

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
DECEMBER 20, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 20, 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
James Majewski, Community Development Director

COMMUNITY ANNOUNCEMENTS

Ms. Blundi stated during this portion of the Agenda residents and youth organizations may call in or request that an announcement be placed on the Agenda. There was no one from the public wishing to make an announcement at this time.

Ms. Blundi stated that Cub Scout Pack 95 is collecting broken string Christmas lights to be recycled in partnership with the Big Oak Citgo on Big Oak Road until January 10, 2024. For any questions, contact Joanie Layden at joaniesl20@gmail.com.

Ms. Blundi stated the Environmental Advisory Council will be hosting their Styrofoam and Recycling Event on Saturday, January 20, 2024 from 10:00 a.m. to Noon outside of the Township Building. She stated they are also collecting wine corks and clean medication bottles with all identification information scrubbed off of the bottle. She stated they also recycle batteries.

TREASURER'S REPORTS

Approval of November, 2023 Interfund Transfers

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve the November, 2023 Interfund Transfers in the amount of \$1,137,869.32 as attached to the Minutes.

Approval of Warrant Lists for November 20, 2023, December 4, 2023, and December 18, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Warrants Lists for November 20, 2023, December 4, 2023, and December 18, 2023 in the amount of \$1,949,804.07 as attached to the Minutes.

APPROVAL OF MINUTES FOR DECEMBER 6, 2023 MEETING

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes for the December 6, 2023 meeting as written.

LANDSTUDIES PRESENTATION

Mr. Ward Oberholtzer, Senior Engineer, was present with Mr. Ben Clemmer, engineer. Mr. Oberholtzer stated he specializes in water resources and flooding. He stated Mr. Clemmer was in attendance when they were doing some of the testing. Mr. Oberholtzer stated they did a visual flood mitigation assessment of existing conditions, looked at historical aspects, changes to the land use and the streams, and came up with some general recommendations.

Mr. Oberholtzer showed a map of the existing conditions of some of the flood locations and the flows. He stated some of the major significant areas of the flooding were on Lower Hilltop and down closer to Taylorsville Road. He stated they identified different basins and descriptions of some of the flooding areas. He stated one of the major constrictions for one of the flooding areas was in the confluence of the tributary with Taylorsville and Highland Drive, and there is also a Residential crossing there. He stated when Taylorsville overtops, a lot of the flooding and flows go into the Maplevale Development. He stated there are also some issues with the storm drains that they tried to resolve.

Mr. Oberholtzer showed photos of the pinch point areas down close to Maplevale. He noted the photo to the right is the private bridge, and that crossing gets clogged with a lot of debris; and flood water overtops through the properties and onto Taylorsville Road. He noted the photo of the straight channel looking up. He stated once Taylorsville Road overtops, it has no way to get back into the channel again and flows into the Maplevale Development.

Mr. Oberholtzer showed additional photos of crossings noting the photo on the bottom right which is the Taylorsville crossing looking upstream, and you can barely see the opening. He stated there are large trees and vegetation that block the opening. He noted the photo of the Highland Drive culvert looking downstream. He stated Taylorsville Road is very close to the flood plain elevation indicating that it will flood frequently. He noted the map to the left on the slide; and he stated once the stream crosses through Taylorsville Road, it stays away from the Residential Development, and a lot of the work down there that could be proposed would not really benefit any of the residences from the flooding issues.

Mr. Oberholtzer stated they did some historical mapping comparisons to see what impacts have been done to the floodplain and the channel over the years. He showed a slide and stated the blue line came from historical mapping from 1876, and the yellow line is from 1972. He stated some of the major changes can be seen that occurred with the stream and the floodplain at Taylorsville Road and Maplevale, and the stream channel was diverted and straightened; and typically that causes a lot of bed degradation which in turn then transitions into a lot of "bed load bar development" and increases flooding potential. He stated there are no residences in that area; however, above Taylorsville there are significant changes and straightening of the stream and that produces a lot of bed load and debris which is what can get clogged onto some of the crossings, culverts, and bridges and increased flooding of the roadways.

Mr. Oberholtzer showed a blow-up of Lower Hilltop. He noted the yellow line is 1972 and the red line is 2022. He stated they were straightened; and while there used to be a lot of meandering, now it is right against the Residential properties on Lower Hilltop Road. He stated when the stream over-tops, it flows through the back yards and then goes back down to the channel.

Mr. Oberholtzer stated on Taylorsville Road there was significant manipulation of the streams and more straightening which creates a lot of the flooding around the Highland Drive area and Taylorsville. He stated there is not as much of an impact downstream of Taylorsville although it does show how much impact has occurred to the streams and the floodplains over time.

Mr. Oberholtzer showed a map of the recommendations. He stated with regard to the Hillwood Heights area, there are some tributaries above 295 and a storm-water basin. He stated what they are recommending would help increase some of the flood storage and slow some of the flood waters down. He stated the channels through there are entrenched where it pushes the flow through very quickly. He stated doing a restoration-type project would spread the flows out, slow the velocity down, and increase some storage.

Mr. Oberholtzer stated going just to the east of Makefield Chase, you see Basin B, and there is an older stormwater management facility there; and that pinches the stream between the residences and the stormwater basin, which forces a lot of the flow into the Residential back yards before it re-enters the stream in the red-hatched area shown. The recommendation is to modify this old storm-water basin, get the stream away from the Residential properties, and make it a more straight, direct route through Lower Hilltop and Emerson Drive. He stated at the bottom where it goes through the residences, there is red hatching through there. He stated the top of banks are extremely high such that they might be higher than the upstream roadway which may cause a lot of the flooding at those two crossings. He stated at some point in time the intent would be to do a two-dimensional, hydro-dynamic model to see if those banks need to be lowered or if other improvements could be made to reduce the flooding on the roadway.

Mr. Oberholtzer stated going down into Maplevale, it is very complex, and there is the Residential crossing which causes flooding. He noted Highland Drive and stated the way the road comes into Taylorsville it is very high, but he does not know how much of the opening per se would increase or decrease the flooding because that road is so much higher than Taylorsville. He stated there is also the Taylorsville crossing which had been moved closer to the Interchange. He stated when Taylorsville Road floods, there is flow going through the Maplevale Development. He stated their recommendation would be to try to provide better inlets and a better storm drain system to take the flow to Basin C, which would be the property to the north of Maplevale and also Basin B, which is property south of Maplevale.

Basin A was shown, and Mr. Oberholtzer stated they are showing in green doing restoration to try to slow the water down and possibly make some retrofits to Basin A. He stated these modifications are relatively minor compared to some of the other recommendations. He showed a slide of Basin B, and it can be seen how it encroaches upon the stream to the right, which causes any overtopping to go through the Residential areas within that development. He stated the idea would be to modify Basin B to re-locate the stream away from the residences and get a straighter approach leading into Lower Hilltop Road.

A slide was shown of an example of a valley and floodplain restoration technique. He stated the dashed line in the existing channel shows high banks, and that increases the water surface during flood events. Mr. Oberholtzer stated they typically try to remove the high banks to get them very shallow which provides much lower velocities, and it lowers the water-surface elevation in many locations.

A slide was shown of a reconstruction of a site in York, PA which in 2018 had high, eroding banks, failing trees, gravel, and cobble. Mr. Oberholtzer stated during a large storm event, it would build up with debris and would need to be dredged after large storm events; although dredging afterwards does not usually prevent it from occurring again during the next storm event. He showed the restoration done in 2023, where after five years, it was fully vegetated without hardly any eroding banks; and since there is not a lot of bar material, there is not a lot of movement of bed load or debris.

A slide was shown of Culps Runs in Gettysburg Historical Park of conditions in 2020. Mr. Oberholtzer stated there were high eroding banks. He stated once they get the hydrology set for the vegetation to be established it does not take long to see improvement. He noted the slide from 2022 when the project was finished and they had about 5 acres of wetlands and 13 acres of meadow land. He noted the slide from 2023 where you can see the vegetation with the idea being to get the soil-water interface apart so that there is no movement of bed material or eroding trees, etc.

Mr. Oberholtzer stated some areas do not have room for a restoration project like that. He stated they have included some photos which would be through Lower Hilltop and Edgemere that would have to be armored and possibly widened. He stated they would try to maximize the capacity going through there including the 90-degree bend immediately downstream of Edgemere. He stated those banks are high, and he believes that backwater is what is causing the flooding on Edgemere and possibly impacting Lower Hilltop.

A slide was shown of the crossing at Taylorsville Road. He stated what is being proposed is to put in two basins – one on the north end and one on the south end – and get the flows that flood onto Taylorsville Road away from Maplevale flowing north and south. He stated this is not to say that we are not trying to improve the crossings because they are recommending a two-dimensional model that will try to show what existing conditions are causing including blocking some of the bridges with debris, and also getting a better handle on the cost-benefit of what improvements can be done to try to reduce the flooding of Taylorsville. He stated Taylorsville has an extremely low profile relative to the stream, and he anticipates Taylorsville still being flooded, and what he is showing is a means of trying to get the flow away from Maplevale and into the basins to the left of the slide.

Mr. Oberholtzer stated they did do some preliminary testing by digging some pits, and he had felt that they would find sandy loam/course sand and gravel at the pits at some elevation. He stated they went about 7' down and found a good layer of sand and gravel, but they do not know how deep it is. He stated it was infiltrating so fast that they could not really test what was the infiltration rate. He stated it went in and was siphoning right down. He stated they believe that it would be good to try to send the water to the north and south areas and reduce the flow going into the Canal, and that may possibly then provide an opportunity to put in an additional outlet or two from Maplevale into the Canal.

A slide was shown of a blow-up of trying to get inlets along Maplevale and Taylorsville to flow into Basin C. Mr. Oberholtzer stated the basin would have to be 7' to 9', and an analysis would tell how deep. He stated there is a lot of drop that needs to occur to get into the stream close to the Canal. He stated they would discharge anything that goes into Basin C that is not infiltrating to go toward the Canal.

A photo was shown of the existing private bridge. Mr. Oberholtzer stated that has a very short span and is prone to clogging especially with the unstable stream system upstream. He stated their recommendation for that would be to replace that bridge, re-locate it, re-locate the stream, and get a better alignment that can pass additional material, and at the same time a restoration project upstream could put a storage zone in for any type of debris to gather before it gets to this bridge.

Photos of existing conditions were shown.

Mr. Grenier asked if they came across any FEMA flood studies for this watershed, and Mr. Oberholtzer stated while they did a search, he believes that the watershed was too small. Mr. Grenier stated the only floodway we would have relative to a regulatory issue would be DEP's assumed 50' floodway, and Mr. Oberholtzer agreed.

Mr. Grenier noted the 1972 aerials that had been referenced which show the stream re-location, and he asked if they looked into why and how that was re-located. Mr. Grenier stated he assumed it was PennDOT when they were building I-95, and Mr. Oberholtzer stated he would agree that would be the case with regard to the Taylorsville Road area.

Mr. Grenier stated it was noted that Taylorsville is very low. He asked if they calculated what size storm events the recommended new basins or upgrades could treat, and Mr. Oberholtzer stated they did not as their scope was primarily to do a visual assessment and come up with general recommendations. He stated because of the gravel and the distance that they would have to get from the basins to the Canal, he thought it might possibly be a wide, shallow floodplain in the sand and gravel; and when they get close to the confluence of the tributary and the Canal, then maybe put in a pocket that might be 2' to 3' deep. He stated his fear would be that if the basin filled out and it would back-water on Taylorsville again, that there would be enough drop between Taylorsville and the Canal that they could do that down close to the bottom and take advantage of the gravel from the top all of the way through. Mr. Grenier stated he would call this more of a flood storage basin, and Mr. Oberholtzer stated it would be an infiltration/flood storage basin. He added that the ideal situation would be to try to get as much flow going north and south of Maplevale. He stated based upon the infiltration and the material that they saw, he does not think that a lot of the flow going in there is going to be coming out; and it will go straight down. He stated it would be good to do some probes to see how deep it is adding that it would be good to know if it is deeper than the Canal, and we would then know that it is not really going into the Canal.

The Recommendations sheet (page 11) was noted; and Mr. Grenier stated at Longshore Estates along Merrick Road some of those homes flooded during the July 15 rain event because there were large flows coming through the Farmland Preservation land. He asked if they considered any potential improvements in that area. Mr. Oberholtzer stated they did not as they were not aware that those homes had flooded. He stated he knew that there was a lot of flow that came across the road from the field. Mr. Grenier noted Fairfield Road and across from that there is one lot, and at the southern

edge of that lot there was a large amount of flow as shown on videos of that location to the back of the properties along Merrick Road and eventually to the basin. He stated all of those back yards were flooded. Mr. Grenier asked if there are things that could be done since that area is high up in the watershed and might have an impact downstream. Mr. Oberholtzer stated it is typically extremely difficult trying to use a basin to prevent flooding only because the volume of water relative to the volume in the basin it does not take long for the basin to fill and to over top. He stated there are two stormwater management basins in that area, and they could try to collect the flow coming off the fields with a large swale and some large yard inlets and direct them into the basins to by-pass the residences. He stated trying to put a basin up there in addition to the other ones, typically it would have to be so large to manage floods like that, that it would not work.

Mr. Grenier stated that was a very large storm event, and this would be for smaller storm events. He stated he would like to know if there are any BMBs we could use up there that would help. Mr. Oberholtzer asked if they flood during smaller events there, and Mr. Grenier stated they do. Mr. Oberholtzer stated while they would have to look at that in more detail, typically the best way to try to avoid that is to capture and convey.

Mr. Grenier stated the Township owns the Snipes Tract of about 30 acres which is nearby, and he asked if they looked at that area as a potential area for storage of any type. Mr. Oberholtzer stated they did not look at that since it seemed as though it was out of the drainage area. Mr. Grenier asked if they could convey water by a series of pipes or other methods, but Mr. Oberholtzer stated he did not know. Mr. Grenier stated he feels it looks like this would be an opportunity higher up in the watershed, since not everything has to be done at the bottom.

Mr. Grenier noted Basin B, and he asked if the recommendation for the stream as it flows from north to south is to realign the stream so it is not so of mu of a 90 degree at the outfall discharge of the basin behind the homes. Mr. Oberholtzer stated what happens now is that the basin extends past the back yards of the residences and the stream has to fit between the basin embankment and the residences. He stated when the stream floods, it goes through the residences. He stated the recommendation would be to shorten that basin and relocate the stream away from the residences and make it have a much wider floodplain so that it stays within that valley instead of flooding the yards. Mr. Grenier stated in order to do that, we would have to make sure that the shortened basin would still provide the

benefit that it is supposed to, and Mr. Oberholtzer agreed. He added that he had showed a typical valley/floodplain restoration project, and that does provide a lot of storage when you do a long distance because if you are moving 20,000 cubic yards of soil, you now have 20,000 cubic yards of space available for floods. He stated there would be a detailed analysis to make sure they were not making conditions worse. Mr. Grenier stated that basin was put in as part of a Residential development that had to meet certain volume requirements.

Mr. Grenier stated as you go downstream, they have the bank armory, and there are what look like to be a couple of 90-degree bends; and he believes that matches the red line from 2022. He asked if it would be recommended that we try to re-align the stream at that location. Mr. Oberholtzer stated he believes that with the development it is either through channel incision and the channel has dropped significantly over that time period or there was a significant amount of fill placed much earlier, and the banks are so high that it would be extremely difficult to try to re-align the stream with the residences next door. He stated on the downstream side of the first 90-degree bend as it is coming out of the development, he believes the best approach besides armoring the straight approach, would be to lower that high bank because it is 8' to 10' high, and get the flow to drop down at a much lower elevation, which would then provide a lot less back water to the upstream roads and residences.

Mr. Grenier stated further downstream there is the 19 plus acre parcel, and he asked if that is where they are recommending the floodplain and valley restoration; and Mr. Oberholtzer agreed. He added that they are recommending it through there and also the duck pond property if feasible. He stated that would significantly reduce the bed load and woody debris that works its way down to Taylorsville. He stated it would also slow a lot of the velocity and provide some storage for flood flows within that long reach. Mr. Grenier stated that is a private property. Mr. Oberholtzer stated they walked the property with those property owners who did not seem to be against what was being discussed.

Mr. Grenier stated further downstream there are some existing basins that come off of Prospect Farm Drive which treat Prospect Manor. He stated the Township owns some land in that area, and he asked if they looked at potentially providing additional storage area there. Mr. Oberholtzer stated they seemed too high; and while it might be possible to do something there, he believes it would be very expensive. He stated there is not a lot of room in there between the stream and the floodplain and the stormwater basins, and it would be difficult to try to work with those basins.

Mr. Grenier noted further down where there is the new culvert crossing, and he asked if that is where the driveway crosses. Mr. Oberholtzer stated there is a driveway crossing which is about 200' to 250' upstream of Highland, and then there is the Taylorsville crossing downstream from that.

Mr. Grenier stated at Highland they are looking at changing out the culvert and doing some improvements on Highland Drive relative to more inlets and trying to get more flow into the stream. He asked Mr. Oberholtzer if he has worked that into his recommendations, and Mr. Oberholtzer stated their approach for that number of crossings from Taylorsville to Highland would be to do a two-dimensional model with a replacement structure there. He stated what he feels may need to be required is to put a higher wall along the right side of Taylorsville to try to keep the flow within the channel. He stated the way Highland Drive is situated, it is going uphill so a lot of super-structure is higher than Taylorsville Road. He stated he feels there may not be a significant benefit by making that much larger because you would end up having to go away from Taylorsville Road due to the intersection and that means you are getting higher and higher while Taylorsville Road still stays low.

Mr. Grenier stated the problem is that Taylorsville backs up; and instead of backing up to additional stormwater facilities on Highland, it backs down into Maplevale so additional work above Taylorsville is not going to help much with the back-up issue. Mr. Oberholtzer stated the storm drains that do exist on Taylorsville are actually directing upstream of Taylorsville so in essence it is just a re-circulation. He stated when it backs up onto Taylorsville, it is trying to push it back into the upside side of Taylorsville. He stated they are proposing trying to take all of that downstream of Taylorsville to one of those basins so that they are relieving the pressure on that. He stated he is not indicating that improvements to Highland will not make a significant improvement, but he believes that is a complex situation where they would typically run a two-dimensional model to see what kind of improvement we would be getting.

Mr. Grenier asked Mr. Oberholtzer to explain what a two-dimensional model is. Mr. Oberholtzer stated it takes a surface and runs flow through the surface, and you can then get a much more accurate determination of the amount of flow that is going in different places, the direction that it is going, and the velocity that it is going. He stated a one-dimensional model is just cross sections, and it is averaging between them so that you do not get the benefit of understanding the flow, where it is going, and what it is that is causing the back-up.

Mr. Grenier stated as we get into Maplevale, they are trying to prevent the Maplevale homes during a flood event by adding many more inlets so that we can push water to the side and it does not fill up in the middle and then into the basins and eventually get everything into the Canal. Mr. Oberholtzer stated in general the idea is to get as much flow outside of Maplevale, but at the same time reduce the flow that is going into the Canal. He stated they have been unofficially told that to add additional outlets or pipes going into the Canal, you have to show that you are not increasing flow. He stated at the basins with the infiltration rates that they are seeing, we could very easily show that we are reducing the flow into the Canal, and we may then be able to put another outlet or two either from Maplevale or the basin back into the Canal to try to relieve some of the backwater. Mr. Grenier stated that is an important issue to address if we are going to do something like this to make sure that DCNR will work with us on something like this.

Mr. Grenier asked Mr. Oberholtzer if he could indicate what type of storm event would flood Maplevale, and Mr. Oberholtzer stated he could not at this point. He stated where Basin B is located, the flow coming out of that storm drain system flows back into Maplevale close to the pump station. He stated he is sure that the majority of the flow that they get on that side can be drained into the basin and head to the Canal, but he does not know how much flow that was, and he has only seen pictures of ponding. He stated on the Basin C side, the north side, it is a little more complicated because of the residences there; and he does not necessarily know a way to get the storm drain systems into the basins at this point because he does not know what size pipes we need to go in there. He stated it would be a significant improvement.

Mr. Grenier asked Mr. Oberholtzer if he could provide a priority for the recommendations. Mr. Oberholtzer stated if DCNR would agree to allowing one or two additional outfalls if we show that we are reducing the flow to the Canal, then the basins could be implemented to provide that. He stated those outfalls to the Canal could be set up at strategic locations to try to avoid the Maplevale back water, and he feels that is the more critical path. He stated the Residential driveway is also a critical path because that creates a condition where you have a lot of water overtopping onto Taylorsville before you even get to Highland Drive.

Mr. Grenier asked Mr. Oberholtzer if they are able to provide a rough cost estimate for each of the recommendations; but Mr. Oberholtzer stated they were not asked to do that, and they do not have enough information as to how large the basins would need to be, or the storm drain systems etc. He stated they could give a rough estimate of the type of restorations and a general number. He stated he is assuming Mr. Grenier is asking about construction and design, and Mr. Grenier agreed.

Mr. Lewis stated he understands that they have not done a CAD-modeling of total flows through the system, and he asked if that is what the 2-dimensional modeling would be for part of this. Mr. Oberholtzer stated part of their recommendation for the BRIC Grant, was to provide a two-dimensional model heading from the Makefield Chase basin down into the Canal. Mr. Lewis asked what that modeling would give in terms of flow rate, and Mr. Oberholtzer stated they could run many different flows through that surface from a 500-year storm event to a one-year or base flow. He added that not only does it tell in the existing conditions how much flow is going into Maplevale, but when they start applying recommendations and proposed conditions, they can then get an idea as to what the most optimum improvement would be. Mr. Oberholtzer stated they do not do storm drain systems, but it would allow them to know the flow that would have to be captured with the storm drain system.

Mr. Lewis stated one of the things that made the July 15 flood so "terrifying" was the localization of where the rain fell and the intensity within a very short period of time. He asked if they could localize and test out variations with the modeling to get a sense of bad scenarios like the one we had on July 15. Mr. Oberholtzer stated one of the ways would be to try to look at water surface elevations in photos to see how high the water got in different locations and then plug different flows in to see what matched those elevations. He stated another way would be to set up a hydrologic model to get a flow based on a certain amount of rain. He stated he would prefer to run a lot of flows and try to match the water surface elevations as opposed to a hydrologic model.

Mr. Lewis noted Basin C which was discussed adding that is a parcel that the Township owns and has a lot of trees currently. He asked Mr. Oberholtzer if he is anticipating a lot of tree removal as part of this, and Mr. Oberholtzer agreed. Mr. Lewis stated there is a trade-off there since the trees are absorbing water, but would probably not be as quick or deep as the basin would be. Mr. Oberholtzer agreed. He stated during flood events, the

soils are already saturated, and the trees are not really doing anything during a flood. He stated he is not saying that when they remove the trees, lower the basin, and create that condition, that they could not plant it with trees. He stated they would want to try to keep a lot of the carbon, silt, and sediment that develops with trees out of the bottom. Mr. Lewis stated aesthetically he would like to see trees around the outside along with tall grasses to absorb the water.

The slide of Culps Run was again shown, and Mr. Lewis stated that is attractive but he would like to see some trees around it at the edges. Mr. Oberholtzer stated this is a wet valley; and because of the infiltration, it would be relatively dry except for when it rains, so in Lower Makefield there would be a different type of plantings, and it could be landscaped nicely. Mr. Oberholtzer stated LandStudies is known for restoration, wetland creation, etc. He stated when they are dealing with a lot of flooding issues, trees can also be a major hindrance and an issue; and as such they need to be dealt with that way, but he has no problems with planting trees where they make sense.

Mr. Coyle stated he feels the slide of Culps Run looks “marshy and unattractive, and the prior slide of the deep cut streambank looks like a beautiful, idyllic stream that ambles through.” He stated if we want to avoid flooding, we have to go back to what nature wants, and what is being shown as the present condition of Culps Run, is what nature wants. He stated showing the historic impacts map, it could be seen that people decided to put in right angles and straight lines. He stated over the course of fifty years, the stream went back to where the stream wanted to be. Mr. Oberholtzer stated the rate varies significantly based upon the type of improvements done and how different the existing stream is relative to the natural valley. He stated with regard to the valley bottom, there is bedrock that starts relatively high coming off the slopes, and ends up at its lowest point in the center of the valley. He stated most of the time in the 1700’s and 1800’s the streams were dredged to farm and pasture for agricultural purposes. He stated they were put on the hillside where bedrock is typically much shallower. He stated over time when the bed degrades, if it is on the hillside where bedrock is higher, it is going to erode the finer soils and work its way down to where the bedrock is lower. He stated generally the stream will end up close to the center of the valley as long as it is still available.

Mr. Coyle stated the other benefit of the wetland that is relevant to Budget discussions and something that the residents have asked about is that we have done dredging and cleaning, but it does not do much afterwards; and you have to know when the flood is going to happen, and pull that material out.

He stated when there is a wetland like this and the leaves fall, they get captured in the grasses and break down into the soil; and they do not get into the streambed and wash down later. Mr. Oberholtzer agreed adding that there is very little movement of material because the vegetation and the root density keeps it in place. Mr. Coyle stated this work would address resident concerns about making sure that we have a maintenance schedule for clearing streambeds by reducing the need to regularly go out and clear those streambeds. Mr. Oberholtzer agreed adding that he believes that the basins north and south of Maplevale would almost be maintenance free although occasionally if you start to see ponding, there might be too many leaves or carbon in there, and you could scrape it and get back down to the gravel.

Mr. Coyle stated there was a comment on Slide 11 with regard to the proposed armored streambank. He stated he believes that it was noted that it was so high that the water could not really exit the road into the stream, and Mr. Oberholtzer agreed. He added that if the capacity of the channel is less than what the crossing can handle, you will get flooding of the crossing. He stated at the 90-degree meander bend downstream of Edgemere, those banks are extremely high; and he believes that they are higher than what the roadway elevation would be. He stated the right bend is an obstruction, and the flow hits it and raises the water surface elevation and has to make a 90-degree turn. He stated that type of condition could have a lot of influence as to how often those roads flood. He stated there is not a lot of room at the 90-degree bend because of the residences. He stated if they were to lower that obstruction to a point that it would be 4' to 6' lower than the top of the bank, then the flow would get relieved, and the water surface elevation would be significantly lower as you get toward the crossings; and the crossings then control and not the high bank and the 90-degree bend.

Mr. Coyle stated that seems that it would then move more water downstream more quickly. Mr. Oberholtzer stated the water is the same volume; and while it would be in a different place; it would be shallower and spread across.

Ms. Blundi stated she is excited that we will be talking about basin naturalization.

Mr. Michael McPeak, 24 Maplevale Drive, stated he would like to see in the Budget a monthly drone tracking of the stream so that they can see where any build-up is happening prior to the work getting done. He stated he does not feel that would be too expensive. Mr. McPeak stated it sounds like Basin D should be one of the first things done, and Mr. Oberholtzer agreed that would

be one of the first things. Mr. McPeak asked what would be the timeline for starting a project like that assuming Budget is not an issue, and “the Canal people will let us do it.”

Mr. Kratzer asked that they discuss some of their thoughts in terms of funding and implementation of some of the proposed improvements. Mr. Oberholtzer stated even though Basin D is somewhat critical, the sequence of working with DCNR may influence what can get done first recognizing that we still have to discharge Basin D somewhere.

Mr. Majewski stated we met with PEMA to talk about the different Grant funding available for projects. He stated one of them is the BRIC Program (Building Resilient Infrastructure Communities), which is a funding mechanism that is used to try to mitigate flooding in an area. He stated there is a 25% cost share to be funded by the Township. He stated in order to put in an Application we need to identify the scope of work; and he feels LandStudies has outlined some of what the issues are and what needs to be done including more-intense engineering rather than just a visual assessment, and then go the next stage of actual hard engineering in order to develop a study. He stated the Grant is due now; and should the Grant be awarded by FEMA, the Township would probably be notified sometime late summer/early fall. He stated there is a three-year period of performance once you are notified that you have received the Grant. He stated it would take some time to do the *necessary engineering studies, stream studies, flood studies, and hydraulics* in order to come up with a good solid Plan to implement much of what was outlined in their visual assessment and recommendations.

Mr. Oberholtzer stated with regard to the next steps, they broke it down into two different tasks with the first being working with Basin B and the area between Hillwood Terrace and Makefield Chase and trying to resolve the stream issues. He stated within that task they included everything that is occurring down at Taylorsville Road and Maplevale. He stated that was everything from basin design, the two-dimensional modeling for existing conditions, proposed recommendations, storm drain design, and trying to determine a way to get the flow into the basins. He stated they would need to work with DCNR to see what they would allow us to do at the Canal. He stated then there would be Permitting associated with those different improvements. He stated they would recommend getting a Watershed-wide Permit, which would cover the entire watershed; and that Permit could apply for a period of ten to fifteen years depending on how much time would be needed to make the improvements.

Mr. Oberholtzer stated the second task would be doing the restoration through the Township property and the property with the duck ponds to reduce the bed load and debris and to try to create some additional flood storage. He stated that would also fall within the Permit and include two-dimensional modeling, the design, and the construction drawings.

Mr. Oberholtzer stated there was no construction associated with those two tasks.

Mr. Grenier stated the engineering design, modeling, etc. is clearly important; but getting back to Basins C and D, you cannot really do much with those unless the DCNR agrees to our approach. He asked if those could be constructed without discharging into the Canal and have the same benefit. Mr. Oberholtzer stated Basin C definitely could, and Basin D might be able to be installed; but if the infiltration failed, it would almost have to drain back to where it does presently unless we could drain it to the Canal. He stated the infiltration is so good, no matter what, it will still be a significant benefit. He stated they would have to design the basin to fit the storm drain systems along Maplevale Drive on that side; and then possibly later with DCNR, change the outfall.

Mr. Grenier stated he feels we will have to renew our conversations with DCNR to get them to at least consider and then agree to potential new outfalls to the Canal. Mr. Oberholtzer stated it would be beneficial to get an idea of the depth of the gravel. He stated if it is 15' to 20' deep, you can put a lot of water into those areas and you will not see anything coming out. Mr. Grenier asked how that would be done: and Mr. Oberholtzer stated given the amount of vegetation, they would probably use a geo-probe on tracks or an ATV to try to get in there. He stated they could get the information needed without using a drill rig.

Mr. McPeak asked again about when work could start as it sounds like the best case scenario would be that "a shovel is not getting into the dirt for over a year." He asked what will be done in the meantime so that they do not have something happen between now and when significant changes are going to be seen in the watershed. Ms. Blundi stated some work has been done already, and work is proposed for what was previously called Maplevale Phase 2. Mr. Grenier stated Mr. McPeak is aware of the work done to date including the clean-out of the streams.

Mr. McPeak stated they had very good results this weekend, and he is pleased with what has been done. He stated the problem was not that the stream could not move the water, the problem was "too much other stuff in the stream so

that the water could not move.” Mr. Grenier stated the primary work that the Township has done was to clean debris from the streams for several hundred feet. Mr. McPeak stated that will not last two years. Mr. Grenier stated they cut back trees so that there will not be trees falling into the stream, and they pulled out a massive amount of debris and cobbles. He stated it takes a long time for cobble to fill back up. Mr. McPeak stated Mr. Oberholtzer just stated that with one bad storm, it could cobble back. Mr. Grenier discussed the River Continuum Theory. He stated we have been cleaning out the cobble for a good stretch of the stream although there are portions of the stream that the Township does not have access to because they are on private property. He stated the Public Works Department is continuously going back there, and it is part of a maintenance program.

Ms. Blundi reminded residents that if your land abuts a creek, you need to help keep it clean; and that is not a place to put branches, leaves, etc. as they go downstream and cause a lot of harm. She stated the whole community must embrace the idea of keeping the streams clear, including keeping their leaves out of the storm sewers.

Mr. Grenier stated he had received calls that the Public Works Department completed the leaf pick-up too early, and they would not have time to get their leaves out; however, that is not what happened. He stated because there was a storm coming, they went out prior to the storm to make sure that the inlets were clear because residents were still putting their leaves in the street and over top of inlets despite public service announcements about not doing that. He stated the following week, they were back on their normal pick-up schedule.

Mr. Grenier stated with regard to upcoming projects, the Township will continue with the stream cleaning; and the next big project is what was previously called Maplevale Phase 2, and is now being called the Highland Drive Improvements Project. He stated this project is in the Budget, and we just received a Grant to pay for some of this work which includes replacing the culvert crossing where the stream goes underneath Highland as it intersects with Taylorsville. He stated this will be a larger box culvert to provide more flow. He stated in addition to that, we will be putting additional inlets along Highland to collect more flow as it flows down the hill, do some re-paving, etc.

Mr. McPeak stated his biggest concern is the maintenance. He stated he feels that should be included in the Budget and on a schedule so that it is not missed. He stated we cannot have this happen again over the next few years before it “is really fixed.” Mr. Grenier stated he will not lose sight of it.

Ms. Laurena Stoddard, 220 Meadow Drive, stated Mr. Fuller only has six employees. She stated there is no schedule for maintenance. She stated she would like Mr. Fuller to have the power to use his employees and continue to have a routine over the next few years. She stated Mr. Fuller has expressed how difficult it is for him to continue to maintain this since he has other things to do already. She stated she would like to see a schedule.

Ms. April Bollwager-Cloer, 20 Maplevale Drive, thanked the Township for providing a Budget to be able to have this study. She stated she feels it shows how bad the situation is. Ms. Cloer noted Basin D and asked what impact that would have to the existing path that takes people to the bridge as that is a popular area for people to access the Canal. She stated there is a big pit area behind 12 ½ Maplevale and 14 Maplevale. She asked if there is the potential for some of Basin D to drain into there to prevent it from getting to the Canal. Mr. Oberholtzer stated he does not feel the path will be a problem, and they could arrange the path going from the bridge back to Taylorsville. He stated it was discussed that if it does not work out with DCNR, the pit might be considered; however, at the time that was discussed he was not sure whether or not that was on Township property or DCNR property. Mr. Majewski stated it is owned by the property owner of 12 ½ Maplevale Drive.

Ms. Cloer asked the number of drains being proposed for the neighborhood, and Mr. Grenier stated they have not done the full-scale engineering analysis; and they will come up with a number. Ms. Cloer stated if there were to be some on Taylorsville, she assumes that will need to be worked on with PennDOT. Mr. Grenier stated there was discussion about putting in a sidewalk in that area connecting to Yardley Borough. He stated the sidewalk could allow for more inlets that would direct water to these two basins. He stated a sidewalk could also block a lot of water getting into Maplevale.

Ms. Larissa Luzeckyj, 18 Maplevale Drive, asked what LandStudies role will be moving forward. She stated they have proposed a very encouraging plan. Mr. Kratzer stated we would need an additional scope, and that would come back to the Board of Supervisors as to continued involvement.

Mr. Grenier stated he believes that there are certain things that LandStudies from a higher-level planning and restoration perspective could do. He stated they may or may not do detailed engineering designs of basins, etc. depending on what it is, and that may be something that we put out to an RFP for an engineering firm to do.

Ms. Blundi stated they anticipate that LandStudies will be involved for some time since when we looked for someone to do this work, we looked for someone who had deep knowledge. She stated the next meeting of the Board will just be the Reorganization Meeting to be held on January 2, and the following meeting on January 17 will have a larger Agenda.

Ms. Luzeckyj stated there has been a lot of work done which she feels was beneficial during the last two rainstorms. She stated previously it was proposed that as LandStudies was going through their analysis, if they saw something that they felt was necessary, that the Board might implement what they were suggesting; and she asked if any of that has happened. She noted the work at 295, and she asked how that work meshes with what LandStudies has recommended. Mr. Grenier stated there has been a lot of stream cleaning and trees taken down at the area east of the guiderail. He stated he believes that some of that work was done based on recommendations from LandStudies while they were doing this study.

Ms. Luzeckyj asked if they are referring to a depressed area when they talk about basins. Mr. Oberholtzer stated while 'basin' may not be a good term for this, it would have to be deep in order to get the storm drain system and the pipes into it. He stated it could actually be a gradual slope that leads all the way to the confluence of where the tributary and Canal meet, and it does not necessarily have to be a pond-type situation. He stated the gravel is about 7' deep, but what would control would be the elevation of getting the water to that point from Taylorsville Road and Maplevale Drive.

Mr. Mark Cherepko stated he is a Maplevale resident. He noted Basin C and the chart indicates that it might not need to have an outlet and it could serve as a pond. He stated he is concerned with this as he feels all of the water will still continue to go down toward the Maplevale area and be collected; but if they do not put an outlet in there, it could be backing up and the water would flow from north to south, and all of the homes would be caught in between. Mr. Grenier stated the stream still flows north of the basin so there is an alternative discharge point. He stated during the design basin, they would review all of this.

Mr. Ralph Frazia, 229 Meadow Drive, stated during the last two rainfalls, he had 8" of water in his back yard; and he asked if they are going to be doing the sidewalk on Taylorsville Road anytime soon. Mr. Grenier stated they discussed putting the design in the Budget for next year, and we will go after some Grants to do it; however, he does not feel that will be a fast process because it involves State Grants and trying to connect to the sidewalk that is being finished in Yardley Borough along Main Street. Mr. Frazia stated he is getting flooding that is coming from behind his neighbors to Taylorsville Road. He stated his pump does 50 gallons a minutes, and he ran it on Sunday for six hours. Mr. Grenier asked Mr. Frazia if he is on the side of Meadow where there is a swale in the back, and Mr. Frazia stated that swale it is "pretty much gone." He stated his neighbor on the right dug it up a couple of years ago, but his is just fencing. Mr. Grenier stated he believes one of the neighbors may have just dug a French drain, and Mr. Frazia stated that was his neighbor two houses over.

Mr. Greg Luzeckyj, 18 Maplevale Drive, stated he understands that they will need to do some two-dimensional hydro model analyses, and he asked when a decision will be made to allow them to complete that work. He also asked when we will get a report to see what the results are of the analysis. He stated the residents could then help the Board make decisions on what is a priority and then look at a schedule and money. Mr. Luzeckyj stated he also heard that they are looking to get State Grant money to do some of this work, and he asked if they are waiting for that or will the Township put in some of its own money to get some of this work started. He stated the residents pay taxes, and he does not want to wait any longer than he has to for any of this.

Mr. Grenier stated because it is an expenditure, it will have to go on a future Board Agenda for a vote. Ms. Blundi stated it could be on the January 17 Agenda that she discussed earlier. Mr. Grenier stated the Board may have to RFP it and then vote on it at a subsequent meeting. He stated there is a thirty-day process that the Board has to follow. He added that depending on how much it costs, we may be able to just proceed; but we have to make sure we do it correctly from a legal perspective. He stated when it comes to the actual design, that is another scope which would have to get approved. He stated depending on the Grant sometimes it is better to do some design ahead of time so that there is a shovel-ready project, and other Grants cover some of that design work. He stated depending on the Grant that we identify we can go after may dictate some of the process. He added that we need to be

engaging our State Representatives along with DCNR to address issues as that will dictate how we do the design. He stated there is some money set aside for some of these projects in the 2024 Budget.

Mr. Kratzer stated Mr. Majewski had indicated that under the BRIC Program, pre-award costs are eligible from the date of the issuance of the notice of funding opportunity; and we will confirm that. He added that we could advance this quicker, even prior to the receipt of the Grant, with the expectation that we would pursue a Grant and potentially receive reimbursement of some of the costs associated with the work. Mr. Majewski stated that is what FEMA told us when we were speaking to them. He added that part of the Grant program is that you have to do outreach to residents since if you are doing a project, as we are, that impacts many people, you need to include the residents like we have been trying to do over the last several months.

Mr. Coyle stated the Governor came to Yardley Borough a few weeks ago to sign a bill implementing a Task Force to help with flood insurance and talked about flood issues in the area. He stated the FEMA Director was also present. Mr. Coyle stated once we apply for the Grant the residents should reach out to Representative Warren, Senator Santarsiero, and the State Representatives to let them know that an Application is in.

Mr. Coyle stated Supervisor-elect Ross is present this evening and has heard the commentary so there will be continuity.

Ms. Blundi noted the diagrams provided will be kept on display, and Mr. Kratzer stated the material will be placed on the Township Website as well.

ENGINEER'S REPORT

Approve Payment Certificate #4 for the South Drive Culvert Replacement Project in the Amount of \$28,248.50

Mr. Kessler stated this is the second to last Payment Certificate with the last one being some minor items to verify the As-Built Plan and for the Maintenance Bond to be provided to close out the work. He stated the remainder of the Contract following this payment would be \$11,543.97, and they expect that to be at the next Board meeting.

Mr. McCartney moved and Mr. Lewis seconded to approve Payment Certificate #4 for the South Drive Culvert Replacement Project in the amount of \$28,248.50.

Mr. Grenier asked if everything has been verified, and Mr. Kessler agreed.

Motion carried unanimously.

Approve Financial Security Release #9 (Final) for the St. Ignatius Subdivision – Estates at Sandy Run in the Amount of \$68,935.61

Mr. Kessler stated the Final Security Release verifies what they had in the Financial Security Escrow for construction of the project, and it has been verified to be complete. He stated this will close out the project.

Mr. McCarney moved and Mr. Lewis seconded to approve the Financial Security Release #9 (Final) for the St. Ignatius Subdivision – Estates at Sandy Run in the amount of \$68,935.61.

Mr. Grenier asked Mr. Kessler if he is comfortable that everything is completed, and there is nothing left to do from the punch list; and Mr. Kessler agreed.

Ms. Blundi stated she felt this project was completed some time ago, and she asked if there were issues for why it took so long for it to come through for Final. Mr. Kessler stated there was a bit of delay from when it was physically completed and their Final release on the paperwork side.

Motion carried unanimously.

Approve Authorization to Advertise the Highland Drive Drainage Improvements Project

Mr. Kessler stated this is the advertisement for the Bidding phase for the Highland Drive Drainage Improvements Project. He stated the drainage area that makes it way down and flows through the stream is over 300 acres that goes underneath the culvert through Highland Drive, and the Highland portion itself that comes down toward Taylorsville is a little over 27 acres. He stated upsizing the culvert from what it is now which is significantly undersized will improve the flow to get downstream and avoid the backups that wind up going across Taylorsville Road. He stated the focus on Highland Drive itself is to increase the capture

and get the water from the surface down into the pipes and into the stream which will minimize how much flows right into Taylorsville. He stated the project is still being finalized on the Permitting side with the DEP. He stated there was a pre-Application meeting with them which went very well, and they have their timeline for turning around the information. He stated they are on board and in agreement with the approach. As soon as that is finalized it will go out for public Bid. Mr. Kessler stated once the Bids are opened, it will come back before the Board for consideration before any award to move forward.

Mr. Lewis moved and Mr. Grenier seconded to authorize to advertise the Highland Drive Drainage Improvements Project.

Mr. Grenier stated based on everything we heard tonight and for several weeks, it is important to move forward.

Motion carried unanimously.

Mr. Kessler stated with regard to LandStudies, they had a recommendation with regard to the stream coming down; and his office has had discussions with them and none of what is proposed with the Highland Drive Project conflicts with anything LandStudies is recommending, and it in fact would put in place some elements that could be even more improved with some additional work in that area.

Project Updates

Mr. Grenier noted the update with regard to the Maplevale Drive site restoration and stream clearing at Taylorsville Road and the General Permit submission, and he asked Mr. Kessler to discuss what that Permit covers. Mr. Kessler stated that is the permanent Permit for the pipe and repair work that was done under the Emergency Permit for the outlets to the Canal. He stated the Emergency Permit expires after a certain amount of time, and this is just the permanent Permit. Mr. Grenier stated this is not for any new work, and it is just administrative; and Mr. Kessler agreed. Mr. Kessler stated hopefully there will come a time in the future when we can look into additional discharges, and there would be a different Permit Application for that.

Mr. Grenier noted the stream clearing at the Taylorsville Road and Prospect Farm Drive parcel, and he asked if there was a meeting with DEP or the Army Corps on that. Mr. Kessler stated they met with them and the main action items coming out of that for the Township and his office was to analyze where the wetland boundaries were in the field and have a Wetlands Study done. He stated they have been looking at this in conjunction with LandStudies. He stated they are looking to see if there is a cost benefit to removing a lot from that stretch of stream and if it actually helps with what we are trying to do overall as to stormwater management. He stated clearing and getting the debris out was definitely an initial push that the Township staff helped complete. He stated the next part talks about the gravel bars and some of the obstructions that are part of a regular stream but can cause flooding in certain situations, and that is being looked at to see if that should be the next step and helps the water from coming down too fast.

Mr. Grenier noted Sheet 11 that had been provided from LandStudies, and he asked if what Mr. Kessler is describing is the stretch of stream from the red asterisk; and Mr. Kessler stated it is the stream on either side of Taylorsville Road and the red asterisk is the stream right before it goes down a little bit further and crosses underneath Taylorsville. He noted the portion that follows the on-ramp to 295 going toward the River, and the western part is the stream that comes down through the pedestrian bridge.

Mr. Grenier asked Mr. Kessler when he feels we will know more about what is recommended. Mr. Kessler stated the Wetlands Study identifies the parameters they can work within in that area, and that will clarify what can be done with regard to that stretch of stream. He stated we will have further discussions with LandStudies and possibly DEP as well to see if that is a worthwhile expense and endeavor for the Township to proceed with. Mr. Grenier stated a wetlands delineation on a parcel this size would probably only take a day, and he asked when that will be done. Mr. Kessler stated they have not walked it yet, and that would probably be done by the end of the year or early January.

Mr. Grenier asked for an update on the Woodside Road bike path. Mr. Kessler stated they have been able to confirm with PECO that they have what they need. He stated PECO's design team will put together the Plan and will contract with their contractor to move the poles. He stated PECO indicated that will be done in the winter; and once that is complete, we have the ability to shift the trail and straighten it out in areas that had to go around the poles until they could be moved.

Mr. Kessler stated there are still some items that we have to work out with the contractor; and they are trying to address those as soon as possible, although some of those have to wait until the poles are moved to be completed.

MANAGER'S REPORT

Approval of Resolution No. 23-31 Fixing the Tax Rates and Special Levies and Adopting the 2024 Budget

Mr. Kratzer stated the Board adopted a Preliminary Budget and authorized making it available for public inspection on November 20, 2023. He stated Notice of its availability was published in the Bucks County Courier Times so the required Statutory requirements have been met. Mr. Kratzer stated we received no feedback or requests to inspect the Budget in the office. He added it was available on-line.

Mr. Kratzer stated the Board was focused on maintaining core services, and the Budget reflects that and continuing to prioritize investment in community infrastructure. He stated there was a lengthy discussion around priority infrastructure, and the Budget allocates funds and also provides some flexibility as it relates to some of the Capital projects to re-allocate based on priority as things materialize. He stated a number of those projects will not be implemented immediately upon the start of the Fiscal Year; and as a result of that there is some opportunity for re-allocation as the Board sees fit though the year based on what materializes with some of the more-pressing priorities that the Township is looking at pursuing.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution No. 23-31 Fixing the Tax Rates and Special Levies and adopting the 2024 Budget.

Approval of Resolution No. 23-32 Adopting the 2024 Fee Schedule

Mr. Kratzer stated this is the updated Fee Schedule for 2024, which is a comprehensive Fee Schedule touching a variety of different operations and service areas that the Township provides. He stated the staff has reviewed it from a peer-comparison perspective as to how we are positioned relative to our peer communities in Bucks County and looked for areas where there may be gaps.

Mr. Kratzer stated the Budget that was just adopted is in part formed by the Fee Schedule that is before the Board. Mr. Kratzer stated this effort was headed up by Mr. Majewski in terms of coordinating the various Departments.

Mr. Majewski stated every year we look at our Fees to make sure that they are commensurate with the level of service provided for each Fee. He stated they also look at when the Fees were last updated. He stated a number of the Building Permit Fees were updated in 2019; and since inflation has gone up about 20%, a lot of the Fees have been adjusted accordingly. He stated a number of other Fees are tied into indexes that we must follow. He stated the Park & Recreation Fee-In-Lieu is tied to a certain index as is the Traffic Impact Fee. He stated they adjust their Fees to make sure that they adequately recover costs borne by the Township for the services provided.

Mr. Lewis moved and Mr. Coyle seconded to approve Resolution No. 23-32 adopting the 2024 Fee Schedule.

Mr. David Burkhardt, 316 Walton Drive, Morrisville, stated at the November meeting of the Park & Recreation Advisory Board they voted to increase the User Fees paid by Lower Makefield Seniors from \$15 to \$30 for residents and from \$20 to \$60 for non-residents. He stated Ms. Tierney informed the Seniors about the proposed increase on Wednesday, December 6; and they therefore had no opportunity to address the Park & Recreation Board prior to their vote on the recommendation of the increased Fee. He stated he is requesting at this time that the Board of Supervisors consider their position before voting on the proposed increase in the Senior User Fees.

Mr. Burkhardt stated they currently charge their members \$25 per person which is in line with dues charged to members by other Senior groups in the area. He stated this Revenue approximately covers their annual expenses related to program and operational expenses for which they receive no funding from the Township, the County, or the State. He stated with the increase in the User Fees, which other Senior Groups do not pay to the Municipalities in which they meet, they are now incurring an annual operating deficit which is gradually eroding their limited reserve funds. He stated this year their deficit is projected to be \$5,700. He stated their Board of Directors is currently considering increasing the Membership Dues to cover this shortfall which will be approximately an increase of 60% of their current Dues. Mr. Burkhardt stated the proposed Fee increase will take their Fee paid to the Township from \$5,745 to an estimated \$13,980.

Mr. Burkhardt stated he understands that from the perspective of the Board of Supervisors this is a relatively insignificant sum as they are managing Budgets in the millions of dollars, but for their group, this increase will place an unsustainable financial burden on the group; and if this continues they will no longer be viable within a few years without a significant increase in their Membership Dues. He stated currently to balance their Budget, they have calculated that they will have to increase their Membership Dues on average to \$70 a person which is approximately three times more than other Senior Groups in the area are currently charging.

Mr. Burkhardt stated they have done an initial limited polling of their members; and that polling suggests that their Membership will decrease approximately 25% in 2014 if the Fees that the Township is charging are increased to \$30 and \$60. He stated one of their Activity Chairpersons has already indicated that their group will no longer meet in the Community Center because of the increase. Mr. Burkhardt stated when you consider the amount of money the Fees will increase and with a reduction in Membership, the Revenue generated by the Seniors for the Township will not be near \$13,980; and they estimate that with the reduction in Membership, it will probably be less than \$10,000.

Mr. Burkhardt stated in addition to this reduction in the income, this proposed increased Fee will effectively erode one of the main purposes for the construction of the Community Center which was supported by the Board of Supervisors which was to provide a place where Seniors could hold meetings and activities. He stated they realize that costs are increasing; but they would request that if there has to be an increase, that it be more in line with the proposed increase for other User Groups that are currently using the Community Center which ranges from about 20% to 30%. He stated that would result in Senior Fees of \$20 for residents and \$30 for non-residents, and that is what they are asking for.

Mr. McCartney asked the number of non-resident Seniors in this group. M. Burkhardt stated their current 2023 Membership is 223 residents and 120 non-residents. Mr. Burkhardt stated while they have not had the time to poll their entire Membership, from the group that they talked to they estimate that there will be a 25% reduction in total Membership. He stated it could be that a bigger percentage of that reduction would be from non-Township residents because of the significant increase to their Fee. Mr. McCartney stated that would be based on the \$30/\$60 Fee; and he asked what the reduction would be based on a \$20/\$30 Fee. Mr. Burkhardt stated if the increase is to \$20/\$30 they feel that they could absorb that for

the time being, but it would be very difficult for them if the Fees are increased to \$30 and \$60. He stated they would have to raise their Membership Fees to \$60 for residents and \$90 for non-residents to cover their other expenses in addition to the User Fee they are paying to the Township; and that would be a break-even point for the Seniors with their Budget as they do not have a lot of excess money. He stated many of the Senior Members he talked to stated that if that was going to be the Fee, they would go to one of the other Centers where they can get some of the same services that our group is providing them.

Mr. Kratzer stated the Fees are annual Fees. He asked Ms. Tierney to discuss what is provided to the Seniors from an access and service standpoint in exchange for the \$30/\$60 annually under the proposed Fee Schedule. Ms. Tierney stated this includes staff to set up and clear down all of the Seniors programs. She stated 59% of the time at the Community Center is used by the Senior User Group in comparison hour by hour to all of the other User Groups using the Community Center. Ms. Tierney stated we provide tables and chairs to the Seniors which are replaced regularly as well as all the paper products. She stated there is also support from the front desk staff. Ms. Tierney stated the Seniors also have a full classroom for their use only, and it cannot be used by anyone else. Mr. Kratzer asked about printing, and Ms. Tierney stated the Township prints the Seniors' bi-monthly Newsletter which involves 420 copies of a 6-to-10-page Newsletter every other month.

Mr. Kratzer asked Ms. Tierney to discuss the distinction between our Community Center and the facility in Falls which is County-supported in some fashion. Ms. Tierney stated that the Falls Center is County and State funded. She stated it is based on socio-economic status; and those with a lower socio-economic status get more funding from the County and the State and those with higher incomes get less. She stated because of that funding received, those other Centers are able to offer reduced costs. Ms. Tierney stated Northampton provides a little bit more funding from the Township; and while they are planning to increase their Fees in 2024, she was not able to get the exact amount before tonight's meeting. Ms. Tierney stated we are strictly Township funded.

Mr. Burkhardt stated they looked at the hours the Seniors are using the Community Center. He stated it is a concurrent use of the facility since the Parks & Rec Department is in the building all day long, every day. He stated the Seniors use the building approximately 20 hours a week, and the number of hours per year would be approximately 1,000 hours. He stated by contrast the Park & Recreation Department personnel are in the building

from 8:00 a.m. to 4:30 p.m. every day, fifty-two weeks a year. He stated if they are to apportion the use of Operating Expenses, he feels there needs to be a better adjustment of the amount of use that the various groups use the building. He stated since the building is already being used by the Township, the heat is on, the lights are on, the air-conditioning is running, and the grass has to be cut. He stated those are all expenses that are going to be incurred whether or not the Seniors group is in the building. He stated to allude that the Seniors should be paying for 58% of the Operation Expenses of the building is not a fair assessment of the costs of the building.

Ms. Blundi stated it appears that Mr. Burkhardt is indicating that it only costs \$30,000 a year to operate the building. Ms. Blundi stated the Township had over a \$1 million deficit this year. She stated they have not raised User Fees for many years, and prices continue to go up for everything. Ms. Blundi stated the Board has had to make very difficult decisions not only for the Seniors, but across the board for every group. She stated some groups have indicated that they are more impacted because for them it is not an annual Fee, and they end up paying Fees two to three times depending on how active they are, and those groups are just “running around on grass.”

Mr. Burkhardt stated from the information they were given looking at the increase in Fees, the Senior Fee is increasing 142%, but the Programming Fees are increasing 30%, and Rental Fees are increasing 23%. He stated what the Seniors are asking for is parity in the increase in Fees so that the Senior Fee should be approximately the same increase percentagewise as other groups are paying.

Mr. Lewis asked the Fees for some of the other User Groups. Ms. Tierney stated other User Groups like PAA and YMS were paying \$15 for residents and \$36 for non-residents, and the Park & Recreation Board is recommending raising that to \$30 for residents and \$60 for non-residents the same as for the Seniors; however, PAA and YMS pay that twice a year. Mr. Burkhardt stated he does not feel that is an apples-to-apples comparison. He stated he feels what they should be focused on is what are the increases that are being proposed for use of the Community Center and that would be the paid programming, the rentals, and the Seniors since those are the groups that are paying right now to use the Community Center. He stated they are asking that the Senior Fee percentagewise be the same as the Fees that are being recommended as increases for those other groups.

Mr. Coyle asked if any of the other groups who use the Community Center have exclusive use of a piece of Real Estate within the building, and Ms. Tierney stated aside from the Township office staff, they do not. Mr. Coyle stated we have a \$1.5 million deficit, and everyone in the Township needs to help us get out of that situation. He stated we are doubling the Fees for those using the fields, and they pay those twice a year per player so their Fees are quadrupled.

Mr. Burkhardt stated a number of those in their group are on a fixed income so this is more of a burden than it would be for families who have more disposable income. He stated this increase will dramatically impact the disposable income that is available to the Seniors since they do not have an opportunity to increase their income. He stated they are already going to be looking at the increase which is being proposed for the Township taxes.

Ms. Tierney stated Northampton is supported by a \$335,000 allocation for their Township. She stated they have three full-time staff, and they use revenue from bus trips, facility rentals, social events, and dues. She stated their Center also partners with 50 local businesses to support its operation. She stated their Membership is \$25 a year and includes a monthly newsletter and participation in members-only events.

Mr. Burkhardt stated as he stated before the Lower Makefield Seniors get no support from the Township, businesses, or other organizations for their costs. He stated the Seniors are solely responsible for those costs. He stated the Middletown Seniors group meets at the Middletown Township Community Center, and they pay \$1 a year to the Township for the use of the building. Mr. McCartney asked what Falls Seniors pay; however, Mr. Burkhardt stated he did not have an opportunity to research that. He added that the Morrisville Seniors meet in the Municipal Annex Building, and he does not believe that they are paying anything to the Borough to meet there.

Mr. McCartney stated he finds it “humorous that Falls Township is looked at as socio-economically less than Lower Makefield” since they are above us from a financial Municipal Government standpoint, and they have excess funds. He stated Lower Makefield is running at a deficit, and we have to come up with creative ideas to make it work. He stated Falls also has an EIT and were also collecting a lot of money from Waste Management. Mr. Burkhardt stated they are collecting less and less from Waste Management as time goes on. He stated they recognize that there is a Budget deficit; and if there needs to be an increase, they are asking that it be placed on parity with the other groups who are using the Community Center.

Mr. Eric Suber, 1442 Woodview Road, Yardley, stated he is a member of the Lower Makefield Seniors, and if you double the Fee, and they pay it once a year, it is doubled, and not quadrupled. He stated he agrees with Mr. Burkhardt that the Senior Fee increase should be in line with the other groups that use the Community Center which would be more equitable. He stated he also agrees that the amount that is going to be collected from the Lower Makefield Seniors is “a drop in the bucket in the overall Township Budget.” He stated it is also “a drop in the bucket for most of the members; but for some of the members it is going to be a problem, which is why the Seniors are going to lose some people if the Fees are increased by 200% for non-residents in particular.

Ms. Meryl Borocharner, 121 Paul Road, Morrisville, stated the way the Board treats their Seniors will reflect on them; and one day they will all be Seniors. She stated “it is a drop in the bucket,” and it will not bring the Township’s Budget in line. She stated while it may help a miniscule bit, it will do harm than good.

Mr. McCartney asked if there is an opportunity to adjust this, and Ms. Blundi stated we may have to look at this as the year goes on. She stated she appreciates that \$15 to \$30 is doubling the rate, and for people on a fixed income anything can hurt; but it is for a year. She stated they have looked at all of the changes Ms. Tierney has been making at the Pool and other Fees to make sure the Fees work for the majority of people in the fairest and most equitable way possible. Ms. Blundi stated we have a “giant deficit, and we have waited too long to adjust Fees.”

Mr. McCartney stated he feels we could consider adjusting it not as significantly for residents versus non-residents. He stated it is a Lower Makefield asset, and the purpose is for Lower Makefield residents to take advantage of it. He stated he would be in favor of adjusting the rates for resident by \$10 and for non-resident \$25 to \$50. He stated the important thing is that the Community Center is a resident asset as are all the other assets of Lower Makefield. He stated while “the optic is Lower Makefield Township is cash-rich, it is not.”

Mr. Coyle stated with regard to resident versus non-resident, part of the point of the Seniors Group is that it is a social club; and there are people who have lived in Lower Makefield but have moved away into some of the fixed-income retirement-type communities around the County, and their Membership contributes just as strongly to the Township as those who are residents.

Ms. Tierney stated there are DCNR Guidelines for residents and non-residents if we want to go for any funding, and those require that the maximum that can be charged for a non-resident is double what is charged a resident. Mr. McCartney asked if it falls under DCNR; and Ms. Tierney stated while it does not now, if we wanted to go for a Grant for an addition, etc. we should be considering the DCNR rules.

Mr. Grenier stated he feels there is an opportunity to look for outside funding such a Grant, a public entity, or Lower Makefield businesses. Ms. Tierney stated she did look into that; and as a Senior Center it would be difficult for us to get funding from the County or the State because Falls and Morrisville are in such close proximity. She stated a lot of it has to do with what School District you are in since they use the School District as a parameter in most cases. She stated what some of our Leagues do to help offset their costs are to seek sponsorship from the community, and the Senior Group may want to look into that.

Mr. Grenier stated with regard to Grants, there are Grants for Senior Centers, but there is also probably funding for Senior activities. He stated he knows that there is an additional Fee charged by the Seniors to their Members on top of the User Fee being paid to the Township. Mr. Grenier asked Ms. Tierney if she is aware of any Grants or funding sources that could be used to help with that. Ms. Tierney stated is not aware of anything like that, and generally the Senior funding is for a building.

Mr. Coyle stated he believes the \$13,000 cost reflects the true cost of using the space, and he feels the right way to fix this is to try to help find other ways to help with funds. He stated the other Senior Centers that are only charging \$15 to \$25 have a lot more funding sources than does Lower Makefield. He asked if there is something we could do as a Township to help research Grants or provide some Grant-writing services to help the Senior Group bring funds in to defer the costs. Ms. Tierney stated we could look into that.

Mr. Lewis stated he is aware of a group that has a bus trip program that helps with generating funds. Mr. Burkhardt stated they do offer trips. Mr. Lewis asked if the Fees generated from the bus trips cover any of the Senior Fees. Mr. Burkhardt stated their Group sponsors bus trips throughout the year, but it is basically a self-funded operation. He stated they work with a tour group, determine what the charge will be, and that is what they charge the Members going on the trip. Mr. Lewis asked how many of those trips are run a year and how many participants do they have. Mr. Burkhardt

stated they run five or six trips a year, and the minimum they have to have is 40 as that is what has been Contracted with the tour group. Mr. Lewis suggested that if they were to mark up the trips a little bit that could help with the cost of the Fees. Mr. Burkhardt stated the trips are already costing in excess of \$100 to \$150 per person for the trip. He stated it gets to the point where it is too much for some of the members who cannot participate because the cost of the trip. Mr. Lewis stated possibly the tour operator could give some of the money back; and while Mr. Burkhardt stated that is an option, he is not sure that will happen.

Motion carried with Mr. McCartney opposed.

Approval of Resolution No. 23-33 Establishing the 2024 Park & Recreation Fee-In-Lieu

Mr. Kratzer stated this is established by Ordinance and is paid by developers. He stated there is a specific index by which the Fee is increased as reflected in Section 1 of the Resolution which is the Consumer Price Index for the Philadelphia area which went up 3 ½% from October 2021 to October of 2022. He stated the Fees are being adjusted based on that consistent with the Ordinance.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve Resolution No. 23-33 establishing the 2024 Park & Recreation Fee-In-Lieu.

Mr. Kratzer stated he believes this should reflect October, 2022 to October, 2023, and he will confirm that. He stated the amounts are correct.

Approval of Resolution No. 23-34 Establishing the 2024 Traffic Impact Fee

Mr. Kratzer stated this relates to the off-site Roadway Improvement Fee that is paid pursuant to Act 209. He stated this is adjusted according to the Engineering News-Record Cost Index for construction cost in the Philadelphia area and is being adjusted consistent with the Ordinance that established the original Fee.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve Resolution No. 23-34 establishing the 2024 Traffic Impact Fee.

Approval of Resolution No. 23-35 Providing for Non-Uniformed Defined Benefit Employee Contribution to the Pension Fund for 2024

Mr. Kratzer stated the contribution is set at 3% of salary towards the funding requirements for that Pension. He stated this is also consistent with the Collective Bargaining Agreement between the Unionized non-uniform members of this Plan.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve Resolution No. 23-35 providing for Non-Uniformed Defined Benefit Employee Contribution to the Pension Fund for 2024.

Manager's Comments

Mr. Kratzer stated we received notice yesterday concerning the receipt of a small Water and Sewer Grant for what was previously referred to as Maplevale Phase 2 now being called the Highland Drive Stormwater Improvements Project. He stated the amount of received funding was \$147,462.00. He thanked the Senator's office as well as Representative Warren's office for their support for that Application.

Mr. Kratzer stated the Township issued an RFP to update the Stormwater Ordinance, and we received two proposals. He stated they were provided to the Board of Supervisors, and he would recommend scheduling interviews with the two respondents to make sure that there is an understanding of the scope of work since there was some discrepancy from a pricing standpoint. He stated he will follow up with an e-mail on potential dates. Mr. Grenier asked if the interviews would need to be public, and Mr. Kratzer stated they would not need to be. Mr. Kratzer stated ultimately the Board would take action at a public meeting to award.

Mr. Kratzer stated he released an RFP, consistent with the Board's discussion as part of the 2024 Budget process, for Strategic Management Planning Program Services under DCED's program. He stated those responses are due January 12.

Mr. Kratzer stated also consistent with discussion during the Budget process, the Township is in the process of recruiting and advertising for a Director of Finance. He stated Applications are due on January 19.

Discussion of Providing Supplemental Accounting Services

Mr. Lewis stated he would like to make a Motion that the Board intends to place on the Agenda at the next public meeting the approval of Zelenkofske and Axelrod to provide supplemental accounting services. Ms. Blundi stated she feels the appropriate action is to amend tonight's Agenda. Mr. Truelove stated that would be appropriate, and he advised that if such a Motion were to pass to amend the Motion no vote would be taken to expense funds tonight, and it is just the intent to notify the public that this will be on the Agenda at the next public meeting.

Ms. Blundi suggested that this be discussed at Other Business. Mr. Truelove stated if this is considered at Other Business it could just be indicated that this is the consensus of the Board to do that, and a Motion would not be needed as it is just a notification process. Mr. Lewis stated that would empower the Township Manager that we are approving up to \$20,000 for supplemental accounting services.

Mr. Coyle stated the law permits the Board to add something to the Agenda that is an emergency situation. He stated we are past our statutory obligation to complete our audit, and this particular firm does have a tight window to begin this effort; and he asked if that would meet the bar to place it onto the Agenda. Ms. Blundi stated we are just telling everyone what our intention is, and it will then be appropriately Agendized on January 17, and there will be details about what Z & A has been retained to do and where they are in that process. Ms. Blundi stated this can be discussed during Other Business.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session last Friday to discuss litigation matters that concluded at approximately 1:00 p.m.

Mr. Truelove stated the Board also met this evening beginning at 6:30 p.m. and litigation, informational items, Real Estate, Security, Community Fund, and personnel matters were discussed.

Approve Authorization to Execute Settlement Agreement Between Lower Makefield Township and the Morrisville Municipal Authority Subject to Morrisville Municipal Authority's Execution and Approval

Mr. Truelove stated before the Sewer system was sold to Aqua in March of 2022, much of the treatment of the sewage went from Lower Makefield to the Morrisville Municipal Authority. He stated there were several Agreements starting in 1964 that outlined the cost and obligations to pay. He stated that was to be done by submission of invoices to the Township by MMA which were infrequent and late many times. He stated the Township wanted accurate records so that they could move forward; and in an effort to do so, the Board of Supervisors directed his firm to begin with a Declaratory Judgment Action just to bring the matter to the table. Mr. Truelove stated after over year or two of litigation and many discussions including the hard work of Greg Hucklebridge, the former Sewer Director who looked at the documents and oversaw a reconciliation, the recommendation is to pay \$2.4 million to the Morrisville Municipal Authority. He stated this will exonerate completely any further obligations from the Township for any past payments and any payments related to any contemplated or un contemplated future treatment collection and transmission facilities, collection, and processing of sanitary sewage after March, 2022. He stated we are essentially settling up the invoices. He added that separate monies have been allocated for this purpose, and this recommendation will not increase taxes or Sewer rates.

Mr. McCartney moved and Mr. Grenier seconded to authorize the execution of the Settlement Agreement between Lower Makefield Township and the Morrisville Municipal Authority subject to MMA Board approval and execution at their 12/21 meeting.

Mr. McCartney asked how much money was set aside as part of this Settlement, and Mr. Kratzer stated this is well under what was initially contemplated and set aside for this purpose.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to Appeal #Z-24-2042 William Szablewski for the property located at 2154 W Wellington Road, Newtown, PA 18940, Tax Parcel #20-004-057 Variance request from Township Zoning Ordinance #200-69.A(14)(a) in order to place an

accessory building in the side yard setback at 1.4 feet and 1 foot where 10 feet is the minimum and Township Zoning Ordinance #200-19B which would increase the impervious surface from the existing 27.8% to 40.2% where 26% is the allowable amount in order to install an in-ground concrete pool and pool decking, Mr. McCartney moved and Mr. Lewis seconded to oppose.

Mr. Grenier stated that he feels opposition to this particular Appeal is important to send a message to the Zoning Hearing Board since impervious area leads to stormwater management issues, and we need to be clear that this increase in impervious area over and above what is allowed is not something that the Board of Supervisors is in favor of. He stated this is also a relatively small lot, and they are looking for a setback of approximately 1' from the lot edge. He stated when there is a structure about 1' from your property line "it is very, very close," and that is why we have Zoning setback requirements.

Mr. Coyle stated he feels they would literally need an Easement from the neighboring property to do their own yard work with the 1' setback.

Motion carried unanimously.

With regard to Appeal #Z-24-2043 Ronak Patel for the property located at 518 Clarendon Court, Yardley, PA 19067, Tax Parcel #200-060-305 Variance request from Township Zoning Ordinance #200-69.A(14)(c) in order to construct a fence in a Storm Sewer Easement, it was agreed to leave the matter to the Zoning Hearing Board.

COMMUNITY DEVELOPMENT

Approve Pay Application #1 for the 2023 Tree Planting Project to Parkyn Landscape & Hardscape LLC in the Amount of \$62,503.42

Mr. Majewski stated the original Contract item was for \$65,500.09, and there is a saving of \$2,130 on the project as there was some substitution of some trees. He stated they are all native trees. He stated this was for the planting of 162 trees at the Fred Allan Softball Complex, the Greg Caiola Baseball Complex, and Memorial Park. He stated we are holding back the amount of \$1,275.58 to make sure that all punch list items are completed. He stated the EAC had pointed out some issues with the way they mulched around the trees; and while he believes those items have been addressed, that has not been verified yet which is why we are holding back some funds.

Mr. Lewis moved and Mr. McCartney seconded to approve Pay Application #1 for the 2023 Tree Planting Project to Parkyn Landscape & Landscape LLC in the amount of \$62,503.42.

Mr. Grenier stated the EAC discussed this at their recent meeting relative to the amount of mulch that was placed around many of the trees, and the EAC was displeased with the contractor's planting approach. He stated the EAC has been coordinating with Mr. Majewski and the staff to look to see if that has been mitigated. Mr. Grenier stated he is unsure if we should be holding back more money. He also stated compared to some of the other tree plantings we have done with volunteers, this was a large payment number. He stated the driver for the cost was because of the size of the trees as these were larger trees that required equipment, etc. that volunteers would not be able to do by hand; and Mr. Majewski agreed.

Mr. Grenier asked about the warranty for the trees, and Mr. Majewski stated he believes that it is an 18-month warranty. Mr. Grenier stated that means that if any trees die or are diseased they will be replaced per the warranty. Mr. Grenier stated while he is not sure how we would prove it after a year or so, he asked if that would also include improper planting methods. He asked if the EAC or others did not notice a tree that had been planted with the improper approach, how could that be proven that was a potential cause for exercising the warranty. Mr. Majewski stated we had not done the final inspection for the project yet when Mr. Bray had pointed out the issue. Mr. Grenier stated he wants to make sure that the contractor addresses the issues in a timely manner given the time of year. Mr. Majewski stated he has already done the work, and we just have to go out and verify it to make sure he did all the trees and did not miss any. Mr. Grenier asked if they counted all of the trees to make sure that he planted all of them.

Motion carried unanimously.

Approve Extension of Time for the 1511 Lindenhurst Road (Plan #693) Minor Subdivision Until February 21, 2024

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Extension of time for the 1511 Lindenhurst Road (Plan #693) Minor Subdivision until February 21, 2024.

Approve Extension of Time for the Torbert Farm Subdivision (Plan #692) to January 31, 2024

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Extension of time for the Torbert Farm Subdivision (Plan #920 to January 31, 2024.

Approve Extension of Time for Aria Hospital (Plan #590) to December 31, 2024

Mr. Lewis moved and Mr. McCartney seconded to approve the Extension of time to December 31, 2024.

Mr. Grenier stated this is being extended for another year, and he asked if there is any limit on how long it can be extended; and Mr. Truelove stated nothing in the MPC necessarily provides a limit. Mr. Grenier stated there is public interest in development in this area. Mr. Truelove stated there is nothing new to report other than the Extension of Time. He stated he does not believe there has been a Plan presented since 2009 although they did lose their Zoning Hearing Board Appeal. Mr. Majewski stated they did have a proposal in 2013/2014, but they never pursued that further.

Ms. Lauren Stoddard, 220 Meadow Drive, stated she does not understand “all of the development.” She stated Aria Hospital is obviously not doing anything active. She asked what is happening at the Torbert Farm, and “if we are building tons of houses where there will be gobs of impervious area and water issues.” She also asked what is happening at the Lindenhurst Development. She asked if “we are approving all kinds of stuff.”

Mr. Truelove stated nothing has been approved yet. He stated he knows that there have been a lot of comments on social media about stopping development, but the Township cannot stop new development although we can regulate it. He stated the Board has done a good job of that and is now working on new stormwater management rules. He stated State Law does not help Townships, and we are doing the best we can to regulate the Applications.

Mr. Majewski stated at 1511 Lindenhurst Road, it is a Subdivision into two lots to create one new house. Mr. Truelove stated Torbert is a much larger development, and there is still a lot of discussion between the Applicants

and the Township officials. Ms. Stoddard stated the Farm has been sold, and she asked if the Township cannot limit the number of homes that get built. Mr. Truelove stated there are ways to regulate that, and that is one of the things that is being discussed at this time. Ms. Stoddard while the Township would get more Fees, they will also get more damage that has to be resolved.

Ms. Blundi stated the way the builder submitted their Plans for the Torbert Farm, theoretically they obeyed all of the Zoning rules. She stated we cannot tell them they can build less houses than proposed since based on the size, they are allowed to build a certain number of houses; and that is what they submitted. Ms. Stoddard asked “if we have no rights to say that the 1973 Water Act or whatever we are dealing with is not good enough for the people at the bottom of the hill.”

Mr. Grenier stated they have submitted a By-Right Plan per Zoning. He stated the second part of the process is the SALDO (Subdivision Land Development Ordinance). He stated Zoning indicates how many lots you can have and the setbacks and sets the basic framework as to how many houses they could get. He stated after that SALDO is where we apply our local Ordinances, storm-water management, roads, and infrastructure requirements, etc.; and that is where we get into the detail of the design. He stated oftentimes a developer may ask for Waivers or “other things;” and the Board does not have to agree to those. Mr. Grenier stated we changed the Zoning and SALDO Ordinances right after they submitted the Plans for the Torbert Farm, and we are trying to work with them to “try to work under that umbrella” versus the old rules. Mr. Grenier stated we can make sure that they follow the letter of the law as it relates to the SALDO, and we will be looking at that in great detail.

Ms. Stoddard stated “it happens every week that we approve all of these Variances, and she does not get it.”

Mr. Coyle stated he serves on the Planning Commission and it is frustrating for the Planning Commission when Plans come in “and they know they are not right for the character of the Township,” and that the residents do not want it; but the Law prevails. He stated the Law says that whoever owns the land can re-develop in a certain way. He stated if you want to change those things it has to come at the State level. He stated the Planning Commission does the best that they can.

Mr. Lewis stated different States have different rules about land development. He stated California is having a debate about their land use laws, and their concern is that they are so restrictive that they cannot build housing fast enough; and as a consequence their housing prices are high. He stated we are on the other end in terms of rights that Municipalities have to limit property owner rights. He stated it is a balance, and it is important to speak with the elected Officials at the State level and ask if that balance is right for our community and our State. He stated he believes there is a lot that can be adjusted as to how that works to provide a good balance to allow property owners and developers to be successful but also to protect the rights of Lower Makefield residents.

Motion carried unanimously.

Approve Resolution #23-36 - Adopt and Submit to DEP the Sewage Facilities Planning Module for 1273 Lindenhurst Road Subdivision

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to adopt and submit to DEP Sewage Facilities Planning Module for 1273 Lindenhurst Road Subdivision.

Approve Resolution #23-37 – Designation of Agent for Submission of a Flood Mitigation Assistance (FMA) Grant

Mr. Majewski stated this is for the elevation of an existing home along River Road to be above the floodplain, and the Grant would cover 100% of the eligible costs for the elevation of the house.

Mr. Grenier moved and Mr. Lewis seconded to approve Resolution #23-37 designation of agent for submission of a Flood Mitigation Assistance (FMA) Grant.

Mr. Grenier asked if this parcel was impacted by the recent flooding on River Road, and Mr. Majewski stated no properties in Lower Makefield were impacted by the recent flooding that he is aware of. He added that the flooding got up onto the roads in Yardley Borough.

Motion carried unanimously.

Approve Resolution #23-38 - Designation of Agent for Submission of a Building Resilient Infrastructure and Communities (BRIC) Grant

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution #23-38 designation of Agent for submission of a Building Resilient Infrastructure and Communities (BRIC) Grant.

SUPERVISORS REPORTS

Ms. Blundi stated the Ad Hoc Property Committee met, and they are very anxious to move forward with the next phases and to get direction from the Board of Supervisors in 2024 about re-constituting the Ad Hoc Property Committee or creating a new version of it and then moving forward with the Patterson Farm project.

Mr. Lewis stated the Historical Commission met and reviewed their work for the previous year including the Slate Hill Cemetery Tour which was a huge success and generated a lot of funds. He stated they also discussed plans for additional Grants to help restore Slate Hill and fund other items that they are working on. Mr. Lewis stated Farmland Preservation had their annual Christmas event and staff and some of the farmers who farm the Farmland properties were present.

Mr. Grenier stated the Citizens Traffic Commission met and some residents who had appeared before the Board of Supervisors with concerns about speeding on Morrisville-Road came before the Citizens Traffic Commission. Some requests have been made of the Township regarding previous Traffic Studies, and he believes that a response has already been given. He stated they would like the Township to look into working with PennDOT to install a permanent speed signal in that area south of the Borough.

Mr. Coyle stated the Historical Architectural Review Board met and expressed some concerns about the Point Development. He stated the Planning Commission had recommended Preliminary and Final approval. He stated we were able to get a concession from the developer to do pervious pavement when they came before the Board of Supervisors. He stated HARB raised valid concerns that we lack a mechanism to make sure that the developer adequately keeps his promises around re-development and restoration of the historic properties that are at the Point. He stated it was reported that

similar promises had been made in the past in other developed areas of the Township, and those obligations had not been met including that the Residential side of the property had been completed, and that promised work had been abandoned. He stated they made the recommendation that in the future, the Board of Supervisors consider language or mechanisms in the approvals to make sure that we have an enforcement mechanism to hold off Certificates of Occupancy or other finalization of work until we are satisfied that they have met those secondary obligations. He thanked the HARB for their very detailed discussion on this very important matter.

Mr. Coyle stated he looks forward to continuing to serve on the Planning Commission. He also thanked the Park & Recreation Board for the work they did on the Budget recognizing that these were not easy issues to work through and he thanked them for the time and the seriousness with which they took on these matters and the detail they went through.

OTHER BUSINESS

Mr. Truelove stated Mr. Lewis had earlier discussed notifying the public that the Township is intending to engage Zelenkofske and Axelrod, and it will be placed on the Agenda for January 17 for an amount not to exceed \$20,000 for the Manager to be able to authorize engaging in that process. It will be *voted on or ratified on January 17.*

Ms. Blundi stated tonight is Mr. Coyle's last meeting, adding they appreciate his service on the Board of Supervisors. Mr. Coyle thanked the Board as well as the Township staff who made sure that he was up to speed quickly and able to adequately understand the issues in front of the Board and contribute.

PUBLIC COMMENT

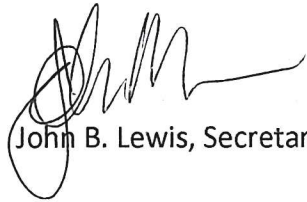
There was no one from the public wishing to make Public Comment at this time.

December 20, 2023

Board of Supervisors – page 44 of 44

There being no further business the meeting was adjourned at 10:50 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John B. Lewis', with a large circular flourish on the left side.

John B. Lewis, Secretary