

TONWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES APRIL 6, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 6, 2022. Dr. Weiss called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police
James Majewski, Community Development Director

COMMUNITY ANNOUNCEMENTS

Mr. Ferguson stated during this portion of the Agenda residents and youth organizations may call in to make a special announcement or may contact the Township to request a special announcement be added to a future Agenda.

Mr. Ferguson stated the Environmental Advisory Committee is hosting an in-person lecture on Beautiful Backyards with Native Plants at the Community Center on Friday, April 29, 2022 from 7:00 p.m. to 8:00 p.m.

APPROVAL OF MINUTES

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of March 16, 2022 as written.

BID OAK ROAD PEDESTRIAN IMPROVEMENTS APPROVAL

Mr. Ferguson stated the Board was provided information that had been seen from a prior presentation made by Mr. Fiocco on this plan that was presented to the CTC.

Mr. Ferguson stated the Regency Bridge Fund which was set up as a result of the Settlement Agreement has been earmarked for projects in the project area, and this project would qualify.

Mr. Joe Fiocco showed an aerial of Big Oak Road at Regency. He stated they were asked to develop a plan to help people get from either side of Big Oak. He showed Regency North and South on the aerial. He stated they reviewed the volume and speed of traffic on Big Oak Road. He stated early on they considered if they could get a traffic signal to help cross Big Oak Road; however, there is not enough traffic to justify a traffic signal.

Mr. Fiocco stated at this location Big Oak Road is about 58' wide, and the proposal is to narrow the area where the pedestrian crossings are proposed so that the pedestrians can cross by Locust Drive in two phases – first to the median, and then wait for a gap and cross the balance of Big Oak Road. He showed the location where the median island is proposed adding that the reason they are proposing it at this location is because that will still allow left turns to come into Locust Drive. He stated they are also proposing bulb outs, which will extend the curb further out into Big Oak Road so that not only can a pedestrian break their crossing of Big Oak Road into two steps, but those distances will also not be as far to cross. He stated they are also proposing striping and delineation to add visibility to the crossing location, and they are also proposing a connecting sidewalk along the north side of Big Oak Road to make that continuous all along. Mr. Fiocco stated all of the above work is being considered as Part A, and the estimated cost is \$230,000 to \$250,000. Mr. Fiocco stated they are also proposing signage along with this physical construction to let motorists know that they are coming to a pedestrian crossing location.

Mr. Fiocco stated Part B is the intersection at Fern Drive and Bundy Drive where they are proposing to eliminate the right turn lane at Bundy since the volumes are not that high, and they can reduce the distance pedestrians would need to cross by eliminating the right-turn lane. He stated they are also proposing to install a bulb out at Bundy Lane to reduce the crossing distance as well as installing a pork chop island at Fern Drive to reduce the open space at an area which is currently almost all open blacktop. Mr. Fiocco stated the pork chop island will help pedestrians cross Big Oak Road at this intersection. He stated they are also proposing to extend the Fern Drive median separating the two directions of Fern Drive adding that bringing it out will shorten the vehicular distance to get out onto Big Oak Road. Mr. Fiocco stated the cost of this work is estimated to be \$135,000 to \$150,000.

Mr. Fiocco stated while they were not specifically tasked to do this, while his engineers were looking at this, they felt it made sense to improve the pedestrian connection from Regency South to the businesses on the other side of Old Oxford Valley Road which includes a CVS which would be a logical destination for people in the development. He stated they are proposing making a pedestrian connection from the development to the existing walking path. He showed the walking path on the aerial which is for recreation/exercise; but if someone were to go from the homes to the businesses, they would logically walk across the grass area he showed on the aerial; and this is where they are proposing the 110' connection trail to make it easier. Mr. Fiocco stated the cost for this is estimated to be \$55,000 to \$60,000.

Mr. Fiocco stated once you are on Big Oak Road, if you want to make the connection to Regency North, there is an old road bed which is not open to traffic; and while they are not proposing that it be open to traffic, they are suggesting making some improvements which would create a trail to connect those living in Regency North to get to Big Oak Road and for those living in Regency South, once they are on Big Oak Road, to get to Regency North. He stated the 8' wide path and lighting is estimated to cost \$165,000 to \$185,000.

Mr. Ferguson stated as to ownership of the trail, he believes an Easement would be appropriate, and the HOA would assume maintenance responsibility for that trail.

Mr. Ferguson stated if the Board were inclined to move forward, he would suggest that this be to put out for an RFP for design services similar to what was done with the round-abouts.

Mr. Ferguson stated he understands that the HOA is satisfied with the Plan, but the one difference was that the HOA wanted the pedestrian buttons to be included as part of this concept; however, the CTC followed the recommendation of Mr. Fiocco that that not be done at this time. Mr. Ferguson stated that would be a separate Application to PennDOT that would require pedestrian counts and a variety of other things; and while Mr. Fiocco is not opposed to that, he believes that the better course of action would be to get everything else installed and see if it rises to the level of needing to put that Application into PennDOT. Mr. Ferguson stated if it was determined that was not needed, the money would still be available and would be spent on something else in the future in this area.

Ms. Blundi moved and Mr. McCartney seconded to approve a draft of an RFP for design services for pedestrian walkways as presented by the Township traffic engineer for Big Oak Road.

Mr. Lewis thanked Mr. Fiocco and the CTC for working on this project. Mr. Lewis stated he assumes this would probably be a fall project, and Mr. Ferguson agreed. Mr. Ferguson stated prices may be less by the fall when contractors would be looking for a final project for the year.

Ms. Blundi stated she is in favor of moving forward. She asked with regard to the last part, the Oxford Valley Easement, would that need to be debated tonight or could it be discussed moving forward. Mr. Ferguson stated prior to engaging a firm that would start doing measurements, etc. the Board should make a decision on that. He added that he believes that there is agreement from the HOA with regard to that recommendation. Mr. Lewis asked if the solicitor would be satisfied with that, and Mr. Truelove agreed.

Mr. Grenier stated this plan will improve pedestrian access in the area. He stated the area off of Oxford Valley Road is not a path at the moment, but it would provide additional access. He stated they do need to discuss who would be responsible for it in the future and who would have liability. He noted that the remains of the Octagonal Schoolhouse are immediately adjacent to that path, and the Township has been looking to try to do something with that for years and could potentially integrate that into the path; and he asked that that be considered moving forward. He stated he is in favor of providing foot traffic to the business area as well.

Mr. McCartney thanked Mr. Fiocco, the CTC, and Mr. Lewis for pushing for this, adding he is in favor of moving this project forward.

Mr. Bob Nemeroff, 89 Lavender Drive, stated he lives in the carriage side of Regency at Yardley. He stated he is appearing on behalf of the Regency at Yardley Homeowners' Association Traffic Committee. He stated he and Mark Paroly, a member of the HOA Board of the HOA are appearing to address the April 1, 2022 Traffic Modification Proposal for Big Oak Road and the Old Oxford Valley Road proposed improvements. Mr. Nemeroff thanked the Board of Supervisors for considering their proposals that are in the April 1, 2022 written proposal that they submitted which they hope the Board of Supervisors will accept, and essentially supplement the proposal that the Board of Supervisors has received from SAFE Highway Engineering with regard to the traffic modifications, which the HOA supports subject to the qualifications that they will address with regard

to the traffic modifications themselves and the modifications to Old Oxford Valley Road. Mr. Nemeroff stated they are gratified that the Board of Supervisors is prepared to act to improve pedestrian safety when crossing the intersections of Big Oak at Bundy/Fern and Big Oak and Locust. Mr. Nemeroff stated the Board knows that there is a funding mechanism in place to make all of this happen as a result of Paragraph 2B of the 2006 Matrix Settlement Agreement.

Mr. Nemeroff stated he understands that the cost for all of the improvements proposed by SAFE is about \$490,000; and with the additional proposals that the HOA has made there is more than enough money in the Escrow Fund to cover the \$490,000 of the SAFE proposal and the additional cost for the traffic/sign signal devices that the HOA is proposing be installed concurrently with the traffic improvements. He stated that cost is about \$20,000 based on a quote the HOA has received from the manufacturer of these devices – TAPCO. Mr. Nemeroff stated this would involve the installation of two poles at each intersection with a static crosswalk sign and a more dynamic flashing signal facing both directions. He stated this contains push-button activation for pedestrians. He stated he has been told by TAPCO that these devices are pre-approved by PennDOT.

Mr. Nemeroff stated he will provide to the Board members tonight a binder which includes a number of documents which he outlined. He stated this includes a maintenance quote from TAPCO on an annual basis which is about \$3,500 a year. He stated in total, the Board would be looking at an additional \$23,000 to put these devices in at the same time that the improvements are being made to the travel lanes.

Mr. Nemeroff stated the bottom line is pedestrian safety; and he feels that the installation of new crosswalks will invite more people to cross Big Oak Road than do now, many of whom are seniors who take a little bit longer to get across even once the travel lanes are narrowed pursuant to the SAFE plan. Mr. Nemeroff stated motorists are much more likely to slow down and stop in response to flashing yellow signals that are activated than they would be to a static sign. Mr. Nemeroff stated they are suggesting that the Board of Supervisors be proactive rather than reactive especially since the funds are available right now.

Mr. Fiocco stated he is well aware of the system that Mr. Nemeroff is talking about, and it is permitted to be installed by PennDOT; however, much like a traffic signal, you need to obtain a Permit from PennDOT and there needs to be enough traffic to justify the system. He stated they took counts at the area, and there were no pedestrians crossing out there, and they could not go to PennDOT and ask for a Permit to put a flashing device when at this point we

we do not have any pedestrians crossing. He stated he hopes that the proposed improvements will encourage enough people to cross here; and if there are a significant number of people crossing, they would then request permission to install that flashing device. He stated at this point there would be no justification for PennDOT to approve this without the presence of any pedestrians.

Mr. Ferguson stated Mr. Fiocco worked for PennDOT so he knows what the process is; and Mr. Fiocco stated he worked for PennDOT for fifteen years and is well aware of how they work. Mr. Ferguson stated he agrees that more people will be attracted to cross in this area once the improvements are installed; and once the Township is aware that there is a need, they would move on it as quickly as possible. Mr. Fiocco agreed with Mr. Ferguson that PennDOT would not consider it absent the evidence that people are crossing there. Mr. Fiocco added that there is adequate sight distance. He stated they counted the vehicles and also noted the speeds. He stated the posted speed limit is 35 miles per hour; and the 85th percentile, which is what engineers use for design, is about 45 miles per hour. He stated there is adequate sight distance to cross the road given the speeds being traveled.

Mr. Ferguson asked Mr. Fiocco if he is aware of times when PennDOT would give a pre-emptive approval, and Mr. Fiocco stated that would be extremely unusual unless it was for a very large facility and PennDOT might approve it before the volumes were there. He stated in this particular case, he does not see that PennDOT would approve it at this time. He stated he also would not recommend it since if they put in signs/flashing devices where there are no pedestrians now, it would be taking away the effectiveness where there are actually pedestrians crossing at other locations. He stated as an engineer, he would not feel comfortable recommending this not knowing how many pedestrians will be crossing there.

Mr. Ferguson stated what Mr. Fiocco has described as part of the lighted system at the crosswalk area is the same system that is being installed as part of the Trail Project on Roelofs that will cross over to the Community Center which will be installed this fall at that site.

Mr. Nemeroff stated if the Board of Supervisors is not inclined to accept the proposal that the HOA is making, he hopes that at a minimum the Board would be committed going forward once the improvements are made to re-evaluate the situation with regard to the installation of these traffic devices. Mr. Fiocco stated he would recommend that as well. Ms. Blundi stated on other projects that Mr. Fiocco has designed, he often

comes back with other recommended improvements. Ms. Blundi stated the Board is committed to fixing the “problem that Toll and the Court left them with,” and they are doing what they can to improve it.

Mr. Lewis stated the Board and SAFE have a proven track record of following up on projects and making adjustments to make things even safer. He specifically noted the roundabouts where adjustments have been made along the way to provide for a safe outcome on that road; and he would expect the same on this. Mr. Ferguson stated the Board of Supervisors just recently passed a Motion to approve an additional \$15,000 to \$20,000 to make improvements to the roundabouts following a six-month post review of that project. Mr. Ferguson stated as was noted previously there is a dedicated amount of money for improvements in the area of Regency.

Mr. Ferguson asked Mr. Fiocco when he would anticipate doing a post-project inspection recognizing that if the project is done in the fall, there may not be a lot of people crossing the road in the winter. Mr. Fiocco stated once there is an awareness of the installation and there is good weather, they would go out to take data.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, Chair of the Citizens Traffic Commission stated one of their recommendations was to look at this in about six months to see how it was working out and then possibly make some tweaks. He stated they did not take a position on the signal recommended by the HOA, but he asked if it would be proper to put in conduit when they start working on this project since they would be digging things up. Mr. Fiocco stated the system is solar-powered so they would not need the conduit. Mr. Cohn’s stated the CTC’s recommendations were to clearly mark the island and the crosswalks. He stated they want to make sure that they put in as many markings as they can to prevent cars from hitting the island. He noted the divider on Lindenhurst Road off of Woodside which has been hit many times. Mr. Cohn stated there should also be street lighting to illuminate the crosswalks in the evening as well as signs ahead of the crosswalk and at the crosswalk.

Mr. Mark Paroly, 221 Grant Way, stated he is President of the HOA. He stated he has discussed this subject with the Board of Supervisors previously and he thanked the Township for proceeding on this, adding they want to make this as safe as possible.

Mr. Paroly asked Mr. Fiocco when he measured the traffic, and Mr. Fiocco stated it was in 2021. Mr. Paroly stated their Club House was closed beginning in August of last year until just recently because there was a flood. He stated prior to that they had also been closed due to COVID so that reduced people crossing over.

Mr. Paroly asked if they cannot initially get the flashing light, could they have a Police car stationed on Big Oak to create a presence in terms of the 35 versus 45/50 mile per hour speed which might help the situation initially. Chief Coluzzi stated while they would be happy to do that initially, it could not be a permanent fixture although they will try to do it as often as they can.

Mr. Paroly stated he is confused about the 8' path that runs from Big Oak to behind the tennis courts and then onto the path by the tennis courts/parking lot. He stated he heard that there would be an Easement for that path, and it could become Regency's responsibility to maintain. Mr. Ferguson stated it would be Regency's responsibility. Mr. Paroly stated there are certain spots along that road/path where the base is not "secure," and they want to make sure that whatever they accept is in good condition and there will not be water flowing underneath it that would erode the roadbed. He also asked that there be no vehicular traffic on that path and it should be for walking and biking only. He stated there have been instances where people have driven on that and dumped items in the area. Mr. Ferguson stated there may be an occasional utility vehicle that needs to get in there doing repairs, etc. He stated there will be several consultants working on this project including the design engineer, Mr. Fiocco, and the Township engineer which is how they did the roundabouts to deliver the best product possible. He stated the inspector would make sure that it was in a condition that it could be safely turned over to the HOA. Mr. Paroly stated if the adjoining parcel is sold or developed, that area could not be used for their parking lot; and Mr. Ferguson agreed.

Mr. Paroly noted an area around the path where there continues to be a drainage problem; and while it was on the punch list and Toll has done some preliminary work there, the area is still not stable. Dr. Weiss stated before the final Escrow is given to Toll, all of these issues will be taken care of. Mr. Truelove stated release of the Escrow would come before the Board for approval and would be on a future Agenda.

Mr. Nemeroff stated he understands that there is a ten-year time limit on the use of the funds, and that ten years is due to expire relatively soon. He stated while he has not seen this in writing, he did hear it. He stated if it is true, the follow-up evaluation with regard to the installation of the traffic devices would need to be

done before the time limit expires. Mr. Ferguson stated that is not the case, and the Township is continuing to collect money into that Fund as houses are sold. He stated if that language is in there, which he does not believe it is, he does not feel the clock would start ticking until they got the last amount of money.

Ms. Blundi asked if Mr. Nemeroff is asking if the money would revert to Toll, and Mr. Nemeroff stated he felt it would go to the Township. Ms. Blundi stated the Board has been open and committed, and this Board has made sure that the money sits separately. Mr. Ferguson stated he does not feel that those who were involved in the Settlement Agreement would have agreed that the Township could sit on that money for ten years and then take it.

Mr. Joe Marinaro stated he lives at Regency at Yardley on the south side, and three years ago he advised the Board about his concerns about crossing the street; and that “when he gets hit, he was going to sue the Township.” He stated he wants to thank the Board for finally considering to make it safe.

Mr. Lee Pedowicz, 247 Truman Way, stated he is in favor of the traffic control. He asked about the School House that Mr. Grenier referred to. Dr. Weiss stated there are stones from an Octagonal School House in this area on property that is owned privately. Mr. Truelove stated it is northeast of Old Oxford Valley Road. Dr. Weiss stated it is between Old Oxford Valley and new Oxford Valley and Big Oak Road.

Mr. Pedowicz asked if this is where a Dunkin’ Donuts wanted to go in, and it was noted that is not the area they are discussing. Mr. Pedowicz stated while he knows there is nothing in the area where the Dunkin’ Donuts wanted to go, he had previously brought up looking into the future in terms of traffic control; but he assumes it is premature to do anything like that.

Dr. Weiss stated with regard to the land which has the remains of the Octagonal School House, it could not be built upon; and they hope that one day the owner of that property who lives in Florida will agree to donate it or make some other deal with the Township so that they can preserve what remains of the Octagonal School House and install some kind of monument/marker to memorialize one of the oldest school houses in Pennsylvania.

Mr. Pedowicz asked Mr. Fiocco when he did the traffic study, and Dr. Weiss stated it was done last year. Ms. Blundi stated there have been a number of studies on that road. Dr. Weiss stated it is the pedestrian traffic they are considering and not the vehicular traffic with regard to installation of the

pedestrian crossing beacon. He stated it has been the Board's practice to take Mr. Fiocco's recommendations recognizing that once the basic work is done, they study it and make improvements as needed. Mr. Pedowicz stated the aerial overview that was shown is drastically different from what is there now. Dr. Weiss stated the RFP will take that into consideration.

Mr. Steve Cargo, 35 Fern, stated they can expect that the pedestrian traffic will peak during the summer season when the swimming pool is open at the club house, so the timing for when the survey is done should recognize that there will be ups and downs in the pedestrian traffic; and when the swimming pool is open is when they can expect the greatest traffic load.

Ms. Donna Doan, 2814 Yardley-Langhorne Road, Langhorne, stated that a picture of the Octagonal School House can be seen on the Lower Makefield History Instagram page.

Ms. Blundi asked if the Motion should be amended so that the RFP looks at the issue of whether or not there is a need for lighting at the crossing similar to the lighting that had to be added at the circles; and Mr. Ferguson stated he does not feel the Motion needs to be amended, and the instruction could just be to evaluate lighting as well.

Mr. Grenier stated with regard to the existing path on Old Oxford Valley, when there are looking at Easements, there are existing electric distribution poles immediately on the side of where the 8' path would be, and they will have to consider proximity to those poles. He stated he is not sure if there is an existing Utility Easement. Mr. Fiocco stated his engineer assumed that they would be able to attach lighting to those poles when he came up with the estimate.

Motion carried unanimously.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Report in their packet.

Maplevale Stormwater Improvements

Mr. Pockl stated last year there was a large storm that came through the Township, and as a result of that storm, there was significant flooding in the Maplevale

neighborhood which consists of Maplevale Drive and Meadow Drive. He stated the neighborhood is located east of Taylorsville Road, west of the Delaware Canal, and south of the Interchange with I-295.

Mr. Pockl stated the existing drainage system that is within that neighborhood consists of two 30" pipes, and slopes of 1.4% and 0.04% which is a very flat pipe which was constructed when the development was constructed, and the additional 30" pipe was constructed several years later. He stated there are existing storm inlets that discharge to those pipes that are located in the front of the properties at 15 and 18 Maplevale Drive. He showed these and noted the inlets are the red circles and the blue lines are the discharge pipes that discharge to the Canal. Mr. Pockl stated that drainage network was overwhelmed in the 2021 storm; and that storm was measured to be 4.25" in three hours by the nearest weather station which is in Trenton, and that would exceed a 100-year storm by definition of NOAA. He added that the 100 year storm event is a storm event that has a 1% chance of occurring in any one year, and it is not a storm event that happens every hundred years.

Mr. Ferguson stated those in the area pointed out that it was not just the big storms that have proven to be problematic, and it is generally any long soaking storm that most neighborhoods would be able to absorb that is a problem in this neighborhood and not just when there is an intense wet weather event. Mr. Pockl agreed. He stated the total drainage area that was observed to inundate the Maplevale neighborhood is in the blue area shown, and extends up to Prospect Farm Drive as well as Highland Drive. He stated there is also an unnamed tributary to the Delaware River which flows just west of Taylorsville Road. He stated there is a culvert underneath a driveway at 233 Taylorsville Road and also a culvert underneath Highland Drive that he believes became clogged with sediment and debris during the storm event and overtopped the stream banks flowing across Taylorsville Road and into the Maplevale neighborhood.

Mr. Pockl stated the pipe capacity of the two existing 30", reinforced concrete pipes at that slope have a combined capacity of 43 cubic feet per second of flow through the pipe. He stated PennDOT requires designing for a ten-year storm, and that flow rate with the drainage area shown would equate to 99 cubic feet per second. He stated a twenty-five year storm, which is the Township requirement for designing new storm sewer systems as part of the Land Development process, would be 111 cubic feet per second. He stated the fifty and one-hundred year storms would be upwards of 120 cubic feet per second.

He stated therefore the pipe capacity is one third of what could be determined to have gotten there during Hurricane Ida, and that is evidenced by the amount of flooding that the neighborhood received.

Mr. Pockl stated they are making three recommendations with the first being related to along Highland Drive where the unnamed tributary is located and comes under the culvert on Highland Drive and flows north. He stated that has contributed to flooding within the Maplevale neighborhood as the stream overtopped its banks. He stated there is an overflow pipe through the streambank on the eastern side just upstream of the Highland Drive culvert; and when the stream rises to the level of that pipe, it discharges water through the berm of the streambank and onto Taylorsville Road and then discharges down to the Maplevale Drive neighborhood. Mr. Pockl stated the recommendation is to capture some of that run-off from Highland Drive and install two vane grate style inlets which are specifically designed to be installed on roadways with a longitudinal slope of over 4%. He stated the grates are curved so that even if there is debris on top of the grate, it can still capture the water and get it into the inlets. Mr. Pockl stated these inlets would capture the water from Highland Drive and discharge it on the downstream side of the culvert; and any blockage of the culvert would not have an impact on capturing the run-off from Highland Drive and discharging it into the stream. Mr. Pockl stated currently there are two inlets on Highland Drive that are relatively flat; and if any leaves or debris get on them, it is very easy for water to flow down along Highland Drive and by-pass those inlets. He added if the blockage in the culvert is downstream of where the pipes discharge, it would be contributing to the water that is overflowing Taylorsville Road and down into the neighborhood.

Mr. Pockl stated the recommendation is to add the two inlets and the discharge pipe and discharge it downstream of the culvert. He stated some additional upgrades would be to remove all of the sediment and debris that is within the stream to provide additional capacity for the stream to carry large flow events and also to plug up the overflow pipe so that the water does not discharge onto Taylorsville Road and down into the neighborhood when the stream rises to that level. Mr. Pockl stated they anticipate the total costs to be about \$50,000.

Mr. Pockl showed a picture of Highland Drive looking at Taylorsville Road which shows the two existing inlets which have a relatively small grate-opening size. Since they are flat, if there is any debris sitting on them, the water that gets there by-passes the inlets and gets to Taylorsville Road. He stated as part of the Scudders Falls Bridge project, PennDOT has installed curb along the east side of Taylorsville Road which was not there previously and also installed inlets

on Taylorsville Road. He showed a photo where it can be seen that pipe has been installed from the inlets in a trench and that discharges downstream of the culvert at Highland Drive and that is an added measure to capture run-off from Highland Drive for anything that overtops the banks.

Mr. Pockl stated the second recommendation is to capture any run-off coming down the southern leg of Maplevale Drive and Taylorsville Road, south of Prospect Drive. He stated they would add inlets on either side of the roadway of Maplevale Drive and discharge them in a pipe parallel to Taylorsville Road south discharging them on land that is owned by the Township. He stated this would be done outside of the roadway, within the grass area. He stated because Taylorsville Road is a PennDOT roadway, we would need a PennDOT Highway Occupancy Permit. He stated the Permit required to install utilities when they are in the right-of-way grass strip next to the roadway is much less intense so for scheduling purposes that would go faster; and this would also minimize the amount of disruption to any traffic on Taylorsville Road. He stated it would also be less expensive because they would be restoring grass area as opposed to a roadway area.

Mr. Pockl stated the third recommendation would be to increase the gutter capacity within Maplevale Drive and Meadow Drive. He stated as part of the 2022 Road Program, we are repaving Maplevale Drive and Meadow Drive. He stated they took core samples prior to designing the Road Program and found that the wearing course/asphalt in those two streets varies between 5" and 6" which is very thick. He stated they therefore have the opportunity to lower the roadway by 1 ½" by milling out 3" and then putting down a 1 ½", and he does not feel that will substantially degrade the structural stability of the roadway. He stated this will provide an additional 1 ½" of storage capacity within the gutter line for stormwater flow. He stated a 3" curb gutter would overtop the gutter and get onto the lawns in a one-year storm. He stated by increasing the gutter depth to 4 ½" that would overflow in approximately a fifty-year storm event which exceeds what the Township requirements are.

Mr. Ferguson stated this is a very creative remedy which will result in not just getting water down to the inlet, this will also help prevent during traditional storms the back-wash of water over the curb into peoples' yards. He stated the fact that we have this road in the 2022 Road Program gives us the opportunity for this complimentary feature to help the people in the area, and he thanked Mr. Pockl for developing this as part of the Road Program.

Mr. Pockl stated they estimate that this will add a capacity of approximately 3.4 cubic feet per second which is equal to twenty-five gallons of water per second of additional capacity that can run along the gutter line in typical and larger storm events.

Mr. Pockl stated as a result of all of the recommendations this should reduce the drainage area that gets to the inlets and pipes in the neighborhood and that reduces the drainage area down to 17.3 acres compared to 47 acres. He stated by taking a lot of that water off-line, capturing it, and discharging it elsewhere, it reduces the drainage area. He stated from a peak-flow comparison, the existing peak flows for the 47 acre drainage area were 99 cubic feet per second in the ten-year storm and in a one hundred-year storm it is 129 cubic feet per second; and the proposed run-off following recommendations one and two for a ten-year storm would make it 36.3 cubic feet per second and for a one hundred-year storm 47 cubic feet per second. He stated the existing pipe capacity is 43 cubic feet per second so we would have enough capacity within the existing pipes to manage the ten-year storm, the twenty-five year storm, and almost meet the one hundred-year storm.

Mr. Pockl stated Hurricane Ida was greater than a one hundred-year storm event and exceeded typical design standards as they do not normally design for the one-hundred year storm because if they did, infrastructure would cost billions of dollars; and a large portion of the infrastructure would not be utilized in many storms. He stated diverting overflow run-off from the upland areas will greatly reduce the volume and the rate of run-off reaching the neighborhood. He stated preventing the unnamed tributary from flooding will reduce the chance of overflow crossing Taylorsville Road. He stated increasing the gutter depths will keep more water in the road and less water on the lawns and going down peoples' driveways. He stated the recommended improvements will reduce the run-off in the Maplevale neighborhood by two-thirds allowing the existing drainage pipes to meet Township and PennDOT standards while also handling large storm events better.

Mr. Grenier stated while he does not live in Maplevale, he goes through the area all the time, and flooding in Maplevale is something that the residents have been dealing with for a long time; and he is glad that there is an opportunity to move in the right direction to mitigate a lot of the flooding issues they have been dealing with. Mr. Grenier stated there is an existing discharge to the stream that comes out of the two inlets at Highland and they do get covered with leaves all of the time, and there is also the newer existing discharge that comes from the PennDOT inlets on Taylorsville, and

now there will be another one that will hopefully take on more of the run-off from Highland and a lot of the water will be directed to the stream. He stated he wants to make sure that we do not create another issue downstream where there is flooding downstream. Mr. Pockl stated they need to look at the flows that we will be contributing, but he feels that we are not really adding much flow to what should be getting there in typical or larger storms. He stated it is the stream that carries run-off from the higher ground around it. He stated what they are doing is making sure it gets to that point as opposed to by-passing that and getting into the neighborhood.

Mr. Grenier stated the first recommendation and the second recommendation would not have to be done at the same time, and Mr. Pockl agreed. Mr. Grenier stated they could do Maplevale sooner. He added that Highland would take more time because they are discharging to the stream which will require Permits which will take time, and he would not want to hold up the Maplevale project. Mr. Pockl agreed adding that as part of the Road Program, they will be re-paving Maplevale Drive; and it is the goal to get the inlets and the storm pipe in prior to the final paving of Maplevale Drive. Mr. Pockl stated in the Road Program there is language in the Contract that they have to do Maplevale Drive as the last road so there is some time to get this project completed prior to paving the road.

Mr. Grenier stated part of the issue is the stream that runs along Taylorsville for a stretch often has fallen limbs and sandbars so that it is creating a dam effect, and the plan is to keep that cleaned out. Mr. Grenier stated it was helpful to see the volume and rate changes that will get close to the one hundred-year storm for Maplevale. He asked with regard to the 1 ½" increase in the storage area, does that mean that none of the water will get up to the houses anymore up to the fifty-year storm, and Mr. Pockl stated theoretically that is the goal assuming that the curb height is 4 ½" as opposed to 3". He stated there are some cases where there are larger curb heights and some instances where it may be a little less so what they have shown is an average.

Mr. Grenier stated there do not seem to be a lot of right-of-way issues for any of this, and Mr. Pockl stated he does not see the need to acquire Easements or any other types of property in order to complete the project.

Mr. Grenier stated when this is done Public Works will have the responsibility of maintaining all of the infrastructure, and he would like to make sure that they are on board with this. Mr. Pockl stated he has been in contact with Public Works throughout the process, and he did not receive any negative feedback. Mr. Hucklebridge stated he has no concerns.

Mr. Grenier stated these are direct discharges to streams from pipes from old developments, and we are doing what we can; and while we can address quantity rates and volumes, we are not addressing the quality issue like we do with newer developments. Mr. Grenier stated as part of the Pollution Reduction Plan moving forward, he would like to consider the quality issue that is not being addressed by this project. Mr. Pockl stated he looked at the basin at Prospect Farm, and on the design plans they have the one hundred-year water surface elevation of the stream and the floodplain shown, and it does come right up to the basin. He stated there is some additional volume capacity within that basin between the water surface elevation and the one hundred-year storm and the top of the berm for that basin so there is potential for investigating that further and possibly making some changes.

Mr. Grenier stated he is glad that this was looked at the way it was, and that we were able to integrate it into the Road Program this year. He stated this a good plan to deal with the issues that those living in Maplevale have been dealing with for a very long time. Mr. Pockl stated the neighborhood is low-lying and relatively flat; but hopefully with these recommended improvements, we can make some positive changes.

Mr. Hucklebridge stated typically the water from the stream would not be overtopping, but during Hurricane Ida there was a large log in the stream that captured a lot of debris and kicked the water out of the stream. He stated while it is beneficial to look at the basin, most of the time that water should never go into Maplevale; and with these additional improvements, it is even less likely that will happen.

Mr. Lewis stated the homes at 232, 234, and 236 Taylorsville Road are on the north end of Maplevale and Taylorsville, and there is often a lot of yard ponding there, and there is no curbing there. He asked if those properties will benefit from this. Mr. Pockl stated they should because as part of the recommendations, they would be plugging up the overflow pipe that discharges water onto Taylorsville Road and also the improvements on Highland Drive should help. He stated he believes his first recommendation will have a positive effect on this.

Mr. Lewis stated there is a section of Taylorsville Road between where the Township last paved and where the Delaware Joint Toll Bridge Commission paved, and he asked if that strip will be fixed. Mr. Pockl agreed to look into this.

Ms. Blundi stated when there is a storm basin, sewer, etc. in a neighborhood, those in the neighborhood or their landscapers should not be brushing material in there, and they should try to keep them clear especially when it is known that heavy rains are coming. She stated often the storm sewers are covered with debris; and when there is a heavy rain, it is a problem. Mr. Grenier stated this is particularly an issue during the leaf pick-up time of year. Mr. Ferguson stated if residents see contractors dumping grass, twigs, or leaves into the inlets, they should contact the Township so that the inspector can get out quickly and see who is doing this since that is illegal and causes run-off, environmental issues, and leads to flooding. He stated they have seen contractors doing this probably unbeknownst to the property owners who retain them.

Mr. McCartney thanked everyone for working on this as he knows that the residents from this area are very appreciative.

Ms. Blundi moved and Mr. Lewis seconded to accept the recommendations of the Township engineer.

Mr. David Rishel, 220 Meadow Drive, thanked Mr. Ferguson and his staff for coming to their neighborhood quickly to look into this. Mr. Rishel stated this is a frequent event. He stated he also appreciates the comment made about the debris, and the neighborhood has a crew of people that goes out and mans the drains every time it rains since everything that is in the gutters above them gets into their neighborhood.

Mr. Rishel noted the new drains proposed under the first recommendation, and he asked if it is possible to do anything to expand or clear out the stream bed as those who live on that side have indicated that the stream bed does overtop because of the debris in it. Mr. Rishel stated if more water is now going to be put into it from Highland it could create another problem if the stream is already full. Mr. Pockl stated it is part of the recommendation to remove the debris and the gravel bar from that stream.

Mr. Rishel noted the second recommendation, and he asked where the water will go, and Mr. Pockl stated it will be discharged overland onto Township-owned property and eventually into the Canal. He added it is a very wooded area, and will probably just get infiltrated into the ground and be taken up by the trees. Mr. Rishel asked if a calculation has been done as to the holding capacity of that area. Mr. Pockl stated the water will spread out over a large area and it might not even reach the Canal and might be taken up by the root systems of the trees.

Mr. Rishel asked the timeframe for the project. Mr. Ferguson stated assuming the Board approves moving forward, it will need to go out to Bid. He stated Maplevale is scheduled to be paved, and the idea would be to get the project complete prior to the paving taking place. Mr. Ferguson stated in the Bid documents for the Road Program, it was included that Maplevale would be paved last with the idea that if the Board wanted to proceed with this work, it would be lined up with the Road Program. Mr. Pockl stated this might not be Bid as one project since they would rely on DEP for an approval to remove the gravel bar within the stream and make any adjustments to the overflow pipe in that stream which could require a Permit from DEP; and he would not want to hold up the installation of the inlets and the drainage pipe at Taylorsville Road and Maplevale Drive waiting for DEP. He stated it is therefore conceivable that it would be two separate projects, and the inlets and pipe along Taylorsville Road would happen this summer and the gravel bar removal and the inlets on Highland Drive would be done shortly thereafter.

Mr. Rishel asked with regard to the first recommendation for Highland, would it be possible to put two sets of drains to catch the water as he has seen done in other streets. Mr. Pockl stated that would be considered during the detailed design to make sure that it is warranted.

Ms. April Bollwage, 20 Maplevale Drive, thanked the Township for looking into this. She stated her home is next to the new pipe and there is a huge influx of water during these storms and there is a lot of erosion in the back of her property so that the pipe is exposed. She asked if there will be any remediation to the land that was wiped away over the course of the storms that have happened. She stated the water goes over the pipe because the pipe cannot hold all of the water. Mr. Pockl stated that is not something that had been anticipated as part of this project, but they could look into that. Ms. Bollwage stated putting in rocks or dirt would be helpful.

Ms. Bollwage asked with regard to the drain, if there in an option of putting out a cage in the event of a flash storm; and while it might be a hazard because of the road, they could “cone it off.” She stated the neighbors do go out and try to keep everything out of the drains. Mr. Ferguson stated he feels there could be a discussion with the Public Works Director as to what some options there are for the neighborhood or the Township.

Ms. Lorena Stoddart, 220 Meadow Drive, thanked the Township for the work to be done. She asked if they are addressing the flooding from Prospect Farm that goes through the neighbors' yards across and up and over Taylorsville that floods before Meadow Drive. She stated she is concerned with the water going down the right side of Maplevale. Mr. Ferguson stated once this work is done, the Township will monitor how this works in wet weather events; and if there are other improvements that can be reasonably done to make it even better, he is sure the Township will look to do that. Ms. Stoddart asked if there will be further meetings on the design, and Mr. Ferguson stated he feels that once the design is put together Mr. Pockl would bring this back to the Board to go out to Bid so it would be on a future Agenda.

Mr. Pockl stated with regard to the water coming across Taylorsville Road, he has had discussions a number of times with the property owner at the culvert at the driveway at 233 Taylorsville Road getting first-hand feedback from them as to how often water overtops that culvert. Mr. Pockl stated he believes that debris coming down and clogging that driveway culvert could contribute to water coming across Taylorsville Road, and there is some sandbar removal in that area that needs to happen as well in order to help the situation.

Motion carried unanimously.

Mr. Ferguson stated this project is not specifically in the Budget; however, that is not an issue as the American Rescue Plan funds would allow for a project like this and it would not require a re-opening of the Budget. He stated this project is estimated to cost about \$250,000, and the Township will be getting the second allocation in July of \$1.7 million so there is money to be able to fund this project in its entirety from that fund.

Award the 2022 Road Program Base Bid to James D. Morrisey, Inc. in the Amount of \$3,212,292.40

Mr. Pockl stated Bids were opened on March 31, and four Bids were received with the low Bidder being James D. Morrisey who has done work for the Township before including the Road Program in 2020 and 2019 so we are familiar with their work. All items submitted with their Bid comply with the Bidding requirements. He added that the price per square yard of milling is a little lower than the price last year, and the price for the wearing course was 10% higher than last year which was expected given the price of gasoline, etc. Mr. Pockl stated he believes the Bid price is fair.

Ms. Blundi moved and Mr. Lewis seconded to award the 2022 Road Program Base Bid to James D. Morrisey, Inc. in the amount of \$3,212,292.40.

Mr. Grenier asked about the quality of the work they have done in the past for the Township. Mr. Pockl stated they went out and observed the roads that they paved in 2020 as part of the Maintenance Bond inspection, and did not find any repairs that were needed. He stated they have also not had any major issues on the roads that they paved in 2018.

Motion carried unanimously.

Approve Bid Alternate to James D. Morrisey, Inc. in the 2022 Road Program

Mr. Pockl stated there were six Alternate Bids, and the first was for the Memorial Park parking area in the amount of \$65,841.50. Mr. Ferguson stated the full amount Budgeted for the 2022 Road Program was \$3,078,000, and the recommendation from staff is to award this first Bid Alternate for the Memorial Park parking lot which is part of a subsequent Grant Application and would also follow up the previous project to get it done. Mr. Ferguson stated if the Board were to award this first Bid Alternate, it would take the project over by about \$200,000; however, as noted in the report provided to the Board, they believe that, as is typical in every Road Program, there will be some savings that will be incurred from a number of items that will cut that amount in half. Mr. Ferguson stated Mr. Pockl could review the remaining Bid Alternates; however those would result in a larger gap between what was Budgeted and the total.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to accept the staff's recommendation to include Bid Alternate #1 as part of the 2022 Road Program.

Approve Payment #6 for the Memorial Park Improvements Phase 2 Project to MECO Constructors, Inc. in the Amount of \$6,174.00

Mr. Pockl stated this is for the benches that were installed on the pickleball courts. He stated we are still withholding in excess of \$11,000 for the punch list items that they are addressing, and they are waiting on weather as they need two fifty degree and rising consecutive dry days in order to complete the punch list items. Mr. Pockl stated they feel it is fair to pay for the benches that have already been installed.

Ms. Blundi moved and Mr. Lewis seconded to approve Payment #6 for the Memorial Park Improvements Phase 2 Project to MECO Constructors, Inc. in the amount of \$6,174.00.

Mr. Grenier stated he wants to make sure that this contractor is not responsible for the debris piles in the wetlands and floodways at Memorial Park between the Garden and where the tennis court work has been done which he brought up in February. He stated he went to the area today and it looks just as bad if not worse. Mr. Pockl stated it is his understanding that is not part of MECO's work.

Motion carried unanimously.

PROJECT UPDATES

Mr. Grenier asked the status of removing the material at Memorial Park and having the Township engineer come up with a restoration plan to remove all of that material and get it back into compliance with Federal, State, and local regulations as soon as possible before there is a non-compliance issue with any of the relevant agencies. He stated it has been there for a couple of years, and we have been aware of it since February, and he would like to see positive movement on its removal.

Mr. Ferguson stated they need to determine if what Mr. Grenier is looking at is different from what the staff has looked at since what the staff saw was cleaned up and was material that was left over by the young volunteers who were working on the 9/11 site last year. Mr. Ferguson stated he is not aware of anything that has been there for years. Mr. Grenier stated that is the right location. Mr. Hucklebridge stated the Township staff cleaned out what was put there by volunteers, but he could look at the area again. Mr. Grenier stated the vast majority of the material is still there, and it looks like a mulch pile was moved around and seed put down. He stated there are also two long piles of debris with silt fencing buried in the wetland itself near the stream. Mr. Hucklebridge stated he will follow up on this.

MANAGER'S REPORT

Approve Enterprise Lease to Purchase Program for Police Vehicles and non-CDL Trucks for Public Works and Park & Recreation and Authorization for the Manager to Execute All Relevant Paperwork

Mr. Ferguson stated Enterprise has previously made a presentation before the Board, and the matter is now before the Board for their consideration.

Ms. Blundi moved and Mr. McCartney seconded to approve the Enterprise Lease to Purchase Program for Police vehicles and non-CDL trucks for Public Works and Park & Recreation and authorization for the Manager to execute all relevant paperwork.

Mr. Grenier stated he feels this has a lot of potential positive merits, but because it involves potentially hundreds of thousands of dollars over multiple years, he would not vote in favor of the current Motion to go directly to Enterprise off of one marketing presentation from a sales group. He stated he feels this could potentially be a great option, but he would be more inclined to move toward pursuing this via an RFP to Enterprise and other providers of both leases and sales so that we can do a side-by-side comparison of other providers to make sure that we are getting the best deal. Mr. Grenier stated Enterprise may make it a better deal when competition comes in.

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

Approve the 2022 Pool Chemical Bid as Presented by the Bucks-Montgomery County Aquatic Consortium

Mr. Ferguson stated the Park & Recreation Director got the Township involved in the Consortium where we have been able to save money on items needed for the Pool. The Bid response summary was included in the Board's packet.

Mr. Lewis moved and Ms. Blundi seconded to approve the 2022 Pool Chemical Bid as presented by the Bucks-Montgomery County Aquatic Consortium.

Mr. Grenier noted the large amount of various chemicals and he asked if they are stored on site, or are they stored offsite and then accessed as needed. Mr. Ferguson stated the Bid is for numerous Municipalities. He stated he believes that while there would be some storage, it would be ordered as needed; and it is all under control, and those handling the chemical have to have special Certifications.

Motion carried unanimously.

Approval to Advertise for Proposals to Finance the Road Improvement Loan in the Amount of \$1,650,000

Mr. Ferguson stated the Board had previously approved an Ordinance for the Road Loan and the financing for that. He stated TD Bank was the low Bidder, and the Bid was awarded; however, due to timing issues and approval needed from DCED, the Bank could no longer hold the rate. Mr. Ferguson stated all of the background work is done, and the staff has coordinated to get all of the paperwork re-done; however, it does have to be re-quoted. He stated he has spoken to all of the banks which had previously participated, and he believes we will be getting at least five quotes; however, the interest rates will be higher, and there will be a cost to do this. Mr. Ferguson stated we did Budget 3.5; and even with interest rates going up, the spec that would go out that was a recommendation of our Bond Counsel was to specifically outline an eight-week hold on the rate. He stated the way this is being advertised, we should be well under the threshold to lock in the rate. He stated he feels they may see an interest rate of 1% higher than the 1.5% that we had, but that is still below the threshold.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to advertise for proposals to finance the Road Improvement Loan in the amount of \$1,650,000.

Approval of Kids Kingdom Tree Planting

Mr. Ferguson stated there was a proposal and Ms. Blundi had spoken to the Chair of the EAC who may want to include a few more trees. Mr. Ferguson stated they would like to get approval for the project so that we could still do the planting in the spring.

Ms. Blundi stated Ms. Salvati feels that there may be more than what was planned for, and she would need to walk the site with Mr. Hucklebridge to make sure that they are getting the right plants to provide shade. She asked that they consider approving the Kids Kingdom Tree Planting in an amount not to exceed \$7,500.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve the Kids Kingdom Tree Planting project subject to a limit of \$7,500 total spent.

Approval to Divest Russian Holdings From the Police and Non-Uniform Pension Plans

Mr. Ferguson stated there are two Defined Benefit Pension Plans – a Police Pension Plan that at the end of the year had about \$16 million in it, and the non-Uniform Pension Plan that had just under \$11 million in it. Mr. Ferguson stated he asked the Pension Asset Managers to assess both of those Plans to see if there were any Russian holdings in either of those funds, and as it was noted to the Board, it was a marginal amount of money; and as of a week ago there was \$4,4446.85 in the Police Pension and \$3,129.72 in the non-Uniform Plan in the form of a Bond Fund and an International Market Index Fund. Mr. Ferguson stated the Board should decide if they want us to divest ourselves from those funds.

Mr. Lewis moved and Mr. Grenier seconded to divest all Russian holdings from the Police and non-Uniform Pension Plans.

Mr. Grenier stated they also wanted to consider including Belarus; and Mr. Ferguson had checked into that, and we do not have anything with Belarus. Mr. Grenier asked if language should be added to make sure that we do not reinvest in Russian or Belarusian investments until such time that the war is over, and he asked Mr. Truelove if he knew how this could be done. Mr. Truelove stated they could ask the investment manager to monitor all investments to insure that there is no reinvestment in Russian or Belarusian holdings until further notice. Ms. Blundi stated she feels that it should be until the United States lifts sanctions. Mr. Truelove stated there could be different levels of sanctions; and if it was stated “until further notice,” it would then be up to the Township to decide.

Mr. Grenier asked Mr. Lewis if he would agree to an Amendment with language as recommended by the Township solicitor, and Mr. Lewis stated he would agree. Ms. Blundi stated she feels it makes more sense to say it would be until our Country lifts sanctions rather than the Township trying to monitor this. Mr. Lewis agreed that should be the benchmark.

Mr. Lewis moved and Mr. Grenier seconded and it was unanimously carried to divest Russian and Belarusian holdings from the Police and non-Uniform Pension Plans until such time as the U.S. Department of the Treasury removes sanctions on the Russian Federation.

Accept the Resignation of the Township Manager With His Last Day of Work Being July 4, 2022 and His Official Resignation Effective July 18, 2022

Ms. Blundi moved and Mr. McCartney seconded to accept the resignation of the Township Manager with his last day of full-time employment being July 4, 2022 and his official resignation effective July 18, 2022 with the Condition that he stay on as a consultant until we are able to find a full-time replacement.

Mr. Truelove stated the Motion should be amended to include that the Consultant Agreement would have to be negotiated with terms acceptable to Mr. Ferguson.

Ms. Blundi and Mr. McCartney agreed to accept Mr. Truelove's proposed Amendment.

Mr. Grenier asked for clarification between the last day of work versus official resignation date. Ms. Blundi stated he is going to work until July 4 and then take two weeks' vacation. Dr. Weiss stated July 18 is the last day of his Contract. Mr. Grenier asked if the last day of work would be July 4 or July 1 given that it is a Federal holiday. Dr. Weiss stated he would be paid until July 18 anyway. Mr. Truelove stated his current Contract expires July 18. Under the Contract three months' notice is required, and tonight he is giving more than three months' notice so all terms have been complied with.

Mr. Grenier stated to make it cleaner he would prefer to have two separate Motions, one for the acceptance of the resignation with the dates as mentioned and a second Motion to develop a Consulting Agreement of some type that is mutually-agreed upon as he feels they are two exclusive activities. Ms. Blundi stated she does not agree and would not accept that as an Amendment. Mr. Grenier asked Mr. Truelove if it is appropriate to combine those two, and Mr. Truelove stated it is and is almost identical to what was done with Mr. Fedorchak in 2018.

Mr. Grenier asked Mr. Ferguson from a date perspective if his intention is to start new employment sometime shortly after July 18, and Mr. Ferguson stated he will start his new employment on July 5. Mr. Grenier stated he will then have two jobs for about two weeks. Mr. Ferguson stated he will have worked his last official day at the Township on July 4, and he will then take the vacation that has been pro-rated for the year to take him to the next payroll period. Mr. Grenier stated he is not in favor of the overlap, and he would end the Contract on July 4. Mr. Grenier stated the Board found out about this about one month ago so we

are thirty days into the time period of our formal notice. Ms. Blundi stated she does not believe that is correct as to when notice officially begins. Mr. Grenier stated it is a verbal Contract at that point, and Mr. Ferguson had formally notified them about one month ago that he had accepted a new position. Mr. Grenier stated it would be carried out ninety days from that point.

Dr. Weiss stated the Motion has not been modified.

Mr. Grenier stated he would be comfortable going to July 5 including all the benefits, but he is uncomfortable having someone who is working as a full-time Manager for another Township having to “pull double duty,” as he does not feel it is fair to the person or either Municipality involved since that is an incredible amount of time “and stress commitment.” He stated he hopes that we would be able to move forward quickly with finding a replacement. He stated we saw during the first year when there was a similar set-up with Newtown and Lower Makefield the level of commitment that it took for both, and he is not comfortable with that overlap. He stated he wants to make sure that we move forward in an expeditious manner to find a new Manager who would be focused on Lower Makefield.

Mr. Lee Pedowicz, 247 Truman Way, stated he does not know if Mr. Ferguson is retiring or going to another job. He stated if he had a business and one of his employees told him he was resigning, he would find a replacement and he would not look to hire the person who was resigning as a consultant unless he knew that person was retiring and would be dedicated toward his business. Mr. Pedowicz stated the Township has three months to find a replacement, and they should let Mr. Ferguson go on to whatever he will be doing.

Dr. Weiss stated while he understands Mr. Pedowicz’ comment, in a Municipal Government the Board of Supervisors, although technically in charge of the Township, does not have the wherewithal or expertise to do all the things the Township Manager has to do. Dr. Weiss stated the Township is run by a professional staff, and there are not people waiting to be a consultant until we can find a full-time Manager.

Ms. Blundi stated she does not believe it is the Board’s intent that, as has happened in the past, that this arrangement would go forward “in infinitum,” but the reality is if we found a selection committee tomorrow and started, we would never have someone in place by July. She stated if they do find

someone that quickly, the consulting arrangement with Mr. Ferguson would be much shorter. She stated the Board knows how long it took prior Boards to find a replacement for the old Township Manager.

Mr. Pedowicz asked what would have been happened if Mr. Ferguson would have been voted out by the Board at the time his Contract was to be renewed. Ms. Blundi stated that is not what happened. Mr. Pedowicz asked how long it took to get Mr. Ferguson. Ms. Blundi stated the question is when the prior Manager resigned and how long did it take to get the new Manager. Dr. Weiss stated he resigned in January and he became a consultant for the Township. Mr. Lewis stated the prior Manager gave notice of his intent to retire, and he believes he consulted for the Township for a year before the Township employed JPM to do a search for a new Township Manager. He added that the prior Township Manager was helpful in all transition processes. Mr. Lewis stated prior to employing JPM they considered three to four firms, and he believes JPM was selected in January or February.

Chief Coluzzi stated Mr. Fedorchak gave notice that he was going to resign slightly over a year before he actually resigned, and he then stayed on as a consultant even longer as we were looking for a new Township Manager. Chief Coluzzi stated he believes it took seven months or more to find a new Manager. Mr. Lewis stated he believes it took from February to July to find the new Manager.

Mr. Pedowicz asked if they cannot just use the same firm that found Mr. Ferguson and asked if that has to be put out to Bid. Dr. Weiss stated they can do an RFP, send out letters of inquiry, or do it other ways.

Mr. Pedowicz stated he does not know what Mr. Ferguson's plans are, and he could be moving to California. Ms. Blundi stated that is why Mr. Truelove recommended the Amendment to the Motion so that it would be subject to Mr. Ferguson's acceptance as to being a consultant.

Dr. Weiss stated he is very familiar with how this works in business, but the Board does not have the capability of doing what a Township Manager does. He stated this includes preparing a Budget for 2023, entering into Contracts, and negotiating with Unions; and these are all things that need to be done by someone with real knowledge and qualifications. He stated there is no one more qualified than Mr. Ferguson; and while he has decided to resign, the Board wants him to stay "as best we can" because there is no one on the Board that can do what he does. Dr. Weiss stated he feels there is no one in

the Country that does what Mr. Ferguson does, and no one who has taken a Township on the brink of insolvency and turned it into the strong, vital Township that we have today where we have no problem doing projects like cross-walks at Regency, hiring staff that can be more responsive to the people of the community, restoring Patterson Farm, lowering taxes, and improving our Bond rating. Dr. Weiss stated Mr. Ferguson has been “a total gem to this community” over the last four years as he has saved the Township with his recommendations and his foresight. Dr. Weiss stated we were very fortunate to have Mr. Ferguson; and if we can keep him for a few more months to settle things, he would be grateful, and we are going to offer Mr. Ferguson that opportunity. Mr. Pedowicz stated he hopes that they will make him an attractive offer.

Motion carried unanimously.

Mr. Grenier asked with regard to starting the search process, does the Board need to have that as an Agenda items for discussion or can that be done now. Dr. Weiss stated he believes the last time letters of inquiry were sent out. Mr. Truelove stated he believes the Board could authorize Chief Coluzzi to send out letters to potential search firms. Dr. Weiss stated the Chief would then report to the Board so that they could take a vote. This was acceptable to the Board.

SOLICITOR’S REPORT

Mr. Truelove stated that the Board met in Executive Session starting at 6:30 p.m. and litigation and informational items were discussed.

Sewage Proceeds Trust Overview

Mr. Truelove stated his firm was asked to start looking into the disposition of the sewer funds; and while no action is recommended to be taken this evening, the Board could pursue in more detail the different options that may be available. He stated the Sewer system was sold on March 4, and there are Net Proceeds of approximately \$21 million; and the question before the Board and the community is how best to protect, dispose, and maintain those funds for the benefit of the residents now and in the future.

Mr. Truelove stated his firm was asked by the Board if a Trust could be created for the purpose of maintaining the funds, and he agreed that could be done; and he provided the Board and the Township Manager a memo with the details as to how that could be done. Mr. Truelove stated while Trusts are permitted, the question will be how protected can they make the Trust. He stated Middletown Township used a Resolution process and set up a Trust with certain parameters, and others have done it through an Ordinance which is more restrictive. He stated another possibility which would be completely irrevocable would be to set up a separate legal entity such as an Authority. Mr. Truelove stated the Board also needs to consider how much to set aside.

Mr. Truelove stated at some point he feels the Board will want to have a financial analysis done. He stated there are certain limitations as to how funds can be invested under the Second Class Township Code, and there are limitations on the types of investment vehicles that can be used. Mr. Truelove stated in Middletown there is a Financial Services Committee that has parameters as to how often they meet and what types of investments to monitor. He stated there is also a provision in Middletown where they are allowed “with certain steps to invade the principal if an emergency is declared, and a six-month period of time ensues, and a Referendum is conducted.” Mr. Truelove stated there is a Township in Chester County that has a policy that was instituted and they have a separate Board or Committee that oversees that. He stated the most important thing is that if a Trust is set up the intent normally is for the principal to be protected and the net proceeds to be used for other purposes that the Board could determine. Mr. Truelove stated he believes that it is the desire of many in the Township that these funds be used for positive purposes going forward.

Dr. Weiss stated the Board wanted to understand if a Trust could be created, and they understand that it can be, and it can be as restrictive or as non-restricted as the Board may direct. Dr. Weiss stated the Board needs some time to review this, and hopefully they will have this on the Agenda of a subsequent meeting to discuss details. Mr. McCartney stated he agrees the Board should have the opportunity to digest what has been provided by Mr. Truelove, and they will discuss in the future more specific ideas as on how to move forward.

Approve Resolution to Dissolve the Economic Development Commission

Mr. Truelove stated he understands that over the last several years, there has been little, if any, regular activity by this Commission; and there may be other ways to meet the goals that were promoted by this Commission at the time it

was developed. Mr. Truelove stated this Commission and the Financial Advisory Board, which is next on the Agenda, seemed to perform some overlapping tasks; but neither have been meeting recently on a regular basis. He stated he understands that the Board would like to consider dissolving both of these Boards recognizing that there may be some consideration in the future for a re-formed Committee/Commission that might perform some or all of the tasks that were performed by each of these.

Ms. Blundi moved and Mr. McCartney seconded to approve the Resolution to dissolve the Economic Development Commission.

Mr. Lewis thanked all the prior members of the Economic Development Commission, and he particularly thanked Mr. Conoscenti who had helped spearhead an annual economic survey of Lower Makefield businesses to get a perspective on policy issues with respect to the Township and business in the area which was very helpful to the Board as to what drove people to come to Lower Makefield. Mr. Lewis stated the Economic Development Commission members over the years also helped in filling the Lower Makefield Corporate Center and helping get out the word in terms of economic development. He stated part of the reason the Economic Development Commission was started was because there were some challenges post-2008 with empty office space in the Township, and the Commission was helpful in encouraging businesses, and there is high occupancy there now and Lower Makefield has hopefully the first of many Fortune 500 Headquarters with Crown Holding. He stated at this time it is best to dissolve this Commission and perhaps bring back those functions at some time in the future with a new Commission.

Mr. Grenier also thanked all those who had been involved in this Commission over the years as they provided a valuable service to the Township for some time.

Mr. Grenier stated one of the models that Mr. Truelove discussed with regard to the Sewer proceeds was Middletown which has a Committee that teams with the Finance Director to look at financial issues, economic development issues, and the large fund that they have created that Lower Makefield is also considering. Mr. Grenier stated while he is in favor of the dissolution being discussed, he hopes that we will move fairly quickly to be thoughtful about a new Charter for a new Committee as well as consider hiring a Finance Director in addition to a new Township Manager so that we can take the burden off

of the Township Manager of all the hours having to be put toward the Budget. He stated the Township Manager could then focus on managing everything else and overseeing the Finance Director separately.

Motion carried unanimously.

Approval of Resolution to Dissolve the Financial Advisory Board

Ms. Blundi moved and Mr. Grenier seconded to approve the Resolution to dissolve the Financial Advisory Board.

Mr. Grenier thanked all those who served on the Financial Advisory Board. Ms. Blundi also thanked all those who served on this Board as well as everyone who volunteers on Township Committees.

Motion carried unanimously.

Approve Advertisement of Ordinance Authorizing Road Repair Program Loan Financing

Mr. Truelove stated they will be able to speed up the process from the first time this was done. He stated he assumes competitive proposals will be received, and the one which is the most competitive can then be put into the Ordinance at the next meeting for enactment.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve advertisement of the Ordinance authorizing the Road Repair Program Loan Financing.

ZONING HEARING BOARD MATTERS

With regard to Appeal #22-1955 Eric & Kimberly Chernikovich for the property located at 1505 Fox Hollow Drive, Yardley, PA 19067, Tax Parcel #20-024-091 Variance request from Township Zoning Ordinance Section #200-23B to increase the impervious surface from the existing 21.7% to 24.5% where 21% is the allowable amount in order to install an in-ground concrete pool with concrete decking, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1956 Universal Building & Construction for the property located at 1273 Lindenhurst Road, Yardley, PA 19067, Tax Parcel #20-003-020 where the applicant intends to subdivide the property into three lots and construct single-family dwellings on the two new lots and is requesting Variances from Township Zoning Ordinance Section #200-16 in order to permit a maximum density of 1.63 dwelling units per acre where 1.07 is permitted under the Ordinance, and Section #200-61.C to permit the measurement of building setbacks from the lot lines where the Ordinance would require setbacks to be measured from the limits of protected lands, Mr. Grenier moved and Mr. Lewis seconded that the Township participate.

Mr. Grenier asked what the resource protected areas might be. Mr. Majewski stated the lot has a few steep slope areas and there is also a little area that would be classified as woodlands, although he believes that the Applicant may be overstating the amount of woodlands which is why the density will go down although it will be above the amount allowed by the Ordinance.

Motion to participate carried unanimously.

Appeal #22-1957 Cellco Partnership, d/b/a Verizon Wireless for the property located at 499 Stony Hill Road, Yardley, PA 19067, Tax Parcel #20-034-001 Variance request from Township Zoning Ordinance #200-28 to allow for a proposed telecommunications facility within the R-3M Zoning District. The facility will consist of a monopole antenna support structure, designed to resemble a pine tree, 120 feet in height and the attachment of up to 12 panel antennas at the top of the monopole to be located within a 20' by 40' fenced compound. A lightning rod and artificial branches to conceal the structure shall extend to an overall height of 125 feet. In the alternative, if ultimately deemed required, a Validity Variance pursuant to Section 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S 10916.1 (1968, as amended), based upon the Communications Act of 1934 as amended by the Telecommunications Act of 1996 which provided that, "No State or local Statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of an entity to provide any Interstate or Intrastate telecommunications service" 47 U.S.C. 253(a). If relief in the affirmative is not granted by the Zoning Hearing Board to allow the Facility, the Code will have the effect of prohibiting personal wireless services facilities by materially inhibiting the ability of Verizon Wireless to provide state-of-the art wireless service to its users. In addition, to the extent that Variance relief from the Code as stated herein is needed to establish personal wireless facilities

throughout the Township, such regulations result in (i) effective prohibition of personal wireless services in the Township; and (ii) unreasonable barriers to entry of personal wireless services in the Township. Consequently, the Code violates the Federal Telecommunications Act. The available Federal remedy allows site specific relief, which would authorize the Applicant to proceed with development of the Facility. In the alternative, a Validity Variance pursuant to Section 916.1 of the Pennsylvania Municipalities Planning code, 53 P.S. 10916.1 (1968, as amended), based upon the Communications Act of 1934 as amended by the Telecommunications Act of 1996, which provides that a Municipality shall not render decisions which prohibit, or have the effect of prohibiting, the provision of personal wireless services. 47 U.S.C. 332(c)(7)(B)(II). If relief in the affirmative is not granted by the Zoning Hearing Board to allow for the Facility, the decision will have the effect of prohibiting personal wireless services facilities by materially inhibiting the ability of Verizon Wireless to provide state-of-the-art wireless service to its users in violation of the Federal Telecommunications Act. The available Federal remedy allows site specific relief, which would authorize the Applicant to proceed with development of the Facility. If the decision of the Zoning Hearing Board is based on grant of a Validity Variance, then Verizon Wireless further requests grant of a Variance as to any applicable area and bulk requirements which may be construed to pertain to the proposed Facility. Verizon Wireless also applies for such other Interpretations, Waivers and/or Variances as may ultimately be required.

Mr. Truelove stated this is the Brookside Swim Club location. He stated there was a previous Variance requested in 2009; and after extensive Hearings the Zoning Hearing Board at that time Denied it for the reason that there was not proof by the Applicant that the requested apparatus was needed for adequate coverage. He stated this is still, in his assessment, an issue that will be before the Zoning Hearing Board. Mr. Truelove stated there was also a companion Federal Court Appeal to the validity of the Ordinance itself and how it was worded; and at that time, the Federal Court found in favor of the Township in terms of validity of the Ordinance. Mr. Truelove stated it has not been determined yet whether that Federal Court Decision would be an “issue preclusion,” and they would at least like to have the opportunity to look into that. He believes that there is adequate reason to at least participate or possibly oppose until they hear more information that would justify the Variances as requested.

Mr. Truelove stated this is in a Residential area; and while that would not preclude this necessarily, there is an Overlay District in the periphery of the Township where cell towers are permitted if certain standards are met with a Conditional Use Application before the Board of Supervisors.

Mr. Lewis moved and Mr. Grenier seconded that the Township participate and oppose the Appeal.

Mr. Grenier stated looking at the on-line information for the site, it has a large area of mapped floodways and floodplains off the back and large areas that he believes are woodlands per the Ordinance.

Motion carried unanimously.

With regard to Appeal #22-1958 Andrew Scheurer for the property located at 1525 Derbyshire Road, Yardley, PA 19067, Tax Parcel #20-055-025 Variance request from Township Zoning Ordinance #200-23B in order to permit a 424 square foot addition which would increase the impervious surface from 30.3% to 33.1% where 30% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

APPROVE EXTENSION REQUEST OF 1566 LLC SUBDIVISION (PLAN #685) TO JULY 31, 2022

Mr. Grenier moved and Ms. Blundi seconded to approve the Extension request of 1566 LLC Subdivision (Plan #685) to July 31, 2022.

Mr. Majewski stated the parcel is at Newtown-Yardley Road and Creamery Road, and the access to the four new lots would be from an extension of Buck Creek Drive.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, asked about paving walkways, and he noted specifically along Oxford Valley Road, which while they are privately owned, they are in hazardous condition. Mr. Ferguson stated those were trails that were put in as part of a project on a PennDOT road where PennDOT does not accept trails within their right-of-way. He stated there have been discussions through the Solicitor's office with the property owner about alternatives for how this can be maintained in the future since PennDOT will not accept it. Mr. Ferguson stated he hopes they will have a possibility for how this can be maintained brought

before the Board. He stated when it snowed this year, the Township did their portion, and the property owner did clear off the difference, even though technically they were not responsible for it.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated the foremost issue for Patterson Farm is to protect the Farm from encroachment of non-agricultural uses on the Farm. She stated we have changed from a Township where we were almost 100% agricultural; and in her lifetime, she has seen almost all of the farms go and we are down to the last handful. She stated additional non-agricultural uses increase the likelihood of conflict; and noise, dust, and moving machinery around are what people complain about, and if they can keep a safe space for agriculture that is the desired outcome.

Ms. Doan asked that the Township support and protect the farmer by placing the Patterson Farm Lease in the hands of the Township's Farmland Preservation Corporation since that is what they were formed for; and to her knowledge the Patterson Farm is the only piece of farmland that is not overseen by the Farmland Preservation Corporation with regard to leasing. She stated doing this would reduce the risk that future Boards of Supervisors will be pressured to remove the land from the Lease as they saw with the hydroponic greenhouse. She stated at the time it was leased to our local farmers, and still a piece of that acreage was carved out even though the farmer was the Leaseholder. She stated if that can be avoided in the future, that would be appreciated.

Ms. Doan asked that they remove the clause that allows the Board to adjust the acreage as it is "unsavory." She stated a former Township solicitor advised that they were allowed to adjust the acreage, and she hopes that will not happen in the future.

Ms. Doan stated the farmer is put into an uncomfortable position of not being able to speak as freely as they would like having the Board hold and negotiate the Lease; and if it were under the Farmland Preservation Corporation, it would foster and enhance the relationship with the farmer and be appreciated.

Ms. Doan stated another thing to be considered is the repayment of funds that were "harvested from the Patterson Farm years ago" and to set those funds aside for maintenance. She stated she recognizes that it was "not a very good situation with the Township's finances but it is true that a lot of funds were taken from the Farm and used elsewhere to patch the holes." She stated if some of those funds could be brought back that would be appreciated. She stated she knows that there was \$483,581.09 that was received for the

I-95 exit loop, and “it would be nice to know where those funds went because she does not see evidence of them being spent on the Farm.” She stated these are past situations that she would like to see the Board correct.

Ms. Doan stated the most cost-effective way to manage Patterson Farm is not to convert it to other uses, but to let it fulfill its original purpose for agriculture. Ms. Doan stated when the Township owned the Elm Lowne property, it was being considered to make the barn into an entertainment venue; and the Township spent tens of thousands of dollars on researching whether that was a viable option, and the conclusion was that it would be less expensive to build a new entertainment center elsewhere rather than try to convert the barn. Ms. Doan stated the Township recently built the Community Center which is available for use, and she understands that the new Wegman’s development will also contain an entertainment venue, and she is asking the Board not to waste time and money entertaining the idea of a possible barn conversion on Patterson Farm for an entertainment venue, and she asked that it remain a farm.

Ms. Doan stated “it is not that the Farm does not work, it is that in the past prior management was so deeply in debt that they did not have the best interest of the Farm at heart.” She stated they may have felt that the Farm was not important, but it is important today.

Ms. Doan stated she got the feeling from the Board that a “farm is not enough of a public draw.” She stated she feels they should preserve Patterson Farm as the “Patterson Agricultural and Heritage Center,” keep the main focus in agriculture, and allow for the teaching of future farmers. Ms. Doan stated there is an FFA (Future for Agriculture) group in the local area and there is DelVal College to work in partnership with. Ms. Doan stated it would allow children to see food growing, and a Heritage Center would allow for the honoring of our Quaker ancestors. She stated it would also be a place where we could foster appreciation of the natural benefits of the Patterson Farm without overrunning those natural benefits. She suggested the restoration of the Satterthwaite House with Patterson Farm Preservation in residence, and they would work with local organizations, put on programs, and work with the Bucks County Technical High School which has a horticultural program and is interested in partnering with them. She stated they would also work with students and Scouts. She stated they would promote local food security and would offer a variety of low-impact programs/gatherings – not events that would bring in five hundred cars to the Farm when the farmer is trying to work. She stated most importantly, the Patterson Agricultural and Heritage Center would honor the contributions of Tom and Alice Patterson to the community.

Ms. Doan stated going forward she would suggest that the Board get in contact with John Ives, Administrator, at the Bucks County Agriculture Land Preservation. She stated the land is valued high at this time, and “there is about \$456,000 on the table if the Board would entertain this idea.” She stated this is a great opportunity to get involved with that program. Ms. Doan stated the Township should also expand the Conservation Easement and “reap the financial rewards that the taxpayers pay into” and set those funds aside to save the Farm and bring it back from the demolition by neglect of past Boards. She stated the Township should allow Patterson Farm Preservation to have a presence on the Farm to attract sponsors, do fundraising, and promote CSA. Ms. Doan stated she knows that the Board inherited a very difficult situation, but now the Township has reduced its Debt burden and can focus on issues that have gone unaddressed for quite some time. She stated agriculture should remain Patterson Farm’s highest and best use.

Ms. Doan stated the Patterson Farm Preservation Website has items for sale.

SUPERVISORS REPORTS

Ms. Blundi stated the EAC has sent to the Board their proposal of considering a Resolution or Ordinance where there would be a charge for disposable bags for take away goods within Lower Makefield Township including grocery stores, shops, and restaurants; and they would like the Board to consider this in the near future.

Mr. Lewis stated the Trenton Mercer Review Board will meet tomorrow at 7:30 p.m. to discuss the FAA finding of no significant impact and record of decision for the Environmental Assessment associated with the Trenton Mercer development of the new passenger facility.

There being no further business Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting at 11:05 p.m.

Respectfully Submitted,



Daniel Grenier, Secretary