

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 18, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 18, 2023. Ms. Blundi called the meeting to order at 7:35 p.m.

Those present:

Board of Supervisors: Suzanne Blundi, Acting Chair
Daniel Grenier, Acting Vice Chair
John B. Lewis, Secretary
James McCartney, Treasurer
Colin W. Coyle, Supervisor

Others: David W. Kratzer, Jr., Township Manager
David Truelove, Township Solicitor
Isaac Kessler, Township Engineer
Kenneth Coluzzi, Chief of Police
Derek Fuller, Public Works Director
James Majewski, Community Development Director

COMMUNITY ANNOUNCEMENTS

Mr. Coyle stated the attacks in Israel on October 7 and the ensuing unrest in the Middle East has had great impacts on our local community many of whom have family and other ties to the region. He stated we share in the grief of all those impacted in Lower Makefield. Residents looking for ways to help locally should consider donating to any of our many local Synagogues, many of whom have incurred significant increases in security costs in the intervening weeks. He stated may the memory of all those who are lost be a blessing in both these dark and in more peaceful times.

Ms. Blundi asked for a moment of silence for all those who have been impacted over the last week and a half.

Ms. Blundi stated LMT's Environmental Advisory Council is looking for people to help them revitalize our Bird Town Program. If you want to be part of a local group making the Bird Town PA goals a reality in LMT, contact Jeanne Bray at jjyardley56@gail.com.

Ms. Blundi stated the Environmental Advisory Council will be hosting their Styrofoam and Recycling Event on Saturday, October 28, 2023, from 10:00 a.m. to noon at the Township Building.

Ms. Blundi stated Lower Makefield Township will be having probably our last Blood Drive of this year for the Red Cross on Friday, November 3, 2023 from 12:00 p.m. to 5:00 p.m.

Ms. Blundi stated Lower Makefield is hosting their Third Annual "Race the Course 5K/10K" on Friday, November 3, 2023 at 4:30 p.m. at the Makefield Highlands Golf Course. For more information or to register you can go to www.runtheday.com/register.

Ms. Blundi stated the Annual Veterans Parade and Ceremony will be celebrated on November 4, 2023 with the Lower Makefield Veterans Committee. The Parade will run along Edgewood Road from Whitehall Drive to Heacock Road and will conclude with a Ceremony at Veterans Square. The Parade starts promptly at 1:00 p.m.

Ms. Blundi stated Lower Makefield Township and Yardley Borough will be hosting an e-Waste Recycling Event on Saturday, November 11, 2023 from 9:00 a.m. to 12:00 p.m. at the Pool at LMT. Additional information can be found on the Township Website. She thanked the Township Manager for working on this event.

Mr. Coyle stated tonight is Recognition Night for PAA, the local baseball and softball league; and he congratulated the various members, coaches, and staff of the seven Championship Teams for the 2023 season.

There were no residents or anyone from any youth organizations wishing to make an announcement at this time.

APPROVAL OF MINUTES FOR OCTOBER 4, 2023

Mr. Lewis moved and Mr. Grenier seconded to approve the Minutes of October 4, 2023 as written. Motion carried unanimously. Mr. McCartney was not available for the vote.

NATURAL LANDS SNIPES PROPERTY PRESENTATION

Ms. Kelsey Boyd, Stewardship Planning Program Manager at Natural Lands, was present. She stated Natural Lands is an environmental non-profit based in southeastern Pennsylvania and southern New Jersey. Their mission is saving open space, caring for nature, and connecting people with the outdoors. She stated they work with Municipalities to help them better understand and manage their open spaces.

Ms. Boyd stated the purpose of the assessment was to look at the current condition of the existing natural resources at the Snipes property, which was done through both site visits and looking at available data which included mapping data and background information provided by the Township and the Pennsylvania Natural Diversity Index Report. Ms. Boyd stated from the assessment she worked to determine priorities of natural areas based on the current ecological condition and their importance.

Ms. Boyd stated the Snipes property is a 35-acre property, and she showed the location of the property in gray on a map. She stated it is off of 295. She showed an aerial from 2018 which shows a lot of trees on the property as well as shrubs, meadow areas, and a driveway coming through and making a loop through the property to the salt barn. A photo from 1968 was shown which shows that the area had been cleared for agriculture, and there was no natural vegetation; and this shows that we would not expect to see old mature trees or other plants on the property.

Ms. Boyd showed a map of the current vegetation on the site. She stated for the site visits, she spent two days walking the entire property looking at the individual plant species and grouped them into different types of plant communities based on the cover type such as forest, meadow, wetlands, and shrublands, and if it was wet or dry conditions. She stated she found five different plant communities – conifer forests shown in dark brown, meadows shown in the lighter yellow, mixed-hardwood forests, which cover the majority of the property, shown in green, shrublands and woodlands in the center, and wetlands.

Ms. Boyd stated the conifer forest is the most direct connection to the past as a Christmas tree farm. She stated there are very few different types of native plants in this area, and it is mostly the same type of conifer trees planted in rows.

Ms. Boyd stated native plants are plants which have historically been in this area, pre-European colonization. She stated they have evolved here so that they are in balance with other native plants and wildlife to form our eco-system. She stated in contrast, we have exotic plants which have been introduced either intentionally or unintentionally that do not have the same connection to the history of the eco-systems and the land. Ms. Boyd stated within the exotic species are also invasive species which are aggressive, exotic plants. She stated they out-compete our native plants, and they can smother them, push them out, and re-populate quickly so they have a tendency to take over an area. She stated that is an issue because they provide poorer-quality habitat, and our wildlife has not evolved with these plants, and they do not provide the same food benefits.

Ms. Boyd stated the conifer forest does have some native trees in the canopy; however, the understory is heavily-invaded by invasive plants. She stated because the area was planted for Christmas trees, they are shading each other out and are outgrowing what was the original intention, and they are dying off as they shade each other out. She stated the invasive plants then move in further. She stated this is not a good quality area on the property.

Ms. Boyd stated the meadows provide better quality habitat compared to the conifer forest. She stated there are a few main areas of meadow, and the central meadow is primarily native plants. The meadow to the east/*the southern end is similar and has a lot of native plants; but when you go to the northern half, you get more invasive plants and it is not as good a quality.* She stated around the salt barn there is a heavily-invaded patch of meadow that does not have ecological value. Ms. Boyd stated overall the meadows do provide habitat particularly for birds and pollinators.

Ms. Boyd stated the mixed-hardwood forest covers the majority of the property, and there is a range of quality throughout these areas. She stated there are some high-quality areas that have a lot of native trees in the canopy, in the understory, and the herbaceous groundcover; but there are also other areas in the mixed-hardwood forest which are more heavily-invaded with invasive shrubs and vines.

Ms. Boyd stated there are also woodlands/shrublands, and she showed a photo of an example of this area which is an open area with mostly native herbaceous plants; but there are shrubs moving in which are mostly invasive shrubs. There are scattered trees on the site which are primarily natives. She stated this provides habitat diversity with birds in the trees and open areas.

Ms. Boyd stated there is a manmade, wetlands area with a majority of native plants; and this provides habitat diversity as there are some species that thrive more in this type of environment. She stated this is not technically an identified wetlands as there are specific qualifications for what is considered a wetlands in terms of Permitting and legality. She stated they would need more expertise to determine if this is a wetlands, and the Township should have an expert come in to test the soils and check the vegetation; and at this point it is not a technically-classified wetlands. Mr. Grenier stated a Jurisdictional Determination was not done based on the 1987 Corps Manual Regional Supplements, and Ms. Boyd agreed.

Ms. Boyd noted the Pennsylvania Natural Diversity Index Report (PNDI Report). She stated this Report takes an area, and you submit it to four different agencies for screening to see if there are any species of concern that are threatened, endangered, or rare species of both plants and animals. She stated two items did come up one being the potential for bat habitats although it was not a definitive listing. She stated what you would look for would be large diameter trees and then specifically hickory trees. Ms. Boyd stated because the area had been cleared for agriculture, there are not a lot of large diameter trees so it is not currently prime bat habitat. Mr. Grenier asked the particular type of bat; and Ms. Boyd stated she does not believe the actual species were called out in the Report. Mr. Grenier stated they would not be called out in the PNDI, but they would be in U.S. Fish and Wildlife, although he is not sure that Ms. Boyd went through them. Ms. Boyd stated it did not go through that source.

Ms. Boyd stated the other item that was flagged was that if there are wetlands on the property, there is a non-disturbance buffer that should be enacted around the wetlands. She stated because this is not an identified wetlands, that would not kick into effect; but if it is found to be a wetlands, the Township should take that into consideration.

Ms. Boyd stated she did not do an extensive survey of the wildlife as the focus was on plants, but she was able to identify different common bird species through the Merlin Bird ID App. She stated she also saw evidence of deer, fox, and squirrels on the property.

Ms. Boyd stated all of the vegetation on the property as a whole working together provides benefits such as carbon storage, stormwater management, and scenic views.

Ms. Boyd stated she prioritized the different areas within the property, and she broke them into four different categories based on the ecological quality. She stated the rankings are relative to other areas within the property, and it is not a comparison to other Municipally-owned properties or to rare and threatened plant communities in other areas; and it is just specifically a comparison of better to poorer-quality within the actual property.

Ms. Boyd stated in general, there were not any exceptional areas or species that were identified on the site. She stated the PNDI Report did not flag anything, and the site visits did not reveal anything exceptional on the property. She stated the highest-quality areas were in the south/central region; and they had better ecological qualities, were more intact, and less degraded. She stated if the Township wanted to manage those areas for natural resources, they would require less stewardship resources to maintain them. She stated the lower-quality areas would require more resources to manage as natural areas.

Ms. Boyd showed a map of the priority areas. She stated the dark green in the lowest south/central area is the highest priority. The yellow is the medium to high-priority area. The orange is medium to low-priority area. The red is low. She stated the white circle is the buffer that would be around the wetlands if it was found to be technically a wetlands; and that buffer would become a high-priority area because of that.

Ms. Boyd stated the high-priority areas include the better quality forests which are the forests with fewer invasive plants, have a better canopy, and have more diversity. She stated the central meadow had better native plant diversity and fewer invasives. She stated the wetlands was also included in this area. She stated they have more native plants with better structural diversity, and they provide better quality habitat.

Ms. Boyd stated the yellow areas on the map toward the center of the property are the medium to high-priority areas. She stated they include the southeastern meadow which is similar to the central meadow, but it is not surrounded by as high a quality area. She stated the woodlands/shrublands are also included, and have moderate invasive pressure, but more native plants.

Ms. Boyd showed the medium-to low areas which are patchwork across the property. She stated they include the northeastern meadow which has a higher percentage of invasive plants and it includes some of the mixed hardwood forest specifically areas that have a lower diversity of native plants and

more invasive pressure particularly vines. She stated there might also be canopy gaps opening up where trees have died off and no new native plants are coming in from the understory, and there is less diversity overall.

Ms. Boyd stated across the entire property, regeneration of native plants and new native plants coming in was fairly low probably due to high deer pressure which is very common in the area.

Ms. Boyd stated the low-priority areas are the areas in red on the map, and these include the conifer forest which has low diversity, with some of the trees dying off, and invasives coming in. It also includes sections of the mixed-hardwood forest particularly areas that have canopy gaps from ash tree die-offs, and those are not being replaced by native regeneration. She noted in the bottom right on the slide a fallen tree with a large open area and invasive vines coming in. She stated there is also an area of invasive wisteria, which is a very aggressive vine, shown in the top right of the slide, which has completely overtaken an area and is forming a thick mound on the ground and growing up into the trees and is severely compromising the area and the health of the canopy trees. Ms. Boyd stated also included in the low-priority area is the meadow area around the salt barn because it is primarily invasive plants, and there are not a lot of native plants in that area. She stated overall these areas have compromised sustainability, and they are likely to continue to degrade over time without a lot of active management.

Ms. Boyd stated overall there are moderate-quality ecological conditions across the site. She provided her contact information if anyone wishes to contact her at a later time.

Mr. McCartney stated it seems that if the property were left alone it would essentially become a non-native area, and Ms. Boyd stated there is a very strong likelihood of that happening. She stated the invasive plants are already there, and you can already see areas where they are becoming dominant. She stated without native regeneration, any openings will likely be taken over by the invasive plants particularly in the forest areas. She stated the meadows may have a better chance because they have a higher percentage of native plants, but the deer are suppressing any native regeneration. She stated combined with the invasives, it is a potential downhill trajectory without active management. She added that is very common in the region, and active management is the best opportunity to sustain the site.

Mr. McCartney asked Ms. Boyd if she knows what percentage of the property is non-native versus native, and Ms. Boyd stated she does not know the percentage and it does vary across the property. She stated the meadows are a much higher percentage of natives, and she would estimate that they would be three-quarters native. She stated when you get into the conifer forest, the understory is probably 75% invasive.

Mr. McCartney stated he understands that we allow hunting on this property but only on Saturdays, and Mr. Kratzer stated he believes that is correct. Mr. McCartney asked if there is a reason it is only done one day a week, and Mr. Kratzer stated he believes it had to do with the proximity to the Schools, but he would have to verify that.

Mr. Lewis asked Ms. Boyd if she looked at the “mass at the bottom with the nuts, etc.” Ms. Boyd stated where she could she did look as leaves and seeds which are good identifiers. She stated it also depends on the season and what has “been eaten and what is able to be seen.” Mr. Lewis asked about smaller animals. He stated deer are a significant challenge for us. Ms. Boyd stated she saw fox scat and saw squirrels and birds. She stated she did not see any rabbits, but it does not mean that they are not there. She stated it is dense when you get into the meadow and in the forest where there are invasive plants, it gets thick as well so there are places where smaller animals could hide.

Mr. Lewis asked Ms. Boyd if she has any thoughts on techniques that we should be considering to remove additional deer from the area. Ms. Boyd stated typically they recommend continuing with deer removal with a Permitted hunt. She stated on Natural Lands Preserves, they do a Permitted hunt where they allow a certain number of hunters per property who go through a safety test, and they have to be Permitted. She stated they also have additional rules and regulations in addition to what any hunter would have to follow in the State. She stated there are also sharpshooters who can come in to take care of the property, but that needs to go through the PA Game Commission, and they have certain qualifications that must be gone through for them to make a decision on whether that is allowed. Ms. Boyd stated there is already hunting on this property, so that makes a case for needing additional measures. Ms. Boyd stated some people try fencing in the entire property with fencing of a sufficient height, but that is costly and difficult to maintain. She stated if the Township decides to do plantings within the property individual trees, shrubs, or areas could be fenced in.

Mr. Lewis asked Ms. Boyd if she observed any eagles, as he knows there have been some in that area. Ms. Boyd stated she did not, but she was only there for two days. She also did not see any eagles nests. She stated she did check the data base which is maintained as to where nests have been sighted, but there were none on Snipes although there were some in the general vicinity.

Mr. Lewis stated according to the mapping the southeastern corner of the property showed a red section and a yellow section. He stated we have stormwater management issues in that area. He asked Ms. Boyd if, based on what she saw, does she have recommendations on what we should be considering to improve stormwater management in that specific quadrant or throughout the whole property. Ms. Boyd stated the area closest to the road was called out as a low-priority area because there is a lot of mowed area and it is open. She stated in general vegetation like shrubs and trees can help slow groundwater and help it infiltrate into the ground better. She stated converting it out of lawn would be one recommendation for a natural approach.

Mr. Lewis asked if there are other areas where she would encourage the Township to look at stormwater features. Ms. Boyd stated she is not a stormwater expert, but she knows there are options that could be considered. She stated because that is not her area of expertise, she would not want to give too many recommendations.

Mr. Lewis asked Ms. Boyd if there were any people on the site when she was there for the two days. Ms. Boyd stated Township staff was there, but there were no other people on the site.

Mr. Grenier stated the Township engineers and others have done a number of studies at this site including geo-technical analysis, soil samples, infiltration testing, and “maybe some tree surveys. He asked Ms. Boyd if she reviewed any of those previous reports. Ms. Boyd stated she did look through the previous reports; however, the focus of this was really what are the natural features that are currently there and what is their quality. She stated it was not where stormwater could go or that type of assessment. Mr. Grenier stated the southeast corner is underlaid by very shallow rock so infiltration is “terrible, and that is why they did not put that big basin there.”

Mr. Grenier asked Ms. Boyd what she found from a soils perspective, and Ms. Boyd stated she did look at the soils looking to see if they were hydric soils and if there was any geology that was unique such as a “serpentine or

anything like that.” She stated there are partially hydric soils that she found in the northern corner of the triangle, but that was it. Mr. Coyle asked what a hydric soil is for the benefit of those who do not know what it is. Mr. Grenier stated it is a soil that supports potential wetland habitat so it stays wet more than not.

Mr. Grenier stated while it was not in the scope, he does not believe a formal tree survey was done; and Ms. Boyd stated that was not part of the scope. Mr. Grenier asked Ms. Boyd if she had any recommendations for additional studies to be done in the future. Ms. Boyd stated that was not part of the scope; and aside from the wetlands issue that she already discussed, she has no recommendations for future studies to be done.

Mr. Grenier asked if the wetlands are a little less than a quarter acre, and Ms. Boyd agreed. Mr. Grenier stated he saw that it was primarily cattails and some standing water; and Ms. Boyd agreed adding that there are some rushes in there as well.

Mr. Grenier stated he feels this is useful information that we can use to do future studies to further establish what is there and what we can do with it per the Township Code and what would be required for Permitting.

Mr. Grenier stated deer browsing has a negative effect. He stated in our Township we have established a Tree Bank, and we are currently developing a Tree Planting Plan. He stated he would like to know about places and approaches that would be recommended for this tract in the future to augment the existing trees with trees, understory shrubs, etc. to try to better manage the invasives that are coming in. Ms. Boyd stated in terms of better managing invasives, you can try to do plantings that take up growing space; but you also want to tackle the invasives specifically as well, and take specific control measures to directly address them and free up growing space for natives to either be planted or grow in. She stated a vine will try to smother any tree/sapling that is put in if it is not managed. She stated for stewardship in general, the recommendation is to start with tree plantings in the highest priority areas which are those which are most-ecologically intact. She stated the Township could start with some of the mixed-hardwood forests to establish an understory with trees that could replace the canopy trees, and to support natural succession.

Ms. Boyd stated another area to look into is the larger southeastern corner; and if you can control the invasives there, that is where you are getting more canopy gap mixed in with the native plants. She stated if you can replace the trees that are dying off and take up the sunlight, the trees will provide less light for the invasive plants in the understory which will help as well.

ENGINEER'S REPORT

Approve Change Order #1 for the South Drive Culvert Replacement Project in the Amount of \$5,230.03

Mr. Kessler stated this is a slight addition to the Contract and includes the removal of a tree that was determined to be in conflict with the construction and installation of the culvert and the wing walls. He stated the original Contract value was \$176,568; and with this Change Order for the cost for removing the tree, the revised full Contact value will be \$181,798.03.

Mr. Grenier moved and Mr. Lewis seconded to approve Change Order #1 for the South Drive culvert Replacement Project in the amount of \$5,230.03.

Mr. Grenier asked if we expect any other Change Orders; and Mr. Kessler stated we do not from the Plans we have for the Contract, but we did run into an unforeseen water line with the Water Company that was in there which caused a delay with the work scheduled with the contractor, and we are currently working through any costs related to that. He stated that is not necessarily a cost put on the Township and will be coordinated with the delay caused by the utility company.

Motion carried unanimously.

Approval of Pay Application #1 for the South Drive Culvert Replacement Project in the Amount of \$62,302.55

Mr. Kessler stated this includes payments to the contractor for work that has been completed to date and verified by the inspection team. He stated it includes the tree removal that was part of Change Order #1 because that is completed work. He stated after this payment with the Revised Contract value, the remaining Contract amount is \$119,495.48. He stated work is continuing, and they anticipate a payment upcoming as the project continues.

Mr. Grenier moved and Mr. Lewis seconded to approve Pay Application #1 for the South Drive Culvert Replacement Project in the amount of \$62,302.55.

Mr. Grenier asked Mr. Kessler if the work was inspected and found sufficient relative to this item, and Mr. Kessler stated everything was verified as complete.

Motion carried unanimously.

Engineer's Report Items

Mr. Grenier stated at the last meeting we discussed the inlet on the southern entrance to Maplevale and when and how that would be fixed, and he asked for an update. Mr. Kessler stated they have been coordinating with Mr. Fuller on this. He stated they looked at the option of completely replacing the box and top that had failed at the north side of the intersection. He stated rather than going through the process of getting a specially-ordered box and top, they have been able to provide a detail of how to modify the existing one which would thicken the inner walls of the inlet box which will give the support that the top needs. Mr. Kessler stated the reason why it has shifted back is the type of top that is placed on both of those was moved back a little more to be in line with the curb line on both sides. He stated Mr. Fuller has provided the detail to the contractor who typically assists on these types of repairs, and we anticipate having an answer with costs from that contractor in the very near future so that it can be scheduled and completed. Mr. Kessler stated the modifications to the box will be done in the field rather than having to replace any of the structures. Mr. Fuller stated it is anticipated to be completed within a week.

Mr. Grenier asked for an update on the Hillwood Terrance/Highland Drive/Taylorville area. Mr. Kessler stated at the last meeting they had indicated that they were finalizing the plans for the lay-out of the additional inlets and pipes and looking at the culvert structure that goes underneath Highland Drive near Taylorville. He stated those plans have been finalized and presented to the Township staff, and they anticipate getting some feedback. He stated they are scheduled to review that tomorrow morning with the staff; and following that, they look toward packaging that together. He stated they anticipate at the next or subsequent Board meeting to have a request before the Board and eventually for it to go out to public Bid.

Mr. Kessler stated with regard to the Permitting they had a meeting with the DEP and the Army Corps on October 12 along with Township staff. He stated they were provided direction as to what would be needed in the Applications, and it will be a GP3 Permit for each of the stream segments that we are looking at to do the additional gravel bar clearing, etc. He stated they want to see photos of where the main clearing will be done, and they want to have a walk through to identify if there are wetland boundaries associated with this. He stated he is looking to submit what is required this month so that they can go through their review process and get it back to the Township.

Mr. Grenier stated some of the properties we were looking at previously were on private properties where the stream went through, and he asked if we are still looking at doing work on the stream where it flows through the private properties. He also asked if we are doing that do we need to get those land-owners to be co-signers of the Permit Applications. Mr. Kratzer stated at this point he believes that we are limited to publicly-owned lands although that is not to suggest that we will not look at opportunities on private property. He stated the areas that are currently being Permitted are the areas that we own. Mr. Kessler agreed. Mr. Kessler stated it was clarified at the meeting that for any areas that might involve private property, you would have to go through Easements and get that agreed upon with the property owners before going into those areas; so in order to be as prudent as possible, for these Permits we are going to look at just the Township-owned areas. Mr. Grenier asked if that would be where the basins are next to Prospect Farms and the parcel across Taylorsville adjacent to the bridge just north of Maplevale, and Mr. Kessler agreed. He stated the other one is the one that follows the on-ramp to 295.

Mr. Kratzer stated related to the Permitting issue the Township and Land Studies are looking at the potential of doing a watershed-wide Permit so that we could get beyond these individual Permitting requirements. He stated the Central Office in particular has engaged in those kinds of approaches, and they have informally started conversations with the DEP Central Office in Harrisburg about the potential of doing a broader Permit that would provide us with some additional flexibilities as we move forward.

Mr. Grenier stated the listening event that was held on October 11 with Land Studies and Township staff went really well, and there was a lot of good information sharing. He stated he saw pictures and videos of major flooding and flows that were coming down Dolington in areas that he was not aware of personally. He stated they were even stronger flows than he saw on Highland.

Mr. Grenier thanked all those who participated, and he asked the public to provide any information, photos, videos, etc. that they have to the Township at admin@lmt.org since we are using that information, and there will be follow-up in the future.

Ms. Laurena Stoddard, 220 Meadow Drive, stated it was indicated that they finished a design for Highland and Terrace with drainage. Mr. Kessler stated it is specifically for where Highland comes down to Taylorsville. He stated the design has been provided to the Township staff, and the next step is to look at it with the Township tomorrow. He stated they will then follow up with the neighborhood and discuss it with the Supervisors at the next meeting. Ms. Stoddard stated “we would all love to see the design before you build it like the other catastrophe we had.” Mr. Kessler stated it is their intent to have additional feedback from residents prior to any official finalizing of the plans to put them out to Bid.

MANAGER’S REPORT

Approval to Authorize Advertisement of Ordinance to Amend the Lower Makefield Township Subdivision and Land Development Ordinance Relating to Open Space Requirements

Mr. Kratzer stated the Ordinance is a companion Ordinance to the modifications that were made earlier in the year to the Zoning Ordinance with regard to requirements related to open space management plans, etc. Mr. Kratzer stated this has been reviewed by the Township Planning Commission, the Bucks County Planning Commission, and the EAC.

Mr. Majewski stated the Planning Commission reviewed the amendments to the SALDO portion of this Ordinance primarily for the definition of open space and a few other miscellaneous items. He stated at their August 14 meeting, the Planning Commission voted to recommend that the Board adopt the Ordinance provisions provided that we comply with Comments #1 and #3 from the Bucks County Planning Commission which related to the definition of unremediated landfills and that we specify a Registered landscape architect should be looking at some of the landscape provisions.

Mr. Majewski stated the EAC also issued a review memo on October 12. He stated their first comment was that they were concerned about the use of any recreational facilities on designated open space. He stated they wanted to make sure that the definition was revised so that any tree removal or impervious surface should be kept to a minimum, and that there should be no development on resource-protected land. Mr. Majewski added you would not be allowed to develop on resource-protected land.

Mr. Majewski stated their other comment was about public access to the designated open space, and the EAC stated that there may be situations where limiting public access is justified such as when the designated open space is on Farmland Preservation property, is environmentally-sensitive resource-protected land, or there is no means by which the public could access the property without trespassing. He stated the EAC felt that it should be a general rule that the public should have access to designated open space. Mr. Majewski stated there was a long discussion about this by the Planning Commission and the Board of Supervisors when they did the Zoning Ordinance Amendment for Open Space; and the result was provided that we have the proper mechanism in place whether it be open space owned by the public (the Township), by an entity that is viable such as a Homeowners' Association, or some other form such as Farmland Preservation that access would be dependent upon who owns it and what type of land it is.

Mr. Majewski stated there is to be a consistency between the Zoning Ordinance and the Subdivision and Land Development Ordinance with this Amendment.

Mr. Grenier stated the other item that the EAC mentioned in a different part of their letter was that they would like us to consider that this apply to tracts of less than ten acres in size, and they suggested tracts of three or four acres. Mr. Grenier stated he does not know how viable that would be from a legal perspective. Mr. Truelove stated that might be considered substantive which means that it would have to go back and be reviewed. Mr. Kratzer stated we would also have to amend the Zoning Ordinance to create consistency between the two documents which currently limits the applicability to parcels of ten acres or more. Mr. Coyle stated this was discussed extensively at the Planning Commission level, and the opinion of Ms. Kirk was that was a substantial limitation on the smaller parcels and would be subject to legal challenge.

Ms. Blundi asked if the recommendation of the EAC was that the public should be allowed to access Farmland Preservation land; and Mr. Majewski stated their recommendation was that land should be accessible unless it was something like environmentally-sensitive property or Farmland Preservation land.

Mr. Grenier stated generally they are recommending that the public should have access to open space; however, in certain situations such as Farmland Preservation land, it is okay that the public does not have access.

Mr. Coyle stated he feels the pertinent sentence in the EAC letter is: “Any proposal to restrict public access to the designated open space, needs a justification.” He stated that was discussed extensively for several months by the Planning Commission, and ultimately it was decided that these were not public lands, and we could not recommend that you require public access to them.

Mr. McCartney asked if there were any particular properties that the EAC was targeting as far as trying to get this verbiage put in. Mr. Grenier stated the concept around it was that they wanted to make sure that open space, to the extent that we can, is publicly-accessible so that it is not just an amenity for an HOA, etc. and that open space remain public in nature whether it is through a Conservation Easement or “something else that is then given over to the County or whoever else may take ownership of it.” Mr. McCartney stated specifically they were looking for future development that *dedicates open space to be accessible to the public in general*, and Mr. Grenier agreed.

Ms. Blundi asked if there is a need for a separate Motion since we are changing it from approval to authorizing advertisement; and Mr. Truelove stated it is not necessary to have a separate Motion since notice on the issue has already been provided on the Agenda.

Mr. Coyle moved and Mr. Grenier seconded to approve advertisement of the Amendments to Chapter 178 SALDO Standards in the Residential Zoning Districts without modification.

Mr. Grenier stated he understands advertisement does not mean that we could not change it if we wanted to although we may have to re-advertise, and Mr. Truelove agreed. Mr. Grenier stated he appreciates all the work that has been done by the staff, the Planning Commission, the EAC, and others that have had input in this. He stated he shares the EAC’s perspective generally to make sure that open space remains open to the public to the extent practical and safe.

Mr. Grenier asked Mr. Majewski about the definition of open space, and he asked if an HOA or a developer were to propose an area that had basketball courts or turf fields, etc. that would be more of an area that is impervious would that be considered open space. Mr. Majewski stated it would be considered open space. He stated recreational facilities such as a pickleball court would be considered part of open space. Mr. Grenier stated he has an issue with that as he feels when we discuss the benefits of open space and what we are trying to do relative to stormwater management, improve habitat, etc. he does not agree with the concept that a swimming pool, basketball court, or turf ballfields that are heavily managed should be considered open space. He stated while they provide a recreational benefit, he would not personally consider that to be open space that meets the goals of open space preservation, to reduce impacts through stormwater management, and to make sure that we have better habitats throughout the Township. He stated he feels putting more impervious areas and clearing more trees defeats the purpose of the open space definition.

Mr. Grenier moved to Amend the Motion to remove impervious areas and cleared areas from the definition of open space.

Ms. Blundi asked Mr. Grenier if he is suggesting changing the definition of open space in this Ordinance but not for the Township as a whole. Mr. Grenier stated he feels that we need to change it across the board. Ms. Blundi stated we could not change the definition across the Township in this particular Ordinance since this Ordinance does not own the definition of open space. Mr. Grenier stated we can then go through every Ordinance that we have and change the definition to be consistent.

Mr. Truelove stated if the Board wants to do that, they would want to list all of the different Ordinances where open space is noted, and then have an Ordinance to amend all of those at one time. Mr. Grenier stated it would be more efficient if we could do that. Mr. Lewis stated we could do a quick search on the "E Code" for that and find everything. Mr. Lewis added that the challenge with open space is that as a term it is "two very general words." He stated we have had some flexibility as golf courses are considered open space. He stated we could consider that anything that is pervious that is recreational could count under that scenario as long as we agreed on whatever the standard was. He stated in years past there have been discussions at the Board level as to what would count as open space.

Ms. Blundi stated while she feels this is a great conversation, she does not feel it is germane to this Ordinance; and she feels it requires a lot of work which she would support doing but not at this time when we are considering this Motion.

Mr. Coyle stated in the Preamble to this, open space is defined; and he asked if it would be germane to propose the amendment to modify the definition of open space within this particular Ordinance. Mr. Kratzer stated this is a companion to a recently-adopted Zoning Ordinance amendment, so at a minimum they would have to create consistency of definition between those two that govern land-use activities. Mr. Coyle asked if it would be more appropriate to move this forward as it stands and then re-define open space; and Mr. Truelove stated that would be his suggestion especially since there have been conversations about stormwater management and other issues. He added he feels that there should be a comprehensive approach to this which would be an overview which everyone agrees needs to be looked at. Mr. Truelove stated one way to do that would be that open space does not include impervious surface regardless of whether or not it is for recreational purposes.

Mr. Lewis stated in addition to Section 178, it also appears in Section 200; and Mr. Kratzer stated that is the Zoning Ordinance. Mr. Lewis stated it is also in Section 141 and 167. Mr. Truelove stated you may want to define it in other spots as well. Mr. Coyle stated Mr. McLoone went through the existing Code extensively as part of the effort and identified all of the places where “these things” were referenced.

Mr. Grenier asked if there is a Definition Section in the Code that “everything can go back to and just define it there and reference back to the definition.” Mr. Truelove stated he feels every Chapter should have a Definition Section, or if it is for everything in the entire Code, you would want to refer back to a place with definitions. He stated that would be the most efficient and consistent way if all of the Ordinances that relate to open space refer back to the common place, and there would be no question as to what was the intent.

Mr. Grenier stated if we can start that conversation quickly given “other things that we are looking at,” he would be willing to rescind his request.

Mr. Truelove stated therefore the Motion as originally made still stands to advertise it as is.

Motion carried unanimously.

Approve Award of Leaf Collection Contractors

Mr. Fuller stated there are three contractors proposed for the 2023 leaf collection season – Corcoran Landscaping at \$184 an hour, Ken’s Lawn Service at \$184 an hour, and Marrazzo’s Manor Lane at \$194 an hour. He stated all of the contractors are returning contractors from last year, and there were no new Bidders. The costs are slightly increased for two of the contractors which was anticipated within the 2023 Budget for leaf collection.

Mr. Lewis moved and Mr. Grenier seconded to approve the award of the selection of leaf contractors subject to the recommendations of the Director of Public Works.

Mr. Grenier asked what the overall number would be for leaf collection. Mr. Fuller stated on these three contractors alone, we spend about \$155,000; and in addition to that there is the Township labor and services including our equipment as well as labor services brought in to help rake the leaves on the ground. He stated the estimate is \$450,000 although that does not include equipment and fuel costs. Mr. Grenier asked what is brought in through the Leaf Assessment, and Mr. Fuller stated we bring in approximately \$600,000. He stated trucks and fuel are not included in the \$450,000 Budgeted for this expense, but it is less than \$600,000.

Mr. Grenier stated a leaf collection schedule was published, but this is subject to change based on weather, etc. Mr. Fuller stated collection will start November 6. He stated as the week progresses another notice will be published, and his goal is to do weekly updates to let the residents know where we are in terms of the leaf collection. Mr. Grenier asked about reminding the residents about the rules surrounding leaf collection; and Mr. Fuller stated residents were reminded that the leaves are to be on the grass strip and not in the street. He stated they are also to be kept away from mailboxes, and they should not be put on top of storm drains. Mr. Grenier stated if large piles of leaves are put in the road if there is a two-lane road, one lane gets taken out. He stated there are also a lot of leaves found in storm inlets, and there have been a lot of discussions about stormwater. He stated the leaves quickly clog up the stormwater pipes and create backflow and flooding issues.

Mr. Lewis recommended that residents take note of when the leaves are to be picked up in the Zone in which they reside so that their leaves are out before they are scheduled to be picked up.

Mr. Coyle stated he has looked over the submissions including the Certificates of Liability Insurance, and they all indicate coverage of scheduled autos, and it indicates they are to list the year, vehicle model, and type of equipment. He asked Mr. Truelove if just listing the year and model is sufficient to identify a specific vehicle as a scheduled auto for liability purposes; and Mr. Truelove stated generally he believes that would be the case, and they would have to list those on their insurance anyway. Mr. Truelove stated if there is a concern about that, we can ask for more detail. Mr. Fuller stated these are all historic documents, and we require this to know what the contractors are showing up with to make sure that they are not under sizing their equipment from what our needs are. Mr. Coyle stated he was not seeing specific vehicles listed on the "COIs" and he wants to make sure that we are covered.

Motion carried unanimously.

General Announcements

Mr. Kratzer stated the CellCo Zoning Hearing Board Application has been *Continued to the January 16, 2024 meeting.*

Mr. Kratzer stated two Special Budget Meetings have been scheduled – one on October 25 beginning at 7:30 p.m. and the second on November 8 beginning at 6:30 p.m. Both meetings will be held in the Municipal Building and residents may also view and participate in those meetings on-line.

Mr. Kratzer stated we have received two separate requests from Township residents requesting modifications to existing Ordinances in the Township. One relates to amending regulations governing short-term rentals and the other concerns amending the requirements governing vacant and/or fore-closed properties. Mr. Kratzer stated we are starting to look at both of those issues and will ultimately report back to the Board of Supervisors on those with some suggested modifications where necessary provided that the Board has no objection to looking at those Ordinances.

Ms. Blundi stated with regard to short-term rentals, we were aggressive; and she thanked Mr. Lewis for his leadership on that. She stated we have amended it already, and it may be time not only to look at that area but to look more broadly to see if there are other efforts that can be taken to insure that the spirit of what we are trying to do is accomplished and not stay so narrow that we are just looking at long-term rental issues.

Mr. Kratzer stated we have started to have those conversations internally within the existing confines of the Ordinance. He stated the existing Ordinance requires twice annual inspections, and historically we have been lax on that. He stated the Board recently adopted a modification of the Ordinance that provides that if there are three violations of the Ordinance within a rolling five-year period there is the opportunity for permanent revocation of the short-term rental license. He stated Mr. Kirk will be sending correspondence to those who have registered short-term rentals in the community, and we will also do some research using Airbnb and other sites to try to identify short-term rentals within the community. He stated we intend to send notices to the property owners making them aware of the recent change to the Ordinance governing short-term rentals as it relates to the “three strikes and you are out rule,” and also reminding them of their obligation to schedule twice annual inspections. He stated there are certain requirements that are placed on those who are operating short-term rentals.

Mr. Coyle asked if there is a Fee that the owner pays for the inspection.

Mr. Kratzer stated there is a License Fee, and we could look at the appropriateness of the License Fee as we are going through updates to the Fee Schedule and the associated Ordinance. Mr. Coyle stated if they are paying the License Fee, he feels the owner would feel the inspection is something that he is owed by the Township. Mr. Kratzer stated we need to consider whether the Fee is sufficient to cover the cost associated with the time needed for the inspection.

Ms. Laurie Grey, resident, thanked Mr. Kratzer for clarifying the Special Budget Meetings. She stated on the Township Website, it indicates that the meeting on October 25 begins at 6:30 p.m., and Mr. Kratzer stated he will follow up on that. Ms. Grey stated the November 8 Budget meeting is not listed although other meetings in November are listed. Mr. Kratzer stated he will make sure that is reflected on the Website.

SOLICITOR’S REPORT

Mr. Truelove stated the Executive Session was held beginning at 6:30 p.m. and items discussed included Real Estate, litigation, and informational items.

ZONING HEARING BOARD MATTERS

With regard to Zoning Hearing Board Appeal #Z-23-2033 Steve Mellett for the property located at 1487 Merrick Road, Yardley, PA 19067, Tax Parcel #20-017-104 Variance request from Township Zoning Ordinance #200-69A(14)(c) in order to install a 5-foot high Aluminum fence in an Easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #Z-23-2035 Joseph Menard for the property located at 917 Putnam Drive, Yardley, PA 19067, Tax Parcel #20-025-152 Variance from Township Zoning Ordinance #200-23B in order to install a 390 square foot paver patio which would increase the impervious surface from the existing 23.1% to 25.4% where 18% is the allowable amount it was noted that there was no indication of any stormwater mitigation offset or efforts otherwise; and given some of the circumstances in the Township over the last several months, the Board of Supervisors has been taking a much more stringent view and opposition is recommended at this point.

Mr. Coyle moved and Mr. McCartney seconded that given the recent stormwater issues in the Township, we oppose the Appeal.

Mr. Grenier stated if the Zoning Hearing Board makes a recommendation for stormwater mitigation that could be integrated in the patio design and the Applicant agrees to that, it could cover what the Board of Supervisors is looking for. Mr. Truelove stated Ms. Kirk would understand that the reason for the opposition was stormwater mitigation; and if it appears that would be satisfied, opposition would not be necessary.

Mr. Lewis stated the Zoning Hearing Board is an independent body of the Board of Supervisors, it is quasi-Judicial, and they are free to make their own decisions. He stated because of stormwater management concerns the Board of Supervisors is going to be aggressive, but the Zoning Hearing Board has been consistently working with people for years in terms of ways to mitigate changes in impervious surface, and we have respect for their work in that area.

Mr. Lewis stated he believes that this Applicant “found a bug in OpenGov in how they could enter their Variance request, and we need to look into that.”

Mr. Majewski stated while he is not aware of that, he will look into it.

Mr. Kratzer stated we had previously discussed requiring Applicants to submit something with the Application as it relates to stormwater mitigation, and failure to do so would deem the Application incomplete. He stated he believes that by entering text in that field results in submission of the Application.

He stated the instruction to the Township staff from the Board of Supervisors was that a required element of any Application seeking to increase impervious surface is to provide stormwater mitigation, and the failure to provide that information at the time of submitting the Application constitutes an incomplete Application.

Mr. Majewski stated he looked at the Application, and the Applicant has submitted stormwater management mitigation. He stated what they are proposing is not what the Zoning Hearing Board prefers, and he knows that the Zoning Hearing Board will let them know that they prefer something more like a seepage bed or something more structural. He stated they did submit stormwater management as part of their Application. Mr. Kratzer stated it is all vegetation, and Mr. Majewski agreed. Mr. Majewski stated the Zoning Hearing Board typically prefers an infiltration trench, a rain garden, or something more permanent as opposed to just planting trees. He stated unless it is a very minor increase in impervious surface, the Zoning Hearing Board does not approve them without something more structural.

Mr. Grenier stated in this case the Applicant is going up 2.3% from what is there, but it ultimately it is 7.4% higher than what is allowable so it is fairly significant. Mr. Majewski stated typically for a property that is already significantly over what is allowed, the Zoning Hearing Board requires that they not only retain the water from what they are doing, but also to go back a couple percent or to what is the allowable amount depending on the nature of the Application. Mr. Grenier stated it is usually something that can be reasonably integrated into the design. Mr. Majewski agreed adding that while it is more money, once you start digging for a patio, etc. it is not an exorbitant amount to add stormwater management.

Mr. Lewis suggested that we continue with opposition just as a general principle given how the Board is having to deal with stormwater issues. He stated he believes that the Zoning Hearing Board will work out a solution that is effective for everyone. Mr. Grenier stated the Zoning Hearing Board has a good history of working with Applicants.

Mr. Truelove stated the opposition is for policy reasons and it is not targeted to this property; and if anyone else were to come in before the Board with a similar Application for their property and a lack of or minimal stormwater mitigation proposal, the Board would take the same stance for the same reasons.

Motion to oppose carried unanimously.

COMMUNITY DEVELOPMENT

Approve Pay Application #1 for the Regency Pedestrian Trail Project to T. Schiefer Contractors, Inc. in the Amount of \$200,483.10

Mr. Majewski stated this is for the work completed to date. He stated there is a 10% retainage for the work that had been completed and that is how we arrived at the \$200,483.10.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #1 for the Regency Pedestrian Trail Project to T. Schiefer Contractors, Inc. in the amount of \$200,483.10.

Mr. Grenier stated there has been a lot of discussion about various changes, and he asked if any work has been done relative to some of the changes that are being considered that are included in this Pay Application. He asked if not, do we have an understanding as to how much that will be relative to what is left in the Budget. Mr. Kratzer stated there are probably elements of this Pay Application that are subject to change based on modifications that have been talked about at prior meetings, but the contractor has implemented the improvements consistent with the drawings were released. Mr. Kratzer stated there is in excess of \$600,000 in the fund. Mr. Kratzer stated the Bid was less than what was anticipated so from an overall project Budget perspective, it is expected that it will come in Budget. Mr. Majewski stated overall even with the extra work that they will be doing, he believes that we will still be well within the Budget that has been outlined in 2023.

Motion carried unanimously.

SUPERVISORS REPORTS

Mr. Lewis thanked all those who came out to the Slate Hill Cemetery Tour on Sunday, adding they believe over 150 people attended. He stated the performances were excellent and provided those who attended with a sense of history. He thanked the Historical Commission for the work they did. He stated we hope to have a similar event next year.

Mr. McCartney stated as noted earlier the Zoning Hearing Board met last night and granted a Continuance to CellCo for the cell phone tower Application.

Mr. Grenier stated the EAC met and the landscape architect who is putting together the Township-wide Tree Planting Plan was in attendance, and there was a very productive discussion. Site walks will be held soon with the staff and the EAC. Mr. Kratzer stated the site walk took place on Friday, and the landscape architect visited the sites with Mr. Majewski and Ms. Dharmavaram. Mr. Grenier stated the Trenton-Mercer Airport Review Board met and reviewed the draft letter, but had no further comments; and the Township Manager should be able to send that letter out soon. Mr. Grenier thanked everyone who came out to the Listening Session on October 11 to discuss stormwater management issues.

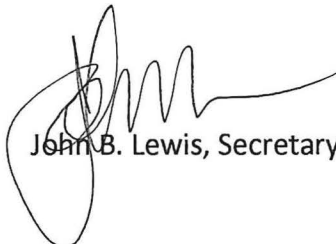
Mr. Coyle stated his Boards have not met since his appointment, and he looks forward to meeting them very soon.

PUBLIC COMMENT

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

There being no further business, the meeting was adjourned at 9:12 p.m.

Respectfully Submitted,



John B. Lewis, Secretary

