

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 1, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 1, 2023. Dr. Weiss called the meeting to order at 7:39 p.m. and called the Roll.

Those present:

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

Others: David W. Kratzer, Jr., Township Manager
James Majewski, Community Development Director
Kenneth Coluzzi, Chief of Police
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer

COMMUNITY ANNOUNCEMENTS

There was no one from any youth groups or other organizations wishing to make an announcement at this time.

Dr. Weiss stated Lower Makefield Township will be hosting a Blood Drive for the Red Cross on Friday, March 10, 2023 from 1:00 p.m. to 6:00 p.m. in the meeting room at the Township Building, 1100 Edgewood Road, Yardley, PA 19067

Dr. Weiss congratulated John F. Shea, IV a graduating student of Pennsbury High School, a recently-made private pilot, and who will be getting his Eagle Scout Award in the near future, who was recently granted an appointment to the United States Air Force Academy.

Ms. Blundi thanked those who have inquired about her health. She stated she is a long hauler from COVID but is doing well.

PROJECT UPDATES

Mr. Grenier asked for an update on the Woodside Road bike path, and Mr. Pockl stated they have begun excavation and they are installing the stormwater facilities. He stated they encountered some excessive topsoil in the areas by the Golf Course so they had to undercut and put some stone down in order to provide a stabilized base, and a Change Order is expected in the upcoming weeks. Mr. Grenier asked if the project will be completed in May, and Mr. Pockl stated they indicated that they are going to be done by May.

Mr. Grenier asked for an update on Maplevale. Mr. Pockl stated we are still waiting on a Highway Occupancy Permit from PennDOT. He stated he had a discussion with the PennDOT reviewer today, and it seemed that a Permit was going to be issued imminently. Mr. Pockl stated he has reached out to the contractor to notify them that the Permit is expected shortly, and hopefully they will get mobilized quickly. Mr. Grenier stated he understands that there are some utilities doing projects in the area. Mr. Pockl stated that is outside of his purview.

Mr. Kratzer stated the Board had executed a Change Order as a result of the unmarked Verizon regional duct bank, and Verizon has agreed to reimburse the Township for the costs associated with that conflict. In addition to the Change Order costs which were approved, there was some re-design work that needed to be done by Mr. Pockl's firm in order to make the modifications necessary; and Verizon, through their insurance carrier, will be reimbursing the Township for those expenses as well.

PARKS AND RECREATION

Approval of the 2023 Pool and Camp Employee Pay Rates

Ms. Tierney stated this is the pay scale that was set last year as part of the pay rate change plus an additional 3% increase was included as part of the Budgeting process. She stated we have tried to align the Camp rates with the Pool rates. She stated at the Pool we sometimes transition certain employees to a higher position and they are given an increase as they are transitioned into a managerial role although they would not be earning the full amount while they are learning the role.

Township trust from the Sanitary Sewer sale proceeds, and the initial contribution amount was \$10 million. He stated that since that time, we have been working with PNC and Obermeyer to implement that decision of the Board. Mr. Kratzer stated this Investment Policy Statement was previously shared with the Board. He stated that the initial contribution amount has been transferred to PNC, and is in a Money Market account earning a rate of 4.4% so there is yield that has been realized during this implementation phase. He stated the document before the Board would govern the investment posture of those monies generating additional return while at the same time retaining the principal in the Trust instrument.

Ms. Blundi moved and Mr. McCartney seconded to adopt the Investment Policy Statement for the Lower Makefield Township Trust.

Mr. Grenier asked if this statement passes muster from a Second Class Township Code perspective; and Mr. Truelove stated he looked at the initial document that was prepared by Obermeyer, and he feels it does pass muster. Mr. Grenier stated this is a low-cost ETF investment approach, and it is not overly-managed with high fees; and Mr. Kratzer agreed. Mr. Kratzer added that they worked with PNC focusing on the terms of the Trust Agreement making sure there was consistency and recognition of the Trust that was established. He added the statement outlines the respective roles of those involved from a Board standpoint, Investment Committee standpoint, and from an investment advisor standpoint. He stated it is consistent with what you would see when you are investing funds in a Pension Fund where you have to meet long-term obligations. He stated the investment vehicles that are contemplated are relatively low-cost ETFs.

Mr. Kratzer thanked Mr. Lewis for the change he recommended since we were able to reduce some of the fees even further with the alternative that was suggested.

Mr. Lewis stated this is a moderate-risk approach in terms of investment funds. He stated 70% equities is the max with a target of around 50% with a mix of large-cap, mid-cap and non-U.S. sources as well but a hefty fixed income and a small portion of cash.

Motion carried unanimously.

by PNC was that they believe, and RVC has also reflected this, that there is some additional potential for yield by having a little more active management in the fixed-income space.

Motion carried unanimously.

Acceptance of Proposal from Ram-T Corporation for Tree Planting on Mirror Lake Road at a Cost of \$14,670

Mr. Kratzer stated the Board previously discussed this, and there was an Exhibit that showed the placement of the trees along the frontage of Patterson Farm. He stated thirty trees are proposed to be planted approximately 30' to 40' from the edge of pavement. He stated proposals were requested from three nurseries, and the proposal from Ram-T was the lowest proposal out of the three options.

Ms. Blundi moved and Mr. McCartney seconded to accept the proposal from Ram-T Corporation for tree planting on Mirror Lake Road at a cost of \$14,670.

Ms. Blundi stated this money will come from the Tree Bank. She stated she worked on this with the EAC with the goal to have a vista of maples coming up Mirror Lake Road. She stated there was a lot of flexibility with the EAC once they identified the type of maple; however, she does not feel it has been labeled correctly in the proposal. It was noted that this is probably a typo, and the exact type will be confirmed.

Mr. Lewis asked if this planting would interrupt any of the farming that is currently occurring on the Patterson Farm, and it was noted that it will not impact the farming.

Mr. Grenier noted the Warranty where they have water and deer protection. He stated these are deciduous trees so between April 1 and May 15 or October 15 and November 30 would be the time if we want to maintain our one-year Warranty on the trees.

Motion carried unanimously.

Special Purpose millage rates. He stated they are also looking at Special Purpose taxes and a number of other approaches. He asked that the Board advise him if there is anything they would like the staff to look into.

Dr. Weiss stated everything is on the table at this point, and the Board can begin to make comments and ask questions.

Mr. Grenier stated Dr. Weiss had indicated previously that at some point we may have a Special Meeting once we get more information. Dr. Weiss stated tonight is the beginning of a discussion that will last until the Board decides what to do about the \$1.7 million structural deficit that we have. Mr. Grenier thanked the Township Manager for putting together some innovative ideas to address the structural deficit. He stated he is looking forward to working with the Board and others to see how we can address that. He stated he voted against the last two Budgets because he thought that we were spending more than we should have “on things that we did not have a big plan around yet.”

Mr. Kratzer stated they are looking at some of our Capital demands as well. He asked the Board to advise him if there are things that they want the staff to look at so that the Board will have all of the information to consider and be in a position to make the best possible decision moving forward.

Mr. Grenier asked if it is the goal to have a plan worked out by Budget season so that it could be implemented through the next Budget into next year. Dr. Weiss stated the staff has been advised by the Board to gather the information needed by the Board to make hard decisions when Budget season comes. He stated he feels that there will be Special Meetings closer to the fall, and we will do what it takes to get rid of the structural deficit if possible for next year’s Budget. He stated there is a little bit of time to consider this because we have the high cash balance at this time. He stated the Township Manager and staff are aware of what they need to do, and they will work with the Board to get the best solution possible.

Mr. McCartney asked for more details about Home Rule and if there are any neighboring Municipalities which have gone this route. Mr. Kratzer stated Lower Makefield is currently governed by the Second Class Township Code, and the Township is limited to that which is specifically enabled in that Code. He stated there are statutory caps on property tax rates, and we can only go up to a certain millage. He stated if a community were to make the

because Falls Township has enacted a 1% EIT, at this point Falls Township is collecting the entire 1% until Pennsbury decided whether to enact an EIT at which time, they would most likely split the 1%; and Mr. Truelove agreed. Mr. McCartney stated if Lower Makefield were to enact an EIT, until Pennsbury decided to enact their own EIT, Lower Makefield Township would be capturing the entire 1%; and Mr. Truelove agreed. Dr. Weiss stated that would be the case were the Township to institute a 1% EIT. He added that we could institute a ½% EIT which would be the Township's no matter what Pennsbury did. He stated if Pennsbury enacted a ½%, Lower Makefield residents would have to pay a ½% to the School District. He stated if Lower Makefield did not have an EIT and Pennsbury enacted a 1% EIT, the whole 1% would go to Pennsbury as he understands it. Mr. Truelove stated that is his understanding as well.

Mr. Grenier stated he saw on-line a list of Second Class Townships in southeast Pennsylvania with a Home Rule including Tredyffrin Township, Upper Providence, and Horsham.

Dr. Weiss stated if Lower Makefield were to go Home Rule, we can use Second Class Township Code as a guideline for governance but can also choose to go in a different way, and it depends on how the Commission would write the Charter. He stated we could go to Mayor and Council, Council and Manager, keep the Board of Supervisors; and the Charter would be a local Constitution that would only be superseded by the Federal and State Constitutions.

Discussion Re: Zencity

Mr. Kratzer stated this is a community engagement/analytics tool which he used in the Township where he was previously the Township Manager. He stated it allowed them to develop a more strategic and intentional communications strategy for the Township and helped them capture a more comprehensive understanding of community sentiments relative to major policy decisions that the Township was facing. He stated in part it captures the discussions that are taking place in the community outside of the official channels of the Township such as the Township's social media or attendance at a public meeting. He stated it is an attempt to get beyond the vocal minority that typically engages in public conversation through official channels. He stated it also provides interactive space for community conversations/engagements and there are surveying components to it as well as benchmarking/performance

Permits and Vacant Property Registrations. Mr. Majewski stated they are working through some minor issues, but overall it has been fairly well received by the general public.

Mr. Lewis asked if we have started to look at the cost savings from going with OpenGov and if it is shortening time for Building Permits. Mr. Majewski stated we are still getting used to the system, but some things are instantaneous, and he noted Moving Permits and Garage Sale Permits which once submitted are sent out immediately. He stated once we have more data, he will discuss this further with the Board.

Mr. Lewis asked about general comments from the public as he understands that there have only been about seven comments. Mr. Majewski stated we have advertised that option is available. He stated if someone advises the Township that they saw a sign was down, that would be forwarded to Public Works so they could fix that. He stated someone could ask the Township to look into something and we would respond.

Dr. Weiss stated he is in favor of anything that will help further engage the residents to make them a more active part of the process.

Mr. Kratzer stated Zencity does provide some surveying and benchmarking, which he feels could be worked into a broader strategy. He stated he will solicit EMAC's expertise and feedback on this and bring it back to the Board.

SOLICITOR'S REPORT

Mr. Truelove stated that the Board met in Executive Session beginning at 6:30 p.m. and informational and personnel items were discussed.

Authorization to Advertise an Ordinance to Vacate Old Oxford Valley Road

Mr. Truelove stated Old Oxford Valley Road in this location is on the west side of Oxford Valley Road, north of Big Oak Road/Robert Sugarman Way. He stated over the years because of development and road widening, Old Oxford Valley Road is no longer accessible or useful to the Township, its residents, and the public. He stated once the Ordinance is advertised, and if it is enacted at the next meeting, a Title Company would define the metes and bounds and the

this area is not used as a roadway, there are a number of utilities in the area including a water line, a gas line, overhead electric and utility wires, a sewer line, and a storm sewer line, and we would want to have an Access Easement.

Ms. Blundi stated if we are giving away ownership of the triangle, she would not want money to be spent to pave it. She stated she would like a better understanding of that.

Mr. McCartney asked if the “property rights to one of those owners who would be impacted is Residential;” and Mr. Majewski stated they are both Zoned for Commercial. Ms. Blundi asked if one is Regency, and Mr. Majewski stated he will have to check on this. He stated it could be that Old Oxford Valley Road is the dividing line and could be Residential.

Dr. Weiss noted the land owned by the family where the octagonal school house remains are located, and he would like to know how this would effect that property and the historical significance to the Township.

Motion carried unanimously.

COMMUNITY DEVELOPMENT

Approve Pay Application #8 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the Amount of \$126,155.07

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #8 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the amount of \$126,155.07.

Mr. Grenier asked about the Budget for this project, and Mr. Majewski stated he believes that we will be under Budget.

Motion carried unanimously.

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PUBLIC COMMENT

There was no one from the public wishing to speak at this time.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "John B. Lewis", written over the printed name.

John B. Lewis, Secretary