed. Mr. Truelove suggested that this be considered at the next meeting. The request for re-appointment will be shared with the rest of the Board.

There being no further business, Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

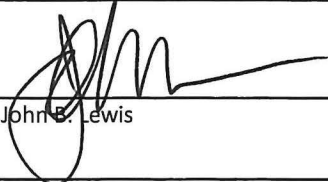


Daniel Grenier, Secretary


**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 10/19/2022**

A/P WARRANT LISTS	10/3/2022		10/17/2022		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund					
01- GENERAL FUND	155,379.65	3,590.48	290,368.03	321.20	449,659.36
02- STREET LIGHTS	73.27		2,884.14		2,957.41
03- FIRE SAFETY	317,273.51		2,689.06		319,962.57
04- HYDRANTS	-		-		-
05- PARK AND RECREATION	21,144.88	2,575.30	61,981.16		85,701.34
06- P & R FEE IN LIEU					-
07- RECREATION CAPITAL RESERVE					-
08- SEWER	3,158.07		40,883.06		44,041.13
09- POOL	122,094.46	401.62	87,726.16		210,222.24
11- TRAFFIC IMPACT					-
15- GOLF COURSE		320,265.55	231,543.00		551,808.55
18- SEWER CAPITAL PROJECTS					-
19- SPECIAL PROJECTS	260,666.04		20,024.11		280,690.15
20- DEBT SERVICE					-
21- REGENCY BRIDGE	-				-
30- CAPITAL RESERVE			-		-
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND					-
35- LIQUID FUELS			-		-
36- ROAD MACHINERY FUND	30,931.72		-		30,931.72
40- 9/11 MEMORIAL	687.07	463.95	6,273.04		7,424.06
45- PATTERSON FARM	2,843.61		368.94		3,212.55
50- AMBULANCE/RESCUE SQUAD					-
84- DEVELOPER ESCROW	-				-
91- UNEMPLOYMENT					-
	914,252.28	327,296.90	744,740.70	321.20	1,986,611.08


SEPTEMBER 2022 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	1,113,338.43
GENERAL FUND OPERATING TO 9/11 MEMORIAL FUND	25,000.00
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	7,485.99
03- FIRE SERVICES FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	706.14
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	3,364.59
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,571.43
12- AMERICAN RESCUE FUND TO POOL FUND	111,314.76
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT	4,882.74
	1,267,664.08



 John B. Lewis

 Fredric K. Weiss


 Daniel R. Grenier



 James McCartney

 Suzanne S. Blundi

