

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
ORGANIZATIONAL MEETING  
MINUTES – JANUARY 4, 2021

The Organizational Meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on January 4, 2021. Dr. Weiss called the meeting to order at 7:33 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  
Andrew Pockl, Township Engineer  
Kenneth Coluzzi, Chief of Police  
Monica Tierney, Park & Recreation Director

PUBLIC COMMENT

Ms. Mary Kirsch, Yale Drive, stated she is concerned about the plane traffic from the Trenton Mercer Airport. She thanked the Board of Supervisors for their support with the Airport Review Board. She stated she hopes the Board will continue to work on our behalf on this issue.

Mr. Don Wilcox, 81 N. Delaware Avenue, stated he is in support of the Airport Review Panel adding it is important in the efforts to insure that the Airport is a responsible partner. He stated COVID has suppressed flights, and he feels the public has been lulled by that, and it is critical that we keep awareness in front of the public. He stated the Mercer Freeholders are extremely determined to push through expansion and are "betting millions on this." He stated it is critical for us to maintain awareness as there will be a significant ramp up in air traffic after the COVID threat is over. He stated the Airport Review Panel is critical for public awareness, and it is a significant Freeholder deterrent as they proceed much more cautiously when they feel that they are being watched by organizations that have a particular impact; and he would count the Airport Review Panel as one of those. Mr. Wilcox stated it is also important that they help the other civic groups.

He stated he is a member of BRRAM, and there are some other groups working actively in New Jersey as well; and it is important that we are all in this together and support each other. He stated the Airport Review Panel has been important with regard to our communication with Federal and State Governmental officials. Mr. Wilcox stated he does not feel this is a big Budget item and he does not see a downside. He stated there are people on the Airport Review Panel who are extremely motivated to work on this, and we need to maintain that. Mr. Wilcox stated he feels Mr. Grenier would make a great Liaison to the Committee, and he would recommend that. He stated he feels it is important that the Township not send the wrong message by dropping this now as it is more critical than ever.

Ms. Holly Bussey, 20 Knoll Drive, stated as President of Bucks Residents for Responsible Airport Management, BRRAM, she has worked with many Boards of Supervisors for more than twenty-three years. She stated BRRAM represents over 450 Lower Makefield Township residents with regard to the expansion of the Trenton-Mercer Airport. She stated over the years the LMT Board of Supervisors has provided a variety of support which they appreciate including the creation of the Trenton-Mercer Airport Review Panel (Airport Panel). She stated that group of volunteers has monitored the development of the Airport and kept the Board of Supervisors informed. She stated the group has been a catalyst in keeping things on both sides of the River moving forward. She stated most recently they have acted with other groups to have State and Federal Government officials become more involved in both Pennsylvania and New Jersey. Ms. Bussey stated as the Board of Supervisors goes forward with structuring the LMT Board of Supervisors responsibilities for 2021, BRRAM hopes that the Airport Panel continues. She stated Mr. Grenier has worked with them, and his expertise is invaluable with his environmental background. Ms. Bussey stated the Airport is entering a more aggressive stage, and it is vital that LMT remain involved utilizing the Airport Panel. She stated BRRAM and others would appreciate this continued support of the Airport Panel and Mr. Grenier as Liaison.

Mr. Richard Preston, 1522 Stapler Drive, stated he is the current Co-Chair of the Airport Review Panel. He stated they have been successful in getting information to Senator Toomey's office who has expressed an interest in combining with Congressman Fitzpatrick in sending a letter to the New Jersey DEP expressing concerns about the effects from the Airport since it is not just a New Jersey issue. Mr. Preston stated he would like the Board of Supervisors to also send a letter to the New Jersey DEP. He stated this week they are working on a meeting with the New Jersey DEP in conjunction with the Trenton Threatened Skies organization that has set up this meeting.



Mr. Preston stated they are trying to get down to very specific, actionable points to put into the letter from the Federal representatives. He stated in doing that it would be most helpful to have the assistance of Mr. Grenier who has the necessary expertise which is unique in the Township so that they can get these points to the DEP. He stated the DEP is trying to determine how to deal with the segmentation issue since there are many projects going on, and they are only seeing them one at a time. He stated these projects are connected, and there are cumulative effects which could have a tremendous impact on our community. He stated getting Mr. Grenier's help on this and having a Liaison who is engaged with them would be very helpful. Mr. Preston stated he feels that the Board of Supervisors should be in a position in the coming months to submit a letter to the New Jersey DEP and add their voice to the concerns that our Federal Representatives are going to make.

Dr. Weiss asked if something precipitated this outpouring of support for the Committee. Mr. Preston stated the Board's Agenda showed that they were considering who would be the Liaison and what Committees they would go forward with. He stated at a previous Airport Review Panel meetings "Mr. Weiss suggested that he thought the Committee does not really need to go forward." Mr. Preston stated that was approximately nine months to a year ago, and their Committee disagreed and felt that they should continue as the community needed the communication.

Mr. Ferguson stated there were also calls received at the Township Office today about this. Dr. Weiss stated he received a call from Senator Santarsiero saying that the Board was considering dissolving the Committee, which is not true. He stated while something may have been stated over a year ago, the Board never made that move. He stated with regard to the Liaison to the Committee, the Chair will take note of that and make the appropriate appointment.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, P. O. Box 205, Newtown, PA, stated Mercer County Freeholders know that the Mercer County Commissioners have made aggressive strides forward in approving segmented expansion projects at the Trenton-Mercer Airport. She stated this continued, large-scale, unchecked expansion of the Airport is going to effect both Mercer and Bucks Counties greatly. She stated the environmental impact of the segmented projects over the past twenty plus years have been ignored as "they have skirted around" having to do the appropriate level of environmental scrutiny by segmenting the projects. Ms. Herman stated in November, 2020, they approved the Taxiway D

connector, a critical component that will allow for a large increase in flight volumes. She stated the true cumulative environmental impacts need to be measured. She stated our drinking water is at risk of being poisoned by known PFAS and other toxic contaminants present at the former Naval Air Warfare Center in Trenton. She asked the Board of Supervisors to escalate their role and take a proactive leadership role in pressuring Congressman Fitzpatrick, the New Jersey DEP, and our Federal Senators to put pressure on the FAA to do a cumulative Environmental Impact Statement that truly measures the impact to all effected Bucks and Mercer County Municipalities. Ms. Herman stated there have been more than twenty years of segmented projects that need to be taken into consideration. She stated there are also twenty-five individually-considered segmented projects in the current Master Plan including the Runway Protection Zone and Obstruction Mitigation Project and a passenger terminal that is five times the size of the current terminal. Ms. Herman stated if they cannot succeed in getting the FAA to do this, she asked the Board to push for Bucks County and Mercer County to work together to do a voluntary Cumulative Environmental Impact Statement.

Ms. Herman stated they count on the LMT Board of Supervisors to protect our health, safety, and welfare. She stated she is grateful for the work and coordination that the LMT Airport Review Panel has done to date and looks forward to a continued working relationship in 2021 and beyond. Ms. Herman asked that Mr. Grenier be appointed as the Liaison of the Airport Review Panel as he has the necessary qualifications to do this work and has shown interest in this issue. She stated “unfortunately both Supervisors McCartney and Blundi failed to attend the Airport Review Panel meetings most of the time, and so they felt very unsupported by those Supervisors as Liaisons.” She asked that Mr. Grenier be the Liaison as he has been invaluable on this issue.

#### ELECTION OF CHAIR OF THE BOARD OF SUPERVISORS FOR 2021

The meeting was turned over to Mr. Truelove as Chair Pro-Tem. Mr. Truelove asked for nominations for Chair of the Board of Supervisors for 2021.

Mr. McCartney moved and Dr. Weiss seconded to elect Suzanne Blundi as Chair of the Board of Supervisors for 2021.

Mr. Lewis asked Ms. Blundi if she intends to restore Public Comment to the beginning of all meetings during 2021 as was the custom of the Township. Ms. Blundi stated Mr. Lewis was the only person so far who had asked about that; and as she had advised Mr. Lewis when they spoke, she feels that is something that the Board should discuss and make a decision on. She stated there are pros and cons to both sides; and since there are concerns by residents, she feels they need to find a way to address this. Mr. Lewis stated they had the option to discuss this last year, and Ms. Blundi stated she is talking about now and the future.

Motion carried with Mr. Lewis opposed.

The meeting was turned over to Ms. Blundi.

#### REMARKS BY THE NEW CHAIR

Ms. Blundi thanked the Supervisors adding it is her honor to be the Chair of the Board of Supervisors for 2021. She stated she looks forward to working with the Board on some of the many issues that are before the Board insuring that our Township remains a great place to live with adequate fire protection and safety measures in place, to address the pending sale of the Sewer and what to do with the proceeds of that sale to protect the residents of Lower Makefield, to find a way to work within our Budget so that we can pave additional roads, to work on improving the Airbnb Ordinance that was put into effect some years ago and tighten it up, and to create an Ad-Hoc Committee to address the many Township buildings that are in various states of repair/disrepair and come forward with a plan to address those important assets.

#### ELECTION OF OTHER OFFICERS

##### Election of Vice Chair of the Board of Supervisors for 2021

Ms. Blundi asked for nominations for Vice Chair of the Board of Supervisors for 2021.

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to elect James McCartney as Vice Chair of the Board of Supervisors for 2021.

Election of Secretary of the Board of Supervisors for 2021

Ms. Blundi asked for nominations for Secretary of the Board of Supervisors for 2021. Mr. McCartney nominated Fred Weiss and Mr. Lewis seconded. Mr. McCartney asked Ms. Blundi if she asked for nominations for Treasurer or Secretary; and Ms. Blundi stated she meant to ask for nominations for Treasurer. Mr. McCartney asked that the Record be corrected, and Mr. McCartney withdrew his Motion.

Ms. Blundi asked for nominations for Secretary of the Board for 2021. Mr. McCartney nominated John Lewis as Secretary. Mr. Grenier seconded. Motion carried unanimously.

Election of Treasurer of the Board of Supervisors for 2021

Ms. Blundi asked for a Motion for a Treasurer for 2021. Mr. Lewis nominated Dan Grenier as Treasurer, and Mr. Grenier seconded. Motion did not carry as Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Mr. McCartney nominated Fred Weiss as Treasurer. Ms. Blundi seconded. Motion carried with Mr. Grenier and Mr. Lewis opposed.

Election of Assistant Secretary/Treasurer for 2021

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to elect Township Manager, Kurt Ferguson, to serve as Assistant Secretary/Assistant Treasurer.

APPOINT CHAIR OF THE VACANCY BOARD

Mr. Lewis moved and Mr. Grenier seconded to appoint Karen Vander Laan as Chair of the Vacancy Board. Motion did not carry as Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Mr. Lewis moved and Mr. Grenier seconded to appoint Zach Rubin as Chair of the Vacancy Board.



Mr. Grenier stated that over the years, Mr. Rubin has shown great interest in the Township and has been very active. He stated he feels knowing what is going on in the Township and how things operate is an important characteristic for this role.

Motion did not carry as Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Mr. Lewis moved to elect Renee Donahey as Chair of the Vacancy Board. Motion died for lack of a Second.

Mr. Grenier moved and Mr. McCartney seconded to appoint Adrian Costello as Chair of the Vacancy Board.

Mr. Lewis asked if Mr. Costello is not currently on the Planning Commission, and Ms. Blundi stated he is. Mr. Lewis stated that means he would have two positions. Mr. Grenier stated while that is true, he feels Mr. Costello does an excellent job on the Planning Commission; and he is unbiased and takes all items into account. He stated he feels he would do a fine job if there were a vacancy. Dr. Weiss agreed and stated Mr. Costello is an excellent choice, and he has shown his ability to be unbiased in making decisions on everything he has been asked to do; and he sees no reason why the Board should not re-appoint him as Chair of the Vacancy Board.

Motion carried unanimously.

## PROFESSIONAL SERVICES

### Appointment of Traffic Engineer

Dr. Weiss moved and Mr. McCartney seconded to appoint SAFE Highway Engineering as Traffic Engineer for the ensuing year.

Mr. Grenier stated he feels Mr. Fiocco has done a fine job this year at a reasonable price, and he would like to continue with his services.

Motion carried unanimously.

Appointment of Auditor

Dr. Weiss moved and Mr. Lewis seconded to re-appoint Maillie LLP as Auditor for the ensuing year.

Mr. Grenier asked how long they have been the Auditor, and Mr. Ferguson stated they have been the Auditor for two years. Mr. Grenier stated typically they like to do a three-year review with Auditors. Mr. Ferguson stated this is the last year of their current Agreement. Mr. Ferguson stated there could be a discussion whether the Board wants to continue with them via an Extension or RFP it back out after this upcoming Audit. Mr. Lewis stated he feels they should do an RFP after this Agreement.

Motion carried unanimously.

Appointment of Solicitor

Dr. Weiss moved and Mr. McCartney seconded to appoint Hill Wallack as Township Solicitor for the ensuing year.

Mr. Grenier stated in preparation for the meeting he reviewed the old proposals looking at the rates, terms, and conditions. He stated in the last round of proposals at the July 3, 2019 meeting, the Board made it a requirement that any proposal received for engineer or solicitor be made clear where they provided any funding or contributions to any current or potential LMT office holder, individual, or PAC.

Mr. Grenier stated he reviewed Remington Vernick which had disclosed a \$1,000 donation to Keep LMT Blue PAC, and he also noticed that Hill Wallack also put in a \$2,000 donation in June, 2019 to the Keep LMT Blue PAC which at the time was Supervisor Weiss' PAC. Mr. Grenier stated in their proposal, Hill Wallack did not disclose that contribution although they did disclose other contributions to other Township Supervisors and related PACs in the County and locally. He stated based on our precedent in the Township, the Board had previously told engineering firms that they could not move forward with the RFP process because they were non-compliant with our RFP requirements. He stated we also told Bucks County Water and Sewer Authority that their "non-Bid Bid" could not be considered because they were non-compliant with our RFP requirements.



Mr. Grenier stated based on that and some other comments he has received about performance from staff and other Supervisors, he does not believe that we can continue with Hill Wallack as our Solicitor; and we need to temporarily appoint our Conflict Counsel, Curtin & Heefner, as our Solicitor, and “re-RFP this” to remain in compliance with our previously-stated RFP requirements.

Mr. Grenier stated that because this non-compliance issue is specific to the Keep LMT Blue PAC Dr. Weiss should recuse himself from this vote.

Mr. Grenier stated we have set a clear precedence related to compliance, and Hill Wallack is clearly out of compliance with that RFP requirement; and we should move forward in a different direction.

Dr. Weiss stated in June of 2019 he was not a member of Keep LMT Blue PAC as far as he can recall, and he relinquished the Chair to Ms. Judith Gordon. Mr. Grenier stated that was in July of 2019. Dr. Weiss stated his position as Chair was a peripheral one, and he did not accept or reject any donations or contributions. Dr. Weiss stated he will not recuse himself. Dr. Weiss stated he believes that the RFP that was presented to Hill Wallack when they took on the position did not have that clause, and so he cannot hold someone to a disclosure when no disclosure was asked of them.

Mr. Truelove stated he has not looked at the document, nor was this brought to his attention, and he has no independent recollection of that. He stated he believes that they complied with the requirements in all respects. He stated this was a year and a half ago and nothing was mentioned in the ensuing eighteen months.

Dr. Weiss stated since this has been raised, Mr. Grenier and Mr. Lewis may have a personal stake in Hill Wallack’s continuation as Solicitor for the Township because of the recent legal actions against the Township which were dropped. He added that he is totally satisfied with Mr. Truelove and Hill Wallack’s work for the Township over the last three years.

Ms. Blundi stated that Mr. Grenier has brought up something that warrants the Board looking into although they are not able to do it right at this moment. She stated she spoke to Mr. Grenier today, but she did not know that this was something that he wanted to talk about. Ms. Blundi asked Mr. Ferguson if it would be appropriate to postpone this vote until they have a chance to review the documents and discuss this matter further. Mr. Ferguson stated there are a variety of issues that are underway that

involve not only Mr. Truelove, but also Ms. Kirk and other members of the Hill Wallack staff that are ongoing. He suggested at a minimum that Hill Wallack be appointed on an interim basis so that they can continue working on the legal work for the Township that is underway including the Zoning Hearing Board meeting tomorrow night and other ongoing issues so that those issue can proceed with appropriate legal representation. He stated the Conflict Counsel that Mr. Grenier mentioned is capable; however, it would be difficult to try to do something in such short order.

Dr. Weiss moved to amend the Motion to retain Hill Wallack as Township Solicitor until the time when the Board can make a more specific recommendation. Mr. McCartney seconded the Motion.

Mr. Lewis stated he feels it is appropriate that he recuse himself from this vote as there is an ongoing issue that he does not feel has been resolved with the Solicitor's office; and he had sought what he felt was a reasonable approach. He stated he will abstain from the vote at this time.

Motion carried with Ms. Blundi, Mr. McCartney, and Dr. Weiss in favor, and Mr. Grenier opposed. Mr. Lewis abstained.

#### Appointment of All Other Professional Services

Dr. Weiss moved and Mr. McCartney seconded to re-appoint all other professional services for the ensuing year.

Mr. Lewis asked what these are as there are thirteen of them, and they talked about only three. Mr. Ferguson stated he does not have the list, but it would be all the other professional services which would include the Municipal engineer, the actuary, the consultant for health care, and the Sewer engineer. Dr. Weiss stated it would also include the Code Official. Mr. Ferguson agreed the Building Code Official would be another. Mr. Ferguson stated they are advertising for a Building Code Official at this time. He stated none of these thirteen appointments are permanent, binding appointments. He stated if the Board wanted to go in a different direction with one of these thirteen appointments, the Board has no binding obligation to go forward for the whole year if they wanted to make a change.

Mr. Grenier stated some years ago they discussed the long-term RFP schedule. He stated some had been done over the last year and a half. He asked how they are looking for the remaining professional services. Mr. Ferguson stated as he has discussed previously with the Board of Supervisors for some of those services, switching becomes extremely problematic because they are bound to Collective Bargaining Agreements that we have; and he specifically noted the health care professional. He stated the Building Code Official and the banking relationship are the next two that will be done. He stated the actuary and the financial consultant require a lot of legalese for an RFP. He stated he does have the framework for the financial consultant completed, but that will require a legal review. He stated that would be the next one that could be done if the Board was interested in doing that. Mr. Ferguson stated he would also have to see if any beyond health care prove to be problematic.

Motion carried unanimously.

#### OTHER BUSINESS

Appoint Delegate to the Annual Convention of Pennsylvania Township Supervisors to be held April 18 – April 21, 2021 at the Hershey Lodge

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to appoint James McCartney as the Delegate for the PSATS Conference.

Announcement of Supervisor Liaison Assignments for 2021

Ms. Blundi announced the Supervisor Liaison Assignments for 2021 as follows:

Dr. Weiss: Disability Advisory Board, Electronic Media Advisory Council, Seniors, Sewer Authority, Zoning Hearing Board

Mr. McCartney: Farmland Preservation, Golf Committee, Park & Recreation, Special Events

Mr. Grenier: Electricity Reliability Committee, Historical Architectural Review Board, Historic Commission, Planning Commission

Mr. Lewis: Citizens Traffic Commission, Trenton-Mercer Airport Review Board, Economic Development, Veterans Committee

Ms. Blundi: Board of Appeals, Environmental Advisory Council, Emergency Management, Financial Advisory Council, Agricultural Security Board.

Ms. Blundi stated Mr. Grenier, as he has in years past, if Mr. Lewis is in need of his assistance, she is sure that he will help him with any issues that come up with the Trenton-Mercer Airport Committee. Mr. Grenier agreed. Mr. Lewis stated he would also be available to help with the Electricity Reliability Committee.

Establish the Amount of the Treasurer’s Bond at \$2,000,000

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to establish the amount of the Treasurer’s Bond at \$2,000,000.

Establish the Amount of the Assistant Treasurer’s Bond at \$2,000,000

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to establish the amount of the Assistant Treasurer’s Bond at \$2,000,000.

ZONING HEARING BOARD MATTERS

With regard to the Jean Augustin Variance request for the property located at 3 Ridge Avenue in order to increase non-conforming rear yard setback to install a patio roof, Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried that the Township participate.

With regard to the Edward and Deborah Kenkel Variance request for the property located at 2114 N. Crescent Blvd in order to permit construction of an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Vincent and Beverly Colistra Variance request for the property located at 1500 Page Drive in order to permit construction of an in-ground pool with covered deck and shed resulting in encroachment into the rear yard setback and greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.



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With regard to the Dan Schaal Variance request for the property located at 23 Delaware Rim Drive in order to permit construction of an in-ground pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John B. Lewis", written over a printed name.

John B. Lewis, Secretary

