

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 21, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 21, 2022. Mr. McCartney called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors: James McCartney, Chair
Fredric K. Weiss, Vice Chair
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

Absent: Daniel Grenier, Board of Supervisors Secretary

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 Lower Makefield Township Farmer's Market is back at Charlann Farms. They will be there every Thursday from 3:30 p.m. to 6:30 p.m. through September.

Mr. McCartney stated the EAC will be hosting a lecture series Thursdays September 22 and September 29 all about electricity called "You Flip the Switch and the Lights Better Come On! How the Electricity Gets From the Generator to the House."

Mr. McCartney stated the Styrofoam Recycling event will be held at the Township Building, 1100 Edgewood Road 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.

APPROVAL OF MINUTES FOR SEPTEMBER 3, 2022

Dr. Weiss moved and Mr. Lewis seconded to approve the Minutes of September 3, 2022 as written. Motion carried with Ms. Blundi abstained.

TREASURER'S REPORT

Approval of August 2022 Interfund Transfers

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the August, 2022 Payroll and Interfund Transfers in the amount of \$850,763.82 as attached to the Minutes

Approval of Warrant Lists from September 6, 2022 and September 19, 2022

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Warrant Lists from September 6, 2022 and September 19, 2022 in the amount of \$1,048,285.60 as attached to the Minutes.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Engineer's Report in their packet.

Approve Escrow Release #2 for the Prickett Preserve Development to ELU DeLuca Yardley, PA LLC in the Amount of \$450,348

Mr. Pockl stated this work includes underground stormwater management systems, stormwater conveyance systems including inlets and pipes, and some stone and backfill related to that. He stated the work has been completed and inspected.

Dr. Weiss moved and Ms. Blundi seconded to approve Escrow Release #2 for the Prickett Preserve Development to ELU DeLuca Yardley, PA LLC in the amount of \$450,348. Motion carried with Mr. Lewis opposed.

Approve Escrow Release #3 for the Prickett Preserve Development to ELU DeLuca Yardley, LLC in the Amount of \$139,672

Mr. Pockl stated this covers underground stormwater management system construction and stormwater conveyance construction.

Dr. Weiss moved and Ms. Blundi second to approve Escrow Release #3 for the Prickett Preserve Development to ELU DeLuca Yardley, LLC in the amount of \$139,672. Motion carried with Mr. Lewis opposed.

Approve Award of the Maplevale Drainage Improvements Project Phase 1 to Becardino Excavating, Inc. in the Amount of \$157,955

Mr. Pockl stated this is for the Maplevale Project at the south leg of Maplevale where it connects to Taylorsville Road. Mr. Pockl stated they received four Bids. He stated the estimate at the beginning of the project was \$147,575; but given the current state of inflation, he believes this price is fair and equitable.

Mr. Lewis moved and Ms. Blundi seconded to award the Maplevale Drainage Improvement Project Phase 1 to Becardino Excavating, Inc. in the amount of \$157,955.

Mr. McCartney asked if they are still on the timeline to match the paving, and Mr. Pockl agreed. Mr. Lewis asked when they feel this will occur, and Mr. Pockl stated he feels they will probably start construction in October and finish before the end of October.

Motion carried unanimously.

Award Woodside Road Bike Path Project to Richard E. Peirson Construction Co., Inc. in the Amount of \$646,200

Mr. Pockl stated this is for the Base Bid. He stated they had also had an Add Alternate which included work at the intersection of Taylorsville Road. He stated we received As-Built Plans from the Delaware River Joint Toll Bridge Commission approximately a week before Bids were opened, and we had to issue an Addendum to outline some of the work that would be needed within the right-of-way; and this was issued as an Add Alternate because we wanted to have the ability if the prices came in high to not award that portion of the

work so that we could continue with the remaining portion of the work. Mr. Pockl stated he believes that the Bid amount for the Add Alternate work could be lowered once we fine-tune the work that is needed based on the Plans from the Delaware River Joint Toll Bridge Commission, and he would recommend award of the Base Bid only. He stated they opened seven Bids for this project. He stated there is a total of \$405,000 in Grant funding for this project. He stated while the numbers are higher than what they had anticipated, he does not feel that is unusual given the current bidding climate.

Mr. Lewis moved and Dr. Weiss seconded to award the Woodside Road Bike Path project to Richard E. Peirson Construction Co., Inc. in the amount of \$646,200 for the Base Bid only with no Bid Alternate.

Dr. Weiss asked if this includes the crosswalks across Taylorsville. Mr. Pockl stated it includes the crosswalk across Woodside Road, but does not include any of the work within the intersection at Taylorsville Road. He stated that was in the Add Alternate. Mr. Pockl stated they are going to Taylorsville Road with this Contract. He stated there is Grant funding available now to do intersection signal improvements, and they will try to get that work done. He stated there is a long lead time for the project with a Contract time of 210 days which gives them well into next year to be able to complete the work. He stated it is possible in that timeframe while they are constructing the rest of the trail, we could apply for a Grant, get awarded a Grant, and have the Contract for the Taylorsville Road work.

Mr. Lewis asked if the construction on the Woodside Road bike path would start in October, and Mr. Pockl agreed. Mr. Lewis stated he has not seen the Delaware River Joint Toll Bridge Commission plans on how to get to Taylorsville Road, and Mr. Pockl stated that is currently under construction. Mr. Lewis stated that path is the south side of Woodside where they are working, and Mr. Pockl agreed. Mr. Pockl stated it is a path from the shared-use bridge over the Canal to the intersection.

Motion carried with Mr. Lewis, Mr. McCartney, and Dr. Weiss in favor. Ms. Blundi stated as she has done in the past, she will recuse herself from voting on this matter.

Rejection of Bid for South Drive Culvert Replacement Project

Mr. Pockl stated we received two Bids with the low Bid being Richard E. Peirson Construction Co., Inc. in the amount of \$238,413.50. Mr. Pockl stated this is approximately double what was anticipated, and it does not include the purchase of the culvert itself from the manufacturer which could be purchased off of CoStars and would be another \$43,000. He stated the recommendation is to reject the Bid. Mr. Pockl stated his engineers have been out to the culvert to review it; and they have confirmed that while it has degraded a little bit, it is not to the point where we have to restrict any type of traffic over it. He stated they believe that it will survive the winter without any need for restricting traffic or closing the road down. He stated after talking to the manufacturer of the culvert and the Township staff, they would recommend re-Bidding this to see if we could get a better price.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to reject the South Drive Culvert Replacement Bid from Richard E. Peirson in the amount of \$238,413.50.

PROJECT UPDATES

2022 Road Program

Mr. Pockl stated they are approximately half way done with the roads as far as milling and paving and 85% done with the ADA ramps and inlet repairs. He stated they are still on schedule to complete the project before the asphalt plants close. He stated it has been slow-going with the ADA ramps and getting the detectible warning surfaces. He stated that is what was holding up the milling and paving. He stated once they are finished with the ADA ramps on Creamery Road and the Jacob Drive neighborhood, they should be able to fairly quickly finish up the millage and paving work.

Mr. Lewis asked about the timeline for Upper Hilltop; and Mr. Pockl stated that is at the end of the cycle right before Maplevale and Meadow, and he would anticipate that it would be toward the end of October.

Mr. Lewis asked if there have been any concerns from the School District, and both Mr. Pockl and Chief Coluzzi stated that they have not heard about any concerns. Chief Coluzzi stated they had worked out some issues with the original paving.

Big Oak/Makefield Road Signal Upgrade

Chief Coluzzi stated Ms. Kirk is working on the right-of-way for the signals, and the program is underway. Mr. Truelove stated Ms. Kirk was working with Joe Fiocco's firm.

CHIEF'S REPORT

Approval of the Quote From CoStars Vendor Keystone Sports Constructors, Inc. for the Schuyler Tennis Court Reconstruction Project in the Amount of \$387,110.06

Chief Coluzzi stated at the June 9 meeting, the Board set aside \$400,000 for this project from the Sewer proceeds, and this is under that amount. He stated there is an eighteen-month guarantee on materials and workmanship.

Ms. Blundi moved and Dr. Weiss seconded to approve the quote from CoStars vendor Keystone Sports Constructors, Inc. for the Schuyler Tennis Court Reconstruction Project in the amount of \$387,110.06.

Mr. Lewis stated there have been concerns about this project, and he asked for clarification on the amount of reconstruction being done as people do not understand the price-to-value ratio. Mr. Pockl stated there will be new tennis courts at Schuyler Drive. He stated they will replace the existing fence, poles, and netting. He stated they will grind up the existing 6" of asphalt, compact it, and leave it on site. He stated when they took core samples, there was nothing under the asphalt except dirt so they will leave the millings in place and build new tennis courts on top of that with a painted court surface and line striping. He stated it will remain as four tennis courts at that location. He stated this also includes paving and line striping the parking lot adding ADA-required parking spaces. He stated there will be drainage improvements as well adding some inlets between the tennis courts and the roadway. He stated there is a hillside that comes down from the roadway that has the potential of contributing to run-off getting onto the tennis courts, and inlets in the grass area between the tennis courts and the roadway are being added.

Mr. Lewis stated it was unstable underneath the courts. Mr. Pockl agreed adding that we are putting geo-textile fabric down, and part of the reason that they are leaving the millings on site is so that they can provide a stable base for the asphalt that gets put down on top. Dr. Weiss stated it seems that these will essentially be new courts, and Mr. Pockl agreed as well as a new parking lot.

Motion carried with Mr. Lewis opposed.

Approve Proposal of JMT for the Macclesfield Park Master Plan Study

Chief Coluzzi stated the Board was provided two of the proposals – one from JMT and one from Simone Collins. He stated the Park & Rec Board and Park Director, Monica Tierney, prefer JMT which is also the low Bidder at \$88,335.

Dr. Weiss moved and Ms. Blundi seconded to approve JMT for the Macclesfield Park Master Plan Study in the amount of \$88,335.

Mr. Lewis stated he concurs with the analysis of the staff after reading the proposals. He stated he would prefer that part of this be separated and started first which would be the details that JMT provided in Section C about Field Use and Analysis. He stated the Section that is most useful is Analyzing Field Utility and Usage and Future needs. He stated the JMT proposal detailed in Section C a full analysis of current usage of fields and projected needs in the future looking at alternative sports, demographics, etc. which is why he preferred JMT and concurred with the staff's recommendation.

Motion carried unanimously.

Acknowledgement of 2023 Minimum Municipal Obligation for the Township Defined Police and Non-Uniform Plan and the Defined Contribution Plan

Chief Coluzzi stated the State requires through Act 205 that the Board of Supervisors be notified of the 2023 Minimum Municipal Obligation for the Township Defined Police Pension Plan, Non-Uniform Plan, and Defined Contribution Plan; and that this be included in the Record. He stated no Motion is needed. These figures will appear in the Preliminary Budget later in November.

Chief Coluzzi stated the MMO for the Police Plan is \$1,070,523. He stated the MMO for the Non-Uniform Defined Pension Plan is \$403,262, and the MMO for the Non-Uniform Defined Contribution Plan will be \$118,621.00.

Mr. McCartney stated the Board acknowledges the 2023 Minimum Municipal Obligation for the Township Defined Police and Non-Uniform Plans and the Defined Contribution Plan as described by Chief Coluzzi.

Chief Coluzzi stated the Police Plan is up approximately \$18,000 over last year in contributions, and the Non-Uniform Pension Plan is up about \$1,000. He stated our responsibility for the “Non-Contribution Plan” is down by about \$8,000 from last year.

SOLICITOR’S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:30 p.m. and litigation items, contract items, informational items, and personnel items were discussed.

Approve Advertising Amendment to Delinquent Sewer Collection Ordinance

Mr. Truelove stated in June the Township approved an Ordinance for delinquent sewer collections, and the law firm that was assigned to do it has asked the Township to make an Amendment to the Section that deals specifically with a delinquency being declared for a particular account after a year, and they would like the Township to remove that and change it so that a year is not required before a delinquency occurs.

Mr. Lewis moved and Dr. Weiss seconded to advertise the Amendment to the Delinquent Sewer Collection Ordinance.

Mr. Lewis asked those who have not paid their delinquent Sewer bill to pay it as soon as possible.

Motion carried unanimously.

COMMUNITY DEVELOPMENT

Approve Pay Application #1 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the Amount of \$240,716.04

Mr. Lewis moved and Dr. Weiss seconded to approve Pay Application #1 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the amount of \$240,716.04.

Mr. Majewski stated this is for the Community Trail project along Edgewood and Oxford Valley Roads for which the Township received a Transportation Alternatives Program Grant in 2017. He stated this includes all work completed through September 2. He stated they have now progressed to the point where the entire path has been paved with porous pavement, and they have also installed some porous pavement in the parking lot at the Fred Allan Softball Fields. He stated the remaining work is to do the restoration, landscaping, and adding in the traffic signals and handicap ramps at all of the intersections. He stated the work should be completed by the end of the year. He stated he understands that the traffic signal equipment is coming in the beginning of December.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Gerald Wall, 3 Griffin Way, Yardley Woods, stated he is the President of the Yardley Woods Homeowners' Association. He stated Yardley Woods is a townhouse community with sixty-two units off of Big Oak Road and was completed the end of last year. He stated in April he reached out to Mr. Ferguson and advised him that the homeowners were not happy. He stated the developer finished in November/December of last year, and in the spring there were a lot of complaints. He stated Mr. Ferguson had asked that he be sent a list of the concerns. Mr. Wall stated the homeowners were asked to provide their information, and an arborist was hired because there were issues with the landscaping. Mr. Wall stated all of this information was forwarded to Mr. Ferguson on July 31; and Mr. Ferguson indicated that Mr. Majewski would be handling this, and Mr. Majewski was copied on that e-mail on July 31. Mr. Wall stated he did not hear anything, and he reached out again on August 18, but did not hear anything from Mr. Majewski. Mr. Wall stated he asked his Community Manager to send it Registered Mail to the Township, and it was received by the Township on September 6, but he still has not heard anything from anyone.

Mr. Wall stated they had reached out to the developer before reaching out to the Township, and advised the developer about dead trees, grass that was not growing, and other issues; and the developer's attorney answered him saying "he was wrong." Mr. Wall stated the reason they gave that he was wrong was because the Township had released the Bond for the Contract, and the Township had said that everything was fine.

Mr. Wall stated he asked their solicitor to do a "Freedom of Information Act," with a request on the Release of the Bond. Mr. Wall stated Mr. Ferguson had told him that the Bond was released. Mr. Wall stated he got the information on the Release of the Bond; and there were two punch lists on Pages 13 and 14 prepared by Remington & Vernick. He stated there was another punch list done on November 16; and while the clean-outs are not on that list, they were not done. He stated it also indicated that the topsoil and seeding was still washed out on November 16. Mr. Wall stated that was almost Thanksgiving, and he does not feel that grass would grow around that time. Mr. Wall noted Page 15 which shows the grass, adding that picture was taken in April. He noted Page 18 where the clean-outs are shown. He stated five months before the engineer told them to cut the clean-outs at those units, but as of yesterday they are still there. Mr. Wall noted the last page adding that while only a couple of units were cited, the whole development has them still sticking out of the ground. Mr. Wall stated for some reason it was signed off on, and the Bond was released. Mr. Wall stated the homeowners want to know what the Township's position is.

Mr. Majewski apologized for not getting back to Mr. Wall adding that he was looking into some of the issues that were involved in this. He stated he did speak to the developer, and they are planning to come out next week or the following week to replace the dead trees and remedy a number of the issues although there are some things that the developer is contesting. Mr. Majewski stated he will meet the developer on the site to go through the items and have some of the items remedied.

Mr. Wall stated he agrees that some of items listed by the owners may be "questionable" but they had asked the homeowners to list any issues they had. Mr. Wall stated that the arborist indicated in the report that the trees were not planted correctly and will die. He stated they have been pulling the dead trees out, and he has had his landscaper counting how many have been removed.

Mr. Wall stated he understands that once the Bond is released, you do not have a lot of leverage. He stated he does not understand why the Bond was released. He asked Mr. Majewski to let him know what is going on so that he can let the homeowners know that the Township is trying to address this.

Chief Coluzzi asked Mr. Majewski if he will be going out and walking the property with Mr. Wall, and Mr. Majewski stated he did walk the property some time ago when they mentioned some issues out there, and that is when they were asked to put together all of their concerns. Mr. Wall stated it was the end of July when they provided that information. Mr. Majewski stated the developer was not going to do anything during the summer with the drought. Chief Coluzzi stated the developer will have to advise when they will move on some of these things. He asked that Mr. Majewski meet with Mr. Wall. Mr. Majewski stated he believes the developer is planning to go out there next week. Mr. Majewski stated he plans to meet with the developer to go over some of the items they feel are questionable and whether or not they are the developer's responsibility. Mr. Wall stated he understands that not everything may "fall on them," but some of these issues are serious.

Mr. Wall stated from the letter he received from the developer's attorney, Kaplin Stewart, it was obvious they had no intention of doing anything. It was noted this letter is Page 11. Mr. Wall thanked the Board for their help.

DISCUSSION ITEM

Mr. McCartney stated on September 21 the Board sent a letter to the President of Aqua Pennsylvania, and Mr. Lewis was instrumental in putting the letter together. Mr. McCartney stated the letter concerns secondary meters which are for pools, sprinkler systems, and other items that have to do with Aqua's treatment. Mr. McCartney stated as of today, we have not heard back from Aqua, and a hard copy of that letter will be sent to Mr. Lucca and several Commissions from the PUC. Mr. McCartney stated the Board acknowledges that these secondary meters are an issue, and they are on the residents' side and want to get this resolved as quickly as possible. Anyone with questions, can reach out to the Township.

Mr. Lewis stated our State Senator and State Representative are working on this issue. He stated the advice being given to those concerned is to make a PUC complaint so that we can track those and coordinate action. He stated those who have an auxiliary meter should file a PUC complaint, and they will put the link on the Township Website.

SUPERVISORS REPORTS

Dr. Weiss stated the Ad Hoc Property Committee met on Thursday, and they are beginning the process for a Patterson Farm Master Plan; and they have a very professional team.

Mr. Lewis stated the Citizens Traffic Commission met but as they did not have a quorum, they were unable to make any official recommendations. He stated they are looking into some issues related to sight lines.

Mr. Lewis stated the Trenton-Mercer Airport Review Board met last week and as a follow up, a letter was drafted to the New Jersey DEP regarding environmental review of the Trenton-Mercer Airport Expansion specifically as it relates to air pollution. He stated the air quality rating from the American Lung Association is an F in Bucks and Mercer Counties based on EPA ratings. He stated they are asking DEP to do a proper environmental review of the impact of increased enplanements at Trenton-Mercer on our air quality. Mr. Lewis stated we want to make sure that all environmental reviews are done properly because once expansion is complete, it is very difficult if not impossible to remove ultra-fine particulates, effluents, ozone, etc. that come from airplanes. Mr. Lewis stated they have also been pushing back on PFAS which is a chemical that is on the Airport site, and the concern is that by disturbing that it may enter the water supply in the Delaware River.

Mr. Truelove stated there is a Briefing Schedule and several letters have been appended to the proposed Brief that will be filed on behalf of the Township by the outside counsel, and we will be submitting a statement as well that will indicate the harm to the Township which was discussed in Executive Session earlier tonight. He stated he believes everyone is doing everything they can to help advocate in this situation.

There being no further business, Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,

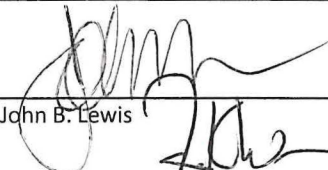
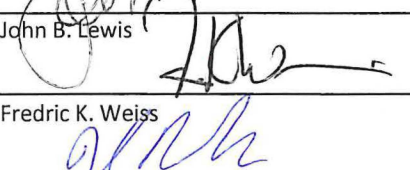
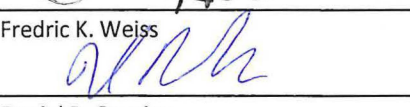


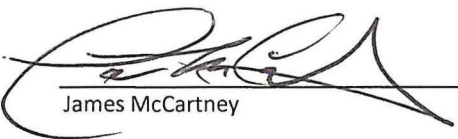
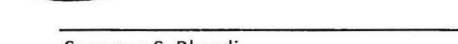
James McCartney, Chair

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 09/21/2022**

A/P WARRANT LISTS	9/6/2022		9/19/2022		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund					
01- GENERAL FUND	224,772.03	7,629.10	203,793.42	10,790.81	446,985.36
02- STREET LIGHTS	2,513.66		954.71		3,468.37
03- FIRE SAFETY	2,234.97		2,210.58		4,445.55
04- HYDRANTS	12,323.96		12,541.89		24,865.85
05- PARK AND RECREATION	53,602.77	1,157.86	47,504.94		102,265.57
06- P & R FEE IN LIEU					-
07- RECREATION CAPITAL RESERVE					-
08- SEWER	41,089.70		9,053.50		50,143.20
09- POOL	20,565.89	1,718.05	48,872.09		71,156.03
11- TRAFFIC IMPACT					-
15- GOLF COURSE					-
18- SEWER CAPITAL PROJECTS					-
19- SPECIAL PROJECTS	1,239.50	73,080.00	1,415.88		75,735.38
20- DEBT SERVICE					-
21- REGENCY BRIDGE	576.50				576.50
30- CAPITAL RESERVE			7,050.51		7,050.51
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND					-
35- LIQUID FUELS			200,640.62		200,640.62
36- ROAD MACHINERY FUND	15,536.09		61.99		15,598.08
40- 9/11 MEMORIAL	5,105.27		2,652.22		7,757.49
45- PATTERSON FARM	2,664.05		3,176.00		5,840.05
50- AMBULANCE/RESCUE SQUAD					-
84- DEVELOPER ESCROW	23,757.04				23,757.04
91- UNEMPLOYMENT					-
	405,981.43	83,585.01	539,928.35	10,790.81	1,040,285.60

AUGUST 2022 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	808,018.42
GENERAL FUND OPERATING TO 9/11 MEMORIAL FUND	20,000.00
GENERAL FUND OPERATING TO CAPITAL RESERVE FUND	5,000.00
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	4,488.80
03- FIRE SERVICES FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	470.76
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,921.46
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1098.9
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT	9,765.48
	850,763.82


 John B. Lewis

 Fredric K. Weiss

 Daniel R. Grenier


 James McCartney

 Suzanne S. Blundi

