

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

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 15, 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

Others: David W. Kratzer, Jr., Township Manager
David Truelove, Township Solicitor
Isaac Kessler, Township Engineer
Kenneth Coluzzi, Chief of Police

Absent: Colin Coyle, Supervisor

COMMUNITY ANNOUNCEMENT

Ms. Blundi stated during this portion of the Agenda residents and Youth Organizations may call in to make a special announcement or contact the Township at admin@lmt.org to request a special announcement be added to the Agenda. There was no one wishing to make an announcement at this time.

Ms. Blundi stated that the e-Waste Recycling Event took place on Saturday. Mr. Kratzer stated it was a successful event which was funded through a Grant that Bucks County makes available, and the cost associated with the event will be entirely reimbursed through the County program. He added we are looking at the potential of hosting these events jointly with Yardley Borough in the coming year, but we are waiting to hear if that Grant program will be continued by the County. Ms. Blundi stated this is something the Township used to do, and she thanked Mr. Kratzer for getting the Grant and working with Yardley Borough.

Mr. McCartney stated Patterson Farm Preservation has partnered with Common-place Reader Book Store in Yardley to collect Toys for Tots for the holiday season. He stated there is a Toys for Tots donation box there, and their address is 49 South Main Street in Yardley. He stated all donations are appreciated.

Mr. Kessler stated another item is the additional by-pass pumping for a week's time that was related to PA America Water's work of re-locating their utility. He stated the PA America Water Company has confirmed that they have paid that to the Township. He stated that while that is in this Change Order for the Township to approve for the contractor's payment, it has already been paid to the Township; and we "relay that payment" to the contractor for the work on site while the Water Company was doing the week-long relocation. Mr. Kessler stated that is about 50% of the total being shown tonight, and it is \$38,046.48 out of the total Change Order of \$76,900.58.

Mr. Lewis moved and Mr. Grenier seconded to approve Change Order #2 for the South Drive Culvert Replacement Project in the amount of \$76,900.58.

Mr. Grenier asked Mr. Kessler if the Township incurred any direct cost for any of the work just discussed or was it completely covered by PA American Water; and Mr. Kessler stated it was completely covered by PA American Water. Mr. Lewis stated this was a One Call issue. He stated the Township made the call, but One Call did not correctly identify the location of the water main. Mr. Kessler stated when the One Calls go in, it triggers a response from each utility. He stated he met with PA American Water to discuss what happened here. He stated the utility can respond with "All Clear" or that they have a physical conflict with where the depth is. He stated in this case their water line was discovered during construction, and it was deeper than what would have "triggered the other response." He stated during the discussion with them we asked that for projects going forward, there should be more face-to-face meetings with them so that we can look at everything together as we go through the design and avoid the situation that happened here going forward.

Mr. Lewis stated we have had people accuse the Township of making mistakes when the issues are with One Call or the other utilities. He stated in those cases the utilities are paying for the mistake. He stated there was a similar case with a large tele-communications company, and the Township was accused of not doing its job. He stated he knows that the One Call people do not intend to make mistakes; however, we want people to know that the Township is following procedures.

Mr. Lewis asked when it is expected that the project will be totally complete, and Mr. Kessler stated the last item remaining in the Contract is repaving of the project area. He stated we are requesting the contractor to complete everything by the end of November, and the contractor is coordinating with

their paving crew to do that work as soon as possible. Mr. Lewis stated he was in the neighborhood about two weeks ago, and there was still a sign up indicating road closures. He asked if the sign can be removed, and Mr. Kessler stated the road is open, and it is safe to drive on even though it is not fully paved. He stated he will coordinate with the contractor with regard to the sign.

Mr. Grenier stated with regard to the One Call issue, he feels we should look at ways to impress upon One Call that they need to be very good at identifying utilities. He stated at a prior meeting there were comments made about utilities that were impacted related to Maplevale work. He stated that was a One Call issue, and they had to refund the Township for not identifying the utilities correctly. He stated One Call is called before work is done, and they identify the various utilities the best they can given the information that they have from all of the utility companies. He stated different utility companies often supplement that and come out and identify their own resources. He stated the Township relies on that before we dig; and if One Call does not get it right, we find out about it during construction. He stated One Call is a very important part of this, and we do not want to have slowdowns in construction that cost money.

Mr. Kessler stated for our design project/Capital work, there are two steps to the One Call, with one being a design One Call and the other being the one that goes on at construction. He stated at construction they actually come out and mark certain utilities that they have from their Plans, but at the design phase, they do not actually come out and mark and will just send Plans, some of which are current, and some of which are not as current. He stated that is why they are proposing the additional step of meeting with the utilities to help minimize issues that come up during construction that were unexpected.

Motion carried unanimously.

Approval of Escrow Release #9 for the Pricket Preserve to ELU Deluca Yardley, LLC in the Amount of \$591,991.00

Mr. Kessler stated remaining after this amount requested will be \$1,615,403.50. He stated this is a large development and a lot of work has been done. He stated they anticipate opening the Wegmans in early 2024.

Mr. Lewis moved and Mr. McCartney seconded to approve Escrow Release #9 for the Prickett Preserve to ELU Deluca Yardley, LLC in the amount of \$591,991.00.

Mr. Grenier asked Mr. Kessler if this meets all of the requirements for Release, and Mr. Kessler agreed. Mr. Grenier noted the road work being done, and he stated he assumes that is not included in this; and Mr. Kessler agreed adding that is the PennDOT roadwork. Mr. Kratzer stated he understands that the road was opened today. Mr. Kessler stated there is still striping that needs to be done.

Motion carried unanimously.

General Project Updates

Mr. Kessler stated the full report was included in the Board's packet. He stated for the Woodside Road Bike path Project/Multi-Use Path we met with the PECO and Verizon on November 10 as a follow-up before they start the process to get the poles relocated. He stated they are on track to have the poles relocated probably the first two months of next year, and that will position us to adjust the trails once the weather warms up; and we can do the paving to finish that project up as quickly as possible.

Mr. Kessler noted the Taylorsville crossing to connect the trail with the Joint Toll Bridge Commission's trail, and there have been discussions with PennDOT and the Township staff looking to start the process of getting the required Permit information together and submitting it over the next few weeks.

Ms. Blundi stated she knows that Mr. Fuller has looked at Woodside Road and talked to the Bridge Commission. She stated there is an indentation developing because of the sliding that is happening underneath the hill. She asked if there is an update on how that is going to be fixed. Mr. Kratzer stated Mr. Fuller has had discussions about this, and he understands that Michael Baker, who was the design engineer, was going to investigate that and ultimately provide a suggested remedy to the Bridge Commission. Mr. Kessler stated he will speak to Mr. Fuller to see if there is an update on that. Ms. Blundi stated that road can be very dangerous when there is ice and snow; and as that weather is approaching, while it cannot be fixed at this time, there may be something that could be done to help the situation.

Mr. Kessler stated there was an open house event on November 9 for the Highland Drive/Maplevale area drainage improvements. He stated the project is focused on Highland Drive coming down to Taylorsville. He stated there were many people present, and it was good to get their feedback and to explain what this project is focused on and how it fits in with the overall picture with some of the more global things that Land Studies is looking at. He stated the next step is to finalize the design and get the required Permitting finalized. He stated they hope to have the Bid package ready to bring to the Board of Supervisors to authorize going out to Bid at the first meeting in December. He stated they need to get an understanding of what DEP will need.

Mr. Grenier asked if there is a meeting scheduled with DEP and the Army Corps; and Mr. Kessler stated while a date has not yet been set, they are discussing setting up a date. Mr. Grenier stated he would suggest sending them an e-mail requesting the meeting, and Mr. Kessler agreed. Mr. Grenier asked if we have gotten any new information from DEP related to DCNR about the pipes or potential PennDOT improvements to the culvert that goes under Taylorsville. Mr. Kratzer stated we have not gotten any more feedback, but Mr. Fuller continues to follow up particularly with the maintenance-related items; and they continue to state that they are aware and we are on their schedule, but they do not provide definitive responses other than articulating a general commitment to address some of the issues.

Mr. Kratzer stated we were going to submit the Revised Emergency Permit, and he asked Mr. Kessler if he had any information. Mr. Kessler stated the more permanent Permits following the Emergency ones are in the process of being finalized and submitted. He stated they gave us an extension from what was Permitted before. He stated the Township is pushing hard for these improvements and the pieces that the Township can move on but, PennDOT and the other agencies move at a slower pace. He stated they hope that the other agencies will be part of the improvements as soon as possible.

Mr. Grenier stated he feels there needs to be continued advocacy by Board members and other members of the public to our State officials at DCNR, our State Representatives, and our State Senators who may be able to help us move things forward.

Mr. Grenier stated he attended the Open House last week, and he felt that it was well attended, the feedback was good, and he believes that it was well received.

Mr. Bill Gaboda, 1230 Ash Lane, stated he is happy to see the bike paths being constructed, but he is still concerned that the bike path that goes down the hill ends rather abruptly at a barrier at the bottom of the hill. He stated there were some barriers put up at the next intersection up the hill, but they were moved aside, and there is no warning that there is nowhere to go when you get to the bottom. He asked if signs could be installed, as he feels it is very dangerous. Mr. Kessler stated he will look into that with the contractor about getting some additional signage. Ms. Blundi stated there are times when barriers are put up, but people keep moving them.

Ms. April Bollwage-Cloer, Township resident, asked when there will be an update from Land Studies as she understood that it would be around Thanksgiving. Mr. Kratzer stated he will check with them adding that he knows that they are continuing with their work.

Ms. Cloer stated she has asked a number of times about adding to the Agenda stormwater management or something related to the flood, and she asked how that can be added. She asked if we need a Petition to have this done, or do they need to find other outlets to petition for them to have this put on the Agenda on a regular basis. Ms. Cloer stated it was not clear that it was going to be covered tonight under the Engineer's Report. Ms. Blundi stated it will be covered under the Engineer's Report until we are done with it. She stated if the Board is going to vote on something, it will be listed on the Agenda, but it will be covered under the Engineer's Report even if the Board is not voting on anything specifically related to Maplevale.

MANAGER'S REPORT

Approval of Kohl's Extended Hours Request

Mr. Kratzer stated he understands this is a customary request that Kohl's makes during the holiday shopping season. He stated the proposed schedule was included in the Board's packet, and Chief Coluzzi has reviewed it. Chief Coluzzi stated he has no objection.

Mr. McCartney moved and Mr. Grenier seconded to approve Kohl's extended hours request.

Mr. Lewis stated the Applicant is a former client of the company he works for and he asked if he should recuse himself from voting on this matter, and Mr. Truelove stated there is no conflict since there is no current relationship.

Motion carried with Mr. Lewis opposed.

Approval to Authorize Issuance of an RFP for Services to Provide Guidance and Assistance in Amending the Stormwater Management Ordinance

Mr. Kratzer stated this matter has been discussed previously. He stated the purpose is to amend the Ordinance to reflect certain realities that we have been dealing with from a stormwater perspective and to also make sure that the Ordinance is incorporating a requirement for the most innovate, best management practices from a stormwater perspective. He stated while we are currently finishing completion of the RFP, in the interest of being in a position to issue that, get responses, and start that work, he is making this request this evening.

Mr. McCartney moved and Mr. Lewis seconded to authorize issuance of an RFP for services to provide guidance and assistance in amending the Stormwater Management Ordinance.

Mr. Grenier stated he feels it is very important to update our stormwater regulations for a variety of reasons and not just because of what happened in July. He asked if this is something that Land Studies could do since he feels one of their recommendations might be to update the Stormwater Management Ordinance, and he asked if we could start sooner if we asked them to do this as part of a Change Order. Mr. Kratzer stated he had an informal discussion with them about this; and they generally partner with a full-service civil engineering firm, so he does not know if Land Studies would respond directly or respond in partnership with someone as a sub-consultant. Mr. Grenier stated he was wondering if they could just start on it now, or if we have to wait to go through a formal RFP process.

Mr. Kratzer stated he would not be able to commit that Land Studies has the ability to do that or if they would respond either individually or

in partnership with another firm. Mr. Kratzer stated we could make this a very-abbreviated process, and we can solicit proposals relatively quickly and decide if we are going to interview respondents, etc.

Ms. Blundi stated she knows that we have a lot going on internally about Ordinances that we are looking at including boarding houses, dilapidated homes, and signage on Commercial properties. She stated she wants to keep moving forward with it all even as we enter the holiday season, and she appreciates getting this on the Agenda and hopefully moving forward.

Motion carried unanimously.

Update on 2024 Budget Adoption Process

Mr. Kratzer stated a Special Meeting has been scheduled for November 20 at 6:30 at the Township Building which would permit adoption at the Board's December 20 meeting after the required twenty-day public inspection period.

Approval of Resolution #23-28 Authorizing the Submission of an Application for a Statewide Local Share Assessment Grant

Mr. Kratzer stated this would be for the purchase of a replacement of an existing tub grinder which is used for purposes of both yard waste recycling as well as processing leaf material that is collected. He stated approximately three-fourths of the leaves that are collected through curbside collection are processed using this tub grinder. He stated the LSA which is a Statewide program does permit Grants up to \$1 million, and the cost of this equipment is a little less than \$1.3 million based on an estimate that was received from a contractor. He stated we have an existing piece of apparatus to be sold so there is the potential for recovering some of that gap if we are successful with the Grant through the sale of the existing piece of equipment. He stated this is a no-match Grant, but the cost of the equipment is beyond the maximum amount of the Grant. Mr. Kratzer stated the existing piece of equipment is from 2004 so it is getting old, and it is heavily used within our yard waste and leaf-composting operation.

Mr. McCartney moved and Mr. Lewis seconded to approve Resolution #23-28 authorizing the submission of an Application for a Statewide Local Share Assessment Grant.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session beginning at 6:00 p.m. He stated items discussed included litigation, personnel, Real Estate, and informational items.

Approved Open Space Ordinance to Amend the Lower Makefield Township Subdivision and Land Development Ordinance Relating to Open Space Requirements

Mr. Truelove stated the intent of this Ordinance is to mimic in many ways the already-enacted Zoning Ordinance which included many open space requirements. Mr. Truelove stated this Ordinance has been through many reviews both at the local and County level. He stated he knows that there may be some ideas about changing some of the verbiage, and he would recommend enactment of this Ordinance tonight since it has been properly advertised; and if there are any changes to be made to any definitions or any other verbiage, that that be done in an omnibus way to mimic both the Zoning Ordinance and anything else in our Code of Ordinances that might also be impacted by that.

Mr. Grenier moved and Mr. McCartney seconded to approve the Open Space Ordinance to amend the Lower Makefield Township Subdivision and Land Development Ordinance relating to Open Space requirements.

Mr. Grenier stated we are seeing a lot of pressure on development coming up right now across various Zones, and it is important to do whatever we can to preserve open space within the limits of the Law and amend our Zoning and SALDO such that we have some say in what gets built. Mr. Grenier stated he had raised some questions about definitional issues, and he supports the approach Mr. Truelove has suggested.

Mr. Truelove stated he feels this and the Zoning Ordinance that was passed the most far-reaching Ordinances impacting Land Development and Zoning since 2006 and 2007 when the Board dealt with some Ordinances at that

time. Mr. Truelove stated he commends the Board of Supervisors for taking this on given a lot of the discussion that occurred, and he believes that this is at the cutting edge.

Mr. Lewis stated what was provided to the Board indicated that the Ordinance number was #441, but the Agenda says #442. Mr. Truelove suggested that the Motion be amended to enact the Open Space Ordinance with the number to be supplied.

Mr. Grenier and Mr. McCartney agreed to accept an Amendment to the Motion to approve the Ordinance with the number to be supplied.

Mr. Lewis stated he is generally in support of this as it has gone through a lot of discussion. He stated he feels that we have a lot still to do with regard to land use over the upcoming year, and we will be looking at a lot of Ordinances.

Ms. Susan Finney, 2220 Yardley-Morrisville Road, asked if the Board is looking into the possibility of Grants for acquisition of open space as part of the overall plan in reviewing Ordinances and preserving open space. Ms. Blundi stated we are always looking for Grants, although there are not a lot of Grants for large acquisitions. Mr. Lewis stated the County has floated Bonds in the past for open space and provided Grants, and we used as much of those as possible. He stated it is also possible that the Township could float a Bond in the future for open space, but he hopes that the County might look to float a Bond again, since they issue a Bond for a large amount of money which they parcel out over time.

Mr. Bill Gaboda, 1230 Ash Lane, stated he hopes the Board will pass this Ordinance as we need to protect our open space as best we can. He asked if this is passed will it have any impact on current developments or only on developments that will start after this point. Mr. Truelove stated the way the Law is written, only when an Ordinance is enacted is it effective in terms of anything that comes after it. He added there has been litigation that has proceeded all the way to the Supreme Court of Pennsylvania regarding a Pending Ordinance Doctrine, but it does not currently have support.

Mr. Truelove stated it takes quite a while to enact an Ordinance of this type as it must go through a lot of reviews. He stated if developers see that this is in process, they can take advantage of the required Legislation that the

Township has to follow, in order to get something in before the process is done. He stated the Board did what it could as quickly as it could to get this enacted in a way that will impact anything that comes in after it.

Mr. Grenier stated hopefully developers who came in just before this was enacted will be willing to work with us.

Motion as amended carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to Appeal #Z-23-2036 Konyves/McKenna for the property located at 1038 Harvard Drive, Yardley, PA 19067, Tax Parcel #20-022-102 Variance request from Township Zoning Ordinance #200-23B in order to install an in-ground fiberglass pool which would increase the impervious surface from the existing 20.9% to 23% where 18% is the allowable amount, Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried that the Township participate.

With regard to Appeal #Z-23-2037 McCubbin/Gilmore for the property located at 815 Hudson Drive, Yardley, PA 19067, Tax Parcel #20-025-231 Variance request from Township Zoning Ordinance #200-23B in order to install an in-ground concrete pool which would increase the impervious surface from the existing 25.4% to 29.5% where 18% is the allowable amount, Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried that the Township participate.

With regard to Appeal #Z-23-2038 Mahamitra for the property located at 1315 Knox Drive, Yardley, PA 19067, Tax Parcel #20-058-127 Variance request from Township Zoning Ordinance #200-23B in order to install a patio which would increase the impervious surface from the existing 19.1% to 23% where 18% is the allowable amount Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried that the Township participate.

COMMUNITY DEVELOPMENT

Approval of Extension of Preliminary/Final Land Development Plan for 1674 Edgewood Road #691 – Point (Troilo) Development

Mr. McCartney moved and Ms. Blundi seconded to approve an Extension of Preliminary/Final Land Development Plan for 1674 Edgewood Road #691 – Point (Troilo) Development until December 31, 2023.

Mr. Lewis asked if the intent is that the Applicant will be providing a Revised Application in time for the Board's next meeting or the second meeting in December. Mr. Majewski was present and stated he believes that they indicated that they would like to come to the first meeting in December, and at that time they should have a slightly-modified Plan that addresses some of the outstanding issues that were raised by the Planning Commission.

Mr. Grenier asked if the Planning Commission recommended approval conditioned upon the Applicant making those changes, or do they have to go back to the Planning Commission. Mr. Majewski stated they recommended approval. He added that most of the changes were minor, but there are still some things that the Applicant needs to do.

Mr. Grenier stated when he was the HARB liaison they were fairly adamant that they would have to come back to HARB for final consideration for a number of things, and he believes that is still the case as he was talking to a HARB member before this evening's meeting. Mr. Grenier stated they were also recommending splitting Preliminary and Final approvals. He stated that way they would do Preliminary first, go to HARB and then coming back for Final. Mr. Grenier asked the regulatory requirements related to that.

Mr. Majewski stated this has been going on for decades as the Applicant has gone through the Board of Supervisors, HARB, etc. He stated over the last three years they have gone to HARB five times; and each time they got closer to HARB being "okay." He stated one of the last things HARB suggested was dropping one unit; and at the Zoning Hearing Board proceeding, they did drop the last unit that HARB had objected to. Mr. Majewski stated the Applicant will need to go before HARB for a recommendation on the actual Building Plans for the Certificate of Appropriateness. He stated they have already weighed in on the massing of the buildings, the size, the arrangements, porches, etc.

Mr. Grenier asked in terms of risk to the developer and risk to the Township if something would happen during the COA review with HARB that could somehow effect the Plan, from a process perspective do they go Preliminary/ Final combo and then go to HARB or do they go Preliminary, HARB, and Final which he feels would be a safer route. Mr. Majewski stated you would like to have your Building Plans showing the exterior of the buildings as finalized as possible before you go to HARB; however, you do not want to invest the money in preparing the Final Plans until you have approvals in place. Mr. Grenier stated they have a lot of approvals in place, so he does not know how much risk they have. Mr. Majewski stated HARB will weigh in on the final design of the Building Plans, and that would be after the Final Site Plan has been approved and Building Plans have been prepared.

Mr. Grenier stated he knows that there has been discussion with various Advisory Boards about specific aspects, and he hopes that their attorney will talk to their engineers about considering pervious pavement and a few other features that would improve stormwater management at the site and also make sure that the sight triangles and sight distances at the actual point are safely designed. He stated he would like them to be ready to discuss those items.

Mr. Truelove stated the Extension of time is something that the developer is granting the Township; and we would not want to be in a position where it is deemed approved if an Extension is not granted tonight.

Motion carried unanimously.

Approval of Resolution #23-27 – Adopt and Submit to DEP the Sewage Planning Module for 1101 Big Oak Road Subdivision

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution #23-27 to adopt and submit to DEP the Sewage Planning Module for 1101 Big Oak Road Subdivision.

SUPERVISORS REPORTS

Mr. Lewis stated the Disability Advisory Board is working on advocating for Legislation and the Pennsylvania State Legislature to require elevators for buildings that are three stories or higher for accessibility. He stated we

have had questions from people in the community who want to rent some of our new apartments, but they do not want to be on the first floor and they would need an elevator to get to the second floor. He stated the Disability Advisory Board also looked at some Building Plans.

Mr. McCartney stated he sat through the Park & Rec Board meeting last night as a listener, and they did an outstanding job identifying gaps that we have in the Budget; and they are moving forward with a plan that will assist overall to help us get to a more comfortable position.

Mr. Grenier stated the EAC sent the Board some recommendations for the Board to look at next year. He stated they also discussed the Tree Planting Plan, and there have been some revisions with respect to certain species. He stated he understands that there will be additional discussion about this at the next EAC meeting.

PUBLIC COMMENT

Mr. Frank Armenante, 20 Mahlon Drive, stated he has owned the property for about two and half years. He stated the property consists of two lots that he is not developing right now, adding he does not know that he ever will, and his home totaling about 3 acres. He stated in back of the property, is property that used to belong to the people who sold to the Middlemisses. He stated he had no affiliation with the property at that point, but he found out that they sold the property to the Township in order to build the sewer which was needed under the Statutes to make it an appropriate place to live in.

Mr. Armenante stated when he noticed the property in the back, he wanted to purchase it. He stated he started a process with Mr. Majewski about a year and a half ago, and finally “it went to Counsel for notice” that it had to be done by Bid because the appraisal of the property came in at about \$6,500; and he believes that \$6,000 was the limit. Mr. Armenante stated he was willing to do that.

Mr. Armenante stated he “made an unfortunate move” by not attending the meeting when it was discussed since no one really knew who he was. He stated he is a CPA, has a Law Degree, and a Tax Degree, and he has been around the world representing a treasurer hunter, Mel Fisher. He stated he has owned eight restaurants, and he now owns one.

Mr. Armenante stated when he bought property, he bought it as an LLC, and he owns 100% of the LLC. He stated he did this for “various reasons for protection, and ultimately what he may do with the property,” but he decided that he wants to keep the property. He stated the buildings are 110 years old, which is the reason why he bought the property. He stated he has a construction company called Princeton Builders in Princeton. He stated the building and property are beautiful. He stated there are 62 trees 100’ high.

Mr. Armenante stated he did an analysis with an arborist, and he has a letter from the arborist discussing his concerns about the property. Mr. Armenante stated the property is very dense with a lot of underbrush.

Ms. Blundi stated she is concerned that people may not know what this is related to. She stated there was a proposal before the Board previously with regard to a small parcel of land that abuts this gentleman’s property; and he had asked if he could take over control of that property because the trees, etc. are in disrepair. Ms. Blundi stated the Board did not understand the full content of the request, and he is now trying to give some background.

Mr. Armenante gave the letter from the arborist to the Board, and he also gave them a map of the area.

Ms. Blundi stated it should be noted that if any action needs to be taken, this matter will be put back on an Agenda and information will be made available.

Mr. Armenante stated the property that he wishes to purchase is outlined in red on the map he provided. He showed the property line that goes across it, and he stated 98% of it is in Yardley, and the other portion is the property “that he really does not need to buy, which is about 1.4 acres, and he is buying about 45% of the property.” He stated it is directly behind his property.

Mr. Armenante stated he sent pictures to the Board, and they show a clear indication of some “huge monster tree trunks” that were taken down because they had to put three poles on the property in order to get to the pumping station. He stated he had no problem with that, and he knew it was going to happen. He added he has been here for two years, and he did not know it was there “except when they were fixing it at one point.”

Mr. Armenante stated right next to the line on the map where you can see the actual division of what he wants to purchase, there is a corner piece at the end. He stated it is not on his property, and it goes about 10' from the property that he wants to purchase. He stated there is a drop there that is at least 30' straight down. He stated the property cannot be built upon, and he is not looking to build on it. He stated all he wants to do is to keep it clean. He stated the Statutes in the Township and in Yardley say you have to keep it clean, and he can provide the Board a copy of the Ordinances.

Mr. Armenante stated the arborist has indicated in the letter he provided all of the problems that could be there that need to be taken care of. Mr. Armenante stated he knows how to do it because he has friends in Princeton who took care of many of his properties, and they could go in there and clean it up. He stated if he does buy the property, it will cost him between \$20,000 and \$30,000 to "make it nice." He stated while he is making it nice for himself, it will also be nice for the Town. He stated every property down the strip for about $\frac{3}{4}$ of a mile is well maintained. He stated he wants to make it look like you are entering a nice area. He stated the pictures he provided of his property show the way the trees are up about 9' with nothing under them. He stated no grass will grow on the property he wants to purchase and it goes from 100' high and goes down 365' to zero to the Canal.

Mr. Armenante stated he is willing to take on the expense and maintenance every year to take care of this if the Township will sell it to him for the fair market value price that has already been obtained. He stated he knows that he will have to Bid on it, but he does not think anyone else will Bid on it because they could not do anything with it. He stated he could make it look good. He stated in order to save the Township the money, he will spend the money.

Mr. Armenante provided the Board with another document which tells how to set up a "model Grant Easement." He stated a Conservation Easement is really not an Easement per se per the Law, and he knows the Township's counsel knows this. Mr. Armenante stated it is a "plot, a metes and bounds description of the property." He stated it never was Recorded by the State, by Yardley, or by "Upper or Lower Makefield Township." He stated "you have something that you cannot control as a Conservation Easement." He stated he is prepared, at the same time he would purchase it, to enter into a Conservation Easement that the Township would like. He stated the only thing the Township would need once they do this is the "Easement of the poles and the light." He stated those poles have "a big line" that

goes into the pumping station. He stated while it may never happen, if lightening were to hit the poles and sparks hit the brush, there would be a fire. He stated there must be insurance, and he intends to put insurance on that property to make sure that nobody gets injured. He stated it is a difficult piece of property, and he would suggest to the Township that if they decide to let him purchase it, that the property just to his right where the “corner comes,” that 10’ should have a fence for the pumping station because if any children get back there, it would be a “disaster.”

Mr. Lewis suggested that Mr. Armenante have the EAC look at this. Mr. Grenier stated it has already been discussed by the Environmental Advisory Council. Mr. McCartney asked what was their opposition, and Mr. Grenier stated it was essentially everything he brought up at the Board of Supervisors meeting when this came up last. He stated it is a Conservation Easement designed to maintain a “wild land,” a heavily-forested area in its natural state so cleaning it up would be negatively impacting the ecology of the area whether you like the visual aesthetic of it or not. He stated protecting the ecology of an area is the whole point of having a Conservation Easement. He stated since it is on the Canal, it also maintains a riparian buffer as riparian buffers slow down stormwater and they “filter stuff” before it gets to the Canal. He stated he is an environmental scientist and we have also been discussing that it is important to preserve open space, and he feels it is important that we do not sell this property and that we keep it as open space.

Mr. Grenier stated he agrees with Mr. Armenante and questions why we would put poles and a wire through a forested area, and he feels we should look into burying those particular utilities to the station so that in the event of lightening, a wind storm, etc. the poles do not get knocked over which will take out service and prevent any potential issues with losing power and other negative impacts.

Ms. Blundi noted that this is a lot for the Board to digest, and she feels it would be good if the Board had an opportunity to consider this and then reach back out to Mr. Armenante. Mr. Armenante stated he understands this, and he also stated the Board members have the right to go out and inspect it to see what is going on. He stated he does not intend to violate any provisions that the Township is interested in keeping. He stated the Conservation Easement would delineate everything that has to be done to make sure it complies with the concerns of the EAC.

Mr. Grenier stated the nature of a Conservation Easement is to not clear anything. He stated he recognizes that extending a private property all the way to a water source could impact property values significantly, and the Township giving up open space for \$6,000 or \$6,500 is not a net positive for the Township. Mr. Armenante stated if Mr. Grenier wants a “positive on that,” he asked that he tell him what he wants him to pay. He stated he is also not concerned with not being able to comply with anything that they want him to do. He stated he does not want to go “down there and boat or fish.” He stated he does not even want to go down to the Canal. He stated he just wants to protect the property that is within 100’ of his property.

Mr. Armenante stated he feels the Township is going to have a lot of problems with making it just an open space because there are a lot of Ordinances that are in Yardley and Lower Makefield that say you have to do certain things including cleaning it up. He stated he does not want to complain about anything, but the wood in there is immense especially with the wood that is there now from the trees that were taken down. He stated he wants to take the wood out and do some clean-up for which he got an estimate of \$20,000 to \$25,000 so that means he is not just paying \$6,000 to \$6,500. He stated he would be willing to pay that \$20,000 to clean it up so that the Township does not have to pay to do it. He asked that the Board contact him if they have any questions.

Ms. Evelyn Patterson, 2222 Yardley Road, stated she is present with her neighbor, Susan Finney, to discuss a traffic problem on Yardley-Morrisville Road which they have discussed with Mr. Kratzer, the Police, and Dr. Weiss who she understands has since retired. She stated over the past five years they have been actively involved trying to obtain a remedy for the speeding on the road. She stated the issue is with traffic traveling north and south between the Borough’s line at the Wells Fargo Bank and Black Rock Road. She stated they do not feel that most of the traffic is complying with the thirty-five mile per hour speed limit.

Ms. Patterson stated they would like the Township and PennDOT to put in a permanent electronic speed sign with red and blue flashers to be installed in the middle of that section which would be at approximately 2216 Yardley Road and a “Reduced Speed Ahead” sign as well. Ms. Patterson stated they have monitored the problem for over six years and asked for help from the Township, and they are at a point now that maybe these two solutions would help in reducing the speed on the road. She stated they

believe the biggest offenders on the road are dump trucks and School buses that are exceeding the speed limit. She stated they know that a Permit is required from PennDOT to get a permanent electronic sign put in the road.

Ms. Susan Finney, 2220 Yardley Road, stated they have met with Mr. Kratzer and worked with Chief Coluzzi. She stated they found that when there was the "driver feedback sign to provide feedback," there was definitely a slow down of traffic on the road. She stated we also know that our Police Department is "stretched," and they are not asking for daily patrols at this location, but they know that when Police are present, people definitely slow down. She stated there are a lot of Police who come out of Yardley Borough chasing cars the opposite direction, and that has an impact. She noted how difficult it is to even get their mail. Ms. Finney stated two of her neighbors to the left are closer to Edgewood Road, and they have had their cars hit trying to come out of their driveways because of drivers speeding down the road. She asked that the Board help improve their quality of life on this Residential road.

Ms. Finney stated they had requested a traffic survey from PennDOT, and they had shared preliminary information with Mr. Kratzer that there were 4,300 to 5,300 cars that went by in a 24-hour period. She stated she is not sure where that traffic survey took place as she never saw anything. She stated it was also indicated that the average speed was about seven miles over the speed limit, but she stated that does not tell what the "outliers" are. Ms. Finney stated they requested the raw data, but they were told they could not have it. She stated they have been in touch with Senator Santarsiero's office, and his office told them yesterday that the report had not been finalized.

Chief Coluzzi stated the Township is very sympathetic to what is being discussed; and when this was brought to the Township Manager's attention, he immediately contacted PennDOT, talked to Senator Santarsiero, and got PennDOT to move on this. He stated PennDOT did do a study. He stated the Township is limited to what can be done because it is a State road; and anything that is done on the road other than Police enforcement, has to be approved by PennDOT. Chief Coluzzi stated he does not know if we ever made application to PennDOT for the permanent speed signs, and he will look into that.

Mr. Kratzer stated there was temporary signage there, but he does not know if the Board ever discussed the issue of permanent installation of signage. Chief Coluzzi stated we could see if PennDOT would approve

placing those permanent signs in both directions, and then we would have to see if who would bear the cost of that.

Mr. Grenier stated the Township's Citizens Traffic Commission addresses these types of issues; and while they do so more on Township roads because we can act on those more quickly, they could look at this with the residents and discuss some options. Mr. Grenier stated because it is a State road, we would have to apply to PennDOT for any options. Chief Coluzzi stated he recalls that the PennDOT report indicated that there were no recommendations for anything to be done because they did not feel that there was a problem. He added that does not preclude the Township from doing something if we can get approval from PennDOT. Mr. Grenier suggested that the residents meet with the EAC to see if they have any recommendations.

Mr. Kratzer asked what was the response from Senator Santarsiero's office, and Ms. Patterson stated she has had several discussions with his office. She stated what was stated in the summer was that she should approach the Board of Supervisors as she had done as much as she could with letter writing. She stated she spoke with his office last week, and they recommended that she ask the Board of Supervisors to consider getting the Permit from PennDOT for the permanent signs. She reiterated that the speeding is dangerous. She stated they have been working on this for five to six years, and she does not want to go on another five or six years without getting a resolution. She stated they recognized that there was a reduction in the speed limit going into Newtown where the speed limit went from 35 to 25; and when they did that, they first put out the "wheel-away" to alert people that it was happening. She stated they were hoping that same thing could be done in Yardley.

Ms. Blundi stated the Township cannot change the speed on State roads. She recommended that they go to the CTC meeting.

Mr. Kratzer stated what was received from PennDOT indicated that the speed study was completed, and the results of the speed study produced an 85th percentile of 42 miles per hour. He stated there is reference to 8,196 vehicles which were analyzed over a 24-hour period with the average speed being 38 miles per hour and neither the analysis of crash data nor review of sight distance restrictions along the roadway identified anything that would suggest a further reduction of the 35 mile per hour limit would be justified.

Ms. Blundi stated at this point she believes that they are requesting signage.

Mr. Lewis stated signage can be helpful but sometimes it does not add that much value, and there are other traffic-calming measures that we have done in other cases including lane shrinking; and there may be other alternatives. He stated speed bumps have been done in the past but people do not always like those. Ms. Blundi stated it is a State road, and Mr. Lewis stated that is what limits our authority. He stated there are potentially things that could be done, and we could get suggestions from the Township's traffic engineer. He stated this is why it has been suggested that they go to the CTC as there may be something that could be suggested. Mr. Lewis stated as much as people do not like the roundabouts, they are effective.

Mr. Grenier stated the next CTC meeting will be held at the Township Building on December 18 at 7:30 p.m.

Ms. April Bollwage-Cloer, 20 Maplevale Drive, stated they had flashing speed limit signs for a little while, but they are gone. She stated with the holidays and drivers speeding off of 95 to get into Town, they are seeing the speeds picking up. Ms. Blundi asked if the signs could be put back on either end of that road. Ms. Blundi stated they are moved throughout the Township as speeding is an issue throughout the Township.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she saw on the Agenda notice about the 1101 Big Oak Road development. She stated it is next to Yardley Crest where she lives. She stated "nobody was present" at the meeting over a year ago when residents came out and discussed their issues with this development including taking down trees and the situation downstream at Rock Run. She stated she feels the Township is "setting itself up for another Maplevale problem." She stated there are creeks, and there is a problem with contamination of the creeks. She stated you are taking out a part of the filtration and water absorption in this five-acres. She stated a lot of people had concerns, and she hopes that DEP looks at this "smartly and environmentally because no one else has really considered it." She stated it is really high in elevation compared to where Rock Run creek is, and there are many older homes along it as well as the Schools. She stated "there were a lot of problems, and it somehow got pushed through like everything else." She stated she wished Mr. Grenier was there or "somebody who would think about this."

Ms. Tenney stated her back yard faces Stony Hill Road, and she has constant speeding problems including School buses moving very quickly through all of our roads.

Mr. Grenier stated he recalls the development very well, and he was there and had a “heated” discussion with the attorney about the trees. He stated he does not disagree with Ms. Tenney’s concerns. He stated the Agenda item tonight however, is specific to the DEP doing a sewage review which is separate from a typical Site Plan review, Land Development, etc. He stated it is very specific to how the development will tie into the sewage system. He stated they have limited ability to comment on any other issues associated with tree removal, and they will be focused on the sewage issues.

Ms. Tenney asked about the “extra water that is running down a road off of Big Oak that goes into the Penn Middle School.” She asked how do you mitigate it because it is both run-off and due to underground water saturation. Ms. Tenney stated you can only put so much water in the ground before it has to surface. Mr. Grenier stated he is aware of “Dr. Tenney’s higher educational background.” He stated that for any proposed development, when they design their Stormwater Management Plan their post-construction condition has to be better or “at least as good as” their existing, pre-construction condition. He stated modeling is done by the developer’s engineer and is reviewed by the Township’s engineer; and they have to agree that the models that are run for individual developments meet those criteria that are set by both the DEP and the Township Stormwater Ordinances. He stated they have to use very specific best management practices to manage the stormwater.

Mr. Grenier stated earlier this evening the Board voted to put out an RFP for professional services to further review and improve upon our existing Stormwater Management regulations because generally the Board recognizes that our Stormwater Ordinances, which are at least as good as the State’s, can be improved and we recognize the concerns about stormwater in the Township. He stated that is also why we have Land Studies doing a watershed study in the northern part of the Township that was effected by the storms on July 15 and several other stormwater projects that we are doing. He stated he recognizes that this does not solve all of the issues.

Ms. Tenney stated she knows that the Board is committed and trying, but the Board needs to remember that each of their decisions effect real people.

November 15, 2023

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There being no further business the meeting was adjourned at 9:25 p.m.

Respectfully Submitted




John B. Lewis, Secretary

LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 11/15/2023
INTERFUND TRANSFERS

OCTOBER 2023 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	827,128.36
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	6,755.27
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	484.90
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,886.53
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,027.98
	837,283.04



 John B. Lewis



 James McCartney

Colin Coyle



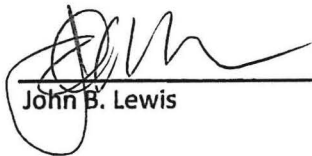
 Daniel R. Grenier



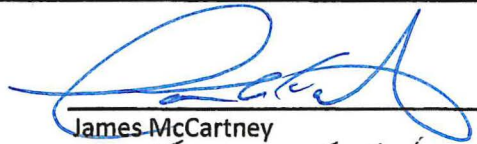
 Suzanne S. Blundi

**LOWER MAKEFIELD TOWNSHIP
 BOS MEETING - 11/15/2023
 INTERFUND TRANSFERS**


SEPTEMBER 2023 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	1,195,339.81
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	10,197.65
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	727.35
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	3,245.71
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,644.78
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT	22,411.52
	1,233,566.82



 John B. Lewis



 James McCartney

Colin Coyle




 Suzanne S. Blundi

Daniel R. Grenier

