

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 6, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 6, 2023. Ms. Blundi called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

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

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

COMMUNITY ANNOUNCEMENTS:

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

Ms. Blundi stated Cub Scout Pack 95 will be collecting broken string Christmas lights from December 1, 2023 to January 10, 2024. Drop off at Big Oak Citgo, 812 Big Oak Road, Yardley, PA 19067. For more information contact Joanie Layden at joanies120@gmail.com.

Mr. McCartney stated Toys for Tots is lacking donations this year. Chief Coluzzi stated there is a donation box in the Police Station lobby. Ms. Blundi stated there is also one in Commonplace Reader in Yardley Borough.

Ms. Blundi stated Pennsbury Kids.org is an organization that provides gift cards to kids so that they can buy gifts for their families, and she asked those who are able to make a contribution to that organization as well.

APPROVAL OF MINUTES FOR OCTOBER 25, 2023 BUDGET MEETING

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes for the October 25, 2023 Budget Meeting as written.

APPROVAL OF MINUTES FOR NOVEMBER 1, 2023 MEETING

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes for November 1, 2023 Meeting as written.

APPROVAL OF MINUTES FOR NOVEMBER 8, 2023 BUDGET MEETING

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes for the November 8, 2023 Budget Meeting as written.

APPROVAL OF MINUTES FOR NOVEMBER 15, 2023 MEETING

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes for the November 15, 2023 Meeting as written.

APPROVAL OF MINUTES FOR NOVEMBER 20, 2023 BUDGET MEETING

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes for the November 20, 2023 Budget Meeting as written.

FIRE SERVICES

Approval of an Ordinance Providing That in Certain Fire Losses the Insurance Company, Association, or Exchange Shall Transfer Insurance Proceeds to Lower Makefield Township to be Held as Security Against the Total Cost of Removing, Repairing, or Securing Damaged Buildings

Mr. Tim Chamberlain was present. He stated this was discussed previously and has been advertised. He stated there will be an Escrow set up for any costs that the Township would have to take on such as securing the building, etc. He stated a number of Municipalities have this and it will help offset costs.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Ordinance providing that in certain fire losses, the Insurance Company, Association, or Exchange shall transfer insurance proceeds to Lower Makefield Township to be held as security against the total cost of removing, repairing, or securing the damaged buildings.

Approval of an Ordinance Providing Penalties for False Fire Alarms Caused by Faulty Fire Detection, Alarm Equipment, or Negligence

Mr. Chamberlain stated this was previously discussed and has been advertised. He stated this is to target homeowners and business owners who have a known problem with their protection systems and do not take the necessary steps to repair and replace the components causing dispatch of the Fire Service. He stated Fees will be in the Fee Schedule that is adopted in December of every year.

Mr. Lewis moved and Mr. Grenier seconded to approve the Ordinance providing penalties for false fire alarms caused by faulty fire detection, alarm equipment, or negligence.

Mr. McCartney stated there had been discussion whether this included emergency call for health emergencies, and this is not targeting that. Mr. Chamberlain agreed adding that section has been re-worded so that it is clearer.

Motion carried unanimously.

Approve Authorization to Advertise an Ordinance Regulating the Use and Display of Fireworks Within Lower Makefield Township

Mr. Chamberlain stated there was previous discussion on this, and there had been questions about model rockets. He stated there are three different classes of model rockets, and the Ordinance has been modified so that this does not include Class 1 model rockets. He added Class 2 and Class 3 are regulated by the FAA, and do not relate to this Ordinance. Mr. Chamberlain stated he also made some modification with regard to consumer fireworks; and it does not stipulate that you cannot use them in the Township, but it does stipulate that you need to follow the Pennsylvania law that was adopted in 2022. He stated it is about the age, where you can use them, how you shoot them

off, and limits the time you can use them. He stated they cannot be shot off between 10:00 p.m. and 7 a.m. with the exception of New Year's Eve, New Year's Day, and July 4th.

Mr. Chamberlain stated with regard to display fireworks, which are a lot bigger, the Ordinance requires Permits through the Township and requires insurance, a lay-out, a diagram, what they are using, etc. He stated he will review the Permit, along with the Police Department and the Building Code official before it is approved.

Mr. Lewis moved and Mr. McCartney seconded to advertise an Ordinance regulating the use and display of fireworks within Lower Makefield Township.

Mr. Lewis thanked the Fire Services Director for researching the matter with regard to model rocketry.

Mr. Grenier stated he understands that this does not apply to the sale of fireworks since that is regulated by the State, and Mr. Chamberlain agreed.

Mr. Coyle stated it does not indicate that for the display fireworks the individual applying for the Permit needs to have a fire safety plan; and while he does not believe that has to be in the Ordinance, he assumes that is something we can require as part of the Permit process so that they have thought about the fact that they could cause a fire and that they are prepared to address it. Mr. Chamberlain stated he can enforce that as part of the Fire Code as adopted by Ordinance in the Township. He stated when an individual applies, there are required documents that have to be submitted, and that is one of them.

Motion carried unanimously.

ENGINEER'S REPORT

Approve Payment Certificate #3 for the South Drive Culvert Replacement Project in the Amount of \$117,297.26

Mr. Kessler stated previously discussed were some items which were changes to the Contract. He stated this payment includes those items as well as other

construction items completed to date. He stated the project is substantially completed at this point, and there are a couple of Record documents and close-out items that are anticipated with the final payment.

Mr. Lewis moved and Mr. McCartney seconded to approve Payment Certificate #3 for the South Drive Culvert Replacement Project in the amount of \$117,297.26

Mr. Grenier asked Mr. Kessler if he has conducted all inspections, reviewed their invoices, and is comfortable with them being paid; and Mr. Kessler agreed.

Mr. Lewis asked how much is being held back, and Mr. Kessler stated the remaining amount for the Contract after this payment is \$39,792.47; and that is expected to be the final payment.

Motion carried unanimously.

Discussion of Proposal for Engineering Services from RVE for Taylorsville and Woodside Road Trail Connection and Motion to RFP

Mr. Kessler stated the Woodside Road trail comes down to Taylorsville, which is a PennDOT roadway. He stated the intention has always been for the trail to cross the road in a safe manner to connect with the Delaware River Joint Toll Bridge Commission trail on the other side. He stated this was started to be looked at as part of the Woodside Road trail; and one of the items that PennDOT required to move forward with any Permitting was the Final As-Built and Plans from the Joint Toll Bridge Commission, which were received in August. He stated they can now move forward with pursuing the Permit with PennDOT and make the connection happen in 2024.

Mr. Kessler stated the proposal is for the design from the initial testing phase including traffic testing and compilation of the calculations needed through to the construction and inspection of the work to be done.

Mr. Grenier moved, and Mr. Lewis seconded to approve the proposal for engineering services from RVE for Taylorsville and Woodside Road Trail Connection.

Mr. Lewis stated he understands that they met with the Delaware River Joint Toll Bridge Commission, and Mr. Kessler agreed that they did in August of this year. Mr. Lewis asked if we have collectively agreed as to how we would cross

Taylorville Road design wise; and Mr. Kessler stated because it is a PennDOT road which they have to approve, we would provide our design to PennDOT, and they would most likely have feedback/comments with their HOP and their Signal Permits. He stated we would follow their lead of what they wanted with the intersection with our recommendations, and then the Final Permit would be presented to a contractor to complete the work. He stated the avenue of how to connect one trail to the other at this point is substantially laid out, and it is a matter of collecting some additional data so that we can work with PennDOT to make the crossing as safe as possible.

Mr. Lewis asked if this will be the north or south side of Taylorville. Mr. Kessler stated it appears that the preferred way to cross is where the trail currently comes down, which he believes is the north side; and it would cross on that side, and then cross to the side where the Toll Bridge Commission's building is, which currently has their trail waiting for the connection.

Mr. Lewis stated we have not applied for Grants for this; and Mr. Kratzer stated the Green Light-Go Grant was attempted last year, but was not awarded. Mr. Kratzer added that there has not been any additional funding application for this intersection at this point. Mr. Kessler stated trail connection and those types of Grants come out annually, and they usually see them being able to be applied for in the spring; and they will look to put an Application together for the construction of the trail and try to get additional funding for when it is ready to be built.

Mr. Lewis asked how much of the proposal could be done before we go for a Grant, and Mr. Kessler stated that would be up to the Township. He added that the proposal has been broken into phases; and the data collection and traffic analysis would be the first work done, and they would look to get that started this month between the holidays. He stated engineering and design would bring it up to the end of the Permitting with PennDOT. He stated they would anticipate the Grants for these kinds of connections to focus on construction of the work which is described in the proposal as Phases 3 and 4 which is the Bidding, Construction Management, and Inspection of the work to be done.

Mr. Kratzer stated he feels if we focus on Phases 1 and 2 that would prepare us to be competitive from a Funding Application standpoint, and it would get us through the Permitting and Design Processes so that we would have a shovel-ready project that would be fundable and implementable based on the Permitting feedback that we received. He stated this would come back

to the Board to authorize going out to Bid on the project prior to proceeding with construction, and there would be an opportunity to seek external funding for implementation purposes. He stated we would be better positioned if we had this design work done so that there was certainty versus a Conceptual Plan that may or may not be acceptable to PennDOT.

Mr. Kessler stated the Grant funding for these trail connections is often very competitive because there are a lot of Towns looking for these types of pedestrian and multi-use connections, so having a shovel-ready project helps your Application.

Mr. Lewis stated the funding for the Grant would be next year, and Mr. Kessler had indicated that the Grant process would be in the spring. Mr. Kessler stated the deadlines are in the spring, although it does depend on the Grant. He stated while you apply in the spring, you may not hear from them for a few months.

Mr. Lewis asked if a friendly Amendment could be considered to approve Phases 1 and 2 of the proposal.

Ms. Blundi stated she knows that Mr. Fuller has had discussions about what is happening with the base of Woodside Road. She asked if we should hold off on approving the proposal from RVE until we know more about this. She stated she will continue to Abstain from voting on the bike path.

Mr. Kratzer stated he knows that Mr. Fuller was corresponding with the Bridge Commission, and he asked Mr. Kessler if he has any information about the condition of the sub-base of Woodside Road. Mr. Kessler stated he does not have any additional information since the last time he was updated on it. He stated with regard to this proposed connection, the governing timetable of it is the Permitting with PennDOT which would be separate from the pavement restoration and repair. He stated Taylorville Road is the PennDOT portion "with regard to the repair with the Joint Toll Bridge of the intersection as it comes from the different sides being Woodside and going through." He stated the Permitting, once issued, is in place for at least a year; and the project could happen right away if it is ready, or it could wait if there are a couple of other items nearby being "ironed out;" so that Permit would still be good and would still be shovel-ready so we could go out for funding for it. Mr. Kessler stated if there are other issues being resolved approaching that intersection, we would look to coordinate that and make sure that it is taking place in the right sequence.

Mr. Lewis asked Ms. Blundi if she has a concern with the road base of Woodside and/or Taylorsville Road. He stated he believes that the Delaware River Joint Toll Bridge Commission re-did both recently, and it would be their responsibility. Mr. Kessler stated there is sloughing that is occurring at the intersection because of the incline/slope in which you are approaching the intersection at Taylorsville. He added Mr. Fuller has been talking to the Toll Bridge Commission about that issue since they were the ones who made the improvement. Mr. Kessler stated there is a main hill coming through the intersection. He stated the trail is off-road and the crossing of the intersection itself is “more of a pedestrian connection lay-out Permit exercise with PennDOT more so than roadway reconstruction.”

Mr. Lewis stated he would like to know from the Delaware River Joint Toll Bridge Commission if there is a road quality issue which he feels they would ultimately be responsible for. He stated we would need to work on what our strategy would be to address that since it is a very heavily-traveled area.

Mr. Kratzer stated he was just advised by Mr. Fuller that they are awaiting results from core testing. Ms. Blundi asked if it is appropriate to Table this matter until we know more about that. Mr. Kratzer stated while he is not sure of what the timing of the results of the core sampling are, he asked what would be the concern in terms of the interface of that versus the alignment of a trail crossing. He stated PennDOT will be dictating those parameters, and doing the work will position us to be more competitive from a funding standpoint versus a conceptual drawing that has not been evaluated from a design standpoint, constructability standpoint, or Permitting standpoint. He stated this project has been incorporated as a Capital Project in the proposed 2024 Budget to be internally funded entirely so that to the extent that we would receive external funding, we would be offsetting those costs.

Mr. Kessler stated the area that is being investigated with the core sampling for “what looks to be sub-surface repair with the wavy pavement,” would not overlap with what the project is looking to focus on with the trail connection. He stated if the concern is that this will “crisscross” with what would be done with any kind of roadway repair, this is in a different area where we would be looking at the intersection for the trail connection.

Mr. Lewis stated that any of the designs will have to be approved by PennDOT, and Mr. Kessler agreed. Mr. Kessler stated since it is the crossing of the signalized intersection an HOP (Highway Occupancy Permit) with PennDOT is required and also you do a Signal Permit for the timing, etc.

Mr. Grenier stated the “waviness” is all on Woodside and not Taylorsville, and he asked if PennDOT would have anything to do with that. Mr. Kessler stated the conclusion as to where they would have the limits may come into play. Mr. Kessler stated he believes that portion would be more the Joint Toll Bridge Commission coordination.

Mr. Grenier asked with regard to the “waviness,” in terms of ownership of the road long term, if it is a Township road, does the Delaware River Joint Toll Bridge Commission maintain responsibility for that road in perpetuity or do they hand it back to the Township, and we are responsible for it. Mr. Kratzer stated he believes that it was always going to be transitioned to be the Township’s responsibility. He stated he believes that they were funding the improvements, and that was the extent of their obligation. He stated it is more of a warranty-work issue than a perpetual-maintenance issue. Mr. Lewis stated he believes that the Delaware River Joint Toll Bridge Commission has a service area that they are responsible for, and he does not know if part of Woodside is in that service area which means that it would continue to be theirs, and everything up from that might be the Township’s. Mr. Kratzer agreed to look into that. He stated he knows that signal equipment was installed, and ultimately the responsibility for that was transferred to the Township.

Mr. Kratzer stated he does not believe that any of these issues affect the location of the crossing, and he would recommend proceeding with Phases 1 and 2 at this time so that we are positioned to be able to take advantage of an Application versus submitting a conceptual design that may have Permitting issues that could create other issues on the back end. Mr. McCartney asked if we could RFP the design piece, and Mr. Kratzer stated the Board could do that. Mr. McCartney stated he would be in favor of that.

Mr. Kessler stated when they met with the Joint Toll Bridge Commission in August, the Commission made it clear that what they were waiting for at this point was for the Township to have the HOP Permit to bring the trail to connect with them. He stated what has been provided is proposed to do that, and it is a project that has been slated to go into the 2024 Budget.

Mr. Grenier stated he feels it is important to have a shovel-ready project when we go for a Grant. He stated the data collection task and the design task are important to get moving fairly soon. He stated over the years he has indicated that he feels when it comes to “larger, important design

projects,” the role of the Township engineer is generally to be the “QAQC” review to make sure that whoever is doing the design does it right rather than always being the designer who also does the inspection.

Mr. Kratzer asked Mr. Kessler to speak about their team to create a distinction between the capacity that they are bringing to the project versus prior projects. Mr. Kessler stated with regard to the proposal provided tonight, this came out of the meeting they had with the Joint Toll Bridge Commission in August as well as meeting with Township staff to discuss the scope as to what we are looking to have done at the intersection. Mr. Kessler stated Remington & Vernick has full engineering service capabilities, and this is being led by their Transportation and Infrastructure Group; and they have identified the different tasks that are needed. He stated they have many years of experience with PennDOT and other public agencies for Permitting. He stated they constantly do work with PennDOT personnel who are involved with traffic signals and HOPs. Mr. Kessler stated the work has been described in detail of the different tasks that would be needed and the collection of data through design to have it ready for the Permitting process. He stated he is confident in the group that he has and believes that the team they have is the top team in the Transportation Group to do that work.

Mr. Grenier asked if we foresee any “on-the-ground sort of work” in terms of opening pits, etc. for running conduit or any grading that needs to be done for this project. Mr. Kessler stated with regard to the work in the intersection, the timing and signal coordination would be something they would need to coordinate with PennDOT if there was the need for a push button or something that allows pedestrians “to get into the phasing of the signals.” He stated that could involve connections that they have already in the intersection, or they may have to add something, and that would be identified through the Permitting process.

Mr. Grenier asked if there is any portion of this work that would require something to be completed off the existing pavement such that we would have to involve the Soil Conservation District or “someone else or some other sort of disturbance that would have to get Permitted.” Mr. Kessler stated they would expect some surrounding work as part of this. He stated the trail would be coming down to the corner; and on the other side where there is a long piece of guiderail going around the corner, there is a pipe that discharges out on that side so that would involve coordination of how the trail coming around that corner would affect the guiderail. He stated there most likely would be some Soil Conservation coordination.

Mr. Grenier stated that has not been included, and it is just PennDOT Permitting, and Mr. Kessler stated the HOP is all within their right-of-way; and they would go through that process of the Signal Permitting, the HOP, and if there is a minor E & S Permit with the Conservation District that would be part of the design process. Mr. Kessler stated it would depend on PennDOT's preference on what they want to do at that corner.

Mr. Grenier stated the Costs of Services at the back end has slightly different language than what he normally sees, and he wants to verify that the not-to-exceed amount all-in for all phases proposed is \$50,000. He stated he assumes that is time and materials not-to-exceed, and it is not a "firm, fixed price not-to-exceed." Mr. Kessler stated that is their fixed price for the project. He added they do not anticipate going over; and if for some reason, there are additional reviews that PennDOT requires, they would come to the Township first if it is not within what has already been described. Mr. Kessler stated what has been shown is the not-to-exceed number for the project, and they would do that for all of their projects as they typically do for Capital work so that it can be Budgeted and known what the amount may be. He stated they aim to be under that as much as they can with how much they have to coordinate with some of the Permitting agencies.

Mr. Grenier stated if this were to get approved, with no major changes, the "scope is the scope," and the Township will be given a bill for \$50,000 "no matter what, or if they manage to keep it under, and they get it to \$42,000, will we get a bill for \$42,000." Mr. Kessler stated if it is "under, it will be under." Mr. Grenier stated it is time and materials not to exceed \$50,000 and not a firm, fixed price; and Mr. Kessler agreed it is hourly time and materials not to exceed \$50,000 at the most.

Mr. Coyle stated he is not sure given the Budget process that we just went through that he is comfortable moving forward with the \$34,000 spend at this time for a new project. He asked if we know that this project was contemplated as a line item in Mr. Fuller's Budget request, and Mr. Kratzer stated this was specifically listed as a Capital Project in the Draft 2024 Budget including the engineering work that is currently being contemplated. Mr. Coyle stated in essence we have already authorized this project from a Budgetary perspective; and Mr. Kratzer stated while the Budget has not yet been adopted officially, it is contemplated from a Budgetary standpoint. Mr. Coyle stated he does not know that it is essential at this time, and he is not comfortable obligating \$34,000 just to find out if we will get a Grant from the State in a decent amount.

Mr. Lewis stated the Budgeting is for the whole project without a Grant, and the reason why we would do this would be to get a Grant so that we could save money on the total project. He stated he feels if we do Phase 1 and Phase 2 we are positioning ourselves for a Grant which would help us position ourselves better for reducing the total spend next year on the project and completing it.

Mr. Lewis stated with regard to the concerns Mr. Grenier had about QAQC, some of that gets resolved by PennDOT, but we could also have separate QA if we wanted to with a traffic engineer as an option. He stated he feels it would be best to move forward so that we can see if we can get a Grant so that we would not have to spend what we were planning from the Capital Budget on this. He stated that would free us up for other Capital needs that we have next year and in the future.

Mr. Grenier stated there is no obligation to build the project next year if we do not get the Grant, and Mr. Lewis agreed that is an option.

Mr. Coyle asked if we would still be voting to obligate a minimum of \$34,000 or would it be the whole \$50,000. Mr. Kessler stated the second half is the Bidding and Construction Management of the project. He stated getting it to that point would be the first few phases that are listed in the proposal. He stated their approach has been to work with staff on projects that are slated to happen in 2024, and this would be the way to go about that. He stated if we get funding assistance, that would open up money that would have been spent on this Budget item to be re-allocated to other things.

Mr. Grenier noted the \$4,400 for Bidding, and stated if that is translated to “person hours and labor,” at a reasonably skilled labor rate that is 110 hours of time. He stated he imagines that there are costs for advertising, and he wants to make sure that we are being good stewards of the taxpayer dollars. Mr. Kessler stated the Bidding Phase takes it from the construction plans, which would already have the Permits from PennDOT to go along with them, through the public Bid process, the review of the Bids, the recommendation to the Board, and all the way up until the Contracts were in place. He stated from there it would go into the Construction Management Phase as described. He stated if there was a desire to see a personnel breakdown for their Transportation Team and others to put this together, they can provide that.

Mr. Coyle stated he still is not sure that he is comfortable obligating the funds given the tough Budgeting process that we went through.

Ms. Blundi stated there was discussion about a friendly Amendment, and Mr. Lewis stated he had suggested that we do Phase 1 and Phase 2 so that we would be in a position to get a Grant. He stated otherwise we would not be able to get a Grant. He stated we have budgeted the full amount for next year; and he feels that we should see if we could get a Grant. He stated eventually we do have to finish the project because we committed to it and signed an Agreement with the Delaware River Joint Toll Bridge Commission that we would do this; and the longer it takes us to do it, the more expensive it becomes over time. He stated that was part of the consideration for the sale of ten acres of the Park & Ride to the Delaware River Joint Toll Bridge Commission; and as part of that Agreement, we agreed to build the bike path down to Taylorsville and they agreed to pay us money and a portion of that was allocated for the bike path so we eventually have to complete that Agreement.

Mr. Grenier stated it is also a safety issues, and Mr. Kratzer agreed that we cannot leave it in the condition that it is in unless we are going to block the entire portion that was just installed at the intersection of Clearview going down to Woodside Road.

Mr. Coyle asked if it is accurate to say that we have a legal obligation to the Joint Toll Bridge Commission to complete this work, and Mr. Lewis agreed. Mr. Truelove stated while he has not looked at it in some time, there is also the issue of the potential liability if we do not complete the project. Ms. Blundi stated it is still closed at this point even though people keep moving the barricades that have been put out.

Mr. Kessler stated the first piece that is looked at from a connection point of view is to complete and make the connection at the bottom where Woodside Road comes down to the corner to make a safe way for people to approach the light and then to get across all the way safely, and it stops at the PennDOT right-of-way at this time.

Mr. Grenier stated he believes that we should move forward with Tasks 1 and 2 so we can get something that is shovel ready. He stated his strong preference for design projects is to RFP for those phases and make sure that RVE has an opportunity to review it as our Township engineer and provide "QAQC and inspection services as they do" so that there is oversight across the board since he feels that historically we have had issues with that on projects.

Mr. Kessler stated the data collection and design would go to PennDOT for Permitting, and it would be redundant for two firms to do that part to submit to PennDOT for the Permitting on behalf of the Township. He stated it would be more common in the industry to have the firm that would collect the data, analyze the traffic, design the crossing, and submit the Permit to PennDOT, which is the QAQC Permitting body which would review it; and then go from there with the approved Permit. He stated to have one firm design it and another firm QAQC it and then have that combination submit it to PennDOT is not what is commonly done.

Mr. Grenier stated he would not have another firm submit Permits. He stated he does not consider any regulatory agency “to ever be a QAQC role in anything, including the Township staff.” He stated the Township staff’s role is to review it against regulations “and that is it, and it is not to provide any cost engineering or value add that way.” He stated it is simply to review something to see if it meets the regulations and can be built. He stated it is “not their place whether they want to or not to get outside the regulations and tell us to do other things.” He stated that is what QAQC engineers do, and they can provide that value engineering. He stated a design engineer is separate from a review engineer working on behalf of the Township.

Mr. Grenier stated he would like to amend the whole Motion.

Mr. Truelove stated with regard to the new Case Law with regard to Agendas and Notice, the fact that this is on the Agenda is sufficient Notice; and Mr. Grenier could withdraw his Motion.

Mr. Grenier withdrew his Motion. Mr. Lewis agreed to the Motion being withdrawn.

Mr. Grenier moved and Mr. Coyle seconded to RFP data collection and design services for the Taylorsville Road and Woodside Road Trail Connection.

Mr. Truelove asked who would be preparing the RFP, and Mr. Grenier stated he would direct Township staff to do that.

Motion carried with Ms. Blundi Abstained.

Drainage Project Updates

Mr. Kessler stated with regard to the Maplevale Drive DEP Permitting, the Emergency Permit is still active and in good standing. He stated with regard to the General Permit which has been in process with coordination with DEP's directions and comments, the submission deadline for that is January 20, 2024; and they anticipate that it will be in before that with no issue. He stated this does not affect any construction that has been done in the field, and it is more of a paperwork submission.

Mr. Grenier stated because there is a deadline, he assumes that is because there has been some "back and forth and they have given a deficiency letter saying respond to these comments by a date." Mr. Kessler stated a lot of that coordination was discussed at previous meetings related to the amount of pipe, etc. He stated the Emergency Permit has a shelf life which will expire, and the General Permit is submitted to have more of a permanent standing.

Mr. Kessler stated with regard to the stream clearing at Taylorsville Road on both the east and west sides, the next step is to focus on the efficiency of the stream which is being coordinated with the work being done by Land Studies. Mr. Kessler stated he is also coordinating with the Township staff to have his wetland specialist analyze the site for possible gravel bar removal in the work areas which was discussed with the DEP in the pre-Application meeting.

Mr. Grenier stated there was some recent clearing done by Public Works which he believes was directed by Land Studies, and Mr. Kessler stated it was a collaborative effort with Land Studies, RVE, and DPW; and the County Conservation District provided guidance. Mr. Grenier asked if we have a DEP Permit in place for "work over there yet." Mr. Kessler stated the area that was cleared is on each bank of the stream "going through there." Mr. Grenier asked if it is within the 50' regulated floodway of the stream corridor where we cleared "lots of trees and vegetation;" and Mr. Kessler stated it is beyond the 50' of the roadway, but it is within the 500' linear feet limit where it triggers other Permitting. Mr. Kessler stated it is not work that is inside the banks of the stream, but it is within the area from the top of bank where the clearing occurred. Mr. Grenier stated we should double check to make sure that we are in compliance with Chapter 105 because they do regulate the 50' assumed floodway along every stream in the Commonwealth unless FEMA has set up a separate floodway. Mr. Kessler stated they have been talking to the Conservation District, the DEP, and the

Army Corps throughout the process. Mr. Grenier stated while he knows who they have been talking to, he wants to make sure that we did not do anything prematurely.

Mr. Kessler stated with regard to the Highland Drive Drainage Improvements Project, they are looking to have this move forward as quickly as possible to add drainage infrastructure for the water coming down Highland Drive toward Taylorsville Road. He stated the Plans are being finalized. He stated this was following the public meeting they had with residents, coordinating with staff, and the Pre-Application meeting with DEP, which is before their Permitting process. He stated this has been scheduled for tomorrow morning; and when they meet with them, this will define what their timeline is for the Permitting of the stream that goes through the culvert. He stated that will govern whether it can be Bid out and get the Plans completed for what they are looking for or if they are going to have some adjustments to the Plan before it is put out to public Bid. Mr. Kessler stated they are looking to have the design substantially finished as well as any feedback they get tomorrow morning to have this before the Board at their December 20 meeting to request authorization to move into the Bidding phase. He stated it would then go before the Board once the Bids come in.

Mr. Grenier asked if there is an existing GP11 for that crossing. Mr. Grenier stated a GP11 is an Operations and Maintenance Permit that goes along with *every culvert or bridge plus 50' upstream or downstream*. He stated this allows for the stream to be cleaned 50' upstream or downstream. He stated GPs are good because they are faster than the alternative; however, he is getting concerned on timing because it seems to have been "pushed out a little bit." He stated DEP is not easy to schedule with, but we need to move ahead so we can get it constructed because it is a major concern for those in the area. Mr. Kessler stated tomorrow morning's meeting was the earliest that they could get with them, and they will know exactly what the steps are for the Permitting with DEP.

Ms. April Bollwage-Cloer stated she is a resident of the Township. She stated they were expecting the Land Studies results this week. Mr. Kratzer stated there was some infiltration testing that was done on November 30 to test some of the recommendations that Land Studies was contemplating to make to the Township. He stated Land Studies will be before the Board of Supervisors at their meeting on December 20 to provide the final report and recommendations.

Mr. Kratzer stated they were waiting for the results of the infiltration testing and some of the soil sampling that had to be done, which is why there was a two-week delay in terms of their final presentation.

Ms. Cloer asked if there are any implications to the Budget with the results not coming back until December 20. Mr. Kratzer stated to the extent that there is something that is identified as an additional Capital project, the Board of Supervisors would have flexibility to re-allocate funds to that priority as was discussed with regard to the proposed Budget.

Ms. Cloer stated she was able to get in touch with a resource through the United Way who works with the Elevated Studio. She stated they go to flood-impacted areas and help residents and work with Municipalities. They also mentioned a few Grants that were available, and she asked what Grants we have applied for related to any work that is being done or proposed as part of the stormwater management plan. Mr. Kratzer stated we are in the process of talking to PEMA about submitting a Bric Grant which will relate to implementation of some of the Land Studies work. He stated the Application is due December 22, and we have been working with the PEMA staff to complete the Application. He stated Land Studies is also advising us on the project narrative to try to advance some of the implementation efforts that are contemplated with their proposed improvements.

Mr. Grenier stated there was also a meeting with the Southeast Director of the Pennsylvania Department of Community and Economic Development which provides a lot of different types of Grants including Grants for this type of work. Mr. Kratzer stated we also had meetings with the Delaware Valley Regional Planning Commission which is providing us with access to a funding navigator to provide advice on implementation of the planned stormwater work.

Ms. Cloer stated some of the recommendations she was provided were CDBG-DR Grant which is a Community Development Block Grant for disaster relief, and the other one was a Hazard Mitigation Grant. Ms. Cloer stated a lot of advice he gave the residents would be helpful if we were in a floodplain. She stated Mr. Majewski has also talked about what we could do as a neighborhood, and they would like to have those discussions continue.

Mr. Grenier stated the Governor just signed a Bill which included setting up a Task Force to review Flood Insurance options for residents across the State. He stated it also included providing guidance to Municipalities, Counties, and residents throughout the Commonwealth.

Ms. Cloer stated with regard to the Land Studies findings, “Brian” went around the neighborhood today and saw the culverts that had been cleaned; and he had some “very straightforward recommendations.” She asked if there is a way to share his feedback with the Township since he talked about options with regard to the Canal. She stated they know that DCNR does not want any more water coming to the Canal, but “water is going to the Canal anyway.” She stated there is a parcel of land along the walking path which would be an option to potentially drain water to and have a more controlled way for it to drain to the Canal. Mr. Kratzer stated the infiltration testing related to basins both north and south of the neighborhood, and Land Studies is identifying opportunities to reduce flow and velocity of flow into the Canal and promote infiltration on those parcels.

Mr. Grenier advised Ms. Cloer that if there is anything else she is thinking of or has heard about, she should send it to the Township.

Mr. Kessler stated when we did the infiltration testing initially the results looked favorable for the water to soak in and have a positive effect.

Ms. Cloer stated with regard to her specific property, there was pooling in the yard; and Mr. Fuller’s crew came out and did a swale but it now points to her patio so she is getting more water than she did before. She stated there were recommendations as to ways that we could swale differently between the homes and plant native plants and vegetation that may make it better. Mr. Grenier suggested looking into the Back Yard Buffer Program from the Philadelphia Water Department to get more information on that.

Ms. Larissa Luzeckyj, 18 Maplevale Drive, asked if the Budget for next year takes maintenance into consideration. She stated a lot has been cleared, but there will have to be continued maintenance on what has been cleared. Mr. Kratzer stated there are internal staff resources who will continue to be dedicated to that. Ms. Luzeckyj asked if additional work will be done, since what is done now will impact what happens in the spring; and Mr. Kratzer stated he believes that there is some finishing work on a parcel to the north of her neighborhood, but nothing in the immediate neighborhood at this point.

Mr. Grenier stated we are still moving forward with the Highland Drive work, and Land Studies will present their recommendations in two weeks.

Ms. Luzeckyj stated she thought that she heard that some improvements were done based on Land Studies recommendations, and Mr. Kratzer stated there was a recommendation for some clearing to be done to provide additional safety from an overflow standpoint. Mr. Grenier stated that was clearing that was done just before the on-ramp to the Bridge coming from the north. Ms. Luzeckyj stated she assumes that anything that Land Studies will recommend would start next year, and Mr. Kratzer stated that is the intent.

Ms. Laurie Grey stated she is a Lower Makefield resident. She stated she understands that money has been allocated in the 2024 Budget in the Capital Budget for all of these improvements that are being discussed; however, we do not know the cost of these improvements yet because the studies have not been completed. She stated the costs could be greater than what has been allocated. Mr. Kratzer stated with regard to the Highland project, we have an estimate of probable cost from RVE. He stated there have not been defined costs for what Land Studies is working on; and there has been discussion about potentially re-allocating some of the Capital funds that were allocated to other projects to potentially implement what Land Studies is considering.

Ms. Grey asked which projects will be approved and which will not be approved. She stated the amount that will have to be re-allocated for this project will be very important. She stated she does not want us to “get back to how we got to where we are today with shifting money around.” Mr. Kratzer stated there was no allocation and it was just a Motion for the staff to release a document to solicit proposals for design and data collection related to a potential Capital project. He stated if the Board accepts a proposal, funds will then be allocated; but at this point the direction is just to solicit proposals which will be brought back to the Board who will then decide if they want to proceed with that project or not.

Mr. Greg Luzeckyj, 18 Maplevale Drive, asked if Land Studies will include a schedule on December 20 for each recommendation that they have. Mr. Kratzer stated there will be a prioritization, and there would not be a specific time schedule. Mr. Luzeckyj stated he feels we should at least have a draft time schedule to help the Board make decisions on what the priority is. Mr. Kratzer stated Land Studies will include priorities, and at that point the Board would have to determine how to proceed with the

scheduling. He stated Land Studies as an external party is not going to tell us specific times when we should do something. Mr. Luzeckyj stated his concern is that he does not want it to go further out in time.

Mr. Kratzer stated we issued a Request For Proposals to update the Township's Stormwater Management Ordinance, and responses are due on December 18. He stated it was directly sent to ten firms in addition to it being publicly available. He stated depending on the responses, that may be before the Board at their meeting on December 20.

Mr. Grenier asked if there will be time between the 18th and 20th to review them and make a recommendation, and Mr. Kratzer stated that is the intention to try to do that.

MANAGER'S REPORT

Approval of the Township's 2024 Holiday Schedule

Mr. Kratzer stated he is not sure that the Board has taken public action on this in the past, but he wanted to advise when the Township Administration Office will be closed in 2024. He stated the schedule is consistent with past practice. He stated the one addition relates to a half day on New Year's Eve. He stated in the past the Township has closed the Office for a half day on New Year's Eve, but he wanted there to be clarity for customers. He added this will be available on the Township Website and communicated more broadly than it has been in the past.

Mr. Lewis moved and Mr. McCartney seconded to approve the Township's 2024 Holiday Schedule.

Mr. Grenier asked if this aligns with our Labor Agreements, and Chief Coluzzi stated it does.

Motion carried unanimously.

Approval of the 2024 Board of Supervisors Meeting Schedule

Mr. Kratzer stated this maintains the Board's practice of generally meeting on the first and third Wednesdays of each month beginning at 7:30 p.m.

He stated there are two months where there is a slight exception. He stated the first is January recognizing that the Board is statutorily required to meet on Tuesday, January 2 for purposes of Reorganization. He stated in October there was discussion that the Board would only meet on the third Wednesday of October because the first Wednesday is the beginning of Rosh Hashanah. Mr. Kratzer stated the Board will likely be meeting for purposes of Budgets so there will be other special meetings that month.

Mr. Kratzer stated once the Board approves the schedule they will proceed with public notice consistent with the Statute.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve the 2024 Board of Supervisors meeting schedule.

Ratify and Confirm Acceptance of the Proposal from Cohen Law Group to Represent the Township Board of Supervisors in the Zoning Hearing Board Application for Cell Co dba Verizon Wireless

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to ratify and confirm acceptance of the proposal from Cohen Law Group to represent the Township Board of Supervisors in the Zoning Hearing Board Application for Cell Co dba Verizon Wireless.

Mr. Kratzer stated the Board had authorized a prior proposal from Cohen Law Group to look at wireless facilities regulations, and that has been circulated to the Board. He stated they will begin the review process at the Planning Commission level and ultimately come before the Board of Supervisors. He stated they have substantially completed the work that was initially contemplated under the prior proposal.

Approve Resolution #23-29 Authorizing the Township Manager to Authorize Any and All Documents Relating to ARLE Grant Agreement No. 0611101A (Big Oak and Makefield Roads) Including, But Not Limited to, an Additional Time Extension until December 31, 2024

Mr. Kratzer stated the Township was the recipient of Grant funds to offset the cost of the improvement at Big Oak and Makefield Roads. He stated we had requested an Extension given certain circumstances around the

design; and in order to authorize the Extension, this Resolution is necessary as the prior Resolution authorized the prior Township Manager to execute those documents.

Mr. Lewis moved and Mr. McCartney seconded to approve Resolution #23-29 authorizing the Township Manager to authorize any and all documents relating to ARLE Grant Agreement No. 0611101A (Big Oak and Makefield Roads) including, but not limited to, an additional time extension until December 31, 2024.

Ms. Blundi stated this was something the Board worked on with the CTC her first year on the Board of Supervisors in 2018. She thanked the CTC for all of their work to make this happen.

Motion carried unanimously.

Approve Resolution #23-30 to Adopt Initiatives to be Recognized as a Pennsylvania Audubon Council's Bird Town

Mr. Kratzer stated this was discussed at prior meetings. He stated the Township had this designation in the past, and this is a re-affirmation of those efforts and to continue to look for opportunities to implement best practices consistent with the requirements of the program.

Mr. Grenier moved and Mr. Lewis seconded to approve Resolution #23-30 to adopt initiatives to be recognized as a Pennsylvania Audubon Council's Bird Town.

Mr. Grenier stated the EAC is in favor of this, and he feels it is a good thing for the Township.

Mr. Jim Bray, 12 Terracedale Road, stated he is a member of the Environmental Council. He thanked the Board for passing this Resolution adding that birds are a bell weather species; and when there is a healthy bird population, it is highly indicative of having a healthy environment. He stated over the years the EAC has passed several Ordinances that have benefitted the bird populations in the Township, one of the main ones being the Native Plant Ordinance which has been very successful. He stated he and Mr. Dresser, the current Chair of the EAC, have calculated that because of the Native Plant Ordinance, we have

probably placed over 10,000 native plants in Lower Makefield that never would have been here. He stated our open space acquisitions have been very helpful as well.

Mr. Bray thanked the Board of Supervisors and the Township staff and professionals for all of their work. He stated he is thankful for the service that the Township has provided. Mr. Grenier stated we have great volunteers who do a lot of work in the Township including the members of the EAC.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated that the Board met in Executive Session on November 20, 2023 between 6:00 p.m. to 7:00 p.m. and informational items and personnel items were discussed.

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m. prior to tonight's meeting and informational, personnel, and litigation items were discussed.

ZONING HEARING BOARD MATTERS

Mr. Truelove stated these two matters are for ratification. He stated it has been three weeks since the last Board of Supervisors meeting which was November 15, and the Zoning Hearing Board met last evening and these two items had to be heard at that time. He stated there was an informal poll of the Board of Supervisors taken with the information and the Board agreed to participate.

With regard to Appeal #Z-23-2040 Munz Construction/Pellegrino for the property located at 872 Henry Road, Yardley, PA 19067, Tax Parcel #20-059-267 Variance request from Township Zoning Ordinance #200-23B in order to construct a 358 square foot addition which would increase the impervious surface from the existing 20.5% to 22.7% where 18% is the allowable amount Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to ratify the Township's participation.

With regard to Appeal #Z-23-2041 Munz Construction/Chud for the property located at 1807 Westover Road, Yardley, PA 19067, Tax Parcel #20-043-047 Variance request from Township Zoning Ordinance #200-23B in order to increase the existing driveway by 858 square feet which would increase the impervious surface from the existing 24% to 28.6% where 18% is the allowable amount Mr. Lewis moved and Mr. Grenier seconded to ratify the Township's participation.

Mr. Coyle stated he understands that participation means that the Township will be part of the conversation; and while we are not approving it, we are supporting the granting of the Appeal. Mr. Truelove stated the Board is not necessarily supporting it, rather the Township participates to make sure that the stormwater mitigation measures that we believe are necessary in these particular cases are followed through and that the Zoning Hearing Board understands the Board of Supervisors' concerns especially now given the last several months and stormwater management issues. He added that there have been times when the Board of Supervisors opposed a few Applications.

Mr. Lewis stated a number of years ago when there were a series of floods the Board entered into the Community Rating Service with FEMA, and that provides people in flood zones with discounts on their flood insurance. He stated as part of that the Township agrees to do certain things; and to make sure that we are in good stead with FEMA, the Township has been actively engaged especially when there have been any efforts in flood zones. He stated the Board's participation in the impervious surface Appeals is in relation to that to make sure that we continue to mitigate stormwater management issues and stay in compliance with our FEMA CRS designation.

Mr. Coyle stated if participating is the right way to make sure we are heard, he is in support of participation; however Maplevale Drive is not on the FEMA designated flood map and this property is not either. He stated this property is less than 800' from the Canal and a designated flood zone. He stated it is also a "straight shot" from this yard to the Canal. He stated he would like those concerns to be in mind as we consider this significant increase in impervious surface above our allowable limits given the changes that we have seen in the Township over the last few years with flood risk.

Mr. Truelove stated while he does not have a report as to what happened last night, he is sure that those issues were taken into account both by his office and by the Zoning Hearing Board.

Motion carried unanimously.

COMMUNITY DEVELOPMENT

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

Mr. Edward Murphy, attorney, was present with Mr. C. T. Troilo, developer, and Mr. John Richardson, engineer. Mr. Murphy stated they received a favorable recommendation from the Planning Commission for Preliminary/Final approval. Mr. Murphy stated the project includes the significant restoration of the Ishmael House, the reconstruction of the Quill House, and the construction of a number of new multi-unit buildings for a total of 13 units with 28 parking spaces. He stated it has the required stormwater design of stormwater management. He stated there have been multiple reviews from all the consultants.

Mr. Murphy stated Mr. Truelove shared a draft of a potential approval Motion, and they have no issues with it as they feel that it contains all of the required Conditions that have been discussed over the many years that the Plan has been in various stages of design.

Mr. Truelove read the proposed Motion to grant approval of the Preliminary/ Final Land Development Plan proposed to develop the existing parcel into thirteen Residential, single-family units by renovating the existing Ishmael House into a single-unit dwelling, replication of the existing Quill House as a two-unit dwelling, construction of one new two-story building consisting of two dwelling units, and construction of two new two-story buildings each consisting of four dwelling units, with the construction of 28 on-site parking spaces.

The Plans are for 1674 Edgewood Road, Plans consisting of 13 sheets dated June 8, 2022, last revised September 12, 2023 prepared by Dumack Engineering, Stormwater Management Report dated April 14, 2023, last revised September 11, 2023 prepared by Dumack Engineering, response letter dated September 11, 2023 as prepared by Dumack Engineering, and Soils Evaluation Report dated May 26 prepared by Dumack Engineering; all collectively referred to as the Plan.

The approval of the Plan is subject to all Terms and Conditions contained in the letter which is to comply in all respects with each and every requirement of Lower Makefield Township Subdivision and Land Development Ordinance,

Lower Makefield Township Zoning Ordinance, and all other Municipal Ordinances, Codes, and Regulations, and with the Laws and Regulations of every level of Government having jurisdiction over any aspect of this property.

The Plan is approved subject to specific compliance with the following terms:

1. Compliance with all Terms and Conditions of the review letter prepared by the Township's engineer, Remington & Vernick, dated October 24, 2023 except as otherwise modified herein;
2. Compliance with the recommendations of the Township's traffic engineer, SAFE Engineering, outlined in the letter dated October 19, 2023; and in accordance with Township Ordinance #121-14 and Township Plan 683 and 684 shall pay the Transportation Impact Fee of \$13, 636 for the new Residential units which are anticipated to generate a total of four new trips through the weekday afternoon peak hour;
3. Compliance with the recommendations of the Township's Citizen Traffic Commission per its e-mail transmission dated October 3, 2023;
4. Compliance with the recommendations of the Bucks County Planning Commission dated September 22, 2023 regarding the basis for Waivers, Historic Preservation, and review by the Township's HARB, native plantings, tree protection, and installation of sidewalks;
5. Compliance with the determinations and recommendations of the Township's engineer and further discussion regarding the feasible extension of the sidewalk along Yardley-Langhorne Road to the edge of the property line with the proposed drainage being re-located accordingly. If the sidewalk cannot be feasibly extended, then the Applicant shall pay a Fee-In-Lieu of installation of the sidewalk extension as determined by the Township at the rate of \$50 per linear foot in accordance with Section #178-47;

6. Installation of a more significant buffer and pervious surface around the trees located near the dumpster area as approved by the Township and the Township engineer;
7. If required, the Applicant shall obtain the necessary Highway Occupancy Permit from the appropriate Government agency regarding emergency access onto Yardley-Langhorne Road, also known as State Road 2049;
8. If required, the Applicant shall comply and pay all otherwise required Fees required by Section #A205 of the Ordinance unless noted otherwise as determined by the Township prior to the Recording of the Final Plan;
9. If applicable, Applicant must obtain any and all necessary approvals from any and all other applicable Governmental entities having jurisdiction over this project including but not limited to the Bucks County Conservation District, Pennsylvania Department of Environmental Protection, including without limitation to any requirements for the issuance of the otherwise required NPDES Permit;
10. Payment of the required Fee-In-Lieu of dedication of recreation land in the amount of \$51,640 for the ten new dwelling units calculated at \$5,164 per unit.

In addition to the above the Township Board of Supervisors would grant Waivers from the following requirements of the Ordinance:

1. Waiver from Section #178-12.B of the Ordinance allowing Preliminary and Final submission to be consolidated into one submission;
2. Waiver from Section #178-13 to not perform or provide the procedure for Plans as otherwise specified;
3. Waiver from Section #178-19 to not require the submission package as otherwise specified and required and instead as stipulated by the Township;

4. Waiver from Section #178-20.C6 to allow 1' contours;
5. Waiver from Section #178-20.C9 to not be required to show all existing features within 200' of the tract;
6. Waiver from Section #178-40.A to permit existing right-of-way and cartway widths to remain;
7. Waiver from Section #178-57.E to not require curbing around the parking area;
8. Waiver from Section #178-57.G to allow .87' between the building and the parking area where 5' is otherwise required;
9. Waiver from Section #178-80 to not require the Landscape Plan to be prepared, signed, and Certified by a Registered Landscape Architect;
10. Waiver from Section #178-81.D to allow street trees to be located more than 15' from the right-of-way;
11. Waiver from Section #178-85.H4d to permit payment of a Fee-In-Lieu for installation of otherwise required replacement trees as determined by the Township;
12. Waiver from Section #178-93.F3c to permit use of 8", 12", and 15" drainage pipes in lieu of otherwise required minimum 18" drainage pipes;
13. Waiver from Section #178-93.F3h to permit a minimum 1' pipe cover in lieu of otherwise required 2';
14. Waiver from Section #178-113 to permit payment of Fee-In-Lieu of installation and planting of four remaining required street trees.

Mr. McCartney moved and Ms. Blundi seconded to approve Preliminary/Final Land Development for 1674 Edgewood Road – Point (Troilo) Development as read by Mr. Truelove.

Mr. Murphy agreed to the Conditions and Waivers as read by Mr. Truelove.

Mr. Kratzer noted that Mr. Joe Fiocco, the traffic engineer, is available if there are questions related to his review or traffic.

Mr. Grenier stated there are comments from various Boards and Commissions including HARB that he does not feel have been completely finalized; and he would not be in favor of the first Waiver request. He stated he would be in favor of allowing for Preliminary Approval but not Final Approval. He stated he would like this to go back to HARB and the EAC who “have been adamant about the fact that they need to review it one more time.”

Mr. Grenier asked why they are less than 1’ from a building to the parking area when our minimum requirement is 5’ adding he does not feel that seems safe. He stated he also feels that if we are going to have Landscape Plans, they should be completed by a Registered Landscape Architect to make sure that it is done correctly and that it meets all requirements. He stated he is also concerned about not providing the required cover over various pipes to provide protection, and he is concerned that they are only providing 1’ instead of the 2’ required.

Mr. Grenier stated a Variance was granted for much greater density than what is allowed by Zoning, and he is concerned about the potential for increased foot traffic in this area which is supposed to be a pedestrian-friendly Zoning Overlay. He stated when there is greater density that leads to more foot traffic and potentially more car traffic. He stated when there is more density there is also a concern about more stormwater management issues. He stated he is not in favor of underground “cisterns.”

Mr. Grenier stated he knows that there have been a lot of requests for pervious pavement, and there were some responses that pervious pavement is not something that can be managed in a parking lot; however, he “knows that is false, and that pervious pavement is designed for parking lot areas.” He stated it provides a benefit, and we are trying to promote that with all of our stormwater regulations.

Mr. Grenier stated for all of these reasons, he does not feel that it is ready for Final approval, but he would be in favor of Preliminary approval.

Mr. Grenier stated there was discussion about not putting sidewalks in certain areas if they do not fit; and he feels that we need to work that out and try to make them fit before we approve this given what the focus is for this area. He stated there has also been discussion about concerns with certain turning radii and sight lines at the point. He asked Mr. Fiocco to address these issues.

Mr. Fiocco stated he is comfortable with the sight lines at the point. He stated he was on site, and when someone pulls out to the intersection, there is plenty of sight distance to both the right and to the left. He stated with regard to the pedestrian circulation, he had recommended what is shown on the Plan; with the pedestrian crossing to the intersection of the driveway giving the maximum amount of sight distance back to the Y intersection.

Mr. Fiocco stated with regard to the sidewalks, he is not sure where the concern is about which sidewalks cannot be installed. He stated on the Plan if someone is walking along Edgewood, it looks like there is a sidewalk connection pretty much around the entire property. Mr. Grenier stated he believes that it was mentioned in one of the comment letters. Mr. Richardson stated that issue was resolved, and we came up with a concept which was reviewed by the Township engineer. Mr. Grenier asked for a description of what they are doing. Mr. Richardson stated they are ringing the site with sidewalk. He also noted that they were able to resolve an issue with the stormwater by discharging the stormwater underneath the sidewalk via piping.

Mr. Grenier asked about the issue of the 2' of cover. Mr. Richardson stated that issue is somewhat obsolete as all of the manufacturers are essentially recommending 1' currently. Mr. Grenier asked what type pipe they are putting in, and Mr. Richardson stated it is HTP.

Mr. Grenier asked if it is emergency only on the north side of the parking lot, and Mr. Murphy agreed. Mr. Grenier asked what will be put in to block that from regular traffic; and Mr. Richardson stated that would be up to the Fire Marshall, but usually it is some method of bollards and chain. Mr. Grenier stated given where this site is, he feels that aesthetics should be considered. Mr. Fiocco stated that was one of his comments, and it looks like a full-service driveway. He stated he indicated that if it was intended to be emergency-only, it should be designed as emergency-only so that the emergency personnel know that they can get in, but the direct traveling public is not tempted to go in there. Mr. Grenier asked if it

would make sense to use the grid-like material where grass can grow through for the emergency-only access. Mr. Richardson stated when they went before the Planning Commission this issue came up, and they agreed to do whatever the Township wanted them to do. He stated they would be willing to put in the grass pavers with the caveat that since it is going out to the PennDOT road, PennDOT may require that it be asphalt at least for 10' or 20' back from the edge of the cartway.

Mr. Grenier noted the location of the dumpster, and stated he is not sure they would be making turns on the grass pavers. Mr. Richardson stated the way the turning works for a trash truck, is that it pulls in forward, picks up the dumpster, backs up a little bit, and then it can swing into the striped island to the left, make a K-turn, and pull out. Mr. Grenier asked what is the Ordinance requirement for setback for a dumpster from a property line, and Mr. Richardson stated he is not aware of a specific requirement. Mr. Kessler stated while he does not know that offhand, he does not have an issue with what is proposed.

Mr. Grenier stated the Doctor who owns the house next door was very concerned about the buffer. Mr. Richardson stated originally it was paved to the right of the dumpster; but based on the Planning Commission's recommendations, they are showing that area to be grass and they have also pulled the dumpster an additional 5' away from that property line so it is about 10' away. Mr. Grenier asked if there is any screening of the dumpster, and Mr. Richardson stated there is landscaping and usually a dumpster would have an enclosure.

Mr. Fiocco stated one of the comments on his review letter was that they demonstrate that the circulation would work.

Mr. Grenier asked to be shown the location of the pedestrian crosswalk, and Mr. Richardson showed where it is located on the Plan. Mr. Grenier asked if someone is at the point itself are they able to get to the north side of the street where the skate shop is located. Mr. Richardson stated they do not currently propose a crossing at that location because there are no sidewalks on that side of the street.

Mr. Grenier asked what was the allowable density pre-Variance; and Mr. Truelove stated he believes it may have been eight, although, he was not certain. Mr. Grenier stated he believes that they were looking for seventeen, but they are actually doing thirteen. Mr. Murphy stated years ago there was a Plan that called for that number of units, but over

the various iterations of the Plan the number of units continued to drop. Mr. Murphy stated the last time they went before the Zoning Hearing Board, the request was for a greater number of units, and the Zoning Hearing Board asked that they further reduce the density. Mr. Grenier stated that on the bulk requirements table on the Plan it indicates 17.1 development units per acre. Mr. Richard stated he believes that they are getting number of dwelling units and density confused. He stated because the Lot is not exactly one acre, they do not agree with each other. He stated if the Lot were exactly one acre, and there were 13 units, the density would be 13 dwelling units per acre; but the Lot is less than one acre, and they are proposing 13 units and that calculation resulted in a density of 17.1 dwelling units per acre.

Mr. Lewis asked if there is a need for traffic calming or are there traffic-calming effects for speed on both the north and south part of the parcel. Mr. Fiocco stated they collected data on the two roads, and where they are proposing the crosswalk at the driveway provides adequate sight distance for the crossing based on the speeds that were monitored and counted. Mr. Lewis stated it has been moved further from the actual point so that gives people more time, and Mr. Fiocco agreed.

Mr. Lewis stated when he drives in the area, he tends to slow down naturally because it is not a traditional driving experience, and he is not sure anything additional is needed; and he is hopeful that behavior will stand. Mr. Lewis asked what was the 85th percentile speed, and it was noted that it was 39 miles per hour on Langhorne-Yardley Road. It was noted that is on the road coming from the north side and not the south. Ms. Blundi stated in the data provided for Edgewood Road, it indicates that the 85th percentile speeds were 33 miles per hour. Mr. Lewis stated there are going to be increases in traffic in the general area over the next year or so, and this development will not add that many trips so he does not see it as a contributor to overall traffic; but we should look at this as it relates to other development coming on-line in the area traffic wise.

Mr. Lewis asked if the Disability Advisory Review Board looked at these Plans, and Mr. Troilo stated he was not aware that they did. Mr. Majewski stated typically we would send this to the Disability Advisory Board once they submit Building Permits so that they can look at the actual buildings and the accessibility.

Mr. Lewis stated one of the apartments is on the first floor so that would be accessible. He asked the types of apartments and what they will rent for. Mr. Troilo stated they are envisioned as two bedroom, one bath with an open floor plan, and they are all less than 1,000 square feet. He stated they do not have rental rates at this time, but they would be in line with other units in the area as they would have to be competitive in the market.

Mr. Lewis stated there was discussion about a crater on Plan Sheet #2, And he asked for details about the crater and the mitigation strategy. Mr. Richardson stated they showed the location on the Plan. Mr. Lewis asked if a building will be on top of that location. Mr. Richardson stated they believe that it is a septic tank that was buried and the lid has cracked and fallen in. He stated the foundation for the house would be lower than that.

Mr. Lewis asked that they consider a pervious surface for that parking lot in terms of how to handle stormwater management. He stated he has seen it work at the Makefield Elementary School. He stated he understands that there is O & M, but he feels it would be beneficial for the development and the community at large in terms of stormwater management. He stated he knows that this has been discussed previously with regard to this development, but the Board is now looking at everything they can to help improve stormwater management.

Mr. Lewis stated he would be in favor of an amendment to the Motion to consider Preliminary approval as opposed to Preliminary/Final. Mr. Murphy stated they sought Preliminary/Final from the beginning, and he does not feel the Plans will change given the level of detail that they have incorporated which meets all of the Final Plan requirements.

Mr. McCartney asked what version is this Plan, and Mr. Richardson stated Mr. Troilo has been working on this plan for ten years. Mr. Troilo stated between he and Mr. Richardson internally, they have done over a hundred iterations of this Plan. He stated they have presented five to six iterations to the Township Boards over the years. He stated they started with 17 units and are now at 13. He stated they originally proposed no sidewalks on Yardley-Langhorne Road, and they have been added. He stated a lot of time and effort has been put into this. Mr. McCartney stated he believes that they did get approval from the Board at one time, and Mr. Murphy

agreed that was an earlier version. Mr. Richardson stated he has been doing this work for twenty-three years, and by far this Plan is more designed by the Township than any project that he has ever worked on; and every piece of the lay-out was given to them by a Board.

Mr. Murphy stated he does not believe that there is anything that they have not dealt with or agreed upon already so that he does not feel that there is anything left for them to do that would suggest that they need to go back through the process again.

Mr. Coyle stated he is on the Planning Commission, and he voted in favor of recommending to the Board of Supervisors approval of the Preliminary/Final Plan to the Board of Supervisors; and he will keep that recommendation. He stated at the close of the Planning Commission meeting, the Applicant indicated that they had concerns with pervious pavement and that over time it becomes the same as regular asphalt. He stated the Makefield Elementary School parking lot was installed eleven years ago, and it is still functioning properly. He stated while he does not see a way that he could try to force the Applicant to switch to a pervious pavement, he would strongly recommend that they consider that for the benefit of the Township and the individuals who will be living in these dwelling units.

Mr. McCartney asked if the developer would like to take time to consider this, and a short recess was taken at this time.

When the meeting was reconvened, Mr. Murphy thanked the Board for the opportunity to discuss this matter with Mr. Troilo; and he stated they would be willing to install porous paving in the parking lot.

Mr. Truelove stated it will be added as a Condition to the approval that the parking lot will be constructed entirely of porous pavement.

Mr. Grenier thanked the Applicant for this, and he asked about the process with regard to an engineering review of the porous pavement parking lot. Mr. Murphy stated the Plans will be revised to show the design for review and approval by the engineer. Mr. Murphy stated he will re-circulate the approval letter and make sure the wording is acceptable. Mr. Richardson stated he will work with RVE on this.

Motion carried unanimously for Preliminary/Final approval contingent on the Township engineer's acceptance of the pervious pavement.

Mr. Grenier stated when it comes to Final Building Permits, they will need to go before HARB for “treatments, etc.”

SUPERVISORS REPORTS

Ms. Blundi stated the Board is waiting for information about 501(c)(3)s so that she can report back to the Ad Hoc Property Committee. Mr. Truelove stated he and Ms. Kirk, who serves on the Pennsbury Manor Board and is familiar with 501(c)(3)s, are working with Mr. Kratzer on this.

Mr. Lewis stated there is an end time for the Ad Hoc Property Committee, but there are members of that Committee who could be very helpful on an Implementation Committee which the Board would consider going forward because they have done excellent work, and we want to make sure that we continue working on this.

Mr. Grenier stated the Seniors reached out to him regarding their concerns with the proposed Fee Schedule, and he advised them that the Park & Rec Board is meeting on December 12, and that they should express their concerns at that meeting; and the Board of Supervisors will consider this when we look at the Budget on December 20.

Mr. Coyle stated the Park & Recreation Board will be meeting on Tuesday, December 12; and since they are considering the Budget, residents are encouraged to come to that meeting and make comments.

OTHER BUSINESS

Mr. Coyle wished a happy Hanukkah to those who celebrate.

Mr. Coyle stated there was an incident in the Township with an individual who had stolen a vehicle, and Saturday night they came to his home and attempted to steal his vehicle. He stated he has learned that far too many people leave their vehicles unlocked in their driveways overnight with wallets and purses visible. He stated after seeing the individual on Saturday on the camera, before calling the Police he went out and made sure that his neighbors were okay, and that individual later committed a violent car-jacking. He stated he should have called the Township Police immediately.

He stated the Police response was very fast, professional, and thorough. He thanked the Township Police for all that they do in keeping us safe.

Ms. Blundi stated the Board joins with Mr. Coyle in wishing Happy Hanukkah to our friends and neighbors.

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS

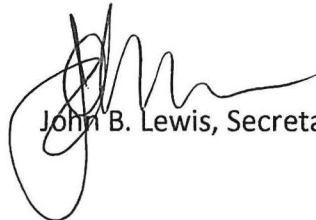
Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to reappoint Lisa Huchler and Michele Williams to the Disability Advisory Board and Patrick Frain to the Golf Committee.

PUBLIC COMMENT

Ms. April Cloer stated she is a Lower Makefield Township resident, and she thanked Chief Coluzzi for putting the speed limit sign at Highland.

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,



John B. Lewis, Secretary