

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MARCH 15, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 15, 2023. Dr. Weiss called the meeting to order at 7:35 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  
David Truelove, Township Solicitor  
James Majewski, Community Development Director  
Kenneth Coluzzi, Chief of Police

#### 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 holding a Styrofoam and Recycling Event on Saturday, April 22, 2023 from 10:00 a.m. to noon outside of the Township Building, 1100 Edgewood Road, Yardley, PA. We are collecting clean, white Styrofoam, natural and synthetic corks, clean pill bottles with tops, and household batteries.

Dr. Weiss congratulated the Pennsbury Sea Falcons who held a community clean-up in Lower Makefield and Falls Township with 100 volunteer participants and dozens of trash bags being filled. He stated this was part of their "Make A Splash" regional competition. Ms. Blundi stated that was a great activity and those young people are very impressive.

Mr. Grenier thanked Chief Coluzzi who spent time over the weekend with a Boy Scout Troop working on a merit badge.

APPROVAL OF MINUTES FOR MARCH 1, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of the March 1, 2023 meeting as written.

TREASURER’S REPORTS

Approval of December, 2022 & January, 2023 Interfund Transfers

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the December, 2022 Interfund Transfers in the amount of \$2,294,821.06 as attached to the Minutes.

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the January, 2023 Interfund Transfers in the amount of \$860,997.69 as attached to the Minutes.

Approval of Warrant Lists from February 21, 2023 & March 6, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Warrant Lists from February 21, 2023 and March 6, 2023 in the amount of \$2,183,081.56 as attached to the Minutes.

ELECTRONIC MEDIA ADVISORY COMMITTEE WEBSITE AND MOBILE APP PRESENTATION

Ms. Jill Laurinaitis, Mr. Dave Kelliher, and Mr. Josh Waldorf were present. Ms. Laurinaitis stated they are present to make a recommendation for re-launching the Township’s Website. She stated the Township’s current Website will be six years old in June. She stated they plan to recommend a new development company, outline goals and priorities for the new Website, and discuss some research they have done about the idea of having a Township App after the new Website is re-launched. She thanked the Electronic Media Advisory Committee for all their hard work. She stated they are happy to be working in concert with Township staff on these recommendations, and they had a working session recently including the

Committee, Mr. Kratzer, the new Township Manager, Ms. Tierney, and Mr. Majewski all together for the first time ever. She thanked Mr. Kratzer for initiating that.

Ms. Laurinaitis stated EMAC was very involved in the Website re-launch in 2017, and it was a major overall of the design, site architecture, and content. She stated EMAC also went through an RFP process to recommend a development company. She stated this time the Committee voted to recommend Catapult Web as they were in line with a lot of our preferences and priorities. She stated Mr. Kelliher was aware of them through his video work with other Municipalities, and they have launched and re-designed several Websites for neighboring Townships. She stated their content management system is much more user-friendly than the current platform, and they have developed a platform especially for Municipalities. They currently manage more than twenty Municipal Websites. She stated the content management system is much easier to update, and it is based on a series of templates that can be customized. They have also developed some Municipal-specific tools for managing high-demand areas of the Website such as Meeting Minutes, Agendas, and news alerts.

Ms. Laurinaitis stated the pricing is reasonable, and they offer training and ongoing support. She stated the cost of the service is \$2,400 annually with the first payment due after the launch. She stated the reason they are able to offer that pricing is because it is a shared platform and improvements, upgrades, maintenance, etc. are applied to all clients at once. She stated the platform is also an open source platform which means it does not cost them anything for them to use it. Ms. Laurinaitis showed a slide indicating what is included in the cost and the process that will take place for launching the site. She stated once the Website is complete, but before it launches, they will hold a training session with any staff who will be involved with updating the site.

Ms. Laurinaitis stated a lot of what Catapult was offering was in line with the priorities and goals that had been discussed as a group which included easier navigation and updated design, more staff training and ongoing support, improved processes and workflow, more frequent and thorough updates of important community issues, and a public education campaign and regular Website performance review.

Ms. Laurinaitis stated they will need to decide what content to migrate over to the new site. She showed a slide which shows over the past year which were the most viewed pages on LMT.org, and the top five were Parks & Rec's main page, the Register/Request for Forms main page, Board of Supervisors main page,

Municipal Services/Recycle yard, and Tax Information. She stated this information is helpful when considering the design of the new Website and what will be prominently displayed on the Home Page. Ms. Laurinaitis showed a slide that shows the top search queries on Google that show what key words people are using to find the LMT site.

Ms. Laurinaitis stated we wanted to make sure that with the new Website there was more staff training and ongoing support so that the staff would be able to do the updating through this much more user-friendly system. She stated they also discussed making recommendations for some improved processes and work-flows including appointing appropriate staff members to update certain sections of the site. She stated the recent implementation and integration of some of the third-party form systems that we have is already in place through Community Pass for Parks and Rec and OpenGov. She stated we also wanted there to be more frequent and thorough updates of important community issues, and the Website should be considered a consistent and reliable source of official Township information. She stated they felt it would be a good idea to have a public relations and community education campaign promoting the new Website and the new capabilities and holding official review sessions possibly twice a year to monitor the Website's performance and to suggest improvements.

Mr. Kelliher stated the App will support the Website. Ms. Laurinaitis stated because they found a cost-effective solution for the Website, they talked about establishing a Township App to go along with it as well. She stated EMAC has not yet voted to make a formal recommendation on an App or what company they would support. She stated they found that Apps are very direct and provide easy access to information directly from the source and there is improved citizen engagement and satisfaction in communication. She stated they found that 90% of North Americans have mobile phones, and 74% use them to search the Internet. She stated 87% of users spend their mobile time on Apps, and 54% of Millennials spend over three hours on mobile Apps daily. She stated 66% use mobile Apps instead of mobile browsers.

Ms. Laurinaitis stated the companies that they are looking at, InfoGrove and Apex Mobile, have developed many Municipal Apps. She stated they will be forwarding more information about this so that the Board can see examples more Townships similar to ours. Ms. Laurinaitis stated some of the more popular features and modules that are available are Push notifications, direct access to Police and tip reporting, Parks & Rec information, the Township



calendar, schedules for events, Pool information, updates on road conditions and roadwork, and reporting problems. She stated you can hook up the third party forms that we have through OpenGov and Community Pass through the App as well.

Pricing information was shown for both of the companies. Ms. Laurinaitis stated they both charge a one-time set-up fee that is less than \$8,000; and depending on what type of plan is chosen, there is annual fee involved with InfoGrove ranging from \$2,100 to \$8,300 annually. She stated Apex Mobile charges an annual maintenance fee of \$3,500 with a minimum Contract of two years. Ms. Laurinaitis stated as they continue to explore these companies, they will provide more information on them. She stated they both work very similarly in that the Apps are updated through a Web-based content management system that integrates with our Website to serve up the information in a different way and has some additional features. She stated they each have about 40 different modules that you can chose from depending on what the Township wants to feature on the App.

Mr. Kelliher stated the Website is also responsive, and this is a companion to the Website. He stated with the mobile App you will see more Push notifications than you would typically see with the Website, but our Website would display on a mobile device also.

Mr. Waldorf thanked Ms. Laurinaitis and Mr. Kelliher for all of their hard work putting this together.

Mr. McCartney stated we recently launched OpenGov, and he asked if that would also be a function of the App or just the Web version. Ms. Laurinaitis stated it could be integrated into the App as well. Mr. Kelliher stated the staff did have the chance to look at this, and they met with Catapult and all of their questions were addressed.

Ms. Blundi thanked Ms. Laurinaitis not only for this but for all she has done for the Township and the various organizations that she supports.

Mr. Kratzer stated they had an opportunity to meet with the Committee and work through some of the integration issues and also followed up as was reported with Catapult. He stated from a staff perspective, they support the recommendation of EMAC and appreciate the work that the members of that Committee have done in working through the evaluation process. He stated he looks forward to continuing to work with the Committee and support their work.

Dr. Weiss stated it is good to see a Committee seamlessly work with Board members and the staff to come up with a concept that we can move forward with if the Board decides to do so.

Mr. Grenier thanked the Committee for their work and coming before the Board. He stated we want everything integrated and a good user experience for our residents however they want to interact with the Township. He stated we now have OpenGov and at the last meeting there was a presentation from Mr. Kratzer about another site, and Park & Rec also has things that they do. He stated he wants to make sure that all of that is organized and integrated so that the public takes advantage of them for a great experience. He stated we want to direct people to go to these official sites rather than to unofficial pages as we want them to get the real information.

Ms. Laurinaitis stated that there are a number of different elements going on, and they are making an attempt to have them be more cohesive. She stated OpenGov was decided some time ago and had already moved forward as had Community Pass. She stated they have discussed how they can make all these different elements work together now and in the future. She stated there could be a long-term strategy to get everything on one platform and whether that would be worthwhile.

Mr. Grenier stated we are concerned about security on multiple levels and making sure that the data is safe and secure. Ms. Laurinaitis stated that one of these companies specializes in Police Apps, and they would like to involve Chief Coluzzi in this. Mr. Kelliher stated on the backend it is very secure. He stated in his relationship with other Townships, he needs to access certain areas, and he only has access to those areas, and he cannot go into other areas and make changes. Ms. Laurinaitis stated security is already built into the system.

Mr. Lewis stated he is very pleased that Ms. Laurinaitis, Mr. Kelliher, and Mr. Waldorf are present adding that they have been on EMAC for a long time and were involved in the last re-design. Mr. Lewis stated the search function does not work well on the current site. He stated part of the reason for that is a function of the actual search function and some of it is because over the years some elements of Township content are not on the LMT.org domain and are stored somewhere else so they are not necessarily picked up when people want to do a search. He stated he hopes that this will be fixed with the new CMS which he assumes has a very good built-in search functionality. Mr. Kelliher stated that has been his experience with other Townships.

Mr. Lewis asked if the \$2,400 includes the hosting, and it was noted that it does. Mr. Lewis stated that is an excellent price.

Mr. Lewis stated when the site is morphed from the old CMS to the new CMS some of the existing links have back links to other sites in the greater Web. He stated there are some elements of our site where we are actively selling people to come to Lower Makefield to live or locate their business, and we need to make sure that those links do not become dead links. He stated there may be only a few pages that need those re-directs, but they are most important for selling the Township which is why he wants those to be considered.

Mr. Lewis stated OpenGov is fully-mobile responsive as is the current Website. He stated we need to consider how many different user names and log-ins are needed. He stated it is not necessarily wrong that we have OpenGov and Community Pass, but we need one solution for identify management so that a user has one log-in and not have to have a different password for each link. He stated he recognizes that this is something that needs to be considered long-term.

Mr. Lewis stated with regard to the mobile App, he would be concerned if different things need to be set up for the mobile App, that it will double the upkeep time; and there may be a way to do this with less work. He stated with regard to Push messaging, he has found with large enterprises, the Push messaging exists as an island, and it is not integrated with e-mail or other tools that enterprises usually communicate with people, and that can create issues. He stated we are not selling anything and are just telling people what it happening, but it is important to think about how to tie all of the messages together.

Mr. Kratzer stated many of the issues which have been raised including ease-of-use for the users as it relates to various user names and passwords were discussed, and they will continue to look at how to minimize any discomfort associated with the different systems and ways to streamline.

Dr. Weiss stated the Board earmarked funds for the Website development but did not do so for an App unless they consider the two are the same. He asked if a Motion could be made accepting the recommendation at this time. Mr. Kratzer stated at this point the recommendation only relates to the Website, and there was \$50,000 allocated in the 2023 adopted Budget for the Website, and we are well below that. He stated the App would be



related to the Website, and Mr. Truelove agreed since the term “Website” could be viewed generically since it encompasses so much. Ms. Laurinaitis stated they will come back and submit a recommendation at a later time about the App, and they are really here to get approval for the Website only to get that project started.

Ms. Blundi asked what the wording on the Agenda allows the Board to do. Mr. Truelove stated the biggest issue is notice, and he feels what was on the Agenda is sufficient; however, if we have to amend the Agenda, there are mechanisms to do that although he does not believe we would have to. He stated he feels there was enough notice that people would be aware that there was going to be a presentation tonight, and it was part of the Budget discussion last year. Mr. Lewis stated the dollar threshold is such that it is below where we would have to do an RFP. Mr. Truelove suggested that there be a not-to-exceed number.

Mr. Lewis moved to approve the Electronic Media Advisory Council’s recommendation for a new Website provider, Catapult, with a not-to-exceed amount of \$5,000 recognizing that this is currently in the 2023 Budget.

Mr. Lewis stated once this is done, they will have a better sense of what to come back for as to a recommendation for the mobile provider and that could be voted on separately. Mr. Kratzer stated if the Board is comfortable, he feels they should just authorize the proposal as it relates to Catapult which is for the Website. He stated the Committee was just looking for general consensus to continue to pursue the mobile App, but at this point it is just to focus on the Website. Mr. Kratzer stated he understands the proposal for the Website is \$2,400. Ms. Laurinaitis stated she would recommend approving up to \$5,000 in case there is something we need customized or something additional.

Dr. Weiss stated the Board is also in favor of pursuing a recommendation for an App.

Mr. Grenier seconded the Motion and the Motion carried unanimously.



ENGINEER'S REPORT

Mr. Joshua Seeherm, Remington Vernick was present.

Approve Pay Application #1 for the Woodside Road Bike Path Project to Richard E. Pierson, Inc. in the Amount of \$28,714.00

Mr. Lewis moved and Mr. Grenier seconded approve Pay Application #1 for the Woodside Road Bike Path project to Richard E. Pierson, Inc. in the amount of \$28,714.00. Motion carried with Ms. Blundi abstained.

General Project Updates

Mr. Grenier stated he believes that Maplevale Phase I was to get back underway earlier this week, and he asked for an update on the status of that work.

Mr. Fuller stated they were to re-mobilize this week, but he does not know if they did so. Mr. Grenier stated he heard from neighbors that there were many trucks on site, but he was not sure how far along they were. Dr. Weiss noted the work he saw being done in the area. Mr. Grenier stated Phase II is coming up fairly soon which is the stream cleaning, and Mr. Fuller stated he knows that they are waiting to hear back on the Grant Application.

Mr. Grenier asked about the status of the Woodside Road bike path. Mr. Fuller stated there were some issues with some fiber optics, but he understands that they are moving along.

Mr. Seeherm stated he has Mr. Pockl's notes for Maplevale which were as reported. He stated with regard to Phase II, they are still reviewing options to complete the work, but have not received any indication about the Grant.

PARKS AND RECREATION

Approval to Charge the Swim Team for Use of the Pool Outside of the Normal Pool Operating Hours

Ms. Tierney stated she is asking for approval from the Board to charge the Swim Team for use of the Pool outside of normal operating hours in the amount of \$6,000 for the season. She stated that is based on hours they

use the Pool in the morning when no one else can use the Pool, and we have to have staff there for the Swim Team to be there. She stated we have discussed this with the Swim Team, and they are in agreement with the rate. She stated in addition to that, any time that they exceed the hours such as a Swim Meet that goes very long, and we have to pull staff in until very late, we would charge the Swim Team \$42 an hour. She stated last year, they were very good about staying under the amount that we had already agreed to after we had expressed our concerns so she does not know how often we will really need to charge that \$42 an hour, but she wanted to have an amount to use so that we can adequately staff and be able to supplement the costs.

Ms. Tierney stated last night she brought this to the Park & Recreation Board, and they unanimously approved recommending this.

Mr. Truelove asked the aggregate amount, and Ms. Tierney stated it is just under \$6,000. It was noted that it is \$5,985.

Mr. Lewis moved, and Mr. Grenier seconded to approve the proposed charges to the Swim Team for use of the Pool outside of the Pool's normal operating hours in the amount of \$5,985 and \$42 an hour for other times that might be necessary.

Mr. McCartney asked if the \$6,000 covers the operating expenses, and Ms. Tierney stated it covers the cost of staff. She stated it would be hard to anticipate how much chemicals would cost, and we have to keep chemicals in the Pool. She stated it is the staffing costs that we are trying to cover.

Mr. Lewis asked the number who participate in the Swim Team, and Ms. Tierney stated it could be between 150 to 300 depending on the year. She stated the reason why we decided on the amount is because the number of staff does not change based on the number of participants in the Pool.

Mr. Grenier stated they are also paying a fee to be a Pool member, and Ms. Tierney agreed that everyone on the Swim Team has to purchase a membership. She stated they also practice during open hours, and she did not include that as part of the fee. She stated they also have access to other amenities at the Pool as members, but this is something above and beyond that we have been covering until now. Ms. Tierney stated they have been considering this for some time, and the Swim Team understands how we came to this number and the need to charge it. Ms. Tierney stated we will be working on a formal Agreement with them, and this will be incorporated.

Motion carried unanimously.

Authorization of the Contract Between the Township and Seward Johnson Atelier to Place Sculptures within the Parks for the Proposed Art in the Park Program

Ms. Blundi moved and Mr. Lewis seconded to authorize the Contract between the Township and Seward Johnson Atelier to place sculptures within the parks for the proposed Art in the Park Program.

Mr. McCartney stated he assumes it will be age-appropriate art, and Ms. Tierney agreed.

Ms. Tierney stated we have been working closely on this project with our insurer, their solicitor, and our solicitor. Dr. Weiss stated they have also worked with the Artists of Yardley, and it is hoped that this will be a multi-year endeavor. Ms. Tierney stated Visit Bucks County has provided a majority of the funds to be able to have these sculptures in the Township which are worth about \$900,000. Mr. Truelove stated the sculptures are being insured, and they were very cooperative in working with us in meeting some of our specific concerns. He thanked Ms. Sovinee, the Executive Director of AOY, for her patience.

Ms. Tierney stated the primary locations for the sculptures are the new Community Trail, Memorial Park, and Patterson Farm; and they will be there from June 1 to September 1.

Mr. Grenier stated he loves the idea, and he asked if there is a list of what art will be at each location. Ms. Tierney stated there is a list in the Contract, and we will be providing more information once we have the Agreement, and it will be on the Website. Ms. Tierney stated there are eight sculptures, and the theme for the sculptures in the parks are Play for All, and the focus is on different types of recreation. Mr. Grenier asked if there will be information about the artists and the art work on the Website, and Ms. Tierney stated there will. She stated we will be provided a lot of content, information, and marketing tools. She stated she is also working with Ms. Sovinee on programming jointly with the Artists of Yardley and the Park & Rec Department. She stated Artists of Yardley will be focusing more on the visual arts, and Park & Rec will be focusing on other types of art such as performance.

Mr. Grenier asked specifically about the location of the sculpture at Patterson Farm and how people would be able to access that. Ms. Tierney stated the Artists of Yardley will have one sculpture at Patterson Farm close to their location. She stated they recognize the sensitivity of the Farm, and they do not want people driving in and out. She stated the Artists of Yardley facility is used by people who use that site. She stated there will likely be an event the same size as the normal events that are held there so that there is an opportunity to see that sculpture.

Mr. Truelove advised Mr. Grenier that Exhibit A of the Contract has a list of the eight sculptures.

Ms. Blundi thanked Ms. Tierney for proceeding with this as she has been sending Ms. Tierney pictures of public art for some time. Ms. Blundi stated some of the sculptures will look familiar to people who have been to Grounds for Sculpture. Ms. Tierney stated Ms. Sovinee is present tonight as well, and she put in a lot of time on this project.

Mr. Grenier stated he understands that in Yardley they have the ducks which are sponsored by local businesses, and he asked if there is an opportunity in the future to defray some costs that the Township/Artists of Yardley are paying. Ms. Tierney stated she and Ms. Sovinee discussed this, and they felt that they could consider this further after a year of implementation, and they could have a way to incorporate the businesses and have sculptures located close to those businesses as part of a partnership in the future. Ms. Tierney stated this year the Township put \$5,000 toward this project, Artists of Yardley put in \$2,500, and \$7,500 was from Visit Bucks County.

Motion carried unanimously.

#### PUBLIC WORKS

Ratify and Confirm Acceptance of the Proposal from Ray Litwin's Heating and Air Conditioning in the Amount of \$10,200 to Replace the Heating Unit for the Janney-Brown House on Patterson Farm

Mr. Fuller was present and stated this is for the building that AOY occupies.

Mr. Lewis moved and Ms. Blundi seconded to ratify and confirm acceptance of the proposal from Ray Litwin's Heating and Air Conditioning in the amount of



\$10,200 to replace the heating unit for the Janney-Brown House on Patterson Farm.

Mr. Grenier asked if this was in the Budget, and Mr. Fuller stated this was an emergency repair as it was a 1974 unit. Mr. Kratzer stated there was a general allocation related to maintenance at Patterson Farm. He stated this was something that had to be done, and we are just bringing back the formal proposal for the Board's public ratification and confirmation. Dr. Weiss asked if there is money in the fund to pay for this, and Dr. Kratzer stated there is sufficient money to pay for this.

Motion carried unanimously.

Authorize Purchase of a 6-Wheel Dump Truck Including Upfitting (\$235,306.95) and a 10-Wheel Dump Truck Including Upfitting (\$266,973.81) for Use by the Public Works Department and Authorize the Township Manager to Obtain Financing Proposals for the 6-Wheel Dump Truck

Mr. Lewis moved and Mr. Grenier seconded to authorize purchase of a 6-wheel dump truck including upfitting for an amount of \$235,306.95 and a 10-wheel dump truck including upfitting for an amount of \$266,973.81 for use by the Public Works Department and authorize the Township Manager to obtain financing proposals for the 6-wheel dump truck.

Mr. Grenier asked where we are at with our current dump trucks, replacement, etc. and how long it is expected these trucks will last. Mr. Fuller stated these trucks were budgeted for this year as replacements. He stated the two that they are currently scheduled to replace are a 2002 truck and a 2003 truck. He stated it is possible that another truck may go beforehand. He stated we get about a ten-year lifecycle out of the trucks. He stated this manufacturer offers an aluminum cab which should help with rot which is the main problem we face. He stated we hope to get at least ten years from these trucks.

Mr. Grenier asked if these trucks serve multiple uses; and Mr. Fuller stated they not only salt and plow, but they also pull the weed trailer during leaf collection season, and are used during major storm events as brush trucks. He stated during paving applications, they haul asphalt and stone.

Mr. Kratzer stated with regard to the financing, both of these were anticipated purchases in the adopted 2023 Budget. He stated the quotes that were obtained were slightly higher than what was reflected in the adopted Budget. He stated the idea was to purchase the 10-wheel dump truck outright using American Rescue Plan dollars and to finance the 6-wheel dump truck. He stated the 10-wheel dump truck was contemplated to be \$245,000, and the 6-wheel was contemplated to be \$222,000. Mr. Krater stated when the new trucks come in, we will dispose of two trucks as surplus equipment so there will be some recovery of some of the overage through the sale of those two vehicles.

Motion carried unanimously.

Authorize the Advertisement of Surplus, Damaged, and/or Inoperable Equipment for sale Via Municibid

Mr. McCartney moved and Mr. Grenier seconded to authorize the advertisement of surplus, damaged, and/or inoperable equipment for sale via Municibid.

Mr. Grenier stated it seems that more than the two trucks will be sold. He asked if there is an estimate as to what the return might be. Mr. Kratzer stated there was an attachment with an itemization and estimated values. Mr. Fuller stated *it is possible that we could get \$40,000 although only one piece, a pump that was kept by the Sewer Department, is the only piece that is running operable.*

Mr. McCartney asked where those funds would be deposited, and Mr. Kratzer stated they could be used to offset some general expense or they could just be recognized as general revenue in the Public Works Department. He stated they would be placing it in the General Fund/General Operating Account.

Ms. Blundi thanked Mr. Fuller and the Public Works Department for doing this and getting these items off the Township property. Mr. Fuller stated they have been doing a lot of general housekeeping because of the mild winter weather.

Motion carried unanimously.

MANAGER'S REPORT

Approve Canceling the April 5, 2023 Board of Supervisors Meeting

Mr. Kratzer stated April 5 is the beginning of Passover, so the recommendation is to cancel that meeting.

Mr. Lewis moved and Mr. McCartney seconded to cancel the April 5, 2023 Board of Supervisors meeting.

Mr. Grenier stated that means the next meeting would be April 19, and he asked if there are any items that would have to be considered before that time where a separate meeting would have to be scheduled. Mr. Kratzer stated that is not contemplated at this time, and there is nothing from a Land Development standpoint that needs to be acted upon. Mr. Truelove noted that under Community Development there is consideration for an extension of time for 1101 Big Oak Road to May 15.

Motion carried unanimously.

Approve Payment Request No. 5 for Contract SWR 20-4D LMT Stackhouse Pump Station Upgrade Project in the Amount of \$48,419.27

Mr. Krater stated this project was undertaken prior to the sale of the sanitary sewer system. He stated Ebert Engineers has reviewed the work and has recommended approval.

Ms. Blundi moved and Mr. McCartney seconded to approve Payment Request No. 5 for Contract SWE 20-40 LMT Stackhouse Pump Station Upgrade Project in the amount of \$48,419.27.

Mr. Grenier stated he recalls that this was paid mostly with a State Grant.

Dr. Weiss asked if this is the last payment, and Mr. Kratzer stated there is a balance to finish plus retainage of \$41,042.19 on this project. He stated he sent an e-mail to Ebert Engineering to get a general accounting of the remaining items that relate to Capital projects that were commenced prior to the sale of the system; and he will follow up with them on that and then provide information to the Board.

Motion carried unanimously.

## SOLICITOR'S REPORT

Mr. Truelove stated an Executive Session was held beginning at 6:30 p.m. and items related to litigation, Real Estate, and informational items were discussed.

## ZONING HEARING BOARD MATTERS

With regard to Appeal #23-1998 Lynette & Jim Shavel for the property located at 1554 Surrey Brook Ct., Yardley, PA 19067, Tax Parcel #20-028-106 Variance request from Township Zoning Ordinance #200-69A(14)(c) in order to install a fence in a Sanitary Sewer Easement, it was agreed to leave the matter to the Zoning Hearing Board.

Appeal #23-1999 Celco Partnership, d/b/a Verizon Wireless for the property located at 375 Stony Hill Road, Yardley, PA 19067, Tax Parcel #20-034-008 Variance request from Township Zoning Ordinance #200-28 to allow for a proposed telecommunications facility within the R-3M Zoning District. The facility will consist of a monopole antenna support structure designed to resemble a pine tree, 150 feet in height and the attachment of up to 12 panel antennas (4 per sector) at the top of the monopole to be located within a 50' by 50' fenced compound. A lightning rod and artificial branches to conceal the structure shall extend to an overall height of 155 feet.

In the alternative, if ultimately deemed required, a Validity Variance pursuant to Section #916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10916.1 (1968, as amended), based upon the Communications Act of 1934 as amended by the Telecommunications Act of 1996 which provides that, "No State or local statute or regulation or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of an entity to provide any interstate or intrastate telecommunications service." 47 U.S.C. 253(a). If relief in the affirmative is not granted by the ZHB to allow the Facility, the Code will have the effect of prohibiting personal wireless services facilities by materially inhibiting the ability of Verizon Wireless to provide state-of-the-art wireless service to its users. In addition, to the extent that Variance relief from the Code as stated herein is needed to establish personal wireless services facilities throughout the Township, such regulations result in (i) effective prohibition of personal wireless services in the Township; and (ii) unreasonable barriers to entry of personal wireless services in the



Township. Consequently, the Code violates the Federal Telecommunications Act. The available Federal remedy allows site specific relief, which would authorize the Applicant to proceed with development of the Facility.

In the alternative, a Validity Variance pursuant to Section 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10916.1 (1968, as amended), based upon the Communications Act of 1934 as amended by the Telecommunications Act of 1996, which provided that a Municipality shall not render decisions which prohibit, or have the effect of prohibiting, the provision of personal wireless services. 47 U.S.C. 332(c)(7)(B)(II). If relief in the affirmative is not granted by the ZHB to allow for the Facility, the decision will have the effect of prohibiting personal wireless services facilities by materially inhibiting the ability of Verizon Wireless to provide state-of-the-art wireless services to its users in violation of the Federal Telecommunications Act. The available Federal remedy allows site specific relief, which would authorize the Applicant to proceed with development of the Facility. If the decision of the ZHB is based on grant of a Validity Variance, then Verizon Wireless further requests grant of a Variance as to any applicable area and bulk requirements which may be construed to pertain to the proposed Facility. Verizon Wireless also applies for such other Interpretations, Waivers, and/or Variances as may ultimately be required.

Mr. Truelove stated that Celco Partnership, which does business as Verizon Wireless, originally had made an Application several months ago at the Brookside Swimming Pool location. He stated there was opposition noted, and they agreed to withdraw their Application, and determine another location which they have with this Application at the Beth El Synagogue.

Mr. Truelove stated in many ways, the Township's Zoning considerations are preempted by Federal Law, and they are asking for a Validity Variance in the alternative. He stated if there are certain conditions that they show that they meet, it would be very hard for the Zoning Hearing Board to find against them in some of these things. He stated this is not just at this location; and every time there is an Application made, the Federal Telecommunication Act does apply. Mr. Truelove stated it is the general recommendation to defer, but the Board should consider this.

Mr. Neil Flax was present and stated he has been a resident since 1987, and where he lives is the "dead zone;" and you cannot get or make a phone call or get Internet service through the cell phone. He stated fall and

winter are a little better, but once the trees grow the signal dies and it is not good from Big Oak and Stony Hill down the quadrant and you cannot make or receive a call which is a problem.

Mr. Flax stated he feels this is a safety issue as well. He stated he installs alarm systems and there are applications that can be on a phone and people are getting away from land lines; but they cannot use the cell service because there is no cell service in this area. He stated they have to back it up with Wi-Fi which is a problem is the Wi-Fi goes down. He stated there are people in the area who have commercial fire systems that are required to have two phone lines and they cannot get rid of regular old-fashioned phone lines because they cannot put a cell radio in. He stated it would be a definite benefit for life and safety to have this cell tower.

Mr. Truelove advised Mr. Flax that his comments would also be appropriate when this matter goes before the Zoning Hearing Board as the coverage issue would be discussed there. He stated the Township Website would have the date of the Appeal.

Mr. Grenier stated the closest Zone that would allow for this with no Variances is almost one mile away. He asked if we received anything from the Cell Company indicating that they need it at this location, and Mr. Truelove stated he understands they have done those studies, and they will have to address that at the Hearing. Mr. Truelove stated he does not know if it specifically addresses the area that Mr. Flax is speaking about.

Mr. Grenier stated he would like the Township to participate, although not oppose, if only to make sure that the type of information he is referring to is provided. Mr. Grenier stated several years ago other cell towers were proposed that were successfully opposed under the same laws. He stated he does understand Mr. Flax's comments about dead zones and safety; however, this location is only a couple hundred feet from homes, and not everyone likes seeing the fake pine tree in their back yard. He stated he knows that there are residences that are very close to there, and he wants to make sure that their concerns are considered. He stated his main concern is that the residents are okay with this while still getting good service as there is a balance.

Mr. Grenier stated we just passed a 5G Ordinance, and it is ironic that they are proposing putting in a new cell tower when 5G was supposed to take over from cell towers.

Mr. Grenier moved to participate in Zoning Hearing Appeal #23-1999. Motion died for lack of a second.

This matter was left to the Zoning Hearing Board.

With regard to Appeal #23-2000 Rob & Susan Whitlock for the property located at 1377 Revere Road, Yardley, PA 19067, Tax Parcel #20-058-208 Variance request from Township Zoning Ordinance #200-23.B in order to install a stamped concrete patio which would increase the impervious surface from the existing 21.1% to 23.5% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #23-2001 Ray Werth for the property located at 290 Elbow Lane, Yardley, PA 19067, Tax Parcel #20-075-019 Variance request from Township Zoning Ordinance #200-23.B in order to construct a 282 square foot rear addition and a 213 square foot rear deck with a roof which would increase the impervious surface from the existing 22.8% to 25.4% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

## COMMUNITY DEVELOPMENT

### Authorization for Advertisement of the Regency Pedestrian Trail Project

Mr. Majewski stated we engaged an engineer to do the final design plans based on the concept done by SAFE Highway Engineering last year. He stated we now have the Final Plans, specifications, and estimate for the project, and are ready to go out to Bid if the Board authorizes moving forward.

Mr. Lewis moved and Mr. McCartney seconded to authorize for advertisement the Regency Pedestrian Trail Project.

Mr. McCartney stated the funds for this project were escrowed by Toll at the time of development, and Mr. Majewski stated each of the homeowners in that development paid \$1,650 per Unit that was supposed to go to either a bridge to be widened over I-295 on Big Oak Road, or if that was not feasible, to use those funds somewhere in the vicinity of the Regency project to benefit the community as a whole. Mr. McCartney stated that was for residents of both Phase I South and North, and Mr. Majewski agreed.



Mr. Grenier stated most of these improvements are ones that SAFE presented along the roadway with the traffic-calming, etc. He stated there has been discussion by some of the Advisory Boards recently about Old Oxford Valley Road, and what we may end up doing with that. He asked if this includes improvements to Old Oxford Valley Road, and Mr. Majewski agreed it does. He added that when we go out to Bid there will be some Alternate Bids as part of it so that we can make sure that it will fit in with the allotted amount that we currently have in the budget. He stated he believes that there are funds in the amount of about \$685,000, and we should be able to get this project done within that budget amount; but he did break out a few things on that, and it will include the area going down Old Oxford Valley Road that will be vacated.

Mr. Grenier asked if the Motion needs to be amended to include the concept of Alternate Bids, and Mr. Truelove stated he believes the Motion is acceptable as it is and gives flexibility.

Mr. Lewis stated he is very familiar with the traffic-calming enhancements. He stated this would be south of Big Oak which would be paved, and they would be creating a pathway. He asked if there is a pathway north of Big Oak behind the CVS, and Mr. Majewski stated this sidewalk would connect to the sidewalk that was constructed at what was formerly Lower Bucks Pediatrics. He stated the Light Bridge Academy is there and a third building to be determined. He stated it will then go up the old right-of-way of Old Oxford Valley Road and tie it back into the area around Regency. Mr. Lewis asked about the other side of that from the new Regency area, and it was noted that there are only the traffic improvements there. Mr. Lewis stated it seems like a lot of money for the path. Dr. Weiss stated there are also lane restrictions in the road, and Mr. Majewski stated they will be doing a crossing at Fern and Locust; and as part of that they will be putting in channelized islands in to provide pedestrian refuges and then the sidewalks. Mr. Majewski stated he believes that the estimate is conservative; however, they have seen higher prices over the last couple of years. He stated this is why they will look at it to make sure that we can get it all done.

Motion carried unanimously.



Approve Extension of Time for 1101 Big Oak Road Subdivision to May 15, 2023

Mr. Majewski stated this was originally scheduled for this evening; however, there was a conflict with the developer's counsel, and they have requested an Extension to a future Agenda. He stated with this Extension, this could be considered in April or May.

Mr. McCartney moved and Ms. Blundi seconded to approve an Extension of time for 1101 Big Oak Road Subdivision to May 15, 2023.

Mr. Majewski stated there were some concerns with evaluating trees and the time of year, and if it is held on May 3, that may work out well. Mr. Grenier stated there are some "pretty, fundamental, major comments" on the arborist's report that has been written to date, and he feels it is a "laughable report." He stated certain people have asked that it be re-evaluated to be more realistic. Mr. McCartney asked if he is referring to the developer's arborist's report, and Mr. Grenier agreed.

Dr. Weiss stated this extension would give Planning and the EAC another opportunity to review this. Mr. Majewski stated it has already gone through the Planning Commission, and they recommended approval subject to a number of Conditions. Dr. Weiss stated the EAC could look at it again if they wish. Mr. Majewski stated May 3 would be preferable for this to be considered since it would give the arborist the opportunity to work through the remaining issues.

Dr. Weiss stated when they come before the Board of Supervisors it is possible that they may have resolved some of the issues around their techniques of avoiding the Tree Ordinance, and Mr. Majewski stated he hopes so. Dr. Weiss stated if not, we could force the issue as a Board. Mr. Lewis stated he believes that counsel for that developer has an appreciation for where some of the Board members stand.

Motion carried unanimously.

Cell Tower Zoning Hearing Board Date

Mr. Majewski stated there was previous discussion about the Cell Tower, and the Hearing date before the Zoning Hearing Board will be Tuesday, April 4.

## SUPERVISORS REPORTS

Dr. Weiss stated the Park & Rec Road Tour will be held on August 8, 2023 beginning at 5:00 p.m.

Ms. Blundi encouraged everyone to follow the Ad Hoc Property Committee. She stated all of their Minutes are on the Website, and there are links to the videos. She stated public engagement is built into the process to make sure we are getting peoples' ideas for the buildings and pieces of the land that the Township owns. She stated there will be future opportunities to be involved in surveys and engagement. Dr. Weiss stated he was their Liaison for two years since its inception, and on the subject of Patterson Farm if anyone in the community wants to know what is currently happening or will happen in the future, unofficial social media sites are not where to get that information. He stated the Ad Hoc Property Committee meetings are public, and public participation invited. He stated it is on YouTube, Facebook, and cable. He stated meetings can also be re-visited at any time. He stated the Minutes of the meetings are also available. He stated there are members of the Committee, stakeholder, and the Board of Supervisors are always willing to hear comments and answer any questions from the community. Ms. Blundi stated the Ad Hoc Property Committee is doing great work.

Mr. Grenier thanked the EAC for their guidance on the Mirror Lake Road tree planting for which there has been great feedback. Mr. Grenier stated recently posted on the Township's Website is the LMT EAC 2023 Recycling Guide which provides guidance on where to recycle various items across the County.

## OTHER BUSINESS

Dr. Weiss asked Ms. Tierney to provide an update with regard to the Grant that was applied for Veterans Square and Memorial Park ADA and other improvements. Ms. Tierney stated we did not receive the Grant, and it seems that there was more of a focus on environmental projects, and our project did not get as many points as other projects. She stated the Grant was a match Grant with \$219,980 from DCNR and \$219,982 from the Township. She stated she believes that we have a little additional money that we could

have spent on this project, but not enough to cover it. She stated she believes that there are other opportunities coming in the near future, and we could potentially start some of this project and phase it in; but that would be up to the Board to decide.

Dr. Weiss stated he feels both of these projects are very important to the Township, and it would be a disservice to the community if we delayed these projects significantly. He stated he hopes to discuss this at the next meeting, and we could pursue future Grants. He stated we could use Bond Fund money as we have a significant amount of Bond Fund money that is earmarked for projects, and he believes that there is well over \$9 million in the Bond Fund that is not earmarked for anything. He asked the Board to consider this between now and the next meeting.

Mr. Grenier asked what would be covered in Memorial Park, and Ms. Tierney stated it would be the full completion including the shade structure, the playground, the path, some water retention space, and the paving of the parking lot.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to re-appoint the following:

Emergency Management	– James Frawley, Jeffrey Gusst, Robert Miles
Golf	- Joseph Daddario
Park & Recreation	- Michael Brody

#### 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 9:25 p.m.

Respectfully Submitted,



John Lewis, Secretary







**LOWER MAKEFIELD TOWNSHIP**  
**BOS MEETING - 03/15/23**  
**WARRANT LISTINGS**

A/P WARRANT LISTS	2/21/2023		3/6/2023		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund					
01- GENERAL FUND	384,316.38	9,855.65		97,667.23	491,839.26
02- STREET LIGHTS	3,110.46			73.22	3,183.68
03- FIRE SAFETY	2,680.93	100.00		514.65	3,295.58
04- HYDRANTS	215.50			12,429.05	12,644.55
05- PARK AND RECREATION	84,101.50			110,553.47	194,654.97
06- P & R FEE IN LIEU					-
07- RECREATION CAPITAL RESERVE					-
08- SEWER			21,390.00	8,162.00	29,552.00
09- POOL	100,206.50			9,051.01	109,257.51
11- TRAFFIC IMPACT					-
15- GOLF COURSE					-
18- SEWER CAPITAL PROJECTS				22,176.64	22,176.64
19- SPECIAL PROJECTS				219,635.61	219,635.61
20- DEBT SERVICE					-
21- REGENCY BRIDGE	10,839.86				10,839.86
30- CAPITAL RESERVE	24,010.25			1,041,552.26	1,065,562.51
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND					-
35- LIQUID FUELS					-
36- ROAD MACHINERY FUND	17,221.61				17,221.61
40- 9/11 MEMORIAL	1,447.77			492.01	1,939.78
45- PATTERSON FARM	900.00			378.00	1,278.00
50- AMBULANCE/RESCUE SQUAD					-
84- DEVELOPER ESCROW					-
91- UNEMPLOYMENT					-
	629,050.76	9,955.65	21,390.00	1,522,685.15	
	<b>\$639,006.41</b>		<b>\$1,544,075.15</b>		<b>\$2,183,081.56</b>

  
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 John B. Lewis

  
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 James McCartney

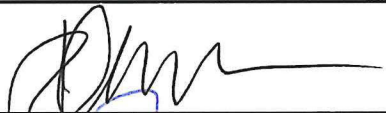
  
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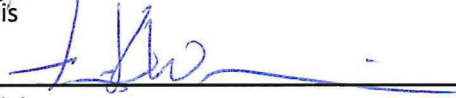
  
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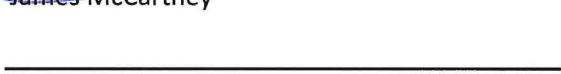
**LOWER MAKEFIELD TOWNSHIP**  
**BOS MEETING - 03/15/2023**  
**INTERFUND TRANSFERS**

<b>DECEMBER 2022 PAYROLL AND INTERFUND TRANSFERS</b>	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	844,846.44
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	5,150.56
GENERAL FUND TO SPECIAL PROJECTS FUND	125,000.00
GENERAL FUND TO DEBT SERVICE FUND	500.00
GENERAL FUND TO 9-11 MEMORIAL FUND	13,000.00
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	470.76
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,958.80
PARKS AND RECREATION FUND TO SPECIAL PROJECTS FUND	14,750.00
PARKS AND RECREATION FUND TO DEBT SERVICE FUND	173,757.00
08- SEWER FUND CHECKING TO GENERAL FUND	100,000.00
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,036.65
12- AMERICAN RESCUE PLAN FUNDING TO POOL FUND	89,051.81
AMERICAN RESCUE PLAN FUNDING TO SPECIAL PROJECTS FUND	237,750.00
AMERICAN RESCUE PLAN FUNDING TO CAPITAL RESERVE FUND	72,783.56
15- GOLF COURSE FUND TO GENERAL FUND CHECKING	400,000.00
GOLF COURSE FUND TO PARKS CAPITAL RESERVE CHECKING	205,000.00
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT	9,765.48
	<b>2,294,821.06</b>

  
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 Daniel R. Grenier

**LOWER MAKEFIELD TOWNSHIP**  
**BOS MEETING - 03/15/2023**  
**INTERFUND TRANSFERS**

<b>JANUARY 2023 PAYROLL AND INTERFUND TRANSFERS</b>	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	851,990.54
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	5,625.04
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	484.90
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,853.04
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,044.17
	<b>860,997.69</b>

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