

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 4, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 4, 2021. Ms. Blundi called the meeting to order at 7:32 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

COVID-19 UPDATE

*Mr. Grenier asked for an update on the Pool closing this week, the re-opening plan, and if there are any changes to the protocols. Mr. Ferguson stated an e-mail went out to the members that the Pool is closed for a week. Testing is being done and once they know how limited or expansive the outbreak is, they will determine a re-opening schedule. He stated the numbers will dictate how and when the re-opening can take place, and he hopes we will have an answer by the end of the week, and then communicate to the members. Mr. Ferguson stated the protocols at the Pool will be the same for the time being. He stated they are doing a deep cleaning of the Pool adding that they clean all areas at the Pool every day, but they are taking this week to make sure that is done again with the hope that we can open in some fashion next Monday. Mr. Grenier asked if the members should look for an e-mail by the weekend, and Mr. Ferguson stated they will provide an update so members will know what the status is for Monday.*

Mr. Grenier stated CDC guidance is that masks should be worn indoors by both those who are vaccinated and those who are not, and he asked the Township policy that is in place. Mr. Ferguson stated the policy it that those

entering the Township building should be masked; and while that is not something that can be actively enforced, they strongly encourage that and ask people when they come into the building when it is open to be masked.

#### COMMUNITY ANNOUNCEMENTS

Mr. Ferguson stated information on Park & Recreation in-person recreational opportunities including yoga, art, and Zumba is available on the Township Website.

Mr. Ferguson stated Community Day is August 28, 2021, and there will be 3v3 basketball, vendors, rides, a concert, activities, and fireworks after dusk. More information is available by calling or e-mailing the Park & Recreation Department.

Mr. Ferguson stated the 20<sup>th</sup> Commemoration of 9/11 will be at the Garden of Reflection at 1950 Woodside Road through the day on September 11. At 8:30 a.m. there will be a ceremony to honor the victims of the attacks and mark the significant times of the day. Mid-day until 3:00 will be quiet time to reflect on your own at the Memorial, and there will be Ambassadors who will be able to give information about the Garden and 9/11 at that time. The evening ceremony will be at 7:00 p.m. to unite the community and move into the future.

Mr. Ferguson stated September 12 is the 9/11 Memorial 5K at the Garden of Reflection, and those wishing to register should visit [www.GOR5K.com](http://www.GOR5K.com).

Mr. Ferguson stated November 6, 2021 is the Veterans Day Parade on Edgewood Road. Interested sponsors and participants should contact the Park & Recreation Department.

Mr. Ferguson stated the next Recycle Yard Waste Day will be held on Monday, August 9 from 7:00 a.m. to 3 p.m. He stated the next Household Hazardous Waste Collection, which is a Bucks County event, will be held on August 14 at the Bucks County Technical High School in Fairless Hills. The flyer will be posted on the Township Website.

Mr. Lewis stated while he has just been informed that there will be no dunk tank this year at Community Pride Day, there will be another way to fundraise on behalf of the Lower Makefield Community Foundation.

Mr. Grenier congratulated the Trenton woman who won a Gold Medal at the Olympics.

#### ENGINEER'S REPORT/PROJECT UPDATES

##### Sandy Run Road

Mr. Hyne stated the Sandy Run Road project is underway, and they are now working on the second round-about. He stated the project is on track for completion by the start of School.

##### Memorial Park Project

Mr. Hyne stated the Memorial Park project is underway, and the contractor is doing work on the new improvements.

##### Multi-Use Trail

Mr. Hyne stated PennDOT anticipates opening Bids later this fall for the Multi-Use Trail Project.

##### Woodside Bike Path

Mr. Hyne stated with regard to the Woodside Bike Path Project, the survey crews will be there getting information and they will begin the design of the project over the fall.

##### Bid Oak Road/Makefield Road Signal Upgrade

Mr. Hyne stated the Big Oak Road/Makefield Road Signal Upgrade is into PennDOT.

##### Route 332/Mirror Lake Road Signal Interconnection

Mr. Hyne stated with regard to the Route 332/Mirror Lake Signal Interconnection, they are waiting for Contracts to be executed.

Mr. Grenier asked with regard to the Sandy Run Project if are we on schedule. Mr. Hyne stated he discussed this with Mr. Pockl, and they are on schedule for road opening before School.

Mr. Lee Pedowicz, 247 Truman Way, asked about road paving. He stated he believes at an earlier meeting, it was stated that the Township would be doing paving at the intersection of Revere Road and Clark Drive. He stated he saw it has been marked since the spring, and he asked if that paving is going to happen. Mr. Ferguson stated that was not on the Paving Program this year. Mr. Grenier stated that could be markings for utilities. Ms. Blundi stated the Township Road Paving Program is complete for the year. Mr. Ferguson stated he will look into what those markings are and get back to Mr. Pedowicz.

Mr. Pedowicz asked how he could make a recommendation for next year's Paving Program, and Mr. Ferguson stated he would accept recommendations. Mr. Ferguson stated they evaluate the roads every year, and put out a Three-Year Paving Plan for consideration. He stated the Township engineers and the Public Works Director will evaluate the roads and make a recommendation to the Board as part of the 2022 Budget. Mr. Pedowicz asked if that would include bike paths as well, and Mr. Ferguson stated there is a separate Bike Path Three-Year Plan, and they re-evaluate that every year as well.

## MANAGER'S REPORT

### Pool Discussion

Mr. Ferguson thanked the Park & Rec Direction and Pool Manager for how hard they are working. He stated there have been issues with filling vacancies across most private companies and across the Township. He stated at the Pool they are down between twenty-five and thirty staff members from a typical year. He stated in order to help mitigate the lack of staffing the Pool Manager has been working between sixteen to seventeen hours a day. He stated they have also had to make certain provisions including closing the Pool for an hour a day which is done so that we can be in line with child labor laws regarding how long those under eighteen can work. He stated they have also had to do some rolling closings of the slides for a couple hours at a time as well as the diving area. He stated there are other pools that are experiencing this as well, and the County Pool at Oxford Valley opened a month late and is now only open five days a week for five hours a day. He stated the Pool staff and the management staff have been filling in at the Pool including Ms. Tierney and Ms. Todd who are at the Pool doing whatever they can to get through this year.

Mr. Ferguson stated the closure this week was very unfortunate, but it was determined that because of the close contacts between the guards who both work together and socialize together we needed to close the Pool down to make sure that the outbreak was not more widespread since as it stands we are already short guards. Mr. Ferguson stated Lydia Miller, the Pool Manager, has been logging in incredible hours and filling in at every position, and he thanked her for her hard work. He stated he is proud of the work that the staff has done at the Pool, and they will continue to work to get the Pool opened up for the remainder of the year.

Ms. Blundi agreed with Mr. Ferguson, and she added that they hope for a speedy recovery of the staff member, and that the outbreak remains small. She stated a tremendous effort is being done by everyone to keep the Pool open as best they can. She stated there are signs posted everywhere looking for lifeguards, and there has been coverage about this issue on the National level. She stated everyone is working to keep the Pool open, and she appreciates the efforts of our team.

Mr. Grenier agreed adding that he appreciates the quick response and the effort to get the Pool back open. He stated they want everyone to be healthy and safe.

#### PECO Gas Discussion

Mr. Grenier stated he and Mr. Ferguson have discussed the fact that in the northern part of the Township PECO Gas has begun replacing gas lines in the roads and in private yards. He stated he does not believe that PECO has given the Township notice of this. He stated people have contacted him that if you have a gas meter inside your home, they are replacing those meters and putting them on the outside of the home; and people are without gas for seven to eight hours. He stated he has heard reports that some of the contractors are not wearing masks, and it is not known if they are vaccinated. Mr. Grenier stated PECO is also replacing gas lines when necessary so they are “tearing up yards.” Mr. Grenier asked if the Township was made aware of this, and if there is any means to contact PECO to get verification that their contractors are vaccinated, wearing masks, and what protocols are going to be followed to keep everyone safe.

Mr. Ferguson stated the Township would receive Road Opening Permits from PECO if they are doing work in the road that would have to be restored as part of the public infrastructure. He stated if damage was done in private yards, PECO or its contractors would be required to restore those yards. He stated with regard to contractors entering private homes, he is not sure of the Township's ability to ask about vaccination status, but he believes that most contractors do ask if the homeowner wants them to wear a mask. He stated he could reach out to PECO to go over what their protocols are and to make sure they are being followed. He stated as far as the work being done, that would not be in the Township's purview.

Mr. Lewis asked if there is a way that we could get a schedule from PECO since if it is isolated homes that should not be a problem. He stated when Comcast was doing work, Public Works had information on the Website where Comcast was doing work, and Public Works did do follow-up. Mr. Ferguson stated Public Works did that because work was being done outside. He added that for work being done in private homes, PECO would be making appointments to replace the gas meters. Mr. Grenier stated they are making appointments, but the residents did have some concerns since there was not good up-front communication.

Ms. Blundi suggested that they have Mr. Ferguson reach out to PECO to get more information.

Mr. Lee Pedowicz asked if there is a completion date for the work at Sandy Run Road, and Ms. Blundi stated the engineer indicated that it would be done before School starts. Mr. Ferguson stated August 30 was the original benchmark for the project.

#### SOLICITOR'S REPORT

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

#### Approve Resolution to Accept Dedication of Easements and Public Roadway for Estates at Sandy Run (formerly part of St. Ignatius)

Mr. Truelove stated the engineer has determined that all punch list items have been satisfied, and a Maintenance Bond will be in place for eighteen

months after accepting Dedication. He stated Remington & Vernick has checked all the Easements and made sure that the punch list items were met with respect to inlets, roads, and all other parts of the public Dedication for those areas that are listed in the Resolution and the attachments.

Mr. McCartney moved and Dr. Weiss seconded to approve the Resolution to accept Dedication of Easements and public roadway for Estates at Sandy Run.

Mr. Lewis asked Mr. Truelove if there is a recusal requirement as he is a Parishioner at St. Ignatius, and Mr. Truelove stated there is not.

Mr. Grenier stated he understands some money is being kept back even though the punch list items are done, and Mr. Truelove stated they have the eighteen month Maintenance Bond. Mr. Grenier asked Mr. Hyne if he is comfortable with their current status and moving forward, and Mr. Hyne agreed.

Motion carried unanimously.

#### ZONING HEARING BOARD MATTERS

With regard to Appeal #21-1926 Jennifer Schneridman & Brian Pepe for the property located at 228 Emerald Drive, Yardley, PA 19067, Tax Parcel #20-063-247 Variance request from the Township Zoning Ordinance 20-23B in order to install an in-ground pool with concrete decking which would increase the impervious surface from the existing 18% to 22.3% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1927 James Mook for the property located at 2328 Lakeshore Drive, Yardley, PA 19067, Tax Parcel #20-036-001 Variance requests from the Township Zoning Ordinance 200-23B to permit the installation of a 762 square foot addition which would increase the impervious surface from the existing 23.6% to 29.6% where 26% is the allowable amount and Township Zoning Ordinance 200-22 to increase the rear yard setback on a non-conforming Lot from 11 feet 10 inches to 19 feet 7 inches where 45 feet is otherwise required, Mr. Truelove stated that even though it is not in a flood zone, it may be appropriate for the Township to participate. Mr. Grenier stated he believes a portion of the property is in the flood zone.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried that the Township participate.

ZONING, INSPECTIONS, AND PLANNING

Approve Resolution to Amend the Schedule of Fees and Charges for Electrical Inspection Fees and the Residential Zoning Hearing Board Application Fee

Mr. Majewski stated they are recommending an update to the Fee Ordinance and the Fee Schedule. He stated a new Building Inspector was appointed earlier in the spring; and as they have been working through with the Permits and reviews, they indicated that the Electrical Permit Fee needs to be increased. He stated our current Fees are low and have not been adjusted in a few years, and they need to be increased to cover the costs of the issuance of the Permit.

Mr. Majewski stated he reviewed the Fee Schedules and Rate Schedules of other Municipalities; and while we are not the highest, we are also not the lowest. He added that some Townships have a Base Fee for Administration and leave the cost for the fee up to the homeowner for a third-party electrical inspector. Mr. Majewski stated he believes that the Fee Schedule proposed is appropriate and will adequately cover the cost of administering the Building Inspection Program for Electrical Inspections.

Mr. Majewski stated as part of this, they also wanted to clarify that Building Permits are not required for single-family Residential roofing, siding, and window or door replacements provided there are no structural changes or changes in framing. He stated if you are expanding the size of a door, having to change out framing, or once taking out siding it is found that the sheathing beneath is rotted and needs to be replaced, then you would need a Building Permit so that there can be a proper inspection. He stated that the Fee Schedule has been clarified as to what is not required by the State-mandated Building Code and not required by Lower Makefield.

Mr. Majewski stated also being recommended to be changed is the cost for Residential Zoning Hearing Board Appeals. He stated that was raised a few years ago, and after tracking the expenses, it was determined that it would be more appropriate to have a flat Fee of \$720. He stated currently there is a Fee of \$500 for the Application Fee and \$250 in Escrow for Expenses. He stated it was determined that our costs are trending a little lower than that so it would be appropriate to reduce the Fee to \$720 from the current \$750. He stated this would also reduce some of paperwork burden that the staff has accounting for all of the Expenses.



Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Resolution to amend the Schedule of Fees and Charges for Election Inspection Fees and the Residential Zoning Hearing Board Application Fee.

#### PUBLIC COMMENT

Mr. Mark Paroly, 221 Grant Way, stated he is the President of the HOA at Regency at Yardley. He thanked Glenn and Tim Chamberlain for coming out so quickly to look at what they believe to be a potentially dangerous and life-threatening situation in one section of the community. He stated he understands that the Board received the document that the Chamberlains had sent out; and based on their review with a 43' fire truck attempting to get into the southern entrance of their community, they have made some recommendations.

Mr. Ferguson stated there had been discussion with regard to the appropriate process when Mr. Pedowicz had raised the issue, that since there is an HOA Executive Board, it should be indicated by a representative of the Board that what Mr. Pedowicz was requesting was consistent with what the HOA Board would like to see.

Pictures were shown of the area of concern in Regency. Mr. Ferguson stated Deputy Chief Chamberlain, who is also our Fire Inspector, had gone out to look at the site and wrote a letter dated July 30 with two recommendations. The first is that if the island shown in the picture with the planters would be removed, that would help response time. Mr. Ferguson stated while the road itself which was approved some time ago is Code compliant Tim Chamberlain, in response to Mr. Pedowicz's concern, felt that there was merit to reducing response times, and it would be helpful to remove that planter.

Mr. Ferguson stated the second area Mr. Chamberlain discussed was shown in a picture. Mr. Ferguson stated it was noted that some trucks have already been having issues navigating, and it can be seen in the picture where the sidewalk has been scarred by trucks. Mr. Ferguson stated there was discussion as to whether the gates would still be used; and if the intent is that the gates would never be activated or used, those could come out as well which would reduce response times and allow the ladder truck, which is 43', to get more efficiently into that part of the development.

Mr. Ferguson stated he believes that it was indicated in the e-mails that the HOA would be in favor of that; and if the Board of Supervisors was in favor of having that done, the Township would approach Toll Bros. adding it would not be a lot of cost to Toll to do this. Mr. Ferguson stated in the past it was asked by Toll that they would need to see evidence from the Township and the HOA were in favor of this before Toll would do anything. Mr. Ferguson stated it is a couple of weeks before the paving potentially starts so there is a need to try to make this happen quickly.

Ms. Blundi stated she understands that the Regency Board is in favor of what Mr. Ferguson has described, and they would like the Township to work with Toll to see what can be accomplished. Mr. Paroly agreed. He stated with regard to the gates being functional, at this point in time they have heard from Toll that they will be there selling homes until April, 2023; and they would need two-thirds of the eligible residents to agree that the gates can come out so “they are not at that point.” Mr. Paroly stated they would not want to wait two years for final paving because of this since some people have waited nine years for the final paving. He stated the Board is in favor of eliminating the island which was shown.

Mr. Paroly stated it was also indicated whether there was some way in which they could expand either side – both the exit and the entrance.

Ms. Blundi noted that normally Public Comment is limited to three minutes, but since she appreciates they have more to discuss, if the Board is agreeable, she would agree to allowing them to continue.

Mr. Paroly noted on the picture a house that it near the “box,” and as part of the approved Plan that house is so close to the exit that there have been residents and visitors who, instead of exiting on the exit side, exit on the entrance side; and to the degree that they can open that up and make it easier for people to exit on the exit side and allow for emergency vehicles to enter and exit, that would be very helpful.

Mr. Ferguson stated he is not prepared for that discussion, and that would be at considerable expense, and at this point he is not sure that is a demand they could make of Toll. He stated what they had talked had talked about previously were things that could be done quickly and would not require an adjustment of the Plans. He stated what they are prepared to discuss right now is what the Deputy Chief looked at and doing the widening as Mr. Paroly is discussing is not something at this

point he is prepared to address. Mr. Ferguson stated he would have to involve a Township traffic engineer to access the width and the cost of what Mr. Paroly is now discussing, and he is not prepared to do that at this point.

Ms. Blundi stated she understands what has been discussed in terms of the island, but she is now confused with regard to the gates, and Mr. Ferguson stated that he is as well. Ms. Blundi stated she felt there was a belief that the gates would never be operational.

Mr. Paroly stated what he has heard from Toll is that at some point in time the HOA Board will have the opportunity to put out an Amendment to the eligible voters of the community as to whether in fact they want the gate to be operational; however that will not occur at the earliest until April, 2023. Mr. Paroly asked if they could look at this in a two-step process with the one part being the island and have that done quickly which he would be in favor of since it would help get emergency vehicles in. He stated if they have an opportunity to talk about the other parts in the future, that would be great.

Mr. Ferguson stated even if two years from now the HOA Board does not want the gates, he does not feel there would be opposition from a safety perspective opposition to those coming out to benefit emergency vehicles getting in there. Mr. Ferguson stated if they are asking at this point that the Township approach Toll about removing the first island, he could do that as quickly as tomorrow. He stated with regard to the other things he is willing to have a discussion; however, the Township's ability to make Toll do something else would be more problematic with what Mr. Paroly is now asking, although it is a discussion they could have.

No formal action was required of the Board with regard to Mr. Ferguson working with Toll.

Mr. Lewis stated he feels Toll should be reminded about our experience with them in 2017 when the Township worked aggressively to address mold issues; and the Township took an active role when Toll would not and expended money to resolve the issue because peoples' lives and health were at risk. He stated Toll was not particularly helpful; and if they need to be reminded of that, he would be willing to sit with Mr. Ferguson and explain how they need to be reminded of what the Township did for them.

Mr. Grenier asked if the landscape island serves any other purpose than possibly traffic calming. He asked if it is part of the stormwater system, and Mr. Ferguson stated he believes that it was just meant to be decorative. Mr. Grenier stated he wants to make sure that we are not removing something that was part of a required system. Mr. Hyne stated it is just a landscaped median island, and there is no stormwater management component.

Mr. Grenier stated he does not remember what year this was approved. Mr. Truelove stated this was part of the Matrix Settlement and it was a component that came in possibly in 2012. He added that many of these areas are part of an overall Settlement which had to go through a process with the Consent Agreement that was entered into many years ago. Ms. Blundi stated this was part of a Court Order that previous Boards did not really have a “lot of fingerprints on because of the way that developed.”

Mr. Pedowicz asked about the process for development approval. Ms. Blundi stated on this particular project because it was a result of lawsuits and settlements, the Township’s role was very different than its normal role. Mr. Pedowicz stated he understands that a Plan would normally be presented to the Township. Mr. Lewis stated Mr. Majewski has posted on the Township Website information on the step-by-step process for Land Development, and Mr. Pedowicz could review that to see all of the steps. Mr. Lewis stated also on the Township Website are the details as to what stage each Plan is in the Land Development process.

Mr. Pedowicz stated while he will look at that, ultimately it has to be approved by the Township engineer. Mr. Ferguson stated the Township engineer would do a review and make a recommendation, but the Board of Supervisors would make the final decision. Mr. Pedowicz stated he understands that there were a lot of ramifications for Matrix, but he asked who would have given the final stamp of approval for the entry/exit design. Mr. Ferguson stated there was a Settlement Agreement. Mr. Lewis stated Mr. Zachary Rubin has a lot of knowledge as to how the Matrix process occurred.

Mr. Pedowicz asked how he can get into longer discussions with the Board of Supervisors. Mr. Ferguson advised Mr. Pedowicz that some of his questions regarding process, etc. could be answered by the Township staff. He stated if he has questions about Plans, projects, and procedures Township staff would be equipped to help him get those details.

Mr. Pedowicz stated the way this was designed whether it was the Courts or Matrix it is a “disgrace.” He stated if an engineer put their stamp on this, they should be fired. He stated there is a U-turn area as well which he feels could be accommodated to make a safer entry and exit way, although he knows it is up to the traffic engineer. Mr. Ferguson stated any change to a Plan that was the result of a Settlement would involve a legal discussion as to how that would take place. He stated if it was a Development that went through the normal process, it could require an Amended Plan to be submitted; and they would have to go back through the process which involves the Planning Commission and engineer reviews and recommendations to change Plans, and it would be a lengthy process. Mr. Pedowicz stated this is a safety issue.

Mr. Lewis stated he received a text from Mr. Rubin who indicated that Regency went through the regular SALDO process and did not have anything to do with the Court Agreement.

#### SUPERVISORS REPORTS

Mr. Lewis stated the Citizens Traffic Commission will now meet on Monday. He asked Mr. Ferguson if we have received back the report from SAFE on Big Oak, and Mr. Ferguson stated he hopes to present something to the Board in the next few weeks.

Mr. Grenier stated the Electric Reliability Committee met and Mr. Ferguson should be receiving a letter with a recommendation to invite PECO to a Board of Supervisors meeting to provide an update on their reliability projects in the Township including work done in the past and work they plan to do in the future. Mr. Grenier stated the letter also provides some recommended questions for them to answer. He stated the Committee also did an analysis of all of the generators that have been installed since 2013 to try to get an idea as to where there may be particular reliability concerns in the Township. Mr. Grenier stated the Planning Commission will meet on August 9 to review the Troilo Development Sketch Plan for the property at the point which includes the Quill house.

#### OTHER BUSINESS

Mr. Zachary Rubin, 1661 Covington Road, stated he was involved with the Residents Against Matrix. He stated the Regency Plan that Toll Bros. submitted went through the regular SALDO process and it had nothing to do with the

Court Agreement. He stated the Court Agreement just “named the number of homes that were going to be there” and certain financial contributions that Toll Bros. would make to the Township. He stated everything that was developed went through the regular SALDO process.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to re-appoint the following:

Jeff Hirko – HARB  
Barbara Nuzzolo – Historic Commission  
Dan Bankoske – Farmland Preservation  
James Bray – Environmental Advisory Council  
Alan Dresser – Environmental Advisory Council

There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



John B. Lewis, Secretary