

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 16, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on June 16, 2021. Ms. Blundi called the meeting to order at 7:37 p.m. and called the Roll.

Those present:

Board of Supervisors: Suzanne Blundi, Chair
James McCartney, Vice Chair
John B. Lewis, Secretary
Frederic K. Weiss, Treasurer
Daniel Grenier, Supervisor

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Owen Hyne, Township Engineer
Kenneth Coluzzi, Chief of Police
James Majewski, Director Planning & Zoning
Monica Tierney, Park & Recreation Director

COVID-19 UPDATE

Mr. Ferguson stated the Township Building opened on Tuesday, and staff will be masked when they are serving the public. He stated there is a mask requirement to enter the building for the time being. He stated everyone is back in the building working safely.

Ms. Tierney stated they have been monitoring the numbers at the Pool; and while they had reduced their capacity at the beginning of the season to 1,000, they have never come close to that number so they will expand to normal capacity. She stated they will also start allowing guests, and a member may bring in five guests. She stated they will also be opening the pavilion for reservations, and you can have up to twenty guests at the pavilion.

Mr. Grenier asked about Makefield Highlands, and Mr. Ferguson stated he believes that there are still some restrictions inside, but there have been no limitations for golf.

Mr. Ferguson stated this past Monday he put in the Application which was approved for the Township's Rescue Plan money which is approximately \$3.2 million. He stated as he noted previously, use of the money is limited in scope, but the Township has the ability to reimburse itself for the next four years for losses in Revenue for 2019 and 2020 through a series of compounded formulas of future potential losses based on a number of factors. Mr. Ferguson stated the rules and regulations for the use of the money are not yet out, and they will wait for guidance to make sure that we do not make an error with how projects are Bid out, etc. Mr. Ferguson stated he is expecting that we will have half of that money of approximately \$1.7 million in the next thirty days, and the second half of that money will come a year from now. He stated that money will be earmarked into a new, separate fund with that title on the fund. He stated that will be seen in an upcoming Treasurer's Report and in next year's Budget.

Ms. Blundi thanked Mr. Ferguson for the work he did on this in a short time frame. She stated she looks forward to the next steps.

Mr. Lewis asked if losses incurred on the Township-owned Golf Course would be eligible for use of that money. Mr. Ferguson stated there have been short-falls at the Golf Course in the past; and he would have to prove that the short-fall was in excess of what had been seen in previous years. Mr. Ferguson stated while they have not defined specifically what Revenues they will count, they have suggested Recreation and Entertainment would be one of them. Mr. Ferguson stated a more specific example for 2020 would be loss of Pool Revenue when they closed the Pool. He stated they would be able to show what they had trended for three years before that to make that example He stated they would have to do a similar effort for the Golf Course; and if it showed that it was more pronounced than in previous years, they could work to recoup some of that money.

Mr. McCartney stated they are struggling at the Pool from a staffing standpoint, and the pay rate for lifeguards is below what is being paid for those working at a supermarket. He asked if there is anything that could be done with this money to entice people to apply to work at the Pool. Mr. Ferguson stated he had asked about that, but he did not get an answer from those at the Department of the Treasury. He stated it was indicated that you could be reimbursed if you paid premium pay for people who were working in the midst of the Pandemic like those who were working at a grocery store.

He stated while he does not feel that it would apply if they were to boost pay at this point in the Pandemic, they have not indicated a definitive no. He stated at this point there is only preliminary guidance and no rules, and we are waiting to get these things defined so the funds can be used properly.

Mr. McCartney stated he assumes the reason other companies are offering \$15 an hour and signing bonuses is because stimulus money is paying people to stay home, and they are trying to entice people to come back into the workforce. Mr. Ferguson stated this is a discussion they will be pursuing, but he would be hesitant to proceed with anything with the expectation that they would be reimbursed and then be told that it would not be eligible. He stated groups he is involved with have been facilitating meetings with Treasury officials. He noted Senator Santarsiero has been working to get access to State officials to try to get guidance, but we do not have it yet.

COMMUNITY ANNOUNCEMENTS

Ms. Tierney stated during this portion of the Agenda residents and Youth Organizations may call in to make special announcements or they may contact the Township to request a special announcement be added to the Agenda.

Ms. Tierney stated Park & Recreation digital and in-person recreation opportunities like Sunset Yoga, Goat Yoga, Art, Zumba and more are available and information can be found on the Township Website.

Ms. Tierney stated the Pool is open and Registration information is available on the Township Website.

Ms. Tierney stated they are planning for Community Day to be held on August 28, 2021, and local vendors, clubs, organizations, and businesses interested in participating should contact the Park & Recreation Department.

Mr. Grenier congratulated Kayli Williams a Lower Makefield resident who won the PIAA Class 3A State Championship in the 100 meter hurdles. He stated she is an Honor Student and an All-League Field Hockey player. She will be going to Georgia State University in Atlanta in the fall.

Mr. Grenier thanked Ms. Tierney for putting together the very well attended Food Truck Festival held at Memorial Park recently.

Ms. Tierney stated new this year, there will be a 5K Color Run at Macclesfield Park on August 1 which will raise money for the ADA Transition Plan. She stated it will be an accessible event, and Registration will go live tomorrow.

Ms. Blundi announced that although it is not officially affiliated with Lower Makefield Township, the Lower Makefield Township Farmer's Market is open every Thursday at Charlann Farm.

Mr. Grenier stated the PAA Softball Tournament will be held this weekend with high-level softball players and college coaches coming to recruit as well.

APPROVAL OF MINUTES

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of June 2, 2021 as written.

TREASURER'S REPORT

Approval of May Interfund Transfers

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the May Interfund Transfers in the amount of \$642,082.61 as attached to the Minutes.

Approval of Warrant Lists from May 31, 2021 and June 14, 2021

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously carried to approve the Warrant Lists from May 31, 2021 and June 14, 2021 in the amount of \$585,535.09 as attached to the Minutes.

FIELDSTONE/HARRIS TRACT PRESENTATION

Mr. Edward Murphy, attorney, Mr. Larry Dugan from J. P. Orleans, and Mr. Kirk Mantay, Executive Director of GreenTrust Alliance, GTA, were present. Mr. Murphy stated they are here to present the proposal that was discussed pre-COVID regarding the future ownership, maintenance, and development of the un-Permitted landfill which is located in the center rear of the Harris Tract on Edgewood Road.

Mr. Murphy stated the Harris family had owned the property for approximately seventy years between 1932 and 2002 when it was acquired by the Quaker Group who has owned it consistently since then. Mr. Murphy stated the Harris family farmed the property in the 1940's and 1950's and up until the 1960's it was used as both a gravel and borrow pit; and over time during that same period, it became a community disposal area/un-Permitted landfill. He stated in 1965 the DEP shut it down, and it has remained in that condition unchanged since then.

Mr. Murphy stated there has been a lot of testing done from 1965 through five to six years ago and more than ninety different test pits and samples have been taken from the site. He stated most recently Orleans which has an Agreement of Sale to acquire the property has proposed a thirty-two unit Residential Development Plan. Mr. Murphy stated while there have been discussions about that configuration, a lot of the discussion has been focused on the future of the landfill area of about eleven acres. Mr. Murphy stated they will show the Plan that highlights both the Residential component and the eleven acre landfill.

Mr. Murphy stated the proposal for the landfill involves securing Act 2 Approval from DEP to remediate it which in this case means approximately 2' of cover would be placed on the bulk of the eleven acres. He stated there is a portion of the eleven acre landfill that abuts Brock Creek where the trash, building and landscaping materials, and household materials would be removed, and the area reclaimed. He stated he believes that portion is about 100' adjacent to Brock Creek, and the balance of the landfill area shown on the Plan would be the subject of the 2' cap.

Mr. Murphy stated during a prior discussion, the Board of Supervisors had challenged the idea that the open space, which would be the area of the landfill, would be owned and maintained in perpetuity by a Homeowners Association suggesting that they did not feel comfortable knowing what the financial security of that arrangement would be and whether or not an HOA would have the interest and commitment as well as the financial resources to maintain that landfill area in the future notwithstanding that it would have been remediated.

Mr. Murphy stated the challenge was to identify an alternate solution that would provide greater assurance to the Township that the landfill area even as remediated would not become a burden on the Township at some point in the future if the homeowners indicated they did not want to deal with it.

Mr. Murphy stated Orleans interviewed and met with multiple organizations that expressed interest in participating in the effort to own, maintain, and re-develop it after it had been remediated. Mr. Murphy stated the Board has been provided information about the GreenTrust Alliance which is an entity represented tonight by Mr. Kirk Mantay, and they are desirous of taking Title to the area after it is remediated and maintaining it as a grassland meadow or other bird/wildlife habitat. Mr. Murphy stated it would be owned and maintained by GreenTrust Alliance in perpetuity. He stated the endowment requested by GreenTrust Alliance of Orleans in order to accomplish that will be provided to assure that it will be financially stable and secure going forward. Mr. Murphy stated it would not be owned or maintained by the HOA although there may be other reasons unrelated to the landfill area for an HOA to be created such as detention basin maintenance, etc. Mr. Murphy stated this evening they would like to share the information with the Board and the community so that they can pursue that option if the Board feels it has merit going forward.

Mr. Mantay stated the GreenTree Alliance is a regional Land Trust that deals with complex holdings like this. He stated they own and operate mitigation banks, and they have done land transfers with the Defense Department for “bomb dumps” etc. He stated they have a twenty-year history of working with landowners who are trying to balance what the community and local Government needs and to eliminate to the extent possible any other third-party liability. He stated they take care of land that is endowed forever.

Mr. Mantay stated when they evaluated this small piece of land, they did not feel that they would be inheriting a dump, and they would not take ownership of this property until the State, DEP, and all of their experts and attorneys believe that it has thoroughly been dealt with. He stated once they do take possession of it, they would take care of it as wildlife habitat and green space and make sure that it is never used as a dump again. He stated they will make some Revenue from it, and they make a small amount of Net Revenue on long-term stewardship of property. He stated their business model is to have a lot of these properties.

Mr. Ferguson asked if they owned this property and there was an issue where something was dumped on the site, a fence was broken, or there was something done that required a crew to come out, are there people relatively local that would deal with this quickly. Mr. Mantay stated

there are two crews in New Jersey. He stated when GTA acquires this piece of property, they could potentially look into having someone within the County. He stated they would like to do a lot of business in Pennsylvania as there is a lot of environmental work coming to the State. He stated to the extent that they can show they are good, local stewards and are building a track record in Pennsylvania communities, it is good for their business. He stated they have a budgeting system to consider how the endowments would work and how often they feel the sites would experience dumping, ATV traffic, etc. He stated their job is to have a presence on the site on a fairly regular basis and make sure that they fund the remediation of any problems. Mr. Mantay stated he has twenty-four years of experience and has done approximately 300 of these transactions. He stated he feels they understand what the problems could be, and the funding that J. P. Orleans has proposed after the Act 2 clean-up is complete will protect the property for the benefit of the community and for GreenTree Alliance's financial benefit as well.

Mr. Murphy asked what GTA will do to ready the property assuming they take Title to the property after it is remediated and Act 2 Clearances are provided. Mr. Mantay stated part of the Act 2 close-out on the fill will probably be some kind of turf mix. He stated they want to make sure that trees do not grow and put down roots below the cap and disturb the cap. Mr. Mantay stated while he believes the cap is probably above and beyond what is probably required to clean up the site, the regulation is that trees *must not grow on the site*. He stated they are interested in Grants through State and Federal program to install wildflower mixes to manage it. He stated while the turf is a cold-season grass, they would probably shift it to warm-season grasses since the community would probably be happier with wildflowers, and it also makes it easier to be mowed once every fall. He stated that is the maintenance that would be required aside from cleaning up dumping or fencing issues. He stated they want it to be a community amenity.

Mr. Murphy asked the type of security that would be installed around the perimeter of the area that would segregate it from the homes surrounding it. Mr. Mantay stated they would probably use fencing that is similar to fencing that is in the area around stormwater facilities, etc., and he would assume they would use a split rail fence so that it is effective and attractive. He stated a split rail fence is probably the least likely to be vandalized other than chain link which they would not want to see. He stated they feel a 3' split rail would be effective in deterring dumping and ATVs.

Ms. Blundi stated her preference would be a clean-up and not a cap. Mr. Murphy stated that has been discussed many times, and they understand the Board's position. Ms. Blundi asked if they are considering having a path from the development that anyone could walk on and approach the fence and look at the birds and wildflowers. Mr. Murphy stated he believes the idea would be to create an opportunity for people to access it, but the intention is not to permit anyone to walk through the fenced area; and Mr. Mantay agreed. Mr. Mantay stated he believes it will be a dynamic process with the Homeowners Association for years as they will probably have changes in thoughts about their level of access which they will discuss with them.

Ms. Blundi asked if they would be open to birdhouses, bat houses, etc. that would attract natural wildlife to the area; and Mr. Mantay agreed.

Mr. Grenier stated he is familiar with people Mr. Mantay has worked with in the past. Mr. Grenier stated the Board's preference would be to clean-up the site rather than just capping it. He understands the prior estimate was \$6 million to \$7 million to do the clean-up. Mr. Murphy stated that was true a few years ago, and he believes that number has grown as has the number to cap it. He stated he believes the complete clean-up is probably \$8 million to \$9 million, and the capping is approximately \$2 million. Mr. Ferguson stated the quote to clean-up a few years ago was \$7.7 million.

Mr. Grenier stated some years ago the site was Subdivided to allow for this to happen, and Mr. Truelove stated that was in 2018. Mr. Grenier stated they understood that part of the reason that it was Subdivided was because there was some direction from the DEP to do that as part of the Act 2 Program; however, subsequent to that he, Mr. Truelove, and Mr. Lewis met with the DEP Act 2 representatives, and they indicated they had never made that a requirement or recommendation for that so that leaves him uneasy. Mr. Murphy stated he can comment on that when the Board would like him to.

Mr. Grenier stated there had been previous discussions about insurance to maintain the site in case anything happened. He asked if they have considered the type of insurance they would carry and what the limits would be. Mr. Mantay stated they have about \$2.5 million aggregate in liability per incident which may include the umbrella policy as well. He stated Directors and Officers are insured and employees are insured for \$1 million each. He stated they do work on a lot of Federal projects and these become requirements. He stated for this project they believe that the properly, moderately, conservatively-invested endowment

for the maintenance and monitoring of the property will grow, and be sustaining, and take care of any reasonable needs that occur on the site forever. He stated he believes that Mr. Dugan could speak more to the site specifically.

Mr. Grenier stated GreenTree Alliance will ultimately own the site, and Mr. Mantay agreed. Mr. Grenier stated it would therefore be GreenTree Alliance's responsibility versus the developer's during the O & M phase, and Mr. Mantay agreed. Mr. Mantay added their lawyers are working on this to make sure they are not putting their own organization under an undue risk, and they are comfortable with the level of risk that will exist post Act 2.

Mr. Murphy stated when they get the Act 2 Clearance, the Township will be named as will GTA as a beneficiary of that, so there will not be exposure for the Township or GTA once the site has been remediated. Mr. Dugan stated as part of the Act 2 process they have committed to having the Township and GTA as named Parties on the Act 2 so they would be protected pursuant to the Act 2 clean-up standards.

Mr. Grenier asked about the endowment to maintain the site in perpetuity. Mr. Mantay stated they calculated it using a formula that the Nature Conservancy came up with for dealing with mitigation lands, and the number they came up with was approximately \$100,700. He stated when he advised J. P. Orleans that was the amount they would want them to invest, J. P. Orleans indicated their calculation was approximately \$100,000; and Mr. Mantay advised that GTA would be comfortable with that being invested, and they feel that should be sufficient to pay for any bills for trash removal when needed and the annual mowing. He stated there is a small risk in year one when the principal is first invested if there is a bill for a larger clean-up; however, as the fund is stabilized over the years it works well.

Mr. Dugan noted that is just the endowment, and they have also provided that the Homeowners' Association will pay a yearly or quarterly assessment to GTA for the continued maintenance so there will also be those additional funds. Mr. Grenier asked if there is a rough estimate as to what that is, and Mr. Dugan stated he believes the capital contribution when the home is sold is \$500 that would go to GTA, and there would then be a portion of the quarterly assessment which is yet to be determined.

Mr. Grenier asked Mr. Mantay how many contaminated/"dirty" sites has GTA had over the years; and of those how many have been Act 2 sites in Pennsylvania. Mr. Mantay stated this will be their first land acquisition

in Pennsylvania so they have not done an Act 2 before. He reviewed a project they are doing with a Federal nuclear Super Fund site in Maryland. He reviewed a similar project to the one in Lower Makefield he was involved with previously which was a pesticide dump on the side of a farm. He stated there were similar concerns expressed with that project. He stated when they safely contain the site, which is minor in nature at this location, the liability goes away; and they are able to preserve a piece of habitat for the community.

Mr. Grenier asked if Princeton Hydro got their group involved with J. P. Orleans, and Mr. Mantay agreed.

Mr. Grenier stated it could be difficult to maintain this property because it is a perfect area for invasive species to grow quickly, and they need to be careful about what is planted so they do not attract too many birds and other wildlife. He asked Mr. Mantay how they would manage the property making it a nice visual amenity but also keeping people out of the area so that they do not damage the cap. Mr. Mantay stated that will be an evolving process. He stated they will be looking out for certain kinds of vegetation even though that would not damage the cap or the safety of the site. He stated they will visit the site to see what needs to be done so that the invasive species do not become a problem. He stated what they will plant will need to be aggressive so it can “out-compete” the invasive species, but also needs to be within the confines of the 2’ cap.

Mr. Grenier stated because of the limited funds that they have to work with on an annual basis, he is concerned about the stream and culvert on the site. Mr. Murphy stated the culvert will be replaced. Mr. Grenier stated his concern is long-term with regard to the watershed. He asked what would happen if there was flooding and the cap had to be repaired or work needed to be done to the stream area. Mr. Murphy stated he knows that the DEP will require annual or bi-annual monitoring for scouring, etc. so that once the cap is in place, and GTA takes ownership and maintenance, they will have to be out more often in the early years to make sure that scouring is addressed properly. Mr. Murphy stated while the culvert will be replaced, he assumes that GTA will have to contemplate repair/replacement of that over time as part of their capital improvement program; and Mr. Mantay agreed. Mr. Mantay stated he has been doing wetland and stream restorations on protected lands for many years. He stated funding is available for this work. He added that there is a culvert replacement in the Budget at approximately thirty years. He stated replacing the culvert before GTA acquires it at J. P. Orleans’ cost means that GTA would not have that cost for some time.

Mr. Murphy asked Mr. Mantay how many different properties/Easements does GTA own. Mr. Mantay stated there are three at some point of completion at this time, and they currently have twenty-four. He added that their goal is to get to one hundred in the next couple of years. He stated five years ago they had four. He stated the properties range in size from three acres to one that is 1,500 acres. Mr. Mantay stated the property they are discussing this evening is relatively close to where GTA works, and it is in a geography where GTA wants to be more active. He stated they also have partners in the area that could do maintenance or a stream repair if needed. He stated they have never had a substantial Easement violation at any of their other sites, a major mitigation violation, or an Easement challenge.

Mr. Murphy stated as noted by Mr. Dugan in addition to the \$100,000 endowment from Orleans, they will still have the one-time contribution from the homeowners and the annual assessment going forward. He stated it is therefore more than the interest on the \$100,000 that will be available.

Mr. Murphy stated Mr. Grenier made a comment earlier about the Subdivision and comments from DEP. Mr. Murphy stated when they met with DEP, the advice they got was that unless the landfill was a separate Tax Parcel from the balance of the site, any future homeowner on any building Lot that bought in that Subdivision was going to have to have a Deed Disclosure saying that the property was part of a landfill. He stated the recommendation from DEP was that if they wanted to avoid the obligation of having a Deed Disclosure on future homeowner Deeds, they would have to separate out the landfill as a separate parcel from the balance of the site; and that was the motivation for doing the Subdivision

Mr. Dugan stated he was involved in those discussions, and there was give and take between Marc Kaplan who was their attorney at that time and one of the former Board members. Mr. Dugan stated it was not that DEP required it, but his understanding is that when you start the remediation process you have to give a Notice of Intent to Remediate; and if it were all one Tax Parcel number all of the homes would be burdened with a Notice of Intent to Remediate. He stated they would have had to explain to every homeowner that the Notice of Intent to Remediate did not include their property, but that it included the un-Permitted landfill. Mr. Dugan stated on the advice of their counsel, they did a Minor Subdivision so that the Notice of Intent to Remediate would only be on Lot 2 and not on the homes on Lot 1. Mr. Grenier stated he is not sure that is how it was presented to the Board at the time or how they understood it; however, he understands what the DEP was describing.

Mr. Murphy stated a Deed Disclosure has a dramatic impact on the marketability/salability of homes. Mr. Dugan stated they do fully intend to disclose all of this to the homeowners through a Public Offering Statement, and they are not trying to hide anything. He stated they have done this previously in other communities. He stated there will be full disclosure of what is transpiring on Lot 2. Ms. Blundi stated she assumes that would include the HOA, and there would be documents indicating why a portion of the HOA Fee was going toward this and that they were buying a home next to a landfill; and Mr. Dugan agreed. Mr. Murphy stated as required by the Township all of the HOA documents would have to be reviewed and approved by Mr. Truelove's office.

Mr. McCartney stated they mentioned the Capital Contribution Fund of \$500 per home, and he asked how many homes they are proposing; and Mr. Dugan stated it is thirty-two homes. Mr. McCartney asked if there would be additional Capital contributions for re-sales, and Mr. Dugan agreed. Mr. Dugan stated their Agreement with GreenTrust indicates that upon the sale and re-sale of a home, the buyers will make a Capital contribution of \$1,000, not \$500 as he previously stated, to be dedicated to that; and then there will be monthly or yearly assessments from each home on Lot #1 for the on-going ownership, maintenance, and operation of Lot #2. Mr. McCartney stated it would be \$132,000 in year one if you include \$1,000 per home and the \$100,000 contribution. Mr. Dugan stated the \$1,000 also applies to re-sales.

Mr. Lewis stated the previous attorney was the one who made representations about the DEP and not Mr. Murphy. Mr. Lewis stated when the remediation is complete, GTA will assume ownership of the property. He stated if in five to ten years there is a potential new liability associated that is environmentally related, GTA would be on responsible for that. Mr. Murphy stated that might be accurate if the newly-arisen situation five to ten years from now was disclosed but not acted upon; however, if it was entirely unexpected, he is not sure that would be correct. He stated he believes the Township and GTA would be covered by the Act 2 Clearance. Mr. Dugan stated as he understands the Act 2 process, you have an Act 2 report which includes all of the safety investigations that have taken place, and you are then protected for the contaminants set forth in those investigations. He stated if there was a contaminant that was not set forth in the ninety test pits and water samples taken on the property, it may not be covered. He stated that is the way the situation is currently as nothing is covered, and there is an existing liability. He stated the Act 2 provides a form of protection from liability because the site has been remediated.

Mr. Lewis asked if there is any type of environmental insurance policy for any of the risks post clean-up since policies may change or something may come up that was not necessarily known at the time related to the clean-up. Mr. Dugan stated there is insurance in the environmental area that they are exploring but that is for a limited term, and it would have to be renewed over a period of time. He stated there is nothing that would provide an absolute guarantee. Mr. Lewis asked if it is possible that there could be a requirement for environmental insurance for this. Mr. Lewis stated he is concerned about contingent liability. He stated it had been indicated that the cost for the "top-off" went from \$1.2 million to \$2 million and a full clean-up was \$7 million; and that is high inflation. He stated if there is a problem ten years from now which needs to get mitigated, that would be a contingency liability; and if the landowner is unable to meet that, it would fall on others. He stated he wants to make sure that it does not fall on the Township or others, and that the risk is fully resolved and mitigated. He stated there could be an event that could be over \$10 million depending on what the circumstances are. He stated this is why he is asking about specific environmental insurance that would cover those kinds of risk so that the GreenTree Alliance and the Township would not have to worry about that. Mr. Dugan stated while they can consider that, insurance "is not perfect, and it is for a term so it is not perpetual." He added that this landfill has existed in its current state, un-remediated for twenty years. He stated he believes the prospect of remediation is a better prospect/legacy that they have remediated *it instead of letting it sit there*. He stated *while they will explore insurance, it will not be perpetual and there would be exclusions so that it would not provide a guarantee that an incident twenty years from now would be covered under a policy*. Mr. Lewis stated he feels there are ways they could ask for renewals of the insurance since a ten-year term would not be perpetual. He stated they may only ask for a twenty or thirty-year period. He stated he is looking to reduce the contingent liability for the Township.

Mr. Lewis thanked Mr. Mantay for the briefings provided to the Supervisors as well as providing their financials. He noted a drop in Revenue between 2017 and 2018, and he asked what occurred that caused this and what has been done to correct it. Mr. Mantay stated that was related to timing of milestone payments on major contracts especially with the Defense Department. Mr. Mantay noted they are waiting for \$36 million in Contracts at this time that were previously-approved projects. He stated it is cyclical in nature. He stated they mostly do Federal work and not a lot with developers.

Mr. Lewis asked if GTA is the landowner when they are done working on Federal projects, and Mr. Mantay stated in the case of Energy, Interior, and Defense, they want GTA to be an Easement holder and not a property owner because they want a third party steward who is separate from the landowner. He stated it also makes it easier for the Federal Government if they want to acquire the land Fee Simple if it is not a Conservation organization. Mr. Lewis stated it is actually good if a majority of GTA's holdings are such that the Federal Government is a "back stop" if something were to go wrong on those properties so that is a positive for him in reviewing this proposal. He stated in general he is still very concerned about the contingent liability although he does see the benefit of remediation over leaving it the way it is.

Mr. Ferguson stated the other part of this is the development of thirty-two houses, and the point of this meeting was to get the "temperature of the Board" for the project before the developer moves forward. Mr. Murphy stated they have spent time with the staff and the Planning Commission reviewing the configuration of the homes that would surround the landfill, and they were at the point where they had matched Lot sizes of the homes across the street, access points on Edgewood, and other typical Subdivision review issues; but they still needed to consider the future of the landfill ownership and maintenance. Mr. Murphy stated until there is consensus about the landfill remediation and approach, they would not move forward on the other aspect of the project.

Ms. Blundi stated they will discuss this matter more in the future. Mr. Murphy stated he assumes that they will get further feedback from the Township.

ENGINEER'S REPORT

Mr. Hyne stated the Engineer's Report had been provided to the Board.

Update on the 2021 Road Program and Bike Path Reconstruction Program

Mr. Hyne stated Harris Blacktopping is working on the Road Program, and they have completed the ADA ramps, inlet repairs, and milling of the roads. He stated they are currently working on the pavement overlay of the roads. He stated the roads that were Bid Alternates will also be paved. He stated while there will be temporary striping, when the final striping goes in, there will be reflective markers to help delineate the lanes.

Mr. Majewski stated with regard to the Bike Path Reconstruction Program they paved the section in front of McCaffrey's on the other side of the road. Mr. Grenier stated it seems that they will be done a week from today.

Approval of Pay Application #1 to Harris Blacktopping for the 2021 Road Program

Dr. Weiss moved and Mr. Lewis seconded to approve Pay Application #1 to Harris Blacktopping for the 2021 Road Program in the amount of \$79,083.81.

Mr. Grenier asked how much is left, and Mr. Ferguson stated over \$600,000 is left. Mr. Grenier asked what is covered by this Pay Application, and Mr. Hyne stated it covers the ADA ramps, the inlets, and the milling that has been completed.

Mr. Lee Pedowicz, 247 Truman Way, stated the Stewart's Way bike path needs to be repaired. He also stated in Yardley Hunt, Clark Drive near the intersection at Revere is also a problem. He stated the Lower Makefield "news magazine" listed streets to be paved, and he asked if they will be paved in their entirety or just sections. He stated the bike path in front of 301 Oxford Valley Road needs to be replaced. Mr. Ferguson stated the work on Clark is being done in-house. He stated he will make note of the other streets Mr. Pedowicz has mentioned. He stated they have a Three-Year Paving Program which can be modified and will continue to be evaluated by both Mr. Pockl and Mr. Hucklebridge. Ms. Blundi stated the Board would like to be able to do more paving, and years of lack of paving by prior Boards for fiscal and other reasons has put them behind; and the Township is looking for creative ways to improve on that.

Motion carried unanimously.

PROJECT UPDATES

Sandy Run Road

Mr. Ferguson stated he hopes to provide project timing for Sandy Run soon. He stated the goal is still to have the project completed before School starts.

Mr. Grenier asked if the start of that work will impact the Softball Tournament, and Mr. Ferguson stated it will not begin by this weekend. He stated they plan to get the word out to the public on social media and on the sign board in advance of the work starting. He added that eventually there will be some detours. He would anticipate the start date would not be for a few weeks.

MANAGER'S REPORT

Discussion of Establishing a Steering Committee of Seven to Nine Members to Assist in the Completion of the Park & Recreation Needs Assessment and Master Plan

Ms. Tierney stated she is asking the Board to approve establishing a Steering Committee for the Park & Recreation Needs Assessment and Master Plan. She stated they are looking for seven to nine residents who would help with the Needs Assessment and the work that entails. She stated the Park Board was in favor of this. She stated the Committee would report to the Board of Supervisors.

Dr. Weiss moved and Ms. Blundi seconded to establish a Steering Committee of seven to nine members to assist in the completion of the Park & Recreation Needs Assessment and Master Plan.

Mr. McCartney stated the Township is struggling to fill other Committees in the Township, and we are "inundated" with Committees in the Township. He asked if this is the right time to try to put together another Committee or could they wait for this. He stated they are also asking people already serving on Committees to serve on other Committees. Ms. Tierney stated there are a number of people she would like to ask to serve on this Committee who do not usually participate on another Committee, and they are people who have provided her feedback or requested certain amenities in the Parks, and she would like to include them in the decision-making process and the Needs Assessment process. She stated she hopes these people who have made "heavy requests in the Park area" can get involved who are not generally involved now.

Mr. McCartney stated while he is comfortable with that, he asked if they could not just work with Ms. Tierney as opposed to forming a Steering Committee under the direction of the Board of Supervisors.

Mr. Grenier stated while they want to involve community members, there are already a lot of Committees, and they have been discussing reducing the number of Committees because they are having trouble filling some of the Committees both long-standing Committees and new Ad-Hoc Committees. He stated they have to be thoughtful as to who is on a Committee, and the Board needs to interview the Committee members to make sure that they are qualified and what their thought processes are. He stated there is a Park & Recreation Board that is already established as well as a Special Events Committee which offers opinions, and he would be more comfortable keeping it in the Park & Recreation Board and Special Events Committee to guide this. He stated if there is a need to do community surveys, etc. this should be done through the Park & Recreation Board so that there is one less Committee, but people would still be involved and provide input.

Ms. Blundi stated Ms. Tierney has built out a robust offering and taken the Township to a new level and allowed us to build “true community involvement.” She stated Ms. Tierney has come in with a thoughtful proposal stating that she needs help from people who want to help her move this forward. Ms. Blundi stated it is true they are struggling to find people to serve on Committees, and she feels people may be choosing not to volunteer because of the way those who volunteer are treated; and she hopes to improve on that.

Mr. Lewis stated he agrees with Mr. McCartney and Mr. Grenier on this matter. He stated there are also a number of Park & Recreation projects that are in process now, and he feels they should work through those and assess how effective they were on those projects. He stated they are going out to Bid on Memorial Park and there is also a bike path that is being built around Oxford Valley Road so there are new projects they need to complete which is a priority, and then there can be an assessment as to how those projects fit into the larger framework and what is working and what is not. He stated the Park & Recreation Board is very active in this, and they could help in this. Mr. Lewis stated when they considered the Township Property Review Committee there was a draft of who would be on it and the structure, etc. He stated he feels they could consider what Ms. Tierney is proposing in the future.

Mr. McCartney stated possibly Ms. Tierney could get those people she knows who have “energy and passion around this project” to be on a Sub-Committee under Park & Recreation as opposed to creating another Committee that reports to the Board of Supervisors. Ms. Tierney stated while that could work, she knows that they will need people who are willing to volunteer and spend

some time on this, and the Park & Recreation Board does not necessarily always have that kind of time to dedicate. She stated she would be glad to do it the way Mr. McCartney has recommended if that is what the Board chooses, but she also wants to engage the Board of Supervisors in this process as it is a Park & Rec Master Plan for the Township. Mr. McCartney stated he does appreciate all the work Ms. Tierney has done, but they want to make sure that the structure of this Committee is feasible.

Dr. Weiss commended Ms. Tierney for where she has taken the Township with Park & Recreation. He stated he would be in favor of using the Park & Rec Board members not so much on the Steering Committee but to guide Ms. Tierney as to members of the sports groups and other interested individuals in the community to work with Park & Rec to finish the Needs Assessment and then come to the Board of Supervisors. He stated while the Board of Supervisors wants to be involved, in this case he feels there are already members of the community who are involved who could be steered in a way so that they would not need to have a new Committee, and he feels the Board would be in favor of augmenting the Park & Recreation Board and use the Special Events Committee and members of the user groups and then come with a recommendation to the Board of Supervisors going forward.

Dr. Weiss withdrew his Motion and asked Ms. Tierney to work with the Park & Recreation Board, the Special Events Committee, and the user groups *to come up with recommendations to be brought to the Board of Supervisors.* Ms. Blundi agreed.

Mr. Grenier stated usually in Park & Recreation matters there is a “stake group” that would be separate from the Park & Recreation Board and the Park & Rec Board would then review it and then provide a recommendation to the Board of Supervisors. Mr. Grenier asked about the timing and the process for this. He stated there are already some projects that will be finished fairly soon that will change/augment what we are doing in Park & Recreation that would have the potential to impact the Needs Assessment Study once those resources start to get utilized, and he wants that information to be incorporated in any long-term Study.

Mr. Grenier moved to direct the Park & Recreation staff to work with the Park & Rec Board to establish a Steering Committee to lead the Park & Rec Needs Assessment Study.

Ms. Blundi stated she feels they should let Ms. Tierney regroup on how she would like to proceed. She stated she knows that the volunteers on Park & Rec are “tapped out and doing a lot,” and Ms. Tierney needs additional help. Ms. Blundi suggested that this be Tabled, and they could discuss it in the future, and Ms. Tierney agreed.

Mr. Grenier withdrew his Motion.

Approval of BOWMA Five Mile Woods Request

Mr. Ferguson stated at a previous meeting there was a discussion of the Deer Management Program, and it was noted subsequently by a representative from BOWMA that while it was discussed, they did not resolve the issue of hunting in the Five Mile Woods. Mr. Ferguson stated there were changes made to the hunt in the Five Mile Woods a number of years ago where they were allowed to hunt every other week, and people wanting to use the Park were confused as to when they were able to access the Park. Mr. Ferguson stated there is a problem with deer in the Township, and they would like to discuss the possibility of going back to what was done in the Five Mile Woods which was to hunt three days during the week, but never on the weekend. It would be Tuesday through Thursday from September 22 to November 25. After Christmas, hunting would be permitted December 28 through January 27. Mr. Ferguson noted that there had been discussion that the Five Mile Woods was an area with a large deer population but BOWMA was not getting to it with the cutbacks, and they are looking for some clarification if they want to bring it back to what it used to be.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to authorize the Township Manager to allow BOWMA to hunt Tuesday through Thursday from September 22 to November 25 and December 28 to January 27.

Mr. Lewis stated he supports BOWMA and it is important to deal with the deer population which has gotten out of control lately, and this a reasonable approach to make sure that the Park is available for people when they need it but also that they can cull the herd in the Park.

Mr. Grenier asked if there are any holidays during that time period, and Mr. Ferguson stated Thanksgiving is Thursday, November 25.

Mr. Lewis and Mr. McCartney agreed to amend the Motion to shorten the date to November 24 rather than November 25, and the Motion carried unanimously.

BRIGHT FARMS DISCUSSION AND MOTION

Mr. Grenier moved and Mr. Lewis seconded that based on discussions the Township Manager has had with Bright Farms to direct the Township Manager and the Solicitor to terminate the Lease with Bright Farms including but not limited to removal of the building and facilities, removal of the existing utility lines, maintenance of the existing stormwater management basin, and a restoration of the ground to pre-construction conditions including any necessary remediation.

Ms. Blundi stated she will be happy to see the buildings removed, and she hopes this moves forward as quickly as possible.

Mr. Grenier stated he looks forward to getting this resolved and removing the facility from the farmland and bringing it back to what it was. He stated he wants to make sure that as this is being done, there is oversight so that we can make sure that they are doing what they committed to so that at some point when the process is done it can be brought back to farming.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session beginning at 6:45 p.m. and items related to Real Estate, litigation, and informational items were discussed.

Approve Resolution/Signed Easement Agreement for Brookstone Pump Station

Mr. Truelove stated when Brookstone was built the developer granted an Easement to the Township for access to the pump station. In the interim the developer sold the entire common area where the Easement is located to the Homeowners' Association. Mr. Truelove stated this will change the grantor of the Easement, and it will be Recorded accordingly once this is approved per the Resolution.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Resolution/Signed Easement Agreement for Brookstone Pump Station.

ZONING HEARING BOARD MATTERS

With regard to Appeal #21-1919 Shari Leichter for the property located at 532 Clarendon Court, Yardley, PA 19067, Tax Parcel #20-060-312 Variance request from the Township Zoning Ordinance 200-22 in order to decrease the rear yard setback to 26'11" where 40' is required in order to install a new patio cover, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1920 Julia Skolnik for the property located at 1072 Garey Drive, Yardley, PA 19067, Tax Parcel #20-057-172 Variance request from the Township Zoning Ordinance 200-69(14) c to permit the installation of a 6' privacy PVC fence over a Sewer Easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1921 Brian & Melanie Parker for the property located at 24 Highland Drive, Yardley, PA 19067, Tax Parcel #20-020-135 Variance requests from the Township Zoning Ordinance 200-23B in order to increase the impervious surface from the existing 26.5% to 31.5% where 24% is the allowable amount to build an in-ground pool and from the Township Zoning Ordinance 200-69 (14)(a) to allow the existing shed to remain 1' from the property line whereas 10' is required, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Grenier stated at the May 5 meeting, the Board of Supervisors voted to participate in Appeal #21-1914 – Joseph Jennings, 2 McKinley Avenue, Tax Parcel #20-031-004. He stated he would like to change that from participation to opposition.

Mr. Grenier moved and Mr. Lewis seconded to oppose Appeal #21-1914 – Joseph Jennings.

Mr. Grenier stated since May 5 he has become aware that several residents in the area have strong concerns about this resource-protected area adjacent to Township open space. He stated there is concern by those in the Maplevale neighborhood which is adjacent to this property; and since it is a low-lying area off of the Canal, they are concerned about flooding.

Ms. Blundi stated Mr. Grenier is indicating that because of the way the land is situated and the proximity to the Canal and other issues this parcel is of significant benefit to the eco-system which is why he feels the Board should be in opposition. Ms. Blundi asked if it would not normally be within the purview of the Zoning Hearing Board to look at those issues adding they are an independent entity. Mr. Grenier agreed that is what the Zoning Hearing Board will do; however, similar to a site that might be in a Resource-Protected Zone that is also in a floodplain where an Applicant may want to build, the Board of Supervisors has a history of opposing those types of projects versus sites where it is more related to an impervious surface issue where those types of concerns are addressed typically by the Zoning Hearing Board. Mr. Grenier stated when there are certain resources that are of particular importance to the Township and there is an opportunity to put the “weight of the Board behind it,” he feels that shows the mindset of the Board and the type of policies they are looking to maintain.

Ms. Blundi stated looking at the Minutes when this was previously considered, it does not mention any of that.

Mr. Grenier asked Mr. Majewski to describe the R-RP Zone, and Mr. Majewski stated that is the Resource Protection Zone of the Township which was made a three-acre minimum Lot Size Zoning District. Mr. Majewski stated this property is about 6.3 acres; however, when you net out some of the resources, mainly the woodlands, that takes the Net Lot Area down so that to add the one additional Lot that they are proposing behind where the existing house is located, they are slightly under the threshold of what the minimum Lot Size is. Mr. Majewski stated with regard to the floodplain, it just barely touches the east end of the property near the area where the bridge crosses the Canal and the three acre open space parcel that the Township purchased in 2016. A slide was shown of the property outlined in orange.

Dr. Weiss asked about the Lot size, and Mr. Majewski stated the Township Ordinance discusses Net Lot Size for the purposes of how many Lots you can get on a property. He stated the Gross Lot Size for each of the Lots would be greater than 3 acres. Dr. Weiss stated from a technical standpoint they do not meet the requirements of Subdivision, and Mr. Majewski agreed that is why they need the Variance because they exceed the density of the property due to the fact that they have those resources on the property. Dr. Weiss asked if there were any previous similar Applications, but Mr. Majewski stated he did not recall. Dr. Weiss stated the Board had agreed to participate, and Ms. Kirk could bring these issues up, and he is not sure the Board needs to oppose.

Mr. Lewis stated the Zoning Hearing Board is an independent, quasi-Judicial Board which makes decisions on its own and has made decisions against the Township in the past. He stated he believes that having the Board be in opposition makes sure that we get an effective, more-aggressive representation.

Motion to oppose carried with Ms. Blundi and Dr. Weiss opposed.

Mr. Truelove stated he will advise his office about this change from participation to opposition.

APPROVAL OF LOT LINE CHANGE FOR DAVID AND ELIZABETH MILLER
1648 LANGHORNE-YARDLEY ROAD (PLAN #682)

Mr. Majewski showed a slide of the property in question which is on Langhorne-Yardley Road near Mirror Lake Road. The property is approximately 4.8 acres, and the two parcels are owned by Mr. Miller. One property is approximately 1.5 acres in size on the western end and is currently vacant, and the other parcel is 3.3 acres and contains the existing dwelling, carriage house, garage, and restored springhouse. The dotted red line shows the current Lot Line. The property is in the Edgewood Village Historic District, and the house was built in 1765.

Mr. Majewski stated the Applicant is proposing to take the existing Lot Line between the two parcels owned by Mr. Miller and move it over approximately 100 feet which would be coincident with a prior Subdivision Line on the property. He stated there is a monument on Yardley-Langhorne Road and a monument in the rear of the property adjoining the Patterson Farm which adjoins the property to the north. He stated that will create new parcels that will be 2.4 acres and 2.46 acres. Mr. Majewski stated the Township engineer had reviewed the Application and provided a letter at the Planning Commission meeting, and the Planning Commission voted unanimously to recommend approval of the Lot Line change subject to compliance with the responses made by the design engineer for the Applicant.

The Plan was shown with the Lot Line on the west side of the property which will be shifted over 100' to match where the two monuments are and near the existing garage.

Mr. Lewis moved and Dr. Weiss seconded to approve the Lot Line change as described by Mr. Majewski.

Mr. McCartney asked if there is an intent by the owner to do something in the future. Mr. David Miller was present and stated he has lived there for over fifty years, and the property is too large for them to manage. He stated it is a five-acre property, and they got advice from various sources that if the Lot Line were changed so that each parcel would be approximately two and a half acres, it might be easier to sell. He stated someone may want to just buy the property with the buildings, someone else may want to buy just the open land, and someone may want to buy the whole tract; and doing the Lot Line change would make it easier for them to market. He stated they have no intention at this point other than to put the property up for sale. He stated there are alternatives that have been discussed, but they are not foremost in the plans.

Mr. McCartney asked if there is a feasible building envelope if they proceed with the Lot Line change; and Mr. Majewski stated it actually makes the vacant Lot slightly larger, and it will be 2.46 acres which is a suitable size to build one or more additional dwellings. He stated they could also do something else with the property since it is Zoned Historic-Commercial; and under the Traditional Neighborhood Overlay District, there could be Mixed-Use/Commercial although they would have to respect the natural resources. He added there is a small stream that runs through the property and discharges from the detention basin across the street. He stated there are also woodlands on the property. He stated since there is no current construction proposed, they have not shown what they intend to preserve; but they will be required to preserve most of the woodlands *on the site should they choose to develop.*

Mr. McCartney noted a parcel to the west which is owned by someone other than Mr. Miller and is not part of this proposal, and Mr. Majewski agreed. Mr. Majewski stated there was a house on that adjoining Lot at one time, but it burned down about ten to fifteen years ago.

Mr. McCartney noted the small building next to the dotted line, and Mr. Miller stated that is the carriage house which was built in the early 1880's. Mr. Miller stated they have engineering drawings for the Lot Line, and the carriage house does meet the setback requirement for an outbuilding. Mr. Majewski stated they do meet the setback requirements even after the Lot Line is changed as it is an Accessory Building which requires a 5' setback, and they are showing approximately 10'.

Mr. Grenier stated HARB is very much in favor of this proposal as they feel it opens up the area to become more of a Village if they are able to do some Mixed-Use on the newly-vacant Lot. Mr. Grenier asked Mr. Majewski if both Lots will be in the Overlay District, and Mr. Majewski agreed. Mr. Grenier stated a new owner would have to accommodate the Overlay District guidelines, and Mr. Majewski agreed. Mr. Majewski stated any buildings or structures that are built or modified would be required to go before the Historical Architectural Review Board for their recommendation and then approval by the Board of Supervisors for a Certificate of Appropriateness.

Mr. Grenier stated there is a stream buffer shown, and he noted in looking at the response to Remington & Vernick's letter, it looks like the stream line they have is the top of water/bottom of bank versus the top of bank which is where we would typically have that buffer start and then 50' out versus somewhere in the stream itself. Mr. Grenier stated assuming they move forward with some sort of Land Development, the buffer line would be revised to reflect the Ordinance versus where it is on this Plan. Mr. Majewski stated Remington & Vernick will have them revise this Plan to more accurately depict the stream and top of bank and slightly adjust the 50' buffer so it is coincident with the top of bank of the stream. Mr. Grenier stated they will not be required to show a woodlands buffer, wetlands delineation, etc. for the purpose of this Lot Line Change, and Mr. Majewski agreed that would be done for any future Land Development.

Mr. Miller stated he has suggested several times that if you start at the western end of the Cramer property and go up to the intersection of Edgewood Road, all of that woods is part of the Patterson Farm. He stated on much of the wooded land on his property and on that part of the Patterson Farm, the trees are deteriorating. He stated he felt that to make the Village "whole," the road frontage of the wooded area could be sold off for housing that could be Village kind of housing; and it would make it "whole" from Mirror Lane Road intersection up to the I-95 overpass. He stated he advised HARB of his ideas, and someone may feel this is worthy.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, asked whether there will be in-person meetings at some point; and Ms. Blundi stated the public will be advised when that decision is made.

Mr. Joe Shennard, 1667 Dobry Road, thanked Mr. Ferguson for all his hard work in getting his issues resolved. He also thanked Mr. Pockl and Mr. Majewski for all their hard work on his behalf. He stated the Board is very lucky to have these three gentlemen on staff, and he feels they are all major assets to the Township and the community. He also thanked Mr. Hucklebridge and Chris from Public Works for coming out to his property on Friday and getting his pump started. Mr. Ferguson stated they were happy to be able to help Mr. Shennard, and they will work with him to get the landscapers out to fix his yard as well.

Ms. Lisa Tenney, 156 Pinnacle Circle, encouraged Ms. Blundi to not change the existing LMT Tree Ordinance. She stated changing the tree replacement from native to allow ornamental trees would have a negative environmental impact. She stated the National Academy of Science states that “non-native woody plants reduce insect populations and in turn impact the breeding success of insectivores ... and impact certain bird species.” Ms. Tenney stated with regard to forming another Committee she would instead recommend providing to the LMT residents an “open-community focus group” to have community input on Park & Rec future programming. Ms. Tenney stated she is concerned about the bow hunting at Five Mile Woods as a lot of people visit there even during the weekdays. She stated there was an incident where someone was mistakenly killed by a hunter at Lake Nockamixon, and she asked what efforts will be used to mitigate such an accident on preserved land.

Ms. Blundi stated they have had BOWMA hunt the Five Mile Woods for a number of years with precautions in place; and when they are hunting in the Five Mile Woods, the Park is closed. The fence is shut, and they communicate and post about hunting taking place.

DISCUSSION ITEM

Mid-Year Fee Adjustment Consideration

Mr. Majewski stated in discussions with the Environmental Advisory Council it was learned that we should have been adjusting our Tree Bank Replacement

Fee over the past several years since it was adopted in 2014. He stated the Ordinance calls for adjustment every three years based on the Consumer Price Index, and this has not been done so they would like to get that adjustment made now. He stated the Fee would be raised from \$315 to \$347 which is the amount calculated based on the Consumer Price Index.

Mr. Majewski stated there are also some other Fees that they are looking at. He stated the new Building Code Officials have noted some minor Fee adjustments that should be made including the Electrical Fees, and they would like to do those now and then do a more comprehensive review of the Fees at the end of the year for the Board to consider for the 2022 Fee Schedule. Mr. Majewski stated once they have the information finalized for adjustments to be made at this time, they will bring that back to the Board of Supervisors.

Mr. Majewski stated they are also recommending an adjustment to the Zoning Hearing Board Application Fee. He stated currently it is split into two parts – an Application Fee and an Escrow Fee; and they feel given the amount of effort needed for the accounting involved, it would be easier to have a flat Fee. He stated there will be no change to the Fee other than it will be a flat Fee.

Ms. Blundi asked if the recommended Fee adjustments will be ready for Board and public review at the July 21st meeting, and Mr. Majewski stated that is the goal.

Mr. Lewis stated he is in support of our Fees being in line with the cost associated with the services, and would like this to be on track where it can be part of the Annual Fee Schedule considered.

Ms. Blundi stated the EAC had brought to her attention the issue of the Tree Fee, and she is happy to move forward with that. She stated they have been collecting money from developers for Fee-In-Lieu of planting trees, and this is in a dedicated account. Mr. Ferguson stated once he started with the Township they worked on reconciling all of the Funds and keeping better track of where we were including the Tree Bank Fund. He stated as of today, there is about \$98,000 in that account. He stated they have had discussions with some of the EAC members about doing some targeted plantings based on the Tree Planting Plan. Mr. Ferguson stated over the past few years they have gone back to the developers who either owed the Township trees or money, one of which was Bright Farms, and required them to pay the Township; and at this point there are no outstanding Fees. He stated over the past few years 184 trees were planted that were due to the Township that had not previously been planted.

Mr. Ferguson stated going forward he wants to make sure that the Tree Fees and tree requirements are memorialized in the Development Agreements so that the developers can be held accountable, since in the past that had sometimes not been done.

SUPERVISORS' REPORTS

Ms. Blundi stated the EAC has been discussing another tree planting in the fall. She stated there was a tree planting at Stoddart baseball field and last year one was done at Patterson Farm to help protect erosion around the stream. Ms. Blundi stated they are looking at fine tuning the language with regard to the Tree Replacement Ordinance as at this point a certain caliper tree is required to be planted which is large, and sometimes large trees do not do well so it may be appropriate to allow for different-sized trees. She stated native species are an important part of the ecosystem, but that language is not in the Tree Replacement Ordinance and is only in the Street Tree Section. She stated she is also in favor of the ability of planting some trees that are outside of the Native Species Ordinance, and she will be asking the Board to consider that although she would never recommend shifting the preponderance away from native species, and it would just be to allow for some options. Ms. Blundi stated the EAC will have a table at Community Day and will hopefully be collecting wine corks again which was very successful last month.

Mr. Lewis stated the Citizens Traffic Commission met and elected Art Cohn as their Interim Chair. Mr. Lewis stated the Trenton-Mercer Airport Review Board met to review follow-up from the June 2 Hearings held with regard to the expansion. He stated they were asking about the comment letter from the Board of Supervisors which he understands went out yesterday.

OTHER BUSINESS

Cancel July 7, 2021 Board of Supervisors Meeting

Ms. Blundi stated they will be canceling the July 7, 2021 meeting.

Approve Purchase of Equipment from Lerro Corporation

Dr. Weiss stated the Township Building and Community Center are open, and they are talking about the possibility of transitioning to live meetings and possibly hybrid meetings. He stated we are going to need some technical equipment.

Dr. Weiss moved and Mr. McCartney seconded to authorize the purchase of the necessary equipment to accommodate future hybrid meetings from the Lerro Corporation in the amount of \$18,102.23.

Mr. Grenier asked Mr. Ferguson to describe what a hybrid meeting is. He also asked if the cost of the equipment could be covered by Grant funding. Mr. Ferguson stated the equipment upgrade needed goes beyond having hybrid meetings. He stated the cameras are standard definition and the audio is antiquated, and the price to replace all of that would be part of a Public Education and Government Channel Grant that Comcast and Verizon would pay for as part of the Franchise Agreements. Mr. Ferguson stated Comcast negotiations are underway. Mr. Ferguson stated the quote noted in the Motion is the amount that we would need to upgrade the equipment to accommodate the hybrid meetings. He stated he feels a lot of Towns will have hybrid meetings going forward and that will allow for the opportunity to have the public and Supervisors come to the Township Building and participate, and those people who cannot come to a meeting for some reason would still be able to participate remotely. He stated this will allow for convenient public participation even after the Pandemic is over. He stated the amount being considered this evening will allow us to get the equipment and software needed to facilitate that interaction. Mr. Grenier stated this will allow for the public who cannot get to a meeting in person to participate more fully even after we go physically back to the Township Building. He stated this will increase public involvement and transparency. Mr. Ferguson stated this is also helpful if one of the Supervisors is traveling and is unable to physically attend the meeting so that they could participate in this way.

Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved and Mr. Lewis seconded to appoint Bette Sovinee to the Ad Hoc Township Property Committee.

Mr. Grenier asked if she applied to be one of the At Large Members; however, Ms. Blundi stated she did not recall. Ms. Blundi stated as they get more members they can determine “where people fit;” and if there comes a point where someone has applied and there is not space for them, the Board will determine how to handle that.

Motion carried unanimously.

Ms. Blundi stated there a lot of opportunities and a need for volunteers in the Township, and this Committee is just one of them. She stated the goal is to have as many people as they can with the appropriate skill set to move forward. She stated this does have a tight timeframe, and since they now have four members which represents a quorum they can begin meetings. She asked residents to volunteer for this Committee or any of the other openings as they need help from the residents to continue to make Lower Makefield a great place to live. Ms. Blundi stated this Committee has a big task ahead of it and a short timeframe to get it moving. She asked Mr. McCartney and Dr. Weiss to both be Liaisons so that at least one of them is present.

There being no further business, the meeting was adjourned at 10:48 p.m.

Respectfully Submitted,



John B. Lewis, Secretary

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 06/16/2021**

A/P WARRANT LISTS	6/7/2021		PRINTED CHECKS	MANUAL CKS/WIRES	TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES			
Fund					
01- GENERAL FUND	199,210.68	1,823.57			201,034.25
02- STREET LIGHTS	3,294.65				3,294.65
03- FIRE SAFETY					-
04- HYDRANTS					-
05- PARK AND RECREATION	31,502.00	655.42			32,157.42
06- P & R FEE IN LIEU					-
08- SEWER	162,714.89				162,714.89
09- POOL	84,630.09	3,395.71			88,025.80
11- TRAFFIC IMPACT					-
15- GOLF COURSE					-
18- SEWER CAPITAL PROJECTS	56,289.66				56,289.66
19- SPECIAL PROJECTS	8,061.42				8,061.42
20- DEBT SERVICE					-
21- REGENCY BRIDGE					-
30- CAPITAL RESERVE					-
31- POOL CAPITAL RESERVE FUND					-
32- TREE FUND	1,866.00				1,866.00
35- LIQUID FUELS					-
36- ROAD MACHINERY FUND					-
40- 9/11 MEMORIAL	3,495.74				3,495.74
45- PATTERSON FARM	2,962.24				2,962.24
50- AMBULANCE/RESCUE SQUAD					-
84- DEVELOPER ESCROW	25,633.02				25,633.02
91- UNEMPLOYMENT					
	579,660.39	5,874.70	-	-	585,535.09

MAY 2021 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	630,955.77
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	6,244.10
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT	4,882.74
	642,082.61

John B. Lewis

Fredric K. Weiss

James McCartney

Suzanne S. Blundi

Daniel R. Grenier

