

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

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on April 21, 2021. Ms. Blundi called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

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

COMMUNITY ANNOUNCEMENTS

Ms. Tierney stated information about Park & Recreation digital recreation opportunities and some in-person activities can be found on the Township Website.

Ms. Tierney stated the Bucks County Senior Games registration is open to those fifty and over through the Bucks County Area on Aging.

Ms. Tierney stated Pool registration is open, and information can be found on the Township Website.

Ms. Tierney announced that the next yard waste clean-up day will be held on Saturday, April 24 from 7:00 a.m. to 3:00 p.m. The Styrofoam and cork recycling event will be held on Saturday, May 15 from 10:00 a.m. to Noon outside of the Township Building. Ms. Blundi stated during this recycling event, the EAC will also be collecting empty pill bottles. Any identifying information should be removed.

Ms. Blundi wished good luck to the Odyssey of the Mind Teams who are currently competing.

Mr. Grenier noted tomorrow is Earth Day, and information can be found at Earth Day.org.

APPROVAL OF MINUTES

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of April 7, 2021 as written.

TREASURER'S REPORT

Approval of March Interfund Transfers

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the March Interfund Transfers in the amount of \$721,425.76 as attached to the Minutes.

Approval of Warrant Lists from April 5, 2021 and April 19, 2021

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Warrant Lists from April 5, 2021 and April 19, 2021 in the amount of \$2,228,984.77 as attached to the Minutes.

CURRENT STATUS OF LOWER MAKEFIELD FIRE SERVICES

Mr. Tim Chamberlain, Deputy Fire Chief, was present with Mr. Glen Chamberlain, Fire Chief.

Mr. Ferguson stated Deputy Fire Chief Tim Chamberlain is a professional firefighter who lives in Lower Makefield. He is also an Executive Fire Officer in the National Fire Academy; and there are sixty of those in Pennsylvania and only a few hundred in the Country. Mr. Ferguson stated the Township is fortunate to have him as a volunteer. Mr. Ferguson stated the Board was provided an article regarding the concerns about volunteer fire service in Bucks County and across the Commonwealth where it is getting more difficult to get volunteer firefighters. He stated they are

significant training requirements and people are more transient than years ago. He stated it is the responsibility of the Township to provide fire services so it is important to have ongoing discussions with the Volunteer Fire Company.

Mr. Tim Chamberlain stated the Board received the 2020 Year End Review Report. He stated 2020 was a busy year, and there were 595 calls including eight working fires and three rescues for Lower Makefield Township and Yardley Borough. He stated they had 4,044 man hours for the emergency calls, and a breakdown of the calls was provided in the report. Mr. Chamberlain stated to be considered active as shown in the report, a firefighter needs to make 25% or more of the emergency calls in a year; and there were thirty-three firefighters who did that. He stated there are sixty firefighters that can respond, but only thirty-three actually responded to more than 25%. The average age is 51 and a half years, and the age of the fire-fighters is getting older, and they are getting fewer and fewer. Mr. Chamberlain stated since most of the firefighters have families and jobs, it is difficult to get the volunteers to come out.

Mr. Chamberlain showed a breakdown of the calls per year from 2010 to 2020. He noted that there can be fluctuations in the number of calls per year based on numbers of storms and flooding given the proximity to the Delaware. Over the last year three years, the average is close to 600 calls a year.

A chart was shown of the active firefighters going back to 2008. He stated prior to 2004 the percentage to be considered active was 30%; but as the call volume went up they changed it to 25% to be considered active. He stated from 2018 to 2020, they have dropped down almost three firefighters per year being considered active which is significant. A slide was shown of the average age of active members from 2008 to 2020. In 2008 the average age was 40.93, and they have lost a number of good, young firefighters who got jobs including at the City of Philadelphia. He stated the strain on the volunteers is getting more difficult with the demand for fire services increasing.

Mr. Chamberlain stated basic training and Certification consists of 194 hours over five months. Over the past three years, twelve individuals came in; and of those twelve, only two are still active. He stated there are additional hours required for other services needed. He stated in 2020, the members volunteered over 2,400 hours to training. He stated of the 33 active members, 75% are Certified to a National level; and there are only 76 companies in the State that have 75% of their members certified to a certain National level.

Mr. Chamberlain stated due to COVID they were restricted as to what they were able to do with regard to fire prevention outreach as normally they go out to Schools and do fire prevention drills. In lieu of that they participated in a number of drive-by celebrations. He stated they started a social media page last year, and they included a lot of fire prevention reminders on that, and this has been well received.

Mr. Chamberlain stated the members contributed over 7,200 hours in 2020 which does not include administrative duties. They provide a lot of incentives to entice members and to keep members; however, it is difficult to retain the volunteers given the commitment and the fact that experienced members are retiring from active firefighting. Mr. Chamberlain stated the demand for mutual aid assistance is increasing due to the overall shortage of firefighters. He added that as seen in the Report there were 330,000 volunteer firefighters down to 38,000 in Pennsylvania so there are more calls for mutual aid due to the lack of volunteers in surrounding companies. He stated there is also continued growth in the Township and Yardley Borough so the demand for fire service has gone up. He stated while they have a strong, volunteer fire service, it is becoming more difficult. More information is provided in the Report that was provided to the Board.

Mr. Ferguson stated he understands that there are certain times of the day when it is harder to get volunteers out to calls. Mr. Chamberlain stated there are times when it is difficult during the day to get the younger volunteers out. He noted a recent working fire on Saturday at 7 a.m. when he had to call in four mutual aid companies because of the lack of manpower coming in on the apparatus. Mr. Glen Chamberlain stated a majority of the calls are alarm systems or brush fires that can be handled with the senior day-time firefighters; however, if there is a large incident, they need help and help is needed from mutual aid companies. He added that businesses are not letting their volunteer firefighter employees go out to calls like they did in the past. He added that while it is becoming more difficult, the Township is still very well protected.

Ms. Blundi stated when she was first on the Board she went to the Convention in Hershey, and fire protection was an issue she was made aware of not just in Lower Makefield but Pennsylvania and the Country as well as it relates to service by volunteers. She stated the Township needs to start considering how they will move forward. She stated all residents are welcome to consider becoming volunteers. She thanked the current Fire Department volunteers for all they do for the Township.

Mr. Ferguson stated as fire protection is a Township responsible he wanted to make sure that the Township was doing all they could to assist the Fire Department. He stated the Township has been very fortunate to have this active, well-qualified Fire Company. He stated creative solutions are going to have to be considered by the Township going forward.

Mr. Grenier thanked them for the presentation and their community events as well. He asked how Township residents can volunteer and what the Board can do to help the Fire Company. Mr. Tim Chamberlain stated those interested in considering volunteering can express interest through the Fire Company Website at YardleyMakefieldfire.com, and they will be contacted by someone from the Recruitment and Retention Committee. Mr. Chamberlain stated making a presentation like this evening's was not done previously, and he would like to establish good communication with ongoing meetings with the Board to discuss the Fire Company status.

Mr. Glen Chamberlain stated the Recruitment and Retention Committee is very active and they attend community events and are willing to engage with people who may be interested in volunteering. He stated they are actively trying to recruit more people, and most recently more middle-aged people have expressed interest than younger people.

Mr. Grenier asked if the Tech School has a program that the Fire Company could link up with that could provide some volunteers. Mr. Tim Chamberlain stated the Lower Bucks Tech School does have a Public Safety Program, and they have gotten a few people from this program over the years although when they realize it is not a paid position, they go the EMS side, become Police Officers, or go to paid Fire Companies.

Mr. Lewis thanked them for their service and volunteerism. He stated this is a State-wide issue. He noted in Bucks County there is difficulty getting 911 operators which is a paying position. He asked if there is something that should be done County-wide that would help the Township recruit more people. Mr. Chamberlain stated it is possible that people today may not want to do this type of labor-intensive job. He stated the Chiefs of Firefighters Association does try to work with the County Commissioners on different ideas. Mr. Lewis stated there are non-cash benefits, and they need to consider how to improve the value of the experience for the volunteers that would entice others to want to join and stay with the Fire Company. Mr. Chamberlain stated he would like to continue to discuss these things with the Township going forward.

TRAFFIC ENGINEER REPORT

Mr. Ferguson stated SAFE Engineering had recently reviewed a number of projects, and they have worked with the Police Department and PennDOT.

Big Oak/Makefield Road Signal Upgrade – Final Pre-Submission Project Presentation

Ms. Marie Pantalone stated this was funded through an ARLE Grant; and while it was set to expire this month, they did get the project extended, and they will finish the project before it expires again. She stated this project had a total estimated cost of \$295,000 for signal upgrades and ADA/pedestrian improvements. The local match was \$35,000. Ms. Pantalone showed the 1976 Traffic Signal Plan and the new Plan. She stated there will be new traffic signal equipment, and there will be four new mast arms. There will be some vehicle detection upgrades going from loop detectors in the roadway to video detection. There are also preemption capabilities being added to the signal. Ms. Pantalone stated the controller cabinet will be relocated to the northeast quadrant of the intersection. There will be walk/do not walk pedestrian symbols with a count-down timer added to the signal. There are also roadway striping improvements and the left-turn lane stop bar will be pulled back to help facilitate eastbound vehicles. The intersection will have six new ADA curb ramps. Ms. Pantalone stated there will be modifications to the traffic restrictions at the intersection. Currently the intersection operates with no turn on red on all of the approaches, and that will be modified to be only when there are pedestrians present; and it will be timed during the School opening and dismissal periods.

Ms. Pantalone stated they investigated delineating a second left-turn lane on the southbound approach by the gas station. She stated that cartway is 33' wide; and while you can physically fit three lanes in that cartway, there is the problem of the overhead light pole that would be right up against the travel lane so it was determined that would not be good to have a hazard that close to the travel lane. Ms. Pantalone stated by including that left-turn lane, it would also create alignment issues for the vehicles traveling through the intersection. She stated the traffic demand also did not require the left-turn lane, and they decided not to consider that improvement any further.

Ms. Pantalone stated they also considered putting a crosswalk on the south leg. She stated PennDOT initially wanted to put a crosswalk on every approach, and SAFE was prepared to do that by putting the ADA ramps and landings at either end of the crosswalks; however, PennDOT required that the landings also connect on the corner and that would have required moving a utility pole, potentially involve a drainage issue, and there was a slope issue as well. She stated this would have also increased the overall cost of the project. After discussing the impediments with PennDOT, they agreed that the crosswalk across the south leg was not as important.

Ms. Pantalone showed a picture of the various facilities in the area including schools, churches, and residential areas trying to get to the schools which necessitates the need for pedestrian access and the need to update the amenities at this intersection.

Ms. Pantalone stated the next step is to submit the Signal Plan to PennDOT for their comment and approval. With the Signal Plan they will also need to complete the construction plan which they are working on now; however, they do not want to get too far ahead with that Plan since depending on what PennDOT comments on, they do not want to have to re-do the Construction Plan.

Mr. Grenier stated what has been described with regard to video detection does not mean that these are speed cameras/running red lights detection; and Ms. Pantalone stated that is correct, and these are for the operation of the traffic signals. Mr. Grenier stated he understands that there will be pedestrian crosswalks on three of the four sides, and they will not have one on the fourth side because of conflicts; and Ms. Pantalone agreed that there were construction issues with the implementation of that. Mr. Grenier asked about the timeline; and Ms. Pantalone stated Mr. Fiocco indicated he anticipated that it would be three months to get through the approval process before there were ready for construction, and she could confirm that.

Chief Coluzzi stated he understands there was a misunderstanding at the Citizens Traffic Commission meeting that a School crossing guard would no longer be needed at this location, and he wanted to make it clear that is incorrect. Ms. Pantalone stated she is still waiting for an answer to make sure that the signal can be operated manually as she knows that was important. Chief Coluzzi stated regardless of whether it is controlled manually or not there is no intention to eliminate the School crossing guard at this location, and Ms. Pantalone agreed there would be a crossing guard.

Ms. Keller Arnold, 2122 N. Crescent Boulevard, stated she is a member of the Citizens Traffic Commission. She thanked SAFE Engineering for the work done on this Plan which is very thorough, and she thanked Chief Coluzzi for clarifying that there will still be a School crossing guard. Ms. Arnold stated a large number of twelve to fifteen-year-olds walk and bike through this intersection on School days, and their safety is paramount. She asked that the LMT Police, the School District, and SAFE work together on this.

Mr. McCartney asked if the crossing guards are most effective with the hand-held device. Chief Coluzzi stated that is very helpful to the crossing guards as well as to the Police Officers when there are activities at this location. Chief Coluzzi stated it would be most helpful to have this at the northwest corner. Mr. McCartney asked Ms. Pantalone to make sure that is part of the improvement, and Ms. Pantalone stated she is double checking on this adding that if the original design does not have that capability, they will make that change.

Approval to Advertise Route 332/Mirror Lake Signal Interconnection

Mr. Ferguson stated when the Board retained SAFE Highway, this was one of the two ARLE Grants. TPD the former traffic engineer had gotten through a significant portion of this work. He stated SAFE Highway had discussions about this project with TPD, and they are at the point where they are ready to put this out to Bid; however before doing so, he wanted to have Ms. Pantalone provide any updates and answer questions.

Ms. Pantalone stated she understands that this is being upgraded with a fiber optic connection so that the signal can be incorporated into the existing signal system on 332. This is the last signal along the corridor between this signal and the Durham Road/Newtown Shopping Center. She stated this work is just to put the fiber optic connection in, and the next step will be to absorb it into the signal system which is yet to be done.

Dr. Weiss moved and Mr. Grenier seconded to approve advertisement of the Route 332/Mirror Lane Signal interconnection.

Mr. Grenier asked for a description of the funding breakdown. Mr. Ferguson stated he believes \$60,000 to \$70,000 was budgeted with about 90% of that money coming from the Grant. It was in the 2020 Budget and was carried over.

Motion carried unanimously.

Approval of Resolution Authorizing Submission of a Traffic Signal Maintenance Agreement for Prickett Preserve at Edgewood

Ms. Pantalone stated whenever the Township would need to revise or add a traffic signal there was the need for a Resolution that the Township would pass to indicate that they would agree to maintain the signal. Ms. Pantalone stated that process was re-vamped by PennDOT this past December. Tonight the Board is being asked to pass one Resolution to state that the Township Manager has the authority to enter into the Traffic Signal Maintenance Agreement, and this Agreement will streamline the process so that the Township will not have to pass another Resolutions about Traffic Signal Agreements again. She stated there will still be the need to do the TE-160 which describes what the improvements/revisions are for a signal; but there will not be the need for any additional Resolutions as to whether the Township agrees to maintain the signal, and that will be taken care of in this process. Ms. Pantalone stated once this Resolution is approved, she will follow up with Mr. Majewski to complete the Agreement part of the Traffic Signal Maintenance Agreement of which this Resolution is attached and submit that to PennDOT. Ms. Pantalone stated the Agreement needs to be in place in order for the Big Oak/Makefield Road Permit Application to be approved as well as for several other Traffic Signal Permit Applications that are being done for Prickett Preserve.

Chief Coluzzi asked Ms. Pantalone if she knows if the engineers for McMahon submitted revised Plans for the traffic signal going into Prickett Preserve and for the left-hand turns into Shady Brook and Prickett. Ms. Pantalone stated they did an initial submission, and SAFE had commented that the signal phasing needed to be modified to allow for that movement into Shady Brook. She stated she believes that they completed that revision and also completed some revisions that SAFE had requested with regard to the right-turn channelization island; however they have not submitted that to PennDOT yet, and they know that the Traffic Signal Maintenance Agreement also needs to be completed before they can get approval. They need to submit

the TE-160 Form, and the TE-160 Form points to the Traffic Signal Maintenance Agreement that needs to be completed. Ultimately they will not get approval without the Traffic Signal Maintenance Agreement in place.

Mr. Majewski stated Tom Roche called earlier today to inquire if they were making the changes that had been discussed a few months ago, and Mr. Majewski stated he understands they are making those changes; and he will review that prior to submittal.

Dr. Weiss moved and Mr. McCartney seconded to approve the Resolution authorizing submission of a Traffic Signal Maintenance Agreement for Prickett Preserve at Edgewood.

Mr. Grenier stated he was unable to find the Resolution in his packet. Mr. Ferguson stated it was PennDOT's version of the Agreement. Ms. Blundi read the Resolution.

Mr. Grenier stated he read in the newspaper that Prickett Preserve received a large Grant from the State for some of the traffic improvements, and he asked if what is being considered this evening is tied to that at all. Mr. Ferguson stated this is not tied to that. He stated as Ms. Pantalone had indicated earlier the Board previously had to pass multiple Resolutions that authorized the Township Manager to sign. As Ms. Pantalone has indicated, PennDOT is saying that once this is done, the Township will not have to keep doing it to name the Manager as the signee.

Motion carried unanimously.

ENGINEER'S REPORT

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

Approval of the Award of the 2021 Bike Path Reconstruction Project to Polaris Construction

Mr. Pockl stated this was put out to Bid for the reconstruction of the bike paths on Heacock Road and Stony Hill Road between Edgewood Road and Stony Hill Road on Heacock and on Stony Hill Road between Heacock and Chestnut Woods Drive. Bids were opened on April 14, and there were a total of five Bidders ranging from \$29,160 to \$41,855. The low Bid was from Polaris Construction

which was the contractor who completed the bike path reconstruction project last year. Mr. Pockl stated they did good work, and he believes that the number is reasonable even though it came in approximately 4% over the estimate.

Dr. Weiss moved and Mr. Lewis seconded to approve the award of the Bid for the 2021 Bike Path Reconstruction project to Polaris Construction in the amount of \$29,160.00. Motion carried unanimously. Mr. Grenier was not present for the vote.

Memorial Park Expansion Project Presentation

Mr. Ferguson stated at the last meeting the Board had given approval to put this out to Bid. Mr. Ferguson stated he felt that since it had been some time since the Board had last seen this, it would be useful to show how they were going to re-configure how they will Bid this.

Mr. Pockl stated the Township received a Grant which expires at the end of this year; however, it has been indicated an Extension would be accepted for the Grant in the amount of \$250,000. Mr. Pockl stated there is also a Township match in the amount of \$250,000. This bid had been put out in the fall of 2019, and two Bids were received with the lowest Bid being \$875,000. Mr. Pockl stated they then spoke to the Bidders who indicated that streamlining the Bid instead of having multiple sub-contractors for a lot of the work would help to lower the price. Mr. Pockl stated they have therefore made changes to the scope of the Bid to assist in bringing the cost down. He stated while they are changing the Bid, they are not changing the project; and there are other avenues the Township can pursue to get the work completed without including it in this particular Bid.

Mr. Pockl stated the scope of work changes for this particular Bid are to eliminate the gazebo, pavilion, exercise equipment, playground, and landscaping as there are twenty-three trees and they feel there is adequate funding within the Tree Bank fund where the Township could provide those trees and leave them outside of this Bid. Mr. Pockl stated the horseshoe pits and bocce courts would be included in the Bid as Add Alternates.

The Plan of Memorial Park was shown, and Mr. Pockl noted the location of where they will supplement an existing parking lot as well as the locations of the walking path, tennis courts, and pickleball courts will all remain within the Bid.

Also shown where the proposed locations of the bocce courts and horseshoe pits that would be included as Add Alternates.

Mr. Pockl stated this had been approved by the Board to go out to Bid, and it has been advertised and put out to Bid this week on PennBid. Bid Opening will be May 26. There will be a pre-Bid meeting on May 7 on site so that Bidders can come out to the Park and look at the grading that has been completed. Mr. Pockl stated a potential approval by the Board could be June 2 with a potential award on June 23 given the three-week requirement for the Responsible Contractor Ordinance. This would give approximately ten weeks for the contractor to construct the project. In the specifications it has been indicated that no work can be completed on site between September 3 and September 20 which is the week before and the week after September 11. This would potentially mean a completed construction date of October 15 prior to winter weather setting in.

Update to Township Engineer's Report

Mr. Pockl stated the Township was notified today by the Department of Community and Economic Development that the Application for the Woodside Road Bike Path Grant was awarded in the amount of \$353,000. Mr. Pockl stated he will be working with Township staff and the DCED to put something together to meet the requirements for the Grant.

Mr. Ferguson stated this is in the Budget for this year. There is another Grant that was awarded to the Township in a previous year for soft costs for some of the engineering work. Mr. Ferguson added that even though the Grant that was awarded today is \$100,000 less than requested, it is felt that there are some offsets with work that the Township may no longer have to proceed with. Mr. Pockl stated the pedestrian bridge over the Canal was estimated to cost \$60,000; and that work is being done by the Delaware River Joint Toll Bridge Commission, so it is no longer needed on this project. Mr. Ferguson stated they will come back to the Board with a timeframe.

SEWER ENGINEER'S REPORT

Mr. Fred Ebert stated the contractor has completed the punch list items for the Cured-In-Place Pipe Liner project, and he will be recommending approval at the next Board's meeting for payment.

Mr. Ebert stated the Sewer Manhole Contract is complete, and the only thing that remains is the release of retainage. The contractor has completed all of the punch list items on this project as well with no issues.

Mr. Ebert stated with regard to the Brookstone Pump Station it is substantially complete. He added they starting paving it yesterday; and this Friday, he will be doing the final punch list inspection. Upon the contractor completing that, the Brookstone Pump Station project will be complete.

Mr. Ebert stated with regard to the Stackhouse Pump Station, the contractor is going to start with E & S and tree removal in early May. The contractor was waiting for all of the equipment to be received so there would be continuous construction as this is on the banks of the Canal. There is some coordination required with the homeowners, and they are working well with the Township.

Mr. Ebert stated the Board previously authorized the Sanitary Sewer Manhole Rehabilitation Contract for 2021, and the Bids are due May 12. They will go in front of the Sewer Authority on May 13 and ready for the Board of Supervisors to consider taking action on May 19.

Mr. Ebert stated with regard to the 2021 Cured-In-Place Pipe Liner project the Bids are due on May 12. It will go before the Sewer Authority on May 13 and the Board of Supervisors could take action on May 19.

Mr. Ebert stated he was at a DEP virtual conference and DEP specifically called out the work that Lower Makefield is doing as a model for other Townships to follow, and they used our Corrective Action Plan update as an example of how to be in compliance and how to take long-term action.

Approve Advertisement of Buck Creek Liner Project – Contract SWR 21-3

Mr. Ebert stated Buck Creek goes between Pine Lane and University Drive and extends out to Buck Creek Court and Buck Creek Estates, and there is another one that goes up through Heather Drive to Quarry Commons and ends at Creamery Road. He stated this project is for compliance with the CAP for removal of I & I. He stated this project is for 5,700 linear feet of 8" sewer main, and the construction cost estimate is \$271,975 which is slightly less than the approved Township 2021 Budget of \$283,250. Mr. Ebert stated the Sewer Authority reviewed this at their April 15 meeting and recommended

approval by the Board of Supervisors to Bid. Mr. Ebert stated Bids would be due on May 22, the Authority would review them on May 27, and the Board of Supervisors could award the Contract on June 2.

Dr. Weiss moved and Mr. McCartney seconded to advertise the Bucks Creek Liner Project Contract SWR 21-3.

Mr. Lewis asked if there is any downside to waiting. Mr. Ebert stated we would not be in compliance with the Corrective Action Plan, and the Township committed to doing this. Mr. Ebert stated if the sale were not to go through we may not receive EDUs the following year. He stated the only reason we were able to get the number of EDUs we did this year was because of our commitment and the implementation last year.

Motion carried unanimously. Mr. Grenier was not present for the vote.

Approve Advertisement of Upgrade to Silver Lake Pump Station Contract SWR 21-4

Mr. Ebert stated currently the Silver Lake Pump Station has filters that they have to manually back flush because they have worn out. He stated the majority of the valves do not work; and if there is an emergency, there is no emergency by-pass pump there. Mr. Ebert stated this project is to replace all of the valves and piping and replace the impellers. He stated to do a full upgrade of this pump station is something that the purchaser of the Sewer system is going to have to do in the future, and that will cost over a million dollars. Mr. Ebert stated this project sets this up for the future and will restore the pumping capacity back to what it was. He stated currently they are pumping 40% to 60% of the design because the impellers have worn out, and they cannot replace the impellers because they cannot isolate the pumps because the valves do not work.

Mr. Ebert stated the engineer's estimate is \$351,450 and the approved Budget was \$360,500. He stated at their meeting on April 15, the Sewer Authority recommended to the Board of Supervisors' approval of this to be put out to Bid. The Bids would be due on May 26, the Sewer Authority will review and make a recommendation to the Board of Supervisors at their meeting on May 27, and the Board of Supervisors can take action to award the Bid on June 2.

Dr. Weiss moved and Mr. McCartney seconded to advertise the Bids for the Upgrade to the Silver Lake Pump Station Contract SWR 21-4.

Mr. Lewis asked why the impellers wore down. Mr. Ebert stated they are centrifugal impellers and from having the grit and debris with a high rate of speed, they wear unevenly and start to break off and wear out.

Motion carried unanimously. Mr. Grenier was not present for the vote.

Authorize Payment Request #2 to Blooming Glen Contractors for Brookstone Pump Station Upgrade

Mr. Ebert stated the amount requested of \$181,033.47 is for work completed in this scope.

Mr. McCartney moved, Dr. Weiss seconded and it was unanimously carried to authorize Payment Request #2 to Blooming Glen Contractors for Brookstone Pump Station Upgrade in the amount of \$181,033.47.

PROJECT UPDATES

Mr. Ferguson stated with regard to the Sandy Run Road project, they have a signed Agreement from Harris. He anticipates having a pre-construction meeting shortly. Mr. Ferguson stated Harris is also doing the Paving Contract for the Township this year, so they will look to coordinate both items so the work can be done efficiently.

MANAGER'S REPORT

Approve Resolution for Amended PennDOT Winter Services Agreement

Mr. Ferguson stated at the last meeting the Board approved the Resolution to amend the Winter Services Agreement; however, after that was done PennDOT advised the Township that they would prefer that the Township do the standard Resolution. Mr. Ferguson stated the Public Works Director had done research into the Agreement with PennDOT, and this will generate an additional \$5,000 per year from PennDOT for salting and plowing State roads.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Resolution for the Amended PennDOT Winter Services Agreement.

Approve Award of Lease for Farming at Patterson Farm

Mr. Ferguson stated a Bid was put out for the Patterson Farm Lease for approximately 170 acres. He stated there was one Bidder who is the current occupant of the property – Charlann Farms, Inc. The current Lease expires at the end of April. The Bid was put out to provide for a five and ten-year option.

Mr. McCartney moved and Dr. Weiss seconded to award the Lease for the five-year option.

Mr. Grenier stated the goal of the Conservation Easement is to keep Patterson Farm as a farm. He stated he is interested in exploring a ten-year Lease. Ms. Blundi stated they only received one Bid from this one farming group, and they Bid it as a five-year and ten-year Plan where the rate on the Lease would be the same amount per annum for five years, and then would be extended for the ten years at the same amount per year. Ms. Blundi asked if Mr. Grenier is suggesting that they move forward with the five years but open up dialogue to see if something could be done in increasing the rent for the second half of a ten-year Lease, and Mr. Grenier agreed.

Mr. Ferguson stated the Bid price was \$151 per acre for 170 acres of farmable land which would be an annual amount of \$25,670. The farmer would be required to provide that amount one a year in advance of the May 1 date. He stated with the Bid a check was provided for the first year which is about 12% more than they had been paying in previous years.

Ms. Blundi asked if they could accept the five-year Lease at the rate of \$25,670 per annum and then reach out to the Bidder to see if there is a possibility that the additional five years could be at a higher rate.

Mr. Truelove stated he believes the Board could do that as there was only one Bidder, and the terms would be no worse than what they had proposed for the second five years.

Mr. Lewis asked the Township Manager if he reached out to all prior Bidders from five years ago as well as advertising the opportunity. He also asked Mr. Ferguson if he made other “reach-out efforts” as well. Mr. Ferguson stated there was another Bidder on the previous round who they reached

out to, and they did run the advertisements. He stated he did not directly call other farmers who were not part of the Bid process or associated with the Farmland Preservation group who was aware of this being out there. He stated this was also on the Township Website.

Mr. Lewis stated he would be in favor of empowering the Township Manager to review a potential extension option in the Lease to see if there is an opportunity to do that, but to at least lock down the five-year Lease at this time. He stated it is a challenging time for farming and difficult to find people who can have the equipment close by and execute in the same manner as the individuals who are currently leasing the property.

Mr. Lewis stated the Motion is only for a five-year Lease, and there was no direction to provide a secondary option; and he asked Mr. McCartney and Dr. Weiss if they would be agreeable to a revision to the Motion. Mr. McCartney stated he was under the impression that they are just considering a five-year Lease, and they would look at a second option in the future but that would not be part of this Motion. Mr. Truelove stated he feels it would be best to have a stand-alone Motion to solidify what is in the Contract, but that does not prohibit the Township from approaching the Bidder to see what the second half of the term could be.

Motion as originally stated carried unanimously.

Mr. Lewis moved and Mr. Grenier seconded to empower the Township Manager and Solicitor to reach out to the winning Bidder of the five-year Lease to see about optional language for extending the Lease for an additional five years under somewhat more favorable terms to the Township and community.

Mr. Grenier asked how quickly this could be done. Ms. Blundi stated she expects that Mr. Ferguson and Mr. Truelove will reach out to them this week; and while she hopes the Board could discuss this again at their next meeting on May 5, she cannot speak to how quickly the farmers would be able to respond.

Motion carried unanimously.

Approve Titan Industrial Services, Inc. Change Order to Add a Second Coat of Paint to the Olympic Pool

Mr. Ferguson stated last year the Pool was not open, and they also did not do the pool painting that was to have taken place. The Township had however

purchased the paint and that was included in the Pool painting Bid this year. He stated once they began on the project to paint the Olympic pool this year, they found that the pool was in far worse condition than anticipated; and it will require a second coat. Mr. Ferguson stated the quote before the Board for a Change Order in the amount of \$11,000 does not include the cost of the paint which is estimated to be around \$1,500. He stated the pool painting contractor is already staged in the area, and they would like them to be able to proceed so that they can open on time.

Dr. Weiss moved and Mr. McCartney seconded to approve the Change Order in the amount of \$11,000 to Titan Industrial Services Inc. to add a second coat of paint to the Olympic pool.

Mr. Grenier asked how this compares to the line item in the Budget for pool painting. Mr. Ferguson stated this will push it over from what was budgeted. He stated the Bid came in slightly more than was budgeted, and this will go over on that specific line item. Mr. Ferguson added that they are seeing people coming back to the Pool; and while they had scaled down the Budget by about 15% for Pool Memberships, they have been pleased with where those numbers are coming in so the hope is that this Change Order will not impact the Budget too much. Mr. Ferguson stated it is about a \$1 million Budget.

Motion carried unanimously.

Approve Master Plan and Needs Assessment Bid Not to Exceed \$25,000 to Toole Recreation Planning

Mr. Ferguson stated they budgeted \$25,000 in the 2021 Budget for a Needs Assessment and Master Plan for the Park & Recreation Department, which would come out of the Park & Rec Budget. Mr. Ferguson stated this was put out to Bid for quotes, and this has been discussed by the Park & Recreation Board who recommended that this be awarded to Toole Recreation Planning at a cost of \$25,000.

Mr. McCartney moved and Dr. Weiss seconded to award the Bid to Toole Recreation Planning at a cost of \$25,000.

Mr. Grenier stated there was a Needs Assessment done in 2018, and the Township also did the Comprehensive Master Plan which included discussion of Park and Recreation although not at a Needs Assessment level. He asked Ms. Tierney how this compares to what has already been done recently. Ms. Tierney stated the Needs Assessment that was done in 2018 was Leagues and sports specific, and Park & Recreation is more comprehensive and includes trails, classes, programs, and the Pool. She stated the 2018 Plan also did not address future plans for any of the amenities other than fields. She stated this will be a more comprehensive look at what our Township needs and wants from the residents' perspective. She stated there will be a lot of public engagement and community engagement which Ms. Toole is great at. Ms. Tierney stated there is also the Strategic Plan and Master Plan which are specific to Park & Recreation which is a requirement for CAPRA outside of the overall Township Master Plan. She stated the Strategic Plan is how they will implement the plans. She stated the Park & Recreation Department has been doing a lot of work on this already, and this will bring everything together and prioritize some of the projects.

Mr. Grenier stated in addition to useful planning, this would be needed for the CAPRA Certification, and Ms. Tierney agreed. Mr. Grenier stated there are some big projects that will not be in full use yet prior to doing the Needs Assessment, and he particularly noted Memorial Park and some bike paths that will connect the north and south parts of the Township to the towpath. He asked how they will deal with that issue as they are doing planning at the same time these projects are coming on line. Ms. Tierney stated they are planning for the future so they would do the Plan with those in mind already. She stated they will be looking at other things as well that they have heard requests for including a skatepark, trail segments, and other amenities in Memorial Park that they might want to focus on. She stated they may also consider ways to use Five Mile Woods. Ms. Tierney stated there are a lot of requests from the residents, and they will look at how they can expand their operations overall.

Mr. Grenier stated they received three other Bids besides the Bid being recommended, but the Bid they are recommending is from someone who is local and who worked on a prior version of this in 1996 so she knows Lower Makefield and is able to meet the scope; and Ms. Tierney agreed. Mr. Grenier asked if the scope has to change given that a lot of this is public outreach and much of what is being done now is on Zoom. Ms. Tierney stated she will work with Ms. Toole to make this work, and Ms. Tierney stated she feels there could be a mixture of in-person and virtual.

Motion carried unanimously.

CAPRA UPDATE (Commission for Accreditation of Park and Recreation Agencies)

Approve Park & Recreation ADA Transition Plan

Ms. Tierney stated it has taken over a year to produce the ADA Transition Plan. She stated this Plan is required to be approved by the Board of Supervisors. She stated she worked with the Disability Advisory Board and the Park & Recreation Board on this. She stated last year she asked the Disability Advisory Board if they would be willing to go into the parks and make an assessment of all the facilities to see if there were any barriers, and they did an extensive job and provided a great report as to where the barriers were. She stated that can be found in the Appendix. Ms. Tierney stated she then had the Disability Advisory Board discuss their priorities, and a priority scale is included in the Plan. Ms. Tierney stated there was then an Implementation Plan created based on the ranking adding that costs will be a deciding factor. Ms. Tierney stated there are a number of projects that could be done fairly easily. She stated a lot of Townships have to hire someone to come in and do the evaluation that could cost \$40,000 to \$50,000; and the Disability Advisory Board was able to do this in partnership with the Park & Recreation Department to come up with a great plan.

Dr. Weiss moved and Mr. McCartney seconded to approve the Park & Recreation ADA Transition Plan.

Ms. Blundi stated the Township has an incredible staff and volunteers, and the work that they did was great as well as eye-opening in understanding some of the barriers being faced. Dr. Weiss stated he is the Liaison to the DAB, and they did a great job working with Ms. Tierney and the staff, and they unanimously recommended that the Board of Supervisors approve this.

Mr. Grenier noted Appendix B which is the Action Plan Table listing the various projects. He asked Ms. Tierney to explain the difference between the “priority based on Plan column” which is a one to five scale versus the “Park priority level which is also one to five.” Ms. Tierney stated one was considering accessibility and how that would be based on the plan, and the other one was if they were to take a park approach such as doing all of the projects in Memorial Park.

Mr. Grenier stated the last two columns are cost estimates and the projected Budget years as to when they might implement the project. He stated there are a lot of blanks in the boxes, and he asked how they would fill in the boxes in a timely manner to make sure that they can move ahead since while some

of the projects are minor, some of them are more significant projects. Ms. Tierney stated during the Budget, they would look at some of the things they would like to tackle based on the priority levels. She stated she has been talking to Mr. Majewski about what some of these projects might cost. Mr. Ferguson stated there are some projects that could become short-term possibilities because of their cost versus other projects that might require much longer planning because we would have to get the funding in place. Ms. Tierney stated once there is a good Plan in place, there is the opportunity for Grant funding. Ms. Tierney stated some help from the engineer may be needed to get cost estimates.

Ms. Blundi stated she sees a few projects that might be able to be done by Scouts.

Motion carried unanimously.

Review of Park & Recreation Marketing and Community Outreach Plan

Ms. Tierney stated while this Plan does not have a requirement for approval by the Board of Supervisors, she did want to review it with the Board of Supervisors. Ms. Tierney stated this will constantly be evolving since ways of communicating with the public changes all of the time. She stated the beginning of the document is a review, and they used a lot of the Master Plan information with regard to the community to help decide how they would market to the public. She stated they also need to understand that the public is aging, and they need to consider this as they get the word out. She stated there is also information as to how they plan to evaluate the marketing recognizing that they are working under a Township Budget and staffing so what is shown is what they feel they can do internally in the Park & Recreation Department as to marketing and would not compare to what a large company could do.

Ms. Tierney stated the second part of the document is Community Relations and how they plan to communicate with the community, the partners in the community, and those they work with regularly. She stated in the Appendices they have also provided data based on our social media.

Ms. Tierney thanked Ms. Sydney Rosebrough, Park & Recreation Department Intern, for the work she did on this Plan.

Mr. Grenier stated he did not receive the Word version of this, and he would like to make a few “quick fixes.” Ms. Tierney agreed to provide this.

Review of Park & Recreation Volunteer Guide

Ms. Tierney stated this Guide also does not require adoption by the Board of Supervisors, and it is more of a working document although it is a requirement of CAPRA to have this document. She stated the Township does a number of volunteer activities. She stated this shows how they will recruit and retain volunteers. Ms. Tierney stated she feels we could do more for our volunteers who put in significant time, and they discussed possibly having a luncheon next year for those volunteers. She stated this also discussed what is done with regard to background checks, how we evaluate, and how people can sign up to volunteer.

Ms. Blundi stated she agrees that the volunteers do a lot for the Township, and it would be great to do something for them when they can in the future.

SOLICITOR’S REPORT

Mr. Truelove noted the Board met in Executive Session beginning at 6:45 p.m. and items related to Real Estate, information items, personnel, and collective bargaining were discussed.

Approve Pennsylvania American Water Company Shut-Off Agreement

Mr. Truelove stated anytime there is the potential for a sewer shut-off and tenants and landlords may be involved there is a new requirement under the law called the Utility Service Tenants Rights Act which is now imposed on all utilities involved in any type of shut-off potential. He stated this would be very rare in Lower Makefield; however, in order for the Sewer shut-off to be accomplished, we have to go through the Water Company so the Water Company is required to comply with this. Mr. Truelove stated usually if there are any issues with bills, etc. in Lower Makefield, the remedy is a lien which is imposed; however, since the Water Company is required to do this, there is a need for this Agreement.

Mr. Truelove stated if the Sewer system were to be sold, the purchaser of the system would acquire the same obligations under the Agreement; and they would make sure that if this is passed tonight, Aqua American would receive a copy of the Agreement so that they are aware of the obligation adding he feels Aqua is fully aware of this Act as well.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Pennsylvania American Water Company Shut-Off Agreement.

Approval of Development, Financial Security, and Stormwater Management O & M Agreements for Cedar Crossing Investors, LP (Reserve at Manor Lane – Plan #673)

Mr. Truelove stated this is the property where the former Marrazzo's Manor Lane Florist was located.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Development, Financial Security, and Stormwater Management O & M Agreements for Cedar Crossing Investors, LP.

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

Mr. Truelove stated this matter has been properly advertised. He added that this will tighten up the enforcement capacity of the Township with respect to short-term lodging facilities. It also adds some language that is appropriate for the intent and purpose of the Ordinance as well as adds some definitions which helps with the enforcement process. Mr. Truelove stated it also strengthens the licensure process and the oversight process. Mr. Truelove stated this matter has been discussed frequently, and there has been some experience with litigation. He stated the purpose is to tighten some of the terms to make sure that it is clear what the purpose and intent is of the Ordinance. He stated much of the language was borrowed from Municipalities which have had experience with short-term lodging issues.

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Amendment to Chapter 130 of the Code of Ordinances related to Article 1 Short-Term Lodging Facilities.

APPROVAL OF MINOR SUBDIVISION FOR JORGE GOMEZ – 1442 Oxford Valley Road
(Plan #679)

Ms. Andrea Gomez and Mr. Larry Byrne, engineer, were present. Ms. Gomez stated Mr. Byrne has their permission to represent them at this meeting.

Mr. Truelove stated this property is located on Oxford Valley Road, southwest of its intersection with Stony Hill Road a few hundred feet to the west of the Manor Care facility. It is on the north side of the road. The proposal is to subdivide an existing lot and construct a single-family dwelling on the new flag lot. Mr. Truelove stated also proposed are stormwater management, grading, erosion control, and a flag lot driveway connected to Oxford Valley Road.

Mr. Truelove stated three Waivers were originally requested, and the Planning Commission recommended approval of two of the three Waivers. Mr. Truelove stated the first Waiver requested was to Section 178-27.B of the Ordinance to not submit twenty-five sets of Minor Subdivision Plans as required, and this was recommended for approval by the Planning Commission. The second Waiver is from Section 178-81.A of the Ordinance to not require additional street trees along Oxford Valley Road, and that was recommended for approval by the Planning Commission.

Mr. Truelove stated the last Waiver requested was from Section 178-47.A to not require sidewalks on the property frontage as required, and that was not recommended for approval by the Planning Commission. Mr. Byrne stated they did have a discussion about this with the Planning Commission, and there was no consensus from the Planning Commission as to how to handle the sidewalk along the property frontage. Mr. Byrne stated there is a walking path immediately on the other side of Oxford Valley Road, but there are no sidewalks in this immediate area. Mr. Byrne stated they were requesting a Waiver as there are no sidewalks on the Applicant's side of the road and they did not feel it made sense to put in a sidewalk when it was not connecting to anything.

Mr. Truelove stated in the area of Manor Care down to the intersection where Oxford Valley makes a turn where Heacock comes in, there are no sidewalks on the northern side of the road; and Mr. Byrne agreed.

An aerial was shown. Mr. Majewski stated the area highlighted in red on the Plan at the upper part of the screen to the east and the lower left corner of the screen to the west is where the sidewalk ends. The subject parcel is the area highlighted in green. Mr. Majewski stated there are two intervening

parcels without sidewalks, and the Planning Commission was torn between whether to put the sidewalk in even though there is a gap or to have the Township take a Fee-In-Lieu of the sidewalk to be put in a Fund so that possibly the sidewalk could be installed in the future. Mr. Byrne stated at the Planning Commission they also discussed possibly putting a Note on the Plan that the sidewalks would be deferred until a future time to be installed by the owner of the property.

Mr. Grenier stated he is the Planning Commission liaison and another issue related to the sidewalks was if the stormwater management that is designed for the site considered the additional impervious area that could be added by a sidewalk at some point in the future. Mr. Grenier asked if the stormwater management has been re-designed to provide for the sidewalk. Mr. Byrne stated they have started to make revisions to the Plan. He stated there was discussion about the additional impervious surface from a sidewalk, and they could incorporate that into the stormwater management design as there is sufficient area on the Plan. He stated they already have an oversized rain garden so additional impervious would not be an issue. Mr. Byrne stated they have not submitted Revised Plans since they met with the Planning Commission as they wanted to get the issues resolved with the Board of Supervisors first. They will then submit Plans to the Township to make sure that all the comments have been satisfactorily addressed.

Ms. Blundi stated generally she is in favor of sidewalks and connectivity; however, she also appreciates that in the past the Township has not “had a great record of taking Fee-In-Lieu money and having it there when needed.” She stated she agrees they need to consider the additional impervious surface for the sidewalk in the future.

Mr. McCartney asked the lot size for the new lot. Mr. Byrne stated the property now is approximately two acres. The lot in the front would be 26,000 square feet, and the lot in the back would be about 1.2 acres. Mr. McCartney asked the building footprint of the existing lot in the front adding he feels it is approximately 1,200 square feet. Mr. Byrne stated there is an existing home. Mr. McCartney asked if that will remain and nothing will be changed to that, and Mr. Byrne agreed.

Mr. McCartney stated the impervious surface that they are discussing would be in front of the existing structure and the sidewalk would continue to the front part of the flag lot for the back structure, and Mr. Byrne agreed.

Mr. Byrne stated the sidewalk would be required along the property frontage which is about 110'. Mr. McCartney stated he does not feel that there would be an issue with impervious with the back lot, although it could impact the existing home. Mr. McCartney asked how much of the 110' would be part of the front lot. Mr. Majewski stated the impervious surface for Lot #1 would be within the right-of-way so it would not count against the impervious surface for Lot #1. Mr. Majewski stated they would have to account for that however, in their stormwater management calculations. He added the sidewalk at 110' long by 5' wide would be a minimal amount. Mr. McCartney stated he therefore does not feel that sidewalk will be an issue with regard to the stormwater management.

Mr. McCartney stated the Board needs to consider what is more favorable with regard to the sidewalk, and it seems that installing it at a later date would be a better plan. Mr. Truelove stated that would require a Note on the Plan; and while that is not common, it has been done previously.

Mr. Ferguson stated in May he will be presenting to the Board the creation of a new Fund; and similar to the Recreation Fee-In-Lieu of Fund, there will now be a Sidewalk Fee-In-Lieu of Fund so that they will know exactly what is in the account. He added that the Township recently collected a Fee-In-Lieu of sidewalks from Caddis which was a sizable amount of money, and that will be in a Set-Aside Fund for the Board to consider if and when they want to fill in any of the gaps in the sidewalks.

Mr. Grenier stated he would very strongly disagree with not building the sidewalk now. He stated the Township has a history of not having the developers put in sidewalks which has led to the gaps. He stated on this road there are sidewalks; and there are large Lots adjacent to the property being considered this evening that may have a future development so that there could be sidewalks there that would connect. He stated he feels they also need to write into the Plans to make sure that they address the stormwater management issues associated with the sidewalks since it is at the other end of the lot from where the stormwater management is being done.

Mr. Byrne stated he would suggest that given the discussion taking place with regard to the sidewalk, that the request for Wavier be removed; and the Applicant will build the sidewalk.

Mr. McCartney stated there will still be two other parcels on either side with no connectivity, and there will therefore be an island of sidewalk with no connectivity. He stated he feels it would be better to indicate that once the other two parcels have sidewalks, they could make it all part of one project rather than having an island of sidewalk in front of just this one property. He added for consistency basis, it may not be the same type of sidewalk in the future.

Mr. Grenier stated the problem is that they never get connected because the same approach is continually taken. Mr. McCartney asked how this will look aesthetically if there is a sidewalk just in front of this one parcel that does not connect to anything.

Mr. Byrne stated since there is no consensus, he feels they will remove the request for the Waiver of the sidewalk and install it rather than pay the Fee-In-Lieu of. Dr. Weiss stated since the Waiver request has been removed he does not feel there is any further need for discussion.

Mr. Truelove read into the Record the Draft letter that would be provided to the Applicant if the Board were to approve the Subdivision as follows:

The Plan proposes to subdivide an existing Lot and construct a single-family dwelling on the new flag lot. Also proposed is stormwater management, grading, erosion control, and a flag lot driveway connection to Oxford Valley Road. This is Tax Map Parcel No. 20-032-017.

The Subdivision Plans submitted to the Township include:

- Plan of Minor Subdivision for 1442 Oxford Valley Road, made for Jorge Gomez, September 29, 2021 prepared by Eastern/Chadrow Associates, Inc. Warminster, PA
- Post Construction Stormwater Management Report dated September 29, 2021 as prepared by Eastern/Chadrow Associates, Inc., Warminster, PA
- Requested List of Waivers dated September 29, 2020 as prepared by Eastern/Chadrow Associates, Inc., Warminster, PA

- List of Adjacent Property Owners, undated, as prepared by Eastern/Chadrow Associates, Inc., Warminster, PA
- Letter of no impact upon the provisions of fire services, dated April 22, 2011 as submitted by James V. C. Yates, Fire Protection Consultant
- Sanitary Sewer Review Letter dated April 22, 2011 as prepared by Remington & Vernick Engineers, Conshohocken
- Sketch Plan Review Letter dated June 6, 2011 as prepared by Remington & Vernick.

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

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

The Board of Supervisors will approve the Plan based upon the Motion subject to specific compliance with the following terms:

1. If required, you must obtain, beyond appeal, all necessary and/or required Variances from the Zoning Ordinance, or, in the alternative, you must revise the plan so that it is fully compliant with the Zoning Ordinance;
2. In addition to the foregoing, you shall comply with the requirements set forth in the letter dated February 8, 2021, prepared by the Township’s engineering consultant, Remington & Vernick, Engineers, which is incorporated by reference;

3. You shall comply with all requirements and determinations of the Township's Sewer Engineer regarding the proposed sanitary sewer facilities, including but not limited to all requirements and conditions as more fully set forth in the review letter dated February 12, 2021 as issued by Ebert Engineering, Inc.;
4. You shall comply with all requirements and determinations of the Township's Traffic Engineer including but not limited to all requirements and conditions as more fully set forth in the review letter dated February 16, 2021 as issued by SAFE Highway Engineering, LLC.;
5. You shall comply with all requirements and determinations of the Yardley-Makefield Fire Company including but not limited to all requirements and conditions as more fully set forth in the review letter dated January 25, 2021;
6. You shall comply with all requirements and determinations of the Bucks County Conservation District including but not limited to all requirements and conditions as more fully set forth in the October 13, 2020 review letter;
7. You shall comply with all requirements and determinations of the Lower Makefield Planning Commission as more fully set forth in their review letter dated March 8, 2021;
8. You shall comply with all requirements and determinations of the Environmental Advisory Council including but not limited to all requirements and conditions as more fully set forth in the review letter dated February 11, 2021;
9. You shall pay all required fees as applicable and as set forth in the applicable Ordinances unless noted otherwise, and as determined by the Township prior to the Recording of the Final Plan;
10. If applicable, you must obtain any and all necessary approvals from any and all other applicable governmental entities having jurisdiction over this project including but not limited to the Lower Makefield Township's Traffic Safety Officer, and the Pennsylvania Department of Environmental Protection.

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

1. Waiver from Section 178-27.B of the Ordinance to not submit twenty-five (25) sets of Minor Subdivision Plans as required;
2. Waiver from Section 178-81.A of the Ordinance to not require additional street trees along Oxford Valley Road.

It is your responsibility to incorporate the items in this letter into your Final Record Plan which will be executed and Recorded after it has been reviewed by the Township engineer and all other appropriate professionals.

Mr. Truelove asked Mr. Byrne if he agrees to the Conditions set forth on behalf of the Applicant. Mr. Byrne stated he did not receive a copy of the Planning Commission memo dated March 8. Mr. Truelove stated it was a one-page memo and the significant item was the Waiver issue which was discussed this evening.

Mr. Byrne stated with regard to the Environmental Advisory Board letter, they had some suggestions including about possibly putting a fence in the rear yard, and that is not agreeable to the Applicant; and this was discussed at the Planning Commission meeting. Mr. Truelove stated in that letter they talked about protection of the stream buffer.

Mr. Lewis asked given that the Applicant does not have the Planning Commission memo and that there are some other issues, would it be more fair to the Applicant to consider this at the next meeting of the Board of Supervisors. He stated that would give the Applicant the comfort in knowing that they have reviewed everything 100 percent. Mr. Byrne stated they would like to move the project forward, but there was included in the Resolution a memo that they did not have the opportunity to review. He stated he agrees the only issue was the Waiver for the sidewalk, and that has been discussed; and they have agreed to install the sidewalk. He asked that the Board move ahead with the approval of the Plan, and they can consider any minor details with the Township staff.

Mr. Lewis stated he would therefore not proceed with his proposed Motion to Table provided Mr. Byrne is comfortable with everything in the memos.

Mr. Byrne stated while he did not see the memo, he was at the Planning Commission meeting so if that memo is generally in agreement with what was discussed at the meeting, he does not have a problem.

Mr. Byrne stated he had indicated that they did discuss the Environmental Council's memo at the Planning Commission meeting, and he had indicated that they did not want to put a fence in the back yard. He stated a fence is not a requirement, and it was just a suggestion from them. Mr. Truelove agreed that since they are an Advisory Board, it is just a suggestion; and it is not necessarily a "will comply."

Mr. Truelove stated with respect to the Planning Commission memo it was from Mr. Majewski and it indicates that they voted five to zero to recommend to the Board of Supervisors approval of the Minor Subdivision Plan as submitted subject to compliance with the Remington & Vernick review letter dated February 8, 2021, compliance with the letters from SAFE Highway Engineering, Ebert Engineering, and the recommendations set forth in the EAC letter dated February 11, 2021 leaving the issue of a Conservation Easement to the discretion of the Board of Supervisors and the Applicant. They also recommended approving two of the three Waivers; but since the third Waiver has been withdrawn, that is not an issue.

Mr. Lewis asked about the proposed Conservation Easement. Mr. Truelove stated he does not have any information on that, and it would have to be discussed by Mr. Majewski or Mr. Byrne. Ms. Blundi stated the property abuts Brock Creek to some extent, and some of the EAC members had concerns about what could happen in the future, and whether there would be a desire to put an Easement over the portion of the land that is closest to the creek so that the trees are protected and there is no building there.

Mr. Grenier stated he believes that they are mistaken, and he and Mr. Byrne had discussed this at the Planning Commission meeting; and it is actually a tributary of Brock Creek that is in close proximity, and they are actually a fair distance away from Brock Creek. Mr. Grenier asked Mr. Majewski for a clarification as to the setback requirement from what is labeled on the Plans as "the Waters of the Commonwealth," as that is the closest stream in proximity. He stated there is some land disturbance fairly close to the discharge location. Mr. Byrne stated that is one of the issues in the engineer's letter that they will address, and they will modify the outlet so that it is more than 50' away, and there will not be any grading within the 50' setback from the water course. Mr. Grenier asked

if the spillway is coming out like a level spreader; and Mr. Byrne stated it is a rain garden, and the rain garden does not really have a discharge, and the water would go to an underdrain. He stated they could provide an additional level spreader or erosion protection. Mr. Grenier stated anything that could be done to help reduce erosion would be appreciated. Mr. Byrne stated that is one of the items that is in the engineer's letter that is a "will comply."

Mr. Grenier stated there are some large trees on the back Lot, and he asked if there is consideration for a Conservation Easement there. Mr. Byrne stated there are requirements in the Ordinance as to protection of the trees, and they are limited by the amount that they are permitted to disturb.

Ms. Blundi asked that since they now know that this is not Brock Creek but an unnamed tributary if Mr. Grenier is asking the Applicants if they would place an Easement over a portion of the parcel. Mr. Grenier asked if the back area qualifies as a woodlands, and Mr. Byrne stated it does. Mr. Grenier stated there are setbacks from woodlands and a certain percentage that they can impact so that by virtue of the Ordinance it is almost as if there is a "default Conservation Easement over it." Mr. Byrne stated the Plan identifies the limits of the woodlands, and there is a percent disturbance indicated. He added that they have agreed that the setback would be measured from the woodlands area. Mr. Grenier stated they therefore cannot really impact the trees because of the percent limit requirements that are built into the Woodlands Ordinance. Mr. Grenier stated a Conservation Easement would be a "belt and suspenders approach" in case the Township's Ordinance "would go away some day."

Mr. Truelove stated the Board could ask them if they are open to this suggestion, but getting a Conservation Easement requires getting appraisals and a process that would have to be gone through before they could agree to that.

Mr. Pockl stated a potential solution could be to list those trees or the woodlands as a Best Management Practice because it is protecting the streambank for stormwater management, and they could incorporate that into the Operations and Maintenance Agreement for the property. Mr. Truelove stated that could be incorporated into the Final Approval letter. Mr. Byrne asked if they are calling that a riparian buffer, and Mr. Pockl agreed.

Mr. Grenier stated with regard to the Waiver request for the street trees, he understands that there is an overhead utility line at the street; and Mr. Byrne stated there are overhead lines, the driveways, and the existing water and sewer services for the existing house. Mr. Grenier stated while normally

the Board would not approve this Waiver “so easily” there are conflicts in this case with putting trees in the area because of the utilities. He added that there are some larger trees set back from the street, and Mr. Byrne agreed there are some trees in front of the property. Mr. Grenier asked if the conflict is only above ground would they be amenable to some other type of street landscaping such as shrubs that would not grow and have clearance issues. Mr. Grenier stated landscaping is “often a part of our Subdivision requirements.” He asked the Board if there was a concern about the lack of street trees, would there be an interest in landscaping in lieu of street trees.

Mr. McCartney asked Mr. Majewski about the street tree requirement in the Ordinance. Mr. Majewski stated it is that they have to place a street tree every 30’; and since the Lot is 110’ wide, it would be either three or four trees. They have two there already so they would be one or possibly two trees short without a good way to put them in because there is a sewer and water line, a utility line, a large tree already there, and two driveways so it would be difficult to put in another tree along the road. Mr. Truelove stated that is why they have requested the Waiver, and it was recommended by the Planning Commission that the Waiver be approved. Mr. Grenier stated he does not have an issue with the Waiver for the trees but was looking to see if there was a way to substitute something in a reasonable manner such as shrubs which would still provide a benefit. He stated they could fit in shrubs both from a “side lateral and height separation” without conflict with the existing utilities.

Mr. McCartney asked if they should consult a landscape architect to determine if that is something that would be aesthetically-pleasing. Ms. Blundi asked which Lot would be getting the shrubs given the Subdivision, and Mr. McCartney stated he feels it would be the old house because the new house is a flag Lot.

Mr. Truelove stated at this point the way the letter was read that would be the Motion, and he would add the description of the O & M aspect for the purpose of the buffering in the back. Mr. Grenier stated he “was not pushing the shrub idea but was putting it out there because it is a Waiver and anything related to trees in Lower Makefield is a big deal.” He added that the Applicant has saved a lot of very large trees and planned the site to avoid even more large trees throughout the site that may not be tied to the woodlands which he appreciates.

Dr. Weiss moved and Mr. McCartney seconded to approve the Minor Subdivision for Jorge Gomez, 1442 Oxford Valley Road, (Plan #679) as illustrated by the Township solicitor and the added comments by the Township engineer.

Mr. Grenier stated Mr. Pockl's letter that Mr. Byrne will address will include the "concept that Mr. Pockl floated" and the letter will also include consideration of the 50' setback from the stream and the discharge point, and review of calculations to make sure that the additional impervious that comes from the sidewalk is addressed "somehow/somewhere" on the site; and Mr. Pockl agreed.

Mr. Byrne accepted the Conditions as indicated.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, thanked the Fire Department for their presentation and for their service. Mr. Pedowicz stated at the last meeting he brought up the stimulus money, and he asked if any of that money will be used for any of the projects that were discussed tonight. Ms. Blundi stated they are still waiting for further information to understand exactly what the Township will get and how it can be used before they can make any of those types of decisions. Mr. Ferguson stated every Town has an allocated amount that they could be eligible to receive, and ours was about \$3.2 million; but the Township needs to be provided information as to what the requirements are as to how the funds can be used. He stated it may be reimbursement for shortfalls that Towns may have experienced since the Pandemic began. Mr. Pedowicz stated he understands that it is in the State's hands. He asked if those funds will be released before the end of the year; however, Mr. Ferguson stated that is unknown. He added that "released" is a relative term. He stated there is money that has been designated for each Town, but whether or not each Town gets all of that money that has been designated is yet to be determined.

DISCUSSION ITEMS

Ad Hoc Township Property Committee Discussion

Ms. Blundi stated she provided the Board with a proposal for this as to what the mandate and composition of an Ad Hoc Committee might look like if the Board were in favor of this.

Mr. Ferguson stated the Board has a report that Mr. Majewski had updated based upon rehabilitation costs for a number of properties in the Township. He added they have also asked Remington Vernick to put together an estimate for several of the buildings, and he anticipates this being provided shortly. Mr. Ferguson stated this does not include all the Township properties, but he feels it includes the properties that they have discussed previously. He stated other properties could be evaluated as well if that was the desire of the Board.

Mr. Grenier stated he is glad that they are doing this as this needs to be progressed. He stated his only concern is to make sure that they have all the data that has been discussed. He stated in 2007 there was a document published called The Patterson Farm Strategic Vision which was written by the Heritage Conservancy, and there was a stakeholders committee that included members of the Farmland Preservation Board, the Planning Commission, the EAC, the Historic Commission, Park & Rec, Citizens Traffic, and some farmers. He recommended that this be read as a piece of information for the Ad Hoc Committee to see what the prior group came up with in 2007.

Mr. McCartney stated he is in favor of Ms. Blundi's proposal.

Dr. Weiss stated he agrees that we should start moving forward. He stated the sooner they get a group of concerned volunteers together to plan for the future of these buildings and potential uses, the better.

Mr. Lewis stated there are a number of properties that are in serviceable condition, and he noted the Farringer Houses which is a Township property that is currently leased. He stated he feels they should consider properties like that where there could be a strategic decision by the Township to either continue its ownership or divest of its ownership or plan for that in the future. He stated he feels they should look at all of the properties that have buildings that do not have a current Township use. He stated they would want someone who could help with an analysis of Real Estate appraisals/sales, etc.

Ms. Blundi stated the next step would be to put this as an Agenda item for the next meeting for a vote, and hopefully move forward. Ms. Blundi stated she does not feel most residents know what the Township owns. She stated there is a sense of urgency as some of the buildings need attention now.

Mr. Grenier stated he would like to have short presentation on the Remington Vernick report to go along with the discussion of the Ad Hoc Committee. Ms. Blundi stated the intent of what she proposed was that they would not have

to wait to start proceeding. She stated they could identify properties on an ad hoc basis, and she will probably suggest that the first building they discuss is the Satterthwaite House. She stated she agrees that more information is better, but she would like to get started and include more information as they go forward.

SUPERVISORS REPORTS

Ms. Blundi stated to Celebrate International Conflict and Awareness Week, which is the first week in May, one of our Township residents in conjunction with the EAC will be putting on a composting lecture the evening of May 6 and additional information will be put out shortly. Ms. Blundi stated the EAC discussed the Tree Ordinance and what is contemplated as native species, and they discussed insects and cultivars so that there could be more species available. She stated further work will be done on this. She stated they will also be moving forward with some additional tree plantings this year. She thanked the EAC for the work they do.

Ms. Blundi noted she watched the Farmland Preservation meeting, and they will be putting up a bee colony on Farmland Preservation land which is protected and safe for the public in connection with a resident who has a specialty in entomology. She stated having pollinators is important, and she thanked Farmland Preservation for the work they are doing.

Mr. Lewis stated with regard to the Trenton-Mercer Airport Review Board, we continue getting the elected officials to write letters to the Administrator of the FAA and the Commission of the New Jersey Department of Environmental Protection. He stated the Regional Administrator of the FAA responded to his letter detailing some of the issues in terms of reviewing particular elements of the Airport expansion in a holistic manner as opposed to piecemeal. Mr. Lewis stated the Commissioner of the New Jersey DEP has not responded to his letter, and he hopes to hear from him soon.

Mr. Grenier stated the Electric Reliability Committee had a presentation from Ted Dorand, Regulatory Affairs from PECO, which was very interactive and provided a lot of information about completed projects, projects for the future, and reliability issues. Mr. Grenier stated Mr. Dorand has already responded with some data and hopefully will respond with more. He stated he believes the ERC will have some recommendations for the Board of Supervisors moving forward.

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There being no further business, the meeting was adjourned at 10:55 p.m.

Respectfully Submitted,

John B. Lewis, secretary

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 04/21/2021**

A/P WARRANT LISTS	4/5/2021		4/19/2021		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund					
01- GENERAL FUND	387,502.07	696.96	212,400.16	7,942.36	608,541.55
02- STREET LIGHTS	2,112.46		2,605.25		4,717.71
03- FIRE SAFETY			648.25		648.25
04- HYDRANTS	11,694.02		12,352.67		24,046.69
05- PARK AND RECREATION	44,223.03	4,275.28	27,440.77		75,939.08
06- P & R FEE IN LIEU					-
08- SEWER	182,029.89		676,007.00		858,036.89
09- POOL	14,404.76	774.25	15,189.60		30,368.61
11- TRAFFIC IMPACT					-
15- GOLF COURSE			254,311.00		254,311.00
18- SEWER CAPITAL PROJECTS	35,124.84		201,548.47		236,673.31
19- SPECIAL PROJECTS	2,938.25		1,009.88		3,948.13
20- DEBT SERVICE					-
30- CAPITAL RESERVE	178.50				178.50
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND					-
35- LIQUID FUELS	4,496.00		49,262.85		53,758.85
36- ROAD MACHINERY FUND	30,931.72				30,931.72
40- 9/11 MEMORIAL	58.31		383.65		441.96
45- PATTERSON FARM	5,149.26		15,483.65		20,632.91
50- AMBULANCE/RESCUE SQUAD					-
84- DEVELOPER ESCROW	22,173.98		3,635.63		25,809.61
91- UNEMPLOYMENT					
	743,017.09	5,746.49	1,472,278.83	7,942.36	2,228,984.77

MARCH 2021 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	672,906.80
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	6,126.96
03- FIRE PROTECTION FUND TO DEBT SERVICE FUND	42,392.00
	721,425.76

John B. Lewis

James McCartney

Fredric K. Weiss

Suzanne S. Blundi

Daniel R. Grenier