

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 21, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 21, 2022. Mr. McCartney called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: Kenneth Coluzzi, Interim Township Manager
James Majewski, Community Development Director
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer

COMMUNITY ANNOUNCEMENTS

Mr. McCartney 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 the Agenda.

Mr. McCartney stated Cub Pack 95 will be collecting broken string Christmas lights from December 1, 2022 to January 10, 2023. Drop of at Big Oak Citgo, 812 Big Oak Road, Yardley, PA 19067. For more information contact Joanie Layden at joaniesl20@gmail.com.

Mr. McCartney stated the Styrofoam Recycling event will be held at the Township Building, 1100 Edgewood Road, Yardley, PA on Saturday, January 14, 2023 from 10:00 a.m. to Noon. Bring your Styrofoam, wine corks, amber/white plastic pill containers, and alkaline household batteries.

APPROVAL OF MINUTES FOR DECEMBER 7, 2022

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of December 7, 2022 as written.

TREASURER'S REPORT

Approval of November, 2022 Interfund Transfers

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the November, 2022 Interfund Transfers in the amount of \$1,019,003.06 as attached to the Minutes.

Approval of Warrant Lists from November 21, 2022, December 5, 2022, and December 21, 2022

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Warrant Lists from November 21, 2022, December 5, 2022, and December 21, 2022 in the amount of \$2,340,816.15 as attached to the Minutes.

PUBLIC COMMENT ON MAPLEVALE

Mr. McCartney stated due to the large number of people present to discuss Maplevale, he is opening the meeting up to Public Comment on this issue at this time. Mr. Grenier stated general Public Comment will still be heard later on the Agenda.

Mr. Dave Rishel, 220 Meadow Drive, stated he wanted to speak to Item f under the Engineer's Report with regard to Maplevale. He stated he sent questions to the Board on the 19th about that project. He stated he has also talked to the engineer who is looking into it. Mr. Rishel stated the Board is considering authorizing money tonight to continue the installation of the new drains at the end of Maplevale where it meets Taylorsville. He stated the drainage for those drains goes back into the preserved nature/wetlands area; and he and others are concerned that the water is draining out into that flat area. He stated he feels the elevation in that area is the same everywhere. He asked what is the capacity of that area to retain water before it will drain back onto Meadow Drive. He stated about 200' from the outlet of the drain, there is a cleared area which he believes the Township owns, and the water will drain directly out of that area and head down toward the sewage lift tank which was installed. He stated the altitude of the sewage lift tank is exactly the same as the altitude of the area in the woods, and there is debris blocking going into the woods. He stated the

concern is the water will drain there and get contaminated with sewage from the lift tank. He stated they do not want contaminated water coming back into the neighborhood.

Mr. Pockl stated they looked into that when they designed the project, and he will e-mail a detailed explanation to Mr. Rishel with the calculations that indicate how they have addressed that and why they believe that is the best course for intercepting the water that is coming off the roadway from Taylorsville, crossing over Taylorsville, and getting to Maplevale. He stated Item 7f is Phase 2 of the Maplevale project which is adding inlets on Highland Drive and intercepting the water that is coming down from Highland Drive and putting that into the stream before it crosses Taylorsville and gets into Maplevale on the north side of the Maplevale loop, and is a separate project.

Mr. Pockl stated the project that Mr. Rishel is referring to has been Bid out and is currently under construction; and it is anticipated that it will be completed by the middle of January. Mr. Rishel stated nothing has happened there for two and a half weeks. Mr. Pockl stated the contractor is on hold, and they are going to pick it up early next year and complete it. They have indicated there is about one week's worth of work.

Mr. Rishel stated one of the biggest areas of concern is not just the drains but clearing the stream because it is choked with vines and other things. Mr. Pockl stated that is part of Phase 2 which includes adding the inlets on Highland Drive and also clearing out the gravel bar/sediment that is within the stream from the bridge on Highland Drive up to a driveway bridge that is about four houses up where there is also sediment.

Mr. Rishel asked if there is a concern that they did not recover some volume from the street resurfacing that they were hoping to recover. He stated he understood they were going to mill and repave and hopefully get about 6", but the curb seems to be exactly the same as it was so he is not sure anything was gained there. Mr. Pockl stated the road has a cross slope of almost 2 ½% to 3%, and what was done was that it was lowered down to 1%. The centerline of the roadway was lowered. Mr. Pockl stated they had to keep the curb line relatively similar because they did not want people bottoming out as they were pulling out of their driveway.

Mr. Grenier asked Mr. Pockl if he did an As-Built topographic survey during inspections to check that they got the elevations right. Mr. Pockl stated they have not done an As-Built survey although they could look into doing

that afterwards. He stated after they had milled the roadway, his office went out and checked with a level to make sure that it was a 1" cross slope at the crown as opposed to what was there previously. Mr. Grenier asked if there is a topographic survey completed for the design phase that tells where the water will go for Phase 1 of Maplevale. Mr. Pockl stated there is, but they did not survey the entire area that is Township-owned land. He stated there are elevation shots from Maplevale down to the outfall.

Mr. Grenier stated he lives in this area, and he asked what the timeframe is for the area that has not been done yet. Mr. Grenier stated currently there are big piles of stone. Mr. Pockl stated he has had discussions with the contractor; and once they are back and get mobilized, it should be about a week's worth of work. There are some things that are prohibiting them from getting in there at this point. Mr. Pockl stated he feels it will be two weeks. Mr. Grenier stated that is the southern entrance to Maplevale, and there is not a good line of sight which is a concern. Mr. Pockl stated he feels the latest for everything to be completed would be the end of January. Mr. Grenier asked if there is any concern with ponding in the area given the amount of rain that is anticipated over the next few days. Mr. Pockl stated with any rain storm, there are concerns about ponding; but specific to the project, he does not feel that will be anything that exacerbates the situation.

Ms. Holly Bussey, 20 Knoll Drive, asked about the Township-owned piece of property in the Maplevale section; and she asked if that whole open space is now owned by the Township. Mr. Grenier noted the location of the lift station and the trail that goes back to the bridge, and he stated there are about three acres that the Township bought several years ago when access to the path was cut off. He stated the balance is six to seven acres that are owned by Mr. Jennings, and that is his private property and not Township-owned. He stated the three acres that the Township owns allows for access to the towpath. Ms. Bussey asked if there is any intention to do anything with that either as a parcel itself or in connection with Mr. Jennings' property. Mr. Truelove stated at one point Mr. Jennings had presented a plan with Variance requests before the Zoning Hearing Board; however, there was only one Hearing and nothing further happened. Mr. Grenier stated he believes that the Board of Supervisors had voted to oppose the Variances.

Ms. Bussey asked if she would be notified if there was a change to that. She stated she would like to see open space/passive utilization of that land because they do not have a lot of passive areas to enjoy or connect safely to other trails, etc. Mr. Grenier stated if Mr. Jennings or someone else wants

to develop that property, it will be a public process. He added it is zoned Resource-Protection and it is limited in density as to how it could be developed. Mr. Grenier stated he understands that it will remain the way it is for the foreseeable future.

Ms. April Bollwage, 20 Maplevale, stated her home is at the bottom of Maplevale and the house has flooded twice in ten years. She stated she understands that they leveled the middle of the road, but she is getting more puddling in her driveway now since the road was repaved. She stated they have not seen any relief from the milling process. She asked if there is not a way to smooth the driveway out so that the street could still be higher. Mr. Pockl stated he could come out during the next rain event. Ms. Bollwage agreed with Mr. Grenier about his concerns with the debris and not being able to see at the corner. She asked if cones or flashing lights could be put at the corner for safety. Mr. Pockl stated he will discuss this with Public Works to see if that is possible.

Mr. Joe Jennings, 2 McKinley Avenue, stated the Townships owns 3 acres, and it is a 75' swath that comes up from the bridge and turns into a large triangle that meets about the middle point of the road. He stated there are no wetlands there as he did a study although it is Resource-Protected.

Mr. Richard Adams, 221 Taylorsville Road, stated he has lived across the street from Maplevale for seventy-two years; and when there were heavy rains the creek never overflowed or came down Taylorsville Road until recent years. He stated when it does overflow, it comes down Taylorsville Road and floods all the people who front on Taylorsville Road although it has never gotten down to the south entrance of Maplevale Drive. He stated it goes between their homes into their back yards. He asked what will be done to put a stop to that. He stated he would like to know what is the elevation of the water underneath the bridge closest to I-95 and what is the elevation of the water where Highland Drive comes down to Taylorsville Road. He stated he feels someone needs to spend the money to take in a backhoe and lower the level of the creek so that there is a free flow to the Canal as there was in the 1950's. He stated the creek may need to be widened after the last home that has the bridge that goes up to their home on Taylorsville Road so that the level stays down; and if there is debris underneath the Taylorsville Road bridge, that debris needs to be removed to get the level of a normal stream down lower so that when it does flood, it does not come down Taylorsville.

Mr. Adams stated when the water main broke at the second house on Maplevale off of Taylorsville Road on the right, the water never came up that high to get into the two new culverts that have been installed. He stated the culverts seem to be installed at the highest spot and he questions how much water will ever go into them. He stated there was a comment made about water off of Taylorsville Road flowing into Maplevale, but he has never seen that. He stated he does not know why money is being spent for the two culverts, one of which is extremely high which is the one on the north side of Maplevale Drive which is almost as high as the curb.

Mr. Adams stated there is a backhoe parked on the grass, and it is in the line of sight for the people coming out of Maplevale stopping at the stop sign; and the contractor should move that out of the way quickly. Mr. Pockl stated he can talk to the contractor about moving the backhoe. He added that with regard to the sediment removal from the stream, that is in the scope of work for Phase 2.

Mr. Grenier stated a few years ago Taylorsville Road flooded and he believes that there was 6" of water at Highland and Taylorsville because the stream was so backed up; and the stream was overflowing into the road, and there was sediment left in the neighborhood. He stated we are trying to fix as much as we can with this process with Phase 1 being a combination of volume storage and flow direction and Phase 2 being to try to keep the stream clear of debris which requires Permits from the State so that the water will keep flowing.

Mr. Adams stated he feels the first thing that should be done would be to keep the stream flowing especially under the bridge that is backed up with debris so that when there are thaws this winter or downpours when the ground is frozen and the water comes down from Highland Drive and the neighborhood to the west, the area would be cleaned out down to the Canal.

Ms. Katrina Pfeiffer, 8 McKinley Avenue, stated her interest is regarding the Jennings plot of land as it is adjacent to the three acres currently owned by the Township; and if that comes up, she will have comments on that.

Ms. Kimberly Mumme, 36 Maplevale Drive, stated she lives on the north side of Maplevale and grew up on Highland Drive. She stated her house has never flooded, but the water that comes down from Highland on her side of the street is a stream. She stated since they have done the paving, there is a pitch to the road; and now she gets water laying at the end of her driveway, and there is water that lays at the north end of Maplevale and Meadow now that never laid there before. She stated there is a lot of debris in the stream at the

bottom of Highland, and she is concerned about the people in that area with the storm that is coming. She stated she is not sure that they can wait three weeks for the equipment to be moved. Mr. Pockl stated as he noted earlier, he is going to try to talk to the contractor immediately and have them move the backhoe/equipment.

Ms. Mumme asked that the Township also look at the debris that is in the stream as there are trees in there, and the water will come over again. Mr. Pockl stated they know that is a concern and that is in the scope of the project for Phase 2. Mr. Grenier stated an issue we have with the stream is that in order to remove that type of debris from a stream in Pennsylvania, you have to get Permits from the Pennsylvania DEP, and the Township cannot just go in and do it. Ms. Mumme stated she is afraid this is going to flood again because there are trees laying there.

Ms. Mumme stated there is a lot being done on Highland with driveways being widened without Permits and pools being put in, and it is effecting the impervious surface, and she asked that the Board look into all of that.

Mr. Jennings stated if the equipment is an eyesore, the contractor could put it on his property until they are ready to utilize it again.

ENGINEER'S REPORT

Approval of Change Order #1 for the 2022 Bike Path Maintenance Project to General Asphalt Paving Co., in the Amount of \$0.00.

Mr. Lewis moved and Mr. Grenier seconded to approve Change Order #1 for the 2022 Bike Path Maintenance project to General Asphalt Paving Co., in the amount of \$0.00.

Mr. Bill Gaboda, 1230 Ash Lane, asked why there is a zero dollar Change Order. Mr. Pockl stated there was additional work at a driveway on Dolington Road which amounted to approximately \$4,500. He stated we pay the project based on the quantities that are placed in the field, and the other line items within the Contract were lower than what was originally Bid; and it balanced out to zero.

Motion carried unanimously.

Approval of Pay Application #1 (Final) for the 2022 Bike Path Maintenance Project to General Asphalt Paving Co. in the Amount of \$106,590.00

(Note: Rescinded later in meeting)

Mr. Lewis moved and Dr. Weiss seconded to approve Pay Application #1 (Final) for the 2022 Bike Path Maintenance Project to General Asphalt Paving Co., in the amount of \$106,590.00.

Mr. Grenier stated there is still some money in retainage, and Mr. Pockl stated we are waiting on the Maintenance Bond. Mr. Grenier asked Mr. Pockl if he is satisfied with all the inspections and the work done, and Mr. Pockl stated the work has been completed.

Motion carried unanimously.

Approval of Change Order #5 for the Memorial Park Improvements Project – Phase 2 as a Credit to the Township in the Amount of \$5,000.00

Mr. Grenier moved and Dr. Weiss seconded to approve Change Order #5 for the Memorial Park Improvements Project – Phase 2 as a credit to the Township in the amount of \$5,000.00.

Mr. Grenier stated this is related to the topsoil, and it will be less expensive to do it this way, and we can then get our Grant funds; and Mr. Pockl agreed.

Motion carried unanimously.

Approval of Pay Application #7 (Final) for the Memorial Park Improvements Project – Phase 2 to Meco Constructors, Inc. in the Amount of \$14,940.93

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve Pay Application #7 (Final) for the Memorial Park Improvements Project – Phase 2 to Meco Constructors, Inc. in the amount of \$14,940.93.

Mr. Grenier asked how quickly we will get reimbursed, and Mr. Pockl stated Ms. Tierney has been working on that and all of the information will be submitted by the end of the year with reimbursement quickly after that.

Approval of Escrow Release #5 for the Prickett Preserve Development to ELU DeLuca Yardley, LLC in the Amount of \$610,907.00

Dr. Weiss moved and Ms. Blundi seconded to approve Escrow Release #5 for the Prickett Preserve Development to ELU DeLuca Yardley, LLC in the amount of \$610,907.00.

Mr. Grenier asked if Mr. Pockl is comfortable with the amount of work completed, and Mr. Pockl stated this covers underground stormwater management systems and stone and asphalt paving for the roadways. He stated a significant portion of the asphalt paving has already been completed. Mr. Grenier stated it seems that most of the civil work related to the interior roads is completed, and Mr. Pockl agreed adding that the base course is down and the curb is in. He stated a lot of the parking lot is also in.

Motion carried with Mr. Lewis opposed.

Approval of Resolution #22-27 to Authorize Matching Funds for the PA Small Water and Sewer Grant Application for the Maplevale Drainage Project – Phase 2 in the Amount of \$26,100.00

Mr. Lewis moved and Mr. Grenier seconded to approve Resolution #22-27 to authorize matching funds for the PA Small Water and Sewer Grant Application for the Maplevale Drainage Project – Phase 2 in the amount of \$26,100.00.

Mr. Grenier thanked Senator Santarsiero for letting us know that this was available so that we can go forward and hopefully be successful.

Mr. Dave Rishel, 220 Meadow Drive, asked if it is possible to get the details of what Phase 2 is going to involve, and he asked if there would be any opportunity for public comment about the scope of the project once it moves ahead. Mr. Grenier stated there is a new inlet going in near 1 Highland Drive just above the existing inlet which will connect to the culvert that goes under Highland into the stream to the north. Mr. Pockl stated it will outfall on the down side of the stream so that water will not be affected by any clogs that could potentially happen for Highland Drive. Mr. Grenier stated it also includes the cleaning of the stream.

Mr. Rishel stated it does not do anything about drainage on Taylorsville itself, and Mr. Pockl stated it intercepts the water before it gets to Taylorsville and puts it into the stream. Mr. Grenier stated it will capture drainage coming down the hill from Highland, and the stream will be cleaned which will reduce the likelihood of overflow of the stream during a storm. Mr. Rishel asked if there is a timeline for this, and Mr. Pockl stated it would be spring based on the Grant notification which we are applying for. He stated he believes that the Township has budgeted funds for this even if we do not get the Grant. Mr. Rishel asked that he be advised if they need community support for State approval.

Mr. Joe Jennings, 2 McKinley Avenue, stated he owns to McKinley and we have talked about possibly “moving on with something with that property.” He stated one his neighbors has a petition about turning it into open space and making it a passive park. He stated he still gets a lot of questions from people asking about what is going on with the property, and he also gets a lot of people crossing his property illegally, and “it is a lot for him to maintain as far as the liability of it.” He stated he would like to bring this issue up in January if possible. Mr. McCartney stated this could be discussed at General Public Comment later on during the meeting.

Motion carried unanimously.

PROJECT UPDATES

Memorial Park Project

Mr. McCartney stated DCNR conducted final inspection. Punch list items are being completed.

Multi-Use Trail

Mr. McCartney stated work on ADA ramps and traffic signals has started, and is anticipated to be completed by the end of the year. Mr. Grenier asked about the timeframe. Mr. Majewski stated he now feels that they probably will not be done by the end of the year because of the weather, but it should be done early next year. Mr. Grenier asked if Mr. Majewski is the point of contact at the Township, and Mr. Majewski agreed.

Woodside Bike Path

Mr. McCartney stated Contracts are signed, and the pre-construction meeting was held November 2nd. Mr. Lewis stated he understands there is movement of utilities, and he asked for an update. Mr. Pockl stated Richard Pierson is the contractor for this project, and they have indicated that they want to start the project in January. Mr. Grenier stated he understands that this will end up at the corner of Woodside and Taylorsville on the north side.

Mr. Pockl stated we had an Alternate Bid to complete the work within the Taylorsville Road intersection, but the prices came in very high so we are stopping at the northwest corner of that intersection about 15' back from the curb line. He stated once we get a project that is a reasonable dollar amount, we will proceed with the trail continuing across Taylorsville Road and south across Woodside Road to tie into the walkway that the Joint Toll Bridge has constructed. He stated the Joint Toll Bridge Commission stopped at the right-of-way because they did not want to get a PennDOT HOP Permit for that work. Mr. Grenier asked Mr. Pockl if he is looking for Grants for this, and Mr. Pockl stated they are.

Mr. Lewis stated we would build on the northeast side of Woodside/Taylorville, and Mr. Pockl agreed. Mr. Pockl added that there is an existing guiderail, and we would construct a short portion of the path behind the guiderail. Mr. Lewis stated the Joint Toll Bridge Commission was supposed to end at Taylorsville Road; and since there was an Agreement with them, we could talk to them about that.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session at the end of the last meeting regarding personnel matters. He stated the Board also met in Executive Session this evening beginning at 6:30 p.m. and items regarding Real Estate, litigation, and informational items were discussed.

Approval of Resolution #22-25 for a Blanket Easement Over the Property in Favor of the Township as Approved in the Reserve at Manor Lane Final Land Development Plan

Mr. Truelove stated this is the old Marrzzo's location at Sutphin and Yardley-Morrisville Road which has been converted to a townhouse development.

The purpose of the Easement is to enable the Township, when needed, to access stormwater sewer system facilities as well as any emergency access. He stated there is an access opening there that is blocked by a chain, and this would allow the Township to be able to access that area when necessary. He added the internal road is not Dedicated so the Township is not required to plow that, and that is the responsibility of the HOA.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution #22-25 for a Blanket Easement over the property in favor of the Township as approved in the Reserve at Manor Lane Final Land Development Plan.

Approval of Resolution #22-26 for Pump and Haul Agreement for the Prickett Preserve Land Development Project

Mr. Truelove stated this involves the conveyance of the sewage collection up to an amount of 3,000 gallons; and at that time, it would be conveyed to Aqua. He stated this has to be done pursuant to an Application to DEP, and this Resolution would authorize the developer to make such Application under those circumstances.

Dr. Weiss moved and Ms. Blundi seconded to approve Resolution #22-26 for Pump and Haul Agreement for the Prickett Preserve Land Development project.

Mr. Grenier stated this is a temporary pump, and Mr. Truelove stated it is temporary until the volume reaches a certain level which is specific in the Resolution and in the Agreement of 3,000 per day; and he believes that is the DEP design threshold. Mr. Grenier stated they are putting \$10,000 in Escrow, and Mr. Truelove agreed until it is connected to Aqua. Mr. Grenier asked Mr. Pockl the potential issues with this and asked if it would be “the connection with the tanker truck;” however, Mr. Pockl stated he is not familiar with this situation. Mr. Truelove stated he agrees with Mr. Grenier that could be the biggest issue, and he assumes the entity that would be conveying it would indemnify the developer and the Township. Mr. Grenier stated he does not believe they are close to a stream, and Mr. Pockl stated they are not. Mr. Truelove stated he assumes Bucks County Conservation District will be looking at this as well.

Motion carried unanimously.

Approval of Chapter 166 Ordinance Amendment for Sewer Delinquent Charges

Mr. Truelove stated a few months ago the Chapter 166 Ordinance Amendment for Sewer delinquent charges was approved for advertisement; and after some internal discussion about the process by which the information can be accessed, it is now appropriate for the Board to consider.

Ms. Blundi moved and Mr. Lewis seconded to approve Chapter 166 Ordinance Amendment for Sewer delinquent charges.

Mr. Lewis encouraged all those who have not paid their Sewer charges to do so at this time.

Mr. Grenier asked what can be done if there is a hardship issue. Mr. Truelove stated he understands that the entity which is authorized to perform this type of work gives the property owner an opportunity to discuss that. He stated they do try work with people and encourage payment plans in lieu of requiring the entire payment all at once. Mr. Grenier asked if the process ever involves the Township; and Mr. Truelove stated he feels that if there are circumstances that the Township may be aware of, it would be appropriate for the Township to get involved. Mr. Truelove stated he knows that the firm has always been cooperative in his dealings with them in the past.

Motion carried unanimously.

Approval of Amended Police Pension Ordinance

Mr. Truelove stated at a prior meeting the Board approved the Amendment to the Police Pension Ordinance which included a separate provision for Command Officers and establishes the rate going forward for the next year, and it reflects what is in the Police Contract which was just recently approved by MOU. He stated every year there will be a Resolution passed to establish that year's percentage pursuant to the Agreement. He stated the Ordinance has been advertised and is ready to be considered for approval.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Amended Police Pension Ordinance.

ENGINEER’S REPORT (continued)

Rescinding and Approval of Pay Application #1 (Final) for the 2022 Bike Path Maintenance Project to General Asphalt Paving Co.

Mr. McCartney stated he reviewed the letter sent from Remington Vernick for the Release, and in the letter it is shown as \$104,458.20, but on the Agenda and the Motion made earlier it was for \$106,590.00. After discussion it was agreed that the original Motion should be rescinded.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to rescind the previous Motion.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve Pay Application #1 (Final) for the 2022 Bike Path Maintenance Project to General Asphalt Paving Co. in the amount of \$104,458.20.

Mr. Pockl stated the difference in the two amounts is the 2% in retainage that we are retaining until we receive the Maintenance Bond.

CHIEF’S REPORT

Approval of Resolution #22-24 Providing for Uniformed Employee Contribution to the Pension Fund for 2023

Chief Coluzzi stated this is a follow-up to the Pension Ordinance, adding that this Resolution provides for a 3.75 contribution to the Police Pension Fund for 2023.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution #22-24 providing for Uniformed Employee Contribution to the Pension Fund for 2023.

Approval of Administration Building Renovations in the Amount of \$211,966.07 to S. J. Thomas and Not to Exceed \$5,000.00 for Potential Changes

Chief Coluzzi stated this is for renovations to the second floor of the Township Building. He stated S. J. Thomas is part of the Keystone Purchasing network, and they have authority through Pennsylvania law to bid on behalf of Townships

and Municipalities. Chief Coluzzi stated this is an excellent Bid adding that several meetings ago the Board rejected Bids in the mid-\$300,000s for that same work. He stated in addition to the award of the Bid Chief Coluzzi asked the Board to approve not to exceed \$5,000 for potential changes and issues that may occur during the course of the construction.

Ms. Blundi moved and Dr. Weiss seconded to approve Administration Building renovations in the amount of \$211,966.07 to S. J. Thomas and not to exceed \$5,000 for potential changes.

Mr. Grenier asked the Budget amount for this projects, and Chief Coluzzi stated the 2023 Budget amount was \$200,000 so it is close to \$17,000 over the Budget. Mr. Grenier stated the Police Department has space issues, and that is a big part of this project trying to modernize and provide space. He stated over the years he has heard “the same types of comments and concerns” by other Departments within the Township that have the same or similar needs, and we have limited space. Mr. Grenier asked if we should take a step “for not too long,” and do a full-scale facility review to see what that could mean not only for the Police Department but for the “other groups that use the Township building/facilities at the Township complex.” He stated that would include the barns and the garages and even the Community Center to see if there is a way to address most of those concerns “in a short amount of time before we spend a couple hundred thousand dollars to do one renovation where we may end up having to spend more later.” Chief Coluzzi stated while he agrees that it is long overdue to do what Mr. Grenier is suggesting, that is a long time in coming; and by the time we would do the assessment and come up with the money to make all of the improvements, we might even find out we need a new building. He stated in the meantime, he feels what is proposed is a great fix for a great price. He stated the second floor is not really being used for anything other than storage, and other arrangements will be made for that.

Mr. Bill Gaboda, 1230 Ash Lane, asked the scope of work that will be done. Chief Coluzzi stated he will share the Bid and Contract with Mr. Gaboda.

Mr. Grenier stated the Board received a list of line items of a lot of different expenditures, but asked that Chief Coluzzi describe what the second floor will look like. Chief Coluzzi stated the second floor will be used by the Detective Division and will include technical equipment such as polygraph machines, computers, etc. as well as office space for the individual detectives. He stated it is an open-space concept, and there will not be a lot of mechanical

change-overs as far as air conditioning and heating ventilation. He stated the outside structure will not be touched. Chief Coluzzi stated it will be a more-secure area where the detectives can conduct interviews, polygraph examinations, and bring people in through the secure, gated area in the back so that any prisoners or individuals cannot come into contact with our Administrative staff.

Mr. Grenier asked how people will access the Tax Office, and Chief Coluzzi stated they will access the Tax Office the same way they do now. He stated the only difference is that they are providing a cut-through to the bathroom facilities so that the Tax Collector has a bathroom facility, and this will be for the Tax Collector's use only and not the public.

Motion carried with Mr. Grenier opposed.

Appointment of New Township Manager

Chief Coluzzi stated the Motion is to appoint the new Township Manager, Mr. David W. Kratzer, Jr. and the execution of his Employment Agreement. Chief Coluzzi stated Mr. Kratzer's salary will be set at \$200,000, he will receive 20 days of vacation, and he may participate in the 401 Retirement Plan as well as the Township medical coverage options.

Mr. Grenier moved and Ms. Blundi seconded to appoint David W. Kratzer, Jr. as the new Township Manager and to execute his Employment Agreement.

Mr. Grenier stated we went through a long process and vetted a lot of applicants. He stated across the board based on the resume and personal interactions, etc. we have come up with a candidate for Township Manager that people will be happy with. Mr. Grenier stated there will be challenges for the new Manager to make some improvements and provide the Board good advice. He stated he looks forward to welcoming Mr. Kratzer to our Township.

Chief Coluzzi stated Mr. Kratzer's start date will be January 9, 2023.

Motion carried unanimously.

Mr. Kratzer stated he is looking forward to getting to work and he thanked the Board for the opportunity and vote of confidence. He stated this is a significant professional opportunity as Lower Makefield is a community with a rich history of excellence, and he looks forward to working cooperatively with the Board, the various Boards and Commissions, the Township staff, and the community at large to sustain and build on the successes. He stated he and his family are looking forward to becoming a part of the community.

ZONING HEARING BOARD MATTERS

With regard to Appeal #23-1989 Ellen & George Rusnak for the property located at 1264 Bridle Estates Drive, Yardley, PA 19067, Tax Parcel #20-068-100 Variance request from Township Zoning Ordinance #200-69.A.(14)(c) in order to install a fence in a Stormwater Easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #23-1990 Jenny Ornsteen. James for the property located at 2195 Twining Road, Newtown, PA 18940, Tax Parcel #20-003-019-005 Variance request from Township Zoning Ordinance #200-69.A.(14)(c) in order to place a shed in the rear third of the lot, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #23-1991 Manfred McDevitt for the property located at 335 Sherwood Drive, Yardley, PA 19067, Tax Parcel #20-042-310 Variance request from Township Zoning Ordinance #200-69.A.(14)(a) in order to place a shed 4 feet from the property line instead of the required 10 feet, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #23-1992 Susan Dlugosz for the property located at 1138 Garey Drive, Yardley, PA 19067, Tax Parcel #20-057-164 Variance request from Township Zoning Ordinance #200-23.A in order to install an in-ground concrete pool and pool decking which would increase the impervious surface from the existing 28% to 29.9%, it was agreed to leave the matter to the Zoning Hearing Board.

COMMUNITY DEVELOPMENT

Approve Pay Application #5 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the Amount of \$31,696.38

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to approve Pay Application #5 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the amount of \$31,696.38.

Floodplain Management Activities Update

Mr. Majewski stated the Township does a lot toward providing floodplain management support services for our community. He stated we are a Community Rating System Community where residents receive a 15% discount on their Homeowners' Flood Insurance rates due to the fact that we do a lot of outreach to the public such as giving presentations like this, have methods in place to deal with flooding, and apply for Grants, etc. in order to try to reduce flood damage to property, strengthen the National Flood Insurance Program, and to encourage a comprehensive approach to floodplain management.

Mr. Majewski stated FEMA notified us this year that they have approved the Hazard Mitigation Plan which is planned by the County. He added that a year ago the Board approved a Resolution accepting the Bucks County Hazard mitigation Plan that the Township participated in the preparation of which outlined activities that we said that we were going to do on an on-going basis. As shown in Mr. Majewski's report, there are a number of activities that we continue to do. He stated we are currently working on finalizing a Grant that was applied for two years ago, and are working with PEMA with the upshot in costs for construction projects; and since it appeared that we were going to fall short, we applied to re-scope the project an additional \$70,000 to make the project happen. He stated hopefully we will hear about that shortly.

Mr. Majewski asked those with questions about floodplain management or want to look into the possibility of Grants to contact the Township Office. He stated they are starting now to work on a few additional homes to try to elevate them in the future.

Mr. Lewis stated we had two fifty-year floods in the last ten years. He stated between 2006 and 2010 the Board took a number of steps to help mitigate flood issues within the community. He stated he believes that the CRS came later in 2016. He stated many times the Board is questioned about limits on impervious surface, and the reason for that is because we have to protect other neighbors. He stated the CRS status saves people at minimum 15% to as much as 25% on their Flood Insurance. He stated there are not a lot of Townships that have the full CRS rating, and hopefully the Board will continue doing things to protect people from floods.

PUBLIC COMMENT

Mr. Harry Gamble, 16 Maplevale Drive, stated he has a petition with about forty names that the “park that Joe Jennings owns should be a public park.” He stated Yardley Borough had someone pass a petition there as well that the Borough should make that a park also. He stated that he believes that there is a sidewalk project that is going to end at the entrance to Dolington Woods. Mr. Gamble stated if two communities go together there is a possibility of getting Grant money, and the petition stated that we should seek Grant money from State and local Governments. Mr. Gamble stated the property should be preserved because of the “postcard-like trees” on the property, and it is a very beautiful area with about fifty varieties of birds and small animals. He stated it is also connected to Sommers Bridge that is “owned by the Canal,” and would make a beautiful park. He urged the Supervisors to consider looking for ways to purchase the property and maintain it as a public park.

Mr. Truelove stated the Board is acutely aware of the open space concept, and they are constantly looking at properties and opportunities. He stated the Township is limited as to how much it can spend under the Second Class Township and other applicable Codes. He stated the Board would need to hire an appraiser to look at a property and give an objective value both for the purchase of the land directly and/or a Conservation Easement. He stated there would have to be an agreement between Mr. Jennings who has his own view of what the property may be worth and what an appraiser feels it is worth. He stated once an appraiser is engaged by the Township, the Township is limited by what the appraiser says the property value is in terms of any purchase price. Mr. Truelove stated they know that Yardley Borough has made inroads about having discussions about that. He stated consideration is ongoing internally in the Township.

Mr. Gamble stated the Borough voted 100% to work with the Township on the project. Mr. Truelove asked Mr. Gamble if he wished to leave a copy of the Petition; however, Mr. Gamble did not have it with him this evening. Mr. Gamble added that when the “sewer money was available,” he left a copy of the Petition at the Township Building, but he will provide another copy tomorrow.

Ms. Holly Bussey, 20 Knoll Drive, stated there is a property in her neighborhood where the owner died and has no relatives. She stated she has worked with “Mike in Zoning,” and he had the Township mow the lawn as it was getting very high; and the Township has done that twice. Ms. Bussey stated she has found out that there are no survivors, and she understands the property has gone into a Trust. She stated the property is completely overgrown. She stated the owner

will have been gone three years in June, 2023. She stated the property is an eyesore, and she is concerned about rodents and possible vandalism. She asked what options the Township has to put pressure on getting this resolved or to condemn it.

Ms. Bussey stated the property address is 104 Pine Lane. Mr. Truelove stated they would have to determine who is the representative of the Estate to approach. He stated the Board, in conjunction with the EAC, has prioritized potential properties in the Township for best use of open space; and this may be on the list.

Ms. Blundi stated what Ms. Bussey is discussing is a private home. Mr. Grenier stated he feels this would be related to the Property Management Code. Chief Coluzzi stated he will have Mike Kirk send Mr. Truelove a memo tomorrow explaining the situation. Mr. Lewis asked if the property is boarded up, and Ms. Bussey stated it is not. He asked if it looks like someone could live there, and Ms. Bussey stated she assumes so although it would need cleaning. Mr. Lewis stated under the Property Maintenance Code there is a process that Code Enforcement can go through with the property owner. Ms. Bussey stated there is no property owner. Mr. Truelove stated they would need to locate the individual/entity so that they would know the process that the Township is following. He stated there is also the possibility of liening the property. Ms. Bussey stated it is her understanding that there are no heirs, and she does not know what is being done to settle the Estate. Mr. Lewis stated if the Township is performing work at the property, we need to be able to bill for that eventually; and the Township has the ultimate power to take the property and sell it to cover the Township's costs.

Ms. Bussey asked if there is something she should be doing as a private citizen, and Mr. Lewis stated the Code Enforcement team should continue their work. Ms. Bussey stated at this point it seems that all they are doing is cutting the lawn, and Chief Coluzzi stated he will check into this and contact Ms. Bussey as to what is being done.

Ms. Lorena Stoddard, 220 Meadow Drive, stated she did not sign the Petition that Mr. Gamble has. She stated she understands the land is "preserved/protected," and she asked how they could make a park out of "land with that label." She asked if they do make a park out of it "do they take the title off of it and keep it a park forever, or are they then able to sell it and re-label it back into Toll Bros." She stated it is land with "wonderful animals that live there

because we have very little free land.” Ms. Stoddard stated on November 17, 2015 this was all discussed “far into the recording, but your predecessors discussed all of this,” and the Board should look at it before they make any decisions.

Mr. William Bowers, 155 Lincoln Avenue, stated he and his wife recently moved into the neighborhood; and they would love the idea of developing the space at the end of the road - Mr. Jennings’ property. He stated hearing the comments about Maplevale and drainage issues, he feels utilizing “both of that” as a park might help with some of those issues; and he would be in support of that.

Mr. Joe Jennings, 2 McKinley Avenue, urged the Board to consider doing a “one or two-step attempt at defining some of this to be open space – open to the public so that he does not have to be responsible for a lot of people crossing.” He stated the sidewalk will be finished very soon leading “up through town,” that ends at his property, and he has a lot of people crossing his property now, and it is a liability. He stated to make at least part of this property open space and “get him off the hook for a lot of those people because he has to ask them why they are cutting through there.” He stated he has “Keep Out” signs all over to protect himself, and he does not “feel like getting into a conversation with these people because it gets heated sometimes.” He stated if we can avoid that and do one step at a time, and start out with three acres and go from there, that would be something to consider. He stated there is a “lot more going on than you can imagine with the neighbors who want to get through there.” He stated the bridge is right there, and the property deserves to be “more than just private, and it needs to be opened up to the public.”

Mr. Jennings stated the other Petition, besides Mr. Gamble’s, had to do about one-third “Borough people and another two-thirds Township people who live up Dolington and in those sections.” He stated it does not seem that this issue is going to go away for him any time soon. He stated in January he feels this issue should be brought up again if that is agreeable to the Board.

Mr. Jim Sanders, 20 Knoll Drive, stated with regard to the property at 104 Pine, the County records show it as a Trust in the name of the deceased, and it has a New Jersey address; and he could forward that to the Township if it is helpful.

SUPERVISORS REPORTS

Mr. McCartney stated the Golf Committee met at the Golf Course and the Spirit staff was there for a Q & A with the Golf Committee. They did a good job of advising what their plans are for 2023. Mr. McCartney stated as he noted previously, the Golf Course had a record year in 2022, including record rounds. He stated they are trying to think of other ways to generate Revenue. He stated they brought in a Food and Service Manager earlier this year, and she has been observing how it currently works and trying to come up with a vision with what will be at the Course in 2023 and going forward.

Dr. Weiss stated the Ad Hoc Property Committee met with Ms. Stark of Avison-Young and discussed the two Bids received for the preparation of a Master Plan for Patterson Farm. He stated the Board should be getting a recommendation from them in January.

Mr. Lewis stated as part of the Trenton-Mercer Airport Review Board, he followed up again with the Commissioner of the New Jersey DEP who has not responded to a couple of letters related to air pollution emanating from the Trenton-Mercer Airport. He stated he will continue to follow up with him.

OTHER BUSINESS

Motion to Add Agenda Item Regarding Application to the PUC Regarding Secondary Meter Assessments

Mr. Truelove stated if the Board is so inclined, pursuant to the Amended Sunshine Act, they could make a Motion to add to the Agenda an Item directing the solicitor to make application to the PUC regarding a complaint related to secondary meter assessments.

Ms. Blundi moved and Mr. Grenier seconded to add to the Agenda an item directing the solicitor to make application to the PUC regarding a complaint related to secondary meter assessments – Docket #2022-3036634.

Ms. Blundi stated we have already sent a letter urging that the PUC address the issue of secondary meters; and while we are hopeful this will be addressed, we are going to ask the solicitor to get involved.

Motion carried unanimously.

Motion to Direct Solicitor to Make Application to the PUC Regarding a Complaint Related to Secondary Meter Assessments

Mr. Grenier moved and Mr. Lewis seconded to direct the solicitor to initiate appropriate process before the Public Utility Commission including if necessary by complaint Docket #2022-3036634 or other means regarding secondary meter bill assessments opposed by Aqua and to prepare a Resolution to reflect the filing of the complaint or other pleading or action and to urge the local State legislators, Governor, and Governor-elect to initiate legislation to address the issue of billing for secondary meters that do not contribute to sanitary sewer volume.

Mr. Grenier stated we have heard from a lot of Township residents that there is an issue with Aqua billing them when they have secondary meters. He stated the secondary meters are in place because that water is not going to the sewer system so Aqua is essentially charging them for something that they are not treating. He stated we are trying to support our residents who currently have a secondary meter in place and rectify that. He stated they have heard from Aqua that they intend to do stop billing the people who currently have a secondary meter in place; however, we have not seen that happen yet. Mr. Grenier stated he understands that Aqua's intent so far was not to address that with new meters moving forward so that people who have a pool, etc. and have a secondary meter, would not be brought "under the same umbrella." Mr. Grenier stated we are also going to direct our solicitor to address "something" to our various legislators and the executive branch to see if we cannot rectify that situation too. He stated people are paying for the meters because they want to show where the water is going and where it is not going, and that "results in a lot of money for a lot of places."

Mr. Grenier stated once COVID started there were a lot of requests for Variances for impervious surface because people were building pools. He stated if you have a pool, you are going to spend a lot more in your sewer bills, and we are trying to speak out on behalf of our residents because we have so many people in the Township who have had this issue. He stated it is not just pools, and it is irrigation and other things that people use their water for that does not get into the sewer system; and we are trying to cover that because it is a big monetary issue for a lot of people.

Mr. Lewis stated this involves 569 residents and 1 large Municipality which also has a secondary meter which handles the Lower Makefield Pool, and this is why /he would urge the Board to support Aqua's Application with the PUC for secondary meter relief for those "folks." He stated it involves just three Municipalities which is very narrow, and hopefully it will pass the PUC. He stated those people will be addressed, but unfortunately it does not solve the problem for people who decide to get a pool or irrigation system in the future which is why the second part is how to figure that out Statewide. He stated he does not know that the PUC has the legal authority to do that Statewide, so this is partially a function of the Agreement and structure what we had dealing with the Sewer sale. He stated he hopes that this will be addressed and that long-term we can address the other folks in the future.

Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to appoint Ron Schmid to the Ad Hoc Property Committee.

There being no further business, Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

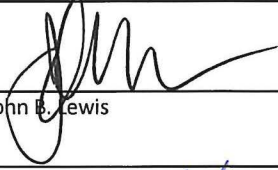
A handwritten signature in black ink, appearing to read 'D. Grenier', written in a cursive style.

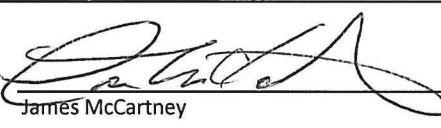
Daniel Grenier, Secretary

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 12/21/2022**

A/P WARRANT LISTS	11/21/2022		12/5/2022		12/19/2022		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund							
01- GENERAL FUND	245,156.14	4,332.14	190,033.29		226,132.62		665,654.19
02- STREET LIGHTS	695.77		5,384.43		3,649.53		9,729.73
03- FIRE SAFETY	2,126.33		95.28		39,370.08		41,591.69
04- HYDRANTS	220.31		12,324.00		220.31		12,764.62
05- PARK AND RECREATION	126,001.66	2,779.70	1,959.28		128,428.64		259,169.28
06- P & R FEE IN LIEU							-
07- RECREATION CAPITAL RESERVE							-
08- SEWER	3,031.81		62,861.87		6,284.37		72,178.05
09- POOL	10,770.81		900.17		9,721.24		21,392.22
11- TRAFFIC IMPACT			22,300.00				22,300.00
15- GOLF COURSE	184,352.00				184,864.00		369,216.00
18- SEWER CAPITAL PROJECTS					91,783.65		91,783.65
19- SPECIAL PROJECTS	919.30				68,735.13		69,654.43
20- DEBT SERVICE							-
21- REGENCY BRIDGE					72.00		72.00
30- CAPITAL RESERVE	490,927.20				94,059.82		584,987.02
31- POOL CAPITAL RESERVE FUND							-
32- TREE FUND	900.00						900.00
35- LIQUID FUELS							-
36- ROAD MACHINERY FUND	17,221.61						17,221.61
40- 9/11 MEMORIAL	596.64		19.62		4,123.96		4,740.22
45- PATTERSON FARM	9,673.34		43.08		3,063.88		12,780.30
50- AMBULANCE/RESCUE SQUAD							-
84- DEVELOPER ESCROW			28,312.03		56,369.11		84,681.14
91- UNEMPLOYMENT							-
	1,092,592.92	7,111.84	324,233.05		916,878.34	-	2,340,816.15

NOVEMBER 2022 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	1,010,260.66
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	5,262.61
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	470.76
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,983.21
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,025.82
	1,019,003.06


John B. Lewis


James McCartney

Fredric K. Weiss

Daniel R. Grenier

Suzanne S. Blundi