

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 1, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 1, 2023. Dr. Weiss called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: David W. Kratzer, Jr., Township Manager
 Kenneth Coluzzi, Chief of Police
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer

Absent: Daniel Grenier, Supervisor

COMMUNITY ANNOUNCEMENTS

There was no one from the public wishing to make a special announcement at this time.

Dr. Weiss stated the February 8th 6:00 p.m. meeting of the Disability Advisory Board features a guest speaker – Claire Leal who is the Director of the Bucks County Center for Independent Living. Residents can view the meeting live on the Lower Makefield YouTube site.

Dr. Weiss stated Lower Makefield Township will be hosting a Blood Drive for the Red Cross on Friday, March 10, 2023 from 1:00 p.m. to 6:00 p.m. in the Meeting Room at the Township Building, 1100 Edgewood Road, Yardley, PA.

APPROVAL OF MINUTES

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of January 18, 2023 as written.

ENGINEER'S REPORT

Mr. Pockl stated that the Board received his Engineer's Report in their packet.

Approval of Escrow Release #3 for Yardley Preserve in the Amount of \$1,309,068.50

Mr. Pockl stated this is for stormwater management systems, roadway base, curb, and some lighting and landscaping items that were installed. The work is complete and has been inspected. After this Release, there will be about \$695,000 left.

Ms. Blundi moved and Mr. McCartney seconded to approve Escrow Release #3 for Yardley Preserve in the amount of \$1,309,068.50. Motion carried with Mr. Lewis opposed.

PARKS AND RECREATION

Approval of Proposal from Safe Slide Restoration for Routine Water Slide Maintenance in the Amount of \$13,568.00

Ms. Tierney stated only \$5,600 was budgeted for this item. She stated three options were provided by Safe Slide. She stated the low price option would be to spray on and wax, Option B would be that they would do only the first and last 20' and it would be hand waxing of the slide, and Option C would be to hand wax the entire slide. She stated last year we did the spray-on option, but there were problems during the season with some chipping of paint because of the amount of use of the slide. Ms. Tierney stated this routine maintenance helps us keep our Warranty with Safe Slide for the work that they did in 2019.

Mr. McCartney moved and Mr. Lewis seconded to approve the proposal from Safe Slide Restoration for routine water slide maintenance in the amount of \$13,568.00.

Dr. Weiss stated we were paying an annual fee since the slide was repaired a few years ago. Ms. Tierney agreed that there was an Annual Maintenance Contract, and there was a three-year renewal. She stated the three years is now up, and it will be a year-to-year proposal to maintain the longevity of

the slide and guarantee the work that they did. Dr. Weiss stated he understands that we are no longer paying the annual fee, and we will pay as we go. Ms. Tierney agreed that we will get one of these proposals every year.

Mr. Lewis asked if we will be staying at \$13,500 in the future, and Ms. Tierney agreed if not higher. Mr. Lewis stated the goal of the slide is to get down the slide without any sticking points, and the purpose of the hand waxing is to make sure that it will remain slippery for the entire season. Ms. Tierney agreed as well as so that there is no paint chipping between the segments along the slide.

Motion carried unanimously.

Mr. Kratzer asked Ms. Tierney to share preliminary information in terms of Pool registration. Ms. Tierney stated over 1,175 have already registered and we are at about \$125,000 in Revenue. Registration was opened about a week and a half ago. A large number of Seniors have registered again this year. Registration numbers are higher than last year at this time.

Approval of an Addendum to the Natural Lands Scope of Work for the Snipes Tract Adding a Second Visit for an Additional \$420.00 Total Cost of \$5,660.00

Ms. Tierney stated there was an oversight in the Contract which included only one visit when two visits had always been contemplated.

Ms. Blundi moved and Mr. McCartney seconded to approve the Addendum to the Natural Lands Scope of Work for the Snipes Tract adding a second visit for an additional \$420.00 for a total cost of \$5,660.00

Ms. Blundi thanked Ms. Tierney for doing this as two visits were always discussed.

Mr. Bill Gaboda, 1230 Ash Lane, thanked Ms. Tierney for following up on this. He stated Natural Lands is a good outfit, and they will tell us what is happening at that site.

Motion carried unanimously.

MANAGER'S REPORT

Approval of Resolution #23-6 Authorizing Destruction of Certain Specific Records

Mr. Kratzer stated this Resolution is consistent with the Municipal Records Manual which is published by the Pennsylvania Historical Museum Commission.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve Resolution #23-6 authorizing destruction of certain specific records.

Authorize Purchase of an SUV Via COSTARS For Use by the Community Development Department at Cost Not to Exceed \$50,000

Mr. Kratzer stated this is an unplanned purchase of an SUV. He stated the vehicle that was used by the Code Enforcement Officer was involved in a motor vehicle accident while the vehicle was parked with no one in the vehicle. The insurance carrier, DVIT, has totaled the vehicle and the insurance payment the Township is due to receive is \$21,317.50 minus a \$500 deductible. Mr. Kratzer stated in the Board's packet was a proposal from New Holland Auto Group with the total cost of the vehicle after the COSTARS discount of \$40,395 which would be a net cost to the Township of \$19,577.50. He stated as there are supply chain issues associated with vehicle purchases, we are uncertain whether this specific vehicle is still available from New Holland; and to provide us with some degree of flexibility and also establish parameters on the purchase, we are looking for a general authorization from the Board of Supervisors for a cost not to exceed \$50,000. He stated the proposal that has been provided is about \$10,000 less than \$50,000.

Mr. Kratzer stated there had been prior action taken by the Board relative to use of Enterprise Fleet Management; and while that is currently being used for some of the fleet vehicles, given the nature and use of this vehicle and the potential of having this vehicle for a number of years, they are recommending the purchase of this specific vehicle.

Mr. Lewis moved and Ms. Blundi seconded to authorize the purchase of an SUV via COSTARS for use by the Community Development Department at a cost not to exceed \$50,000.

Ms. Blundi asked if there is a chance that the deductible would be paid by whatever vehicle struck our parked car, and Mr. Kratzer stated they can discuss recovery through DVIT. He added that he has an introductory meeting tomorrow with DVIT, and he will ask them about that.

Motion carried unanimously.

Authorize Purchase of an SUV Via COSTARS For Use by the Fire Marshal/Fire Services Director at a cost of \$83,202.00 (Total Cost Including Uplifting) and to Purchase It Outright

Mr. Kratzer stated this is a budgeted purchase of an SUV via COSTARS for use by the Fire Marshal/Fire Service Director. He stated the vehicle cost is approximately \$45,000, but there is fairly significant upfitting involved primarily related to communication equipment which needs to be in the vehicle. He stated the Budget initially contemplated a lease/purchase arrangement, and in the Board's packet is a summary of the responses that were received from lending institutions at various lease terms – a three-year term, a five-year term, and a six-year term, the associated quarterly payments, the respective interest rates, and ultimately what the total cost of the vehicle would be considering both principal and interest on the vehicle. He stated the Budget initially provided for an annual lease payment amount of about \$14,500 for 2023. He stated based on the interest rate market, the lowest annual payment amount is the Santander Bank proposal for a six-year duration, and the lease payments would be slightly above the Budget at \$16,165.80.

Mr. Kratzer stated while we could proceed in that fashion, he would like to discuss with the Board the option of an outright purchase of the vehicle as opposed to financing the vehicle. He stated there are savings that were realized already in the Fire Fund, and he noted the premium associated with the Workers' Comp insurance that is provided to the volunteer firefighters which is a savings of \$14,500. He stated there was also another \$14,500 that was already allocated in terms of lease payments that was contemplated in the 2023 Budget. Mr. Kratzer stated that results in resources of \$29,000 in the 2023 Budget so there is a delta of about \$54,000. He stated there is sufficient fund balance in the Fire Fund itself to cover the additional cost if the Board is so inclined. He added that would reduce our ultimate cost for the purchase of the vehicle, and under the Santander bank term which is the one that was most consistent with the 2023 Budget at a financing term of six years, there would be a savings of approximately \$14,000.

Mr. Lewis moved and Ms. Blundi seconded that the Township purchase an SUV via COSTARS for use by the Fire Marshal/Fire Services Director at a cost of \$83,202.00, total cost including uplifting.

Dr. Weiss asked if we would be using American Relief Funds. Mr. Kratzer stated there are a variety of different cash sources. He stated given our cash position, he would recommend that we pay for this vehicle outright and avoid the interest costs associated with the purchase recognizing both the cash position of the Fire Fund as well as the availability of funds in other accounts. Dr. Weiss asked if the Motion could be amended. Mr. Lewis asked if there is a recommendation as to where the funds would come from. Mr. Truelove stated they would not need to specify exactly which fund. Dr. Weiss stated he feels that Motion could just indicate that we would pay cash for it. Mr. Kratzer stated initially he feels they would take it out of the Fire Fund to try to preserve the flexibility of the other funds. He stated it is early in the year, and he had noted earlier the approximately \$14,500 in savings that has been realized already in terms of premiums; and it is likely that there will be other savings that will occur over the course of the year. He stated he feels Fire Funds/Special Tax Revenue would be appropriate.

Mr. Kratzer stated the Budget as initially contemplated did not have some of the Revenues that are likely to be realized in the Fire Fund associated with inspections, and those are being treated differently than they have been treated in the past so there are some additional offsetting Revenues that will likely provide sufficient money in the Fire Fund to pay for the vehicle outright.

Dr. Weiss stated the Motion is now to purchase the SUV outright, and Mr. Lewis and Ms. Blundi agreed to this and the Motion carried unanimously.

Approve Proposal to Retain Maillie for the 2022 Audit and Direct the Township Manager to Prepare an RFP for Potential Auditors for the 2023 Audit and Thereafter

Mr. Kratzer this is for the Audit of the year ended, December 31, 2022. He stated there was a multi-year proposal that the Board had entered into with Maillie in the past, and we are outside of that term. He stated what is before the Board is a single-year proposal for 2022. He stated he knows that the Board has generally expressed a desire to periodically go to market for professional services; and while the staff is committed to doing that, from a timing standpoint and recognition of the fact that field work generally begins

in February/March, they would recommend retaining Maillie for the Audit of 2022; and over the course of 2023, they will prepare an RFP consistent with the RFP that had been prepared in the past and go to market to make sure that we are getting the most thorough and competitive price for the services that the Township is paying for. The proposal is for a single year at a cost of \$48,000 plus confirmation.com charges. Mr. Kratzer stated he had a discussion with Maillie to get an understanding of the extent of those charges, and it could be a couple hundred dollars. He added that the banks are now typically using a third-party service to confirm balance analysis, etc. so there are transactional fees associated with that which were typically not incurred.

Mr. Kratzer stated the proposal indicates that there is a price for any additional single audits that would be required. He stated because the Township received American Rescue Plan Act dollars that exceeded the \$750,000 threshold for single audits, there will be the requirement for at least one single audit, and they provided pricing in the event that there is the need for additional single audits.

Mr. Lewis moved and Mr. McCartney seconded to approve retaining Maillie for the 2022 Audit and to direct the Township Manager to prepare an RFP for potential auditors for the 2023 Audit and thereafter.

Mr. Lewis advised the public that Maillie has been a very good auditor for Lower Makefield Township. He stated the reason why it is important to switch auditors over time is because it is important to get new perspectives and make sure that “things do not appear over time.”

Motion carried unanimously.

Defer Treasurer’s Report – December, 2021 Final

Mr. Kratzer stated while this item was listed on the Agenda for this evening, Maillie will be at the Board’s meeting on February 15 to review their Audit results for the year ended December 31, 2021. He stated this is consistent with past practice, and typically when the Audit was finalized, they would issue a Final Treasurer’s Report for the year reflecting all of the respective journal entries. He stated this is being provided for informational purposes showing the respective journal entries that have been made following the conclusion of the 2021 Audit.

Mr. Lewis stated normally this is done in July. Mr. Kratzer stated as the Board is aware the delay associated with this Audit was largely attributable to the data breach that the Township experienced in April of 2022.

SOLICITOR'S REPORT

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

Approve Resolution #23-4 With Changes to Update the 2021 Ad Hoc Property Committee Resolution

Mr. Truelove stated at the last meeting it was requested to include additional information in the Resolution and additional language has been added to reflect the work to date and the work anticipated by the Committee. The new expiration date is proposed to be the end of September, 2023 although depending on their work and other circumstances that could be extended by another Resolution if necessary.

Mr. McCartney moved and Mr. Lewis seconded to approve Resolution #23-4 with changes to update the 2021 Ad Hoc Property Committee Resolution.

Mr. Lewis asked if it is felt that there is a chance that they will need to go past September 30, 2023. Mr. Truelove stated he does not know, and the reason he put that date in the Resolution was because the Avison-Young proposal indicated their work would be completed by the end of June so he was giving additional time from that date. He added that as we approach June, it could be extended if necessary.

Ms. Blundi stated the Ad Hoc Property Committee is very focused on Patterson Farm; however, their purview is more than Patterson Farm. She stated even if they are done with Patterson Farm in that timeframe, she hopes that the group would continue and look at some of the other properties in the Township. She asked if we could extend the date now without incurring any additional fees.

Mr. McCartney and Mr. Lewis were in favor of Ms. Blundi's proposal. Mr. Lewis stated #3 on Page 2 states: "The deadline for the Ad Hoc Property Committee to prepare and present a final report to the Board of Supervisors at a public

meeting is extended to no later than September 30, 2023.” He stated if we feel they may have additional reports in the future, he feels the word “final” should be removed. He stated he would not have a problem with having the initial report by September 30, 2023.

Mr. Lewis asked if there is anything that ends the Committee, and Mr. Truelove stated there is not. Mr. Truelove added that the Board may want to add another paragraph that indicates that the Committee’s work will extend until further notice because of other work that Ms. Blundi has indicated is being done.

Mr. Lewis asked if the Board would agree to leave #3 as is but remove the word, “final;” and create #4 stating: “The Ad Hoc Property Committee shall stay constituted for service until March 31, 2024.” The Board members agreed to this amendment, and the Motion as amended carried unanimously.

ZONING HEARING BOARD

With regard to Appeal #23-1994 Joseph Smith for the property located at 1511 Lindenhurst Road, Yardley, PA 19067, Tax Parcel #20-003-017 Variance requests from Township Zoning Ordinance #200-51.B.(4)(d) to permit a disturbance of 12% of the wetland buffer, Township Zoning Ordinance #200-51.B(5)(c)(3) to permit a disturbance of 10.3% of Class III steep slopes (>25%), Township Zoning Ordinance #200-61.C to permit the minimum building setbacks to be measured from the lot lines instead of the special setback requirement to measure from the limit of the resource-protected lands in order to subdivide the lot and construct a single-family dwelling, a private swimming pool, and a stone drywell on Lot 2 and construct a 2,887 square foot addition and front porch to the existing dwelling and other grading and stormwater improvements on Lot 1, Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried that the Township participate.

COMMUNITY DEVELOPMENT

OpenGov Discussion

Mr. Majewski stated on Friday, February 10, the Township is going to a new Permitting system with OpenGov which will improve Permitting, tracking, reporting, requests for information, Building Permits, and Code Enforcement

action. He added that eventually we will have all our Permits available on-line. He stated once we go live, the Township will not want this information e-mailed or brought in by paper. He stated there will be a link on the Township Website which will prompt users to log in or create an account for the first time.

Mr. Majewski demonstrated how the system will work for Building Permits and Code violations. He stated Right-To-Know requests will also be on-line. Text will explain the different pages. Mr. Majewski stated this system will allow us to take in information and disseminate it to the appropriate people to review and reply and should be a more timely process for the residents. Links will be posted shortly to allow for creation of an account which only takes a few minutes.

Dr. Weiss asked if those coming into the office are not aware of this new system, will we be assisting them; and Mr. Majewski stated there will be a kiosk set up, and we will work with them in any way we can.

Mr. Lewis asked if the data is stored and organized in OpenGov's cloud environment, and Mr. Majewski agreed. Mr. Lewis asked if the Township employees will have access to that data and sync it with other data that the Township has about properties, and Mr. Majewski agreed. He added that all the information for every property will be available. He stated there are also historical records that will be migrated over. Mr. Lewis asked if the intent is that this will be the repository for all things about a property within Lower Makefield so that there can be a single review of that and there would be no other data storage within the Township, and Mr. Majewski agreed. Mr. Majewski stated this would not include Police information.

Mr. Lewis asked when they expect all of the scanning of past history to be done; and Mr. Majewski stated that is a separate system, and the first 45,000 records have been scanned. He stated there are another 10,000 still needed to be scanned, organized, and indexed. Mr. Lewis asked how someone would access that separate from the Permitting if they wanted to get the history of everything that is on their property; and Mr. Majewski stated you can request your records, and that will be provided. Mr. Lewis stated he understands that what is in the "scanned environment" is only accessible by Township employees, and Mr. Majewski agreed. Mr. Lewis asked if a resident would ask for that information through the OpenGov system and Mr. Majewski agreed. Mr. Majewski stated there will also be an area to ask a question or provide feedback, and it could be requested in that way or a Right-To-Know form could be filled out if someone wants to make it more formalized.

Mr. Lewis stated the current Website has a list of forms many of which are linked to PDFs, and he asked if all of those forms have been covered in the OpenGov platform. Mr. Majewski stated they are hoping to do all of those before we go live.

Ms. Laurie Grey, 895 Slate Hill Road, asked if there will be good instructions for people once this system goes up, and Mr. Majewski agreed. He added that most will be self-explanatory. Ms. Grey asked if she heard that people will no longer be able to do this on paper and that they expect that 100% of our population will be doing this on-line. Mr. Majewski stated that is the goal adding that the Township will help in any way that they can.

SUPERVISORS REPORTS

Mr. Lewis stated the Electrical Reliability Committee has asked him to make a request to bring PECO before the Township. He stated this has been discussed in the past. Specifically what they would like PECO to discuss is the recent investments they have made to improve system uptime, what is being done to repair underground wires, as well as to discuss planned investments to the Lower Makefield circuit for the next twenty-four months, and their response to the ERC's Audit of outage messaging which the ERC did last year. He stated PECO has provided the ERC with some elements of the things that they believe will make a difference in terms of addressing outage concerns. Mr. Lewis asked Mr. Kratzer if he would be in favor of this, and Mr. Kratzer stated he would if that is the desire of the Board of Supervisors.

Dr. Weiss stated he has no problem hearing from PECO. He stated he received a letter in the mail that PECO will be improving electrical service in his neighborhood. He stated in the letter they stated that they will work closely with local officials to minimize the impact on traffic and pedestrians, and access for trash removal, transportation for students, and emergency vehicles will be maintained during construction. Dr. Weiss asked if it is the ERC's hope that PECO can expand on what is in the letter and give the Township an idea of what to expect in the coming years.

Mr. Lewis stated one request is what is the plan in the long run. He stated in the past PECO had public meetings when things "were really difficult" about ten years ago. He stated this would be an opportunity for PECO to share some of the details around the circuits and the planned enhancements. He added that

information would be helpful to the Township when we are considering the Road Program. He stated he would not envision this to be a long Agenda item, and he hopes that it would be a straight-forward presentation.

Mr. McCartney stated in the past he had indicated he would prefer that PECO do this directly with the ERC during their meetings; and he would like to know what the feedback from the ERC would be about that. Mr. Lewis stated his sense is that they want PECO to have a broader audience for their message. He stated a lot of this is generally positive. He added that there has been a difficult, but constructive relationship with our utilities for a long time, and this is a chance for PECO to detail their plans with the whole community. Mr. McCartney suggested that this be done in two phases with Phase 1 being that PECO does a presentation with the ERC; and if the ERC is not getting what they feel they need during that meeting, it could then come before the Board of Supervisors. Mr. Lewis stated his sense is that the ERC feels that first part has already been done; and they did have that discussion with PECO in the past, and they would like to have PECO come before the Board of Supervisors. Mr. McCartney stated he is considering whether that would be productive.

Ms. Blundi asked if the ERC could draft a letter that the Board of Supervisors could send to PECO which would clarify what they are looking for PECO to discuss. She stated she would also not have an issue with PECO going to the ERC first and hopefully resolve everything. Ms. Blundi stated she does not believe anyone from PECO has been before the ERC for over a year, and she feels there would be an opportunity for more dialogue.

Mr. Lewis stated if the suggestion of the Board is that the ERC draft a letter for the Township Manager to send to PECO for an invite he could ask them to do that. Ms. Blundi stated she feels it would be more a list of the questions we would like to understand; and if there is a response to those questions from PECO, it may not be necessary to invite them. Mr. Lewis stated it would cover those issues he mentioned previously plus some of the discussion around the ERC's Audit. Dr. Weiss stated if they are willing to come before the Board, that would be good.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to appoint James Brand to the Zoning Hearing Board as an Alternate.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to appoint Colin Coyle to the Planning Commission.

PUBLIC COMMENT

There was no one from the public wishing to speak at this time.

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

Respectfully Submitted,



John B. Lewis, Secretary