

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 1, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 1, 2022. Mr. McCartney called the meeting to order at 7:38 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: Kurt Ferguson, Township Manager
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer
 Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Mark Ellison, representing the Cornerstone Condominium development on Township Line Road, was present. He stated there was a severe fire there late Friday night which took out eight units causing multi-million dollars in damage. He stated fortunately no one was hurt. He thanked the fire fighters from multiple Stations, Mr. Tim Chamberlain, and Chief Coluzzi and his Officers who were first on the scene helping to clear buildings. He stated the firefighters were there for twelve hours which is unusual, and he believes that they saved buildings and they and the Police Officers also saved lives getting people out quickly. Mr. Ellison stated their Homeowners' Association is working very hard to raise money for the families that are displaced as there are eight families who will have to live in hotels for the next twelve to twenty-four months with limited financial help from their insurance companies. Mr. Ellison thanked Mr. Lewis who quickly stepped up with the Lions Club to make a donation. Mr. Ellison noted a GoFundMe has been set up for donations, and 100% of the money will go to the displaced families to help them stay in the area. It was agreed that a link will be placed on the Township Website to the GoFundMe page.

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

Mr. Ferguson stated Lower Makefield Township will be hosting a Tween Camp called “Tween Adventures,” and registration is now open. More information can be found on the Township Website.

Mr. Ferguson stated the Lower Makefield Township farmer’s Market is starting back up again at Charlann Farms. They will be there every Thursday from 3:30 p.m. to 6:30 p.m. June through September.

Mr. Grenier thanked those who came out to the Memorial Day Parade which was well attended, and he thanked the VFW and the American Legion. Mr. Grenier thanked the Township staff for putting up the Pride flag in honor of Pride month.

APPROVAL OF MINUTES

Mr. Grenier moved and Ms. Blundi seconded to approve the Minutes of May 18, 2022 as written. Motion carried with Mr. Lewis abstained.

BOWMA PRESENTATION AND MOTION

Mr. Jim Kovalcik was present representing BOWMA. He stated last season they did not get as many deer but still managed to donate twenty-six deer which came to 1,088 pounds of meat given to Hunters Sharing the Harvest which equates to 4,352 meals that went to local food banks. He stated there are no changes to the program for this year other than dates. He stated there is no cost to the Township, and every hunter is insured for liability for \$1 million. He stated they purchase their own licenses. He stated if they donate outside of Hunters Sharing the Harvest they pay for those meals themselves and donate them to local families in need. Mr. Kovalcik stated they still have the same vetting program that they have used for the last thirteen years that they have hunted for the Township. He stated they do proficiency testing with archery equipment and test everyone to make sure that they can climb a tree stand properly. He stated they also make sure that they have hunter education and bow hunter education in Pennsylvania. He stated they are also interviewed to make sure that they are a right fit for the group and the Township. He stated they do background checks on every hunter. He stated they will still use the ID cards and the placards.

He stated they have had no issues throughout the community, and they would like to be able to continue the program this year. Chief Coluzzi agreed that they have had no issues.

Mr. Grenier asked if there are any different focus areas, and Mr. Kovalcik stated if they could get on other properties it would be helpful. He stated they have hunted the properties they are on for thirteen years, and there are a lot of adjoining properties that they cannot get on; and if they could get on those properties, they could increase the number of deer taken. Mr. Kovalcik stated they have worked with Mr. Ferguson to get on some additional properties, and Mr. Steadman from Farmland Preservation has allowed them to get onto the Leedom's Tract. He stated there is a farm opposite the Snipes Tract which they previously hunted; and if they could get back onto that property, that would help their numbers. He stated last year that was one of the areas where there was a lot of interest from homeowners.

Mr. Ferguson stated they have reached out to the County on some property they own by the Canal, but they denied access to that property. He stated some of the open space that the Township owns has provisions that were put in place at the time of the sale to not permit harvesting of deer on those properties. He stated they receive calls from residents indicating that they would let the hunters onto their property, but there are Commonwealth rules with regard to distance between properties and other things that have to be observed. He stated the staff will continue to provide options to BOWMA for them to investigate.

Mr. Lewis stated he is in favor of this program which is important to the community, and he would like them to continue with. He stated he has recommended BOWMA to other Municipalities.

Mr. Ferguson stated this Agenda item was listed as a BOWMA presentation, and he asked Mr. Truelove is approving this tonight is consistent with what has been outlined in the Sunshine Act requirements. Mr. Truelove stated while he does not believe we would be violating the law, it may be best to put this on the next Agenda. Mr. Ferguson asked Mr. Kovalcik if it would cause an issue if this were not approved until June 15. Mr. Kovalcik stated they have to submit their dues for the insurance which requires that they list all of the properties that they hunt, and that is due on June 15. It was agreed to vote on this matter this evening.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to authorize BOWMA to continue the deer management program.

SEWER ENGINEER

Approval of Pay Application #1 for the Silver Lake Pump Station Upgrade in the Amount of \$141,596.91

Mr. Fred Ebert was present. He reviewed the work that was completed. He stated the project should be completed by next month. He stated the project has gone well, and Aqua is working well with the contractor and was impressed with the quality of the work.

Ms. Blundi moved and Dr. Weiss seconded to approve Pay Application #1 for the Silver Lake Pump Station Upgrade in the amount of \$141,596.91.

Mr. Grenier asked about the overall Budget, and Mr. Ebert stated we have actually reduced the cost of the Contract.

Motion carried unanimously.

ENGINEER'S REPORT

Approve Pay Application #1 (Final) for the Community Park Tennis Court Renovations Project to Keystone Sports Construction in the Amount of \$84,841.19

Mr. Pockl stated the work was completed, and they have issued a two-year Maintenance Bond and provided all of the necessary paperwork. Mr. Pockl stated the work has been completed to his satisfaction.

Mr. Lewis moved and Dr. Weiss seconded to approve Pay Application #1 (Final) for the Community Park Tennis Court Renovations Project to Keystone Sports Construction in the amount of \$84,841.19.

Ms. Blundi asked the location of these courts, and Mr. Pockl stated they are the courts near the Pool.

Motion carried unanimously.

Approve Pay Application #1 (Final) for the Pool Painting Project to RJR Engineering Co., Inc. in the Amount of \$58,525

Mr. Pockl stated the work was completed to his satisfaction, and they have provided a two-year Maintenance Bond which will expire on May 13, 2024. They have provided all of the necessary paperwork.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to approve Pay Application #1 (Final) for the Pool Painting project to RJR Engineering Co., Inc. in the amount of \$58,525.

Approval to Re-Bid 2022 Bike Path Maintenance Program and Reject Previously-Received Bid

Mr. Pockl stated Bids were opened on May 11 for the 2022 Bike Path Maintenance Program. He stated one Bid was received in the amount of \$191,150, which is an “exorbitant” amount compared to both the Budget and the cost estimate. Mr. Pockl stated they have done some research and contacted several asphalt companies that do work in the area and asked them why they had not Bid on this, and the majority of the responses they got were that they were too busy or already booked for the year. Mr. Pockl stated he would recommend that this be re-Bid and allow for a longer period of time for the contractor to complete the work, and therefore contractors could do this work when they have gaps in their current schedule or fit it in after they have completed work they already have. He would recommend not awarding this Bid for the amount that was received.

Mr. Ferguson stated the Budgeted amount was \$62,256 based on pricing and inflation.

Mr. Lewis moved and Mr. Grenier seconded to re-Bid the 2022 Bike Path Maintenance Program and reject the previously-received Bid.

Mr. Grenier asked if there are any paths that are in such disrepair that they are in an unsafe condition. He also asked if we have that situation, do we have the funds to address that in the near term versus having to wait. Mr. Pockl stated he does not feel that there are any that have deteriorated to such a point where they require emergency repair.

Motion carried unanimously.

Engineer's Report Discussion

Mr. Grenier asked Mr. Pockl about the status of the work by BrightFarms. Mr. Pockl stated he needs to confirm with his inspector that the stone piles that were on the property have been removed. He stated the utilities have been removed in the driveway, and the final grading is completed. Mr. Grenier asked if there are proper soils, and Mr. Pockl stated they are still waiting on final soil testing.

Mr. Grenier asked the status of the Woodside Road bike path, and he asked if the DEP comments have been received. Mr. Pockl stated the Conservation District has confirmed that they have them, and they are still trying to get them to Mr. Pockl.

Mr. Grenier stated he saw postings on social media that the Memorial Park courts are open, but that there are still some repairs to be done. Mr. Pockl stated he is meeting with the contractor and sub-contractor tomorrow as he does not feel the repairs made by the contractor were satisfactory. He stated the specific areas that need to be repaired and re-painted will be marked out.

Mr. Grenier asked about the status of Maplevale. Mr. Pockl stated the first project is the drainage improvements on the south leg of Maplevale Drive, and they anticipate submitting for the HOP Permit since the storm pipe will run within the right-of-way of Taylorsville Road. He stated they also anticipate submitting for the Disturbance Permit shortly. Mr. Pockl stated the survey for the Highland Drive portion of the work has been completed, and they are moving ahead with the design of the storm improvements there. Mr. Grenier asked if PA Water is done with their work, and Mr. Pockl stated he does not believe so.

PROJECT UPDATES

Multi-Use Trail

Mr. Ferguson stated the pre-construction meeting will take place tomorrow and will include the State, the inspectors, and staff; and hopefully there will be an idea as to timing after that meeting.

MANAGER'S REPORT

Approve Lower Makefield Township Play for All Master and Strategic Plan

Ms. Monica Tierney and Ms. Ann Toole were present. Ms. Tierney stated she presented the Plan a number of times with a full presentation given last month. She stated the Plan has not changed since then.

Ms. Blundi moved and Dr. Weis seconded to approve the Play for All Master and Strategic Plan.

Mr. Richard May, 1270 Creamery Road, stated he understands that this Plan "has something to do with the building of soccer fields." Mr. McCartney stated it includes an assessment of needs within the Township. Mr. May stated he sent a Registered letter which the Township received on May 18 asking for information if there was to be a meeting to discuss this project, and he received no response. Ms. Tierney stated this is not the Snipes Plan, and it just mentions moving forward with it so there will be further discussion. Mr. May asked what they would be moving forward with. Mr. Truelove stated development at Snipes would have to go through the normal Land Development process. He stated this is a Master and Strategic Plan for Park & Rec facilities in the Township over whatever period of time would be appropriate. He stated Snipes is part of it in terms of its concept, but there has been nothing finalized. He stated there was a Needs Assessment and soccer fields may be needed in the Township and Snipes may be a place where soccer fields would be appropriate; however nothing has been finalized yet.

Mr. May asked where the Plan is, and Ms. Tierney stated the Plan has been on-line for about eight weeks and included all of the supporting documents. Mr. May asked if that was the presentation that was made previously, and Ms. Tierney stated they have made several presentations, and she stated there have been no changes since the last presentation to tonight's presentation.

Mr. May stated it is possible that they could spend as much as \$4 million on this project; and Mr. McCartney stated there have been no funds allocated and no plans to spend anything, and this is just a conceptual Master Plan based on existing and future infrastructure. Mr. May asked what the next step would be, and will they just build something. Ms. Tierney stated there has to be a public process, and they would reach out to the community and hold public meetings and forums for every project that would come out of this Plan.

Mr. May stated about five years ago there was a plan to build fields at Snipes, and the only reason it did not occur was because the Township ran out of money. He stated the Township now has \$53 million from the Sewer sale, and he asked why we are spending money doing improvements to the Sewer when we have sold “the Authority.” Mr. Ferguson stated that project was approved and under way prior to the sale of the system, and the Township was obligated to finish it because we had let the Contract and already had the funds for that. He stated that project started a year ago, prior to the sale. Mr. May stated the cost of Sewer service has “gone up tremendously,” and Aqua was just approved for a \$69 million additional increase in what they can charge people. He stated he feels that one of the key things we should be doing is to determine what can be done to minimize the impact on the residents of Lower Makefield. He stated the Township received \$53 million and none of it has been allocated toward any reduction of the potential costs to the Township residents.

Mr. McCartney stated that is a separate discussion. He stated there was a Special Meeting held last night to discuss the Sewer proceeds, and there will be another one held on June 9. Mr. May asked if that was posted anywhere, and Mr. McCartney stated it was. Mr. Ferguson stated it is on the Township’s Home Page. Mr. Grenier stated there was discussion last night generally about how to allocate Sewer funds from a structural perspective. He stated toward the end of the meeting there was discussion about allocating funds for projects, and this will be discussed at the June 9 meeting and could include Park & Rec items. He advised Mr. May he should attend that June 9 meeting and provide his opinion.

Mr. May stated five years ago when the Board was considering the Snipes project, there were sixteen Variances that would be needed in order to be able to build at Snipes. He stated there was “a traffic study that was never really done,” and it was nothing official. He stated there are issues concerning the environment and the flooding, and there is water going down Dolington Road that goes into Brock Creek. Mr. May stated they also wanted to do 80’ high lights, and the Ordinance only allows them to be 20’ high. Mr. May stated these sixteen Variances would still have to be done if they were to build on Snipes. Mr. McCartney stated it may not be sixteen Variances if a different version is proposed, and they have not yet gotten to that point.

Mr. May stated in this Plan it indicated that Macclesfield is full and not sufficient for all the soccer games they want to have. He stated he has gone to a number of the soccer games at Macclesfield and has seen as many as ten to twelve fields open any time he has been there. He stated there is no problem

with getting enough soccer games for the residents of Lower Makefield and whoever they play against, but where there is an issue is when they invite several hundred teams from around the Country to come in for the two Tournaments that they have. He stated this is the reason why they want more fields so that they can make more money on that. He stated they have “been very reticent about saying how much they share, but he knows that the President of YMS is salaried and five years ago it was a six figure salary so he is sure it is probably higher.”

Someone from the audience stated that is totally incorrect and the President of YMS is not paid.

Mr. May stated he knows that the Township allows YMS to control those fields, schedule them, etc., and he is not sure how much the Township gets. Ms. Tierney stated she can provide Mr. May the financial reports. She stated YMS pays approximately \$70,000 a year to the Township. Mr. May asked about the Tournaments, and Ms. Tierney stated the Township also gets additional Revenue for that beyond the \$70,000. Ms. Blundi stated COVID has impacted their ability to hold Tournaments. She stated there are also other sports besides soccer. Mr. May stated he feels that the fields are adequate for what they need, and we do not have near enough open space.

Ms. Tierney stated part of the Plan is to study the use of Macclesfield Park. Mr. May stated he assumes that it will be a “rubber stamp” of what is in the Plan. Ms. Tierney stated there is a process to everything. She stated the Plan indicates that they will engage the community in every project. Mr. May stated he is still concerned about the fact that he never received any notice of this matter being considered at this meeting which is what he specifically asked for in the Registered letter. Mr. Ferguson stated he will look into this; however, moving forward Mr. May could call in to see what is on the Agenda. He stated there is also the Open Records Request which could be submitted if he is looking for a Plan. Mr. Ferguson stated the Website includes all meeting dates, and he could contact Administration or submit an Open Records Request if he is looking for a specific Plan as there is a staff member assigned to answer Open Records Requests. Mr. McCartney reminded Mr. May about the meeting on June 9 at 7:00 p.m. when they will discuss Sewer proceeds.

Ms. Maureen McGroarty, 314 Yardley-Langhorne Road, stated she is a parent and a Board member of YMS. She thanked everyone for their hard work on the Play for All Plan, and she is excited for the opportunities it provides for our

Township athletes. She stated the Plan does not just benefit the athletes, and it benefits entire families. She stated this Plan will provide more programming, will keep the kids safe and happy, will preserve more space which keeps our Township beautiful, and the partnership it calls for with the School District benefits every family. She stated advocating for athletics is not to the detriment of other considerations such as education, the arts, or the environment, and the Plan that has been developed includes all of these on equal footing and benefits everyone. She stated she hopes the Board votes in favor of it.

Ms. Elizabeth Luciano, 1229 Ash Lane, stated she sent the Board an e-mail today, but also wanted to have comments put on the Public Record. She stated she read the Report in its entirety, and she urged the Board not to rely on this Plan while charting the community's future. She stated while time, money, and energy went into the Report, the problem is that it is based heavily on an invalid survey. She stated it was an open-access Web survey which was available to anyone inside or outside of the Township. She stated many LMT residents may not have been aware such a survey was being conducted. She stated for the Board to have reliable information, a survey should be mailed to each household in the Township so that only Township members could respond; and this would give the Board an accurate reading of what residents really need. She stated the Board is making long-term financial and land use decisions for the Township, and to do that the Board needs accurate, verifiable data.

Mr. Michael Hansen, 13 Houston Road, stated he feels Ms. Tierney and Ms. Toole did a great job with this report. He stated there was discussion about keeping costs down, and he feels having a mailed survey to every resident would cost a great deal of money. He added he feels the residents should have been aware of the survey since it was well publicized.

Mr. Don Faust, 1509 Dolington Road, stated he works for a market research company, and he would be willing to help people understand what true market research looks like. He stated it would not be an enormous cost, and it provides quality data for people to make quality decisions. He stated looking at the survey, #4 on the list was "football fields/play fields," and he feels if they are going to stick to what is in the survey, plans should be built according to what came out of the survey. He stated if the Board wants quality information, they should do the survey over so that they will know what the residents want.

Mr. John Azofeifa, 1543 Quarry Road, asked what they are approving tonight. Mr. McCartney stated it is on the recommendation of the Park & Rec Board and Ms. Tierney and her team on a Master Plan as to how to deal with existing

infrastructure, existing fields, existing assets includes Snipes, and park trails. He stated there are also options for partnering with the School District for additional assets and field usage. Mr. Azofeifa asked what would be the next step if this is approved. Mr. McCartney stated he feels the first step would be an assessment of Macclesfield. Ms. Tierney stated that would be a priority. She stated in the Plan there is a page which outlines steps for the first year. Ms. Tierney stated she knows from prior meetings that Mr. Azofeifa is concerned about Snipes. She stated if we were to move forward with Snipes at some point, there would be a process where we would reach out to the local residents; and there would be open forums, and at least two meetings. She stated the Plan being discussed tonight just states that the Board should move forward with that process in a public way.

Mr. Truelove stated there would also be an Application to develop the Snipes site; and depending on the Plan, there may be Variances required which would mean a Hearing before the Zoning Hearing Board would be required, and residents within a certain radius of the property would have the opportunity to participate at the Hearing. He stated Land Development would be a separate but related process, and participation in that process would be at a public meeting. Mr. Truelove stated what is being considered this evening is just a conceptual plan, and there is no commitment for anything at any of these sites.

Mr. Grenier stated funds could be allocated at the June 9 meeting toward specific projects, so it would be important for residents to attend that meeting. He stated he agrees the Land Development process can be lengthy; however once funds are allotted, that is “effectively when the project gets in a small way approved to move forward.” He stated there will be meetings in the “near term and the Budget process throughout the latter part of the year.”

Mr. Azofeifa stated Mr. May had indicated that the cost was approximately \$4 million; and Mr. McCartney stated he believes one of the preliminary plans for Snipes four to five years ago was in that price range. Mr. Grenier stated there was an original Snipes Plan which was estimated to cost \$4 million to \$4.5 million, which included the lights, a lot of fields, a large stormwater pond at the corner, and other field-related features. He stated this was done by the prior Township engineer with a prior Board. He stated when a new Board came on in 2018, they looked at trying to improve the design including trails, more plantings, better stormwater management, and the ability to re-align Dolington to be a safer intersection. He stated at that time this dropped the estimate by approximately \$500,000. He stated

since then prices have gone up. Mr. Grenier stated that design probably does not fit what more people want currently and what should be there after there is an assessment done at Macclesfield.

Mr. Lewis stated at that time some preliminary work was done in terms of light pollution studies and traffic studies. He stated he does not feel that should be considered as an initial design as the current Report indicates that people want different things, and he hopes that the Board would have a timetable that would allow for adequate public input and also insure that we seek State or Federal funding where possible to reduce the burden on Lower Makefield taxpayers. He stated residents would receive Certified letters if they are within 1,000 feet of the property. He stated as a result of past litigation, we now have among all Municipalities in Bucks County, the most aggressive notification process. He stated we urge everyone to be involved in every step of the process to provide their opinion.

Ms. Tierney stated all of the reviews and studies that were done in the past are on-line on the Play For All link under Park & Recreation. She stated this includes a Snipes history section.

Mr. Azofeifa stated when his family moved to Lower Makefield in November they did so for the open space land. He read from the Report with regard to permanent protection of open space. He also read from the 2019 Comprehensive Plan with regard to preservation of open space. He stated it indicates that open space results in increased property values for nearby residents; but he feels that if fields are built at Snipes it will not benefit his family. He stated he is in favor of improving the other locations that we have as it important to keep kids busy. He stated he would be willing to help come up with something to improve what is nearby and not build something in front of his home and the other nearby residences. He stated he does not feel anyone would want to live across from a giant field with cars.

Mr. George Schlieben, 1035 Harvard Drive, stated he is the President of YMS. He thanked Ms. Tierney, Ms. Toole, and the Board for their hard work on this Plan. He stated he feels this is a comprehensive Plan that accounts for all of the needs of the members of the community. He stated YMS wants to be part of the solution and wants what is best for the community. He stated there were statements made earlier about YMS, and he wanted to let it be known that YMS is a non-profit organization, and their focus is building up the youth of the community through teamwork, sportsmanship, and hard work. He stated they serve ages 3 to 18. He stated any funds made go back

into providing a great program. He stated as President he is not paid any money, and none of the Board members take a stipend or salary. Mr. Grenier asked Mr. Schlieben if YMS has any paid staff, and Mr. Schlieben stated they have paid trainers. Mr. Grenier asked if any of them have six figure salaries as was noted earlier, and Mr. Schlieben stated they do not. Mr. Grenier congratulated YMS on their indoor facility. Mr. Schlieben stated it is located in Falls.

Mr. Grenier asked if the fence has been fixed. Mr. Schlieben stated their general membership approved funds for the fence, and he hope to provide an update on that by the next Park & Rec meeting.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approve Township IT Computer Network Upgrades

Chief Coluzzi stated a study was done on the Township computer network and many critical areas were found to need upgrades. The request is for the Board to approve a Contract for this work not to exceed \$65,000. Some of the work will be done remotely and some of it will be done on site.

Ms. Blundi moved and Dr. Weiss seconded to approve Township computer network upgrades not to exceed \$65,000.

Mr. Grenier asked if this \$65,000 is in the 2022 Budget, and Mr. Ferguson stated it is not. Mr. Grenier asked Mr. Truelove if this should be put out to RFP since the amount is over \$25,000; and Mr. Truelove stated since this is a Services Contract, it not required to go out to Bid. Mr. Grenier asked Chief Coluzzi if he issued an RFP to this firm along with a list of items that we needed. Chief Coluzzi stated they had the opportunity to review the report and study that we had done on the system, and he asked them to give an idea of the number of hours and the cost to perform those functions; and they did that. Mr. Grenier asked if it is known if there are multiple vendors that could provide this service. Chief Coluzzi stated he believes there are other vendors who could provide the service; however, these individuals were part of our prior infrastructure and are under an Agreement for prior work done, and he feels that they are the best source to use at this point. Mr. Grenier stated the money spent would keep them on to perform a list of tasks at a cost not to exceed \$65,000 with a schedule that they need to meet. He stated he understands they are not being hired as a permanent IT Manager, and Chief Coluzzi agreed. Chief Coluzzi stated it is possible this could come in under \$65,000.

Mr. Grenier stated he would like the Township to hire an IT Manager at some point soon and take this out of the hands of outside sources and manage this differently in the future. Chief Coluzzi stated they are looking at other IT vendors and individuals. Mr. Grenier stated what they are considering now is a different service to be done in the near term, and Chief Coluzzi agreed.

Mr. Ferguson stated the Revenue shortfall money we have from the Rescue Plan can be drawn from, and this would be an eligible expense even though it was not in the Budget.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated there was an Executive Session held Thursday, May 26 to discuss litigation matters, and that Executive Session lasted approximately one hour.

Mr. Truelove stated the Board met in Executive Session this evening beginning at 7:00 p.m. and informational, Real Estate, and security items were discussed.

Approve Resolution 22-12 Ratifying and Authorizing the Execution of an Agreement for Post-Construction Maintenance of a Certain Trail/Walking Path Along Stony Hill Road Across I-295 in Lower Makefield Township, Bucks County, Pennsylvania, as Related to the Project Known as Prickett Preserve at Edgewood

Mr. Truelove stated they found out after the fact that this is required by PennDOT.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution 22-12.

Approve 1-Year Extension for Swimming Pool Snack Bar Catering with Sicilia Catering Company through 2023

Mr. Truelove stated the original Contract was entered into with Sicilia Catering for 2018, 2019, and 2020; and it was renewed for an extended two years in January, 2021. The only term that changed at that time was the amount Sicilia would pay

the Township which was \$6,000 as opposed to the original \$3,000. Mr. Truelove stated he understands that Sicilia has done a good job at the Pool, and the request is to extend the Contract through next year with the same terms that exist now.

Mr. Grenier moved, Mr. Lewis seconded to approve a 1-year extension for the Pool snack bar catering with Sicilia Catering Company through 2023.

Mr. Lewis asked if the contract holder was interested in a longer-term. Mr. Ferguson stated there was a discussion between Ms. Tierney and the vendor about approving the 1-year extension. Mr. Lewis stated it is difficult to find these vendors, and everyone has told him they appreciate this vendor.

Motion carried unanimously.

Approve Agreement with Portnoff Law to Collect Delinquent Sewer Charges

Mr. Truelove stated at a prior meeting, Kevin Buraks, attorney with Portnoff Law, discussed the proposal to collect delinquent Sewer charges. The proposed Agreement was provided to the Supervisors. A related Delinquent Sewer Fee Collection Ordinance will also be required under State law.

Dr. Weiss moved and Ms. Blundi seconded to approve the Agreement with Portnoff Law to collect delinquent Sewer charges.

Mr. Ferguson stated Bucks County Water and Sewer had done our billings. He stated the current unpaid delinquent balance as of today is \$1,184,977 and is about 1,000 accounts.

Mr. Grenier stated based on research and feedback he has received, he is not totally comfortable with Portnoff as he had noted previously. He stated we had done some of this a few years ago with some success using Ms. Kirk, and he would be interested in alternative approaches that give us a little more control as opposed to a law firm “to go after our residents.”

Mr. McCartney stated while we did those methods in the past, it got us to this 10% delinquency. Mr. Truelove stated Ms. Kirk had done good work to the extent that she was able to pursue which was lien work. He stated in that case, the Township is paid either by the property owner themselves or if there is a sale. He stated the process that Portnoff uses in addition to

that is a process that is allowed under the law and included in the Agreement and the Ordinance where they can get a Judgment against individuals. He stated if a ratepayer owns property here and at another location, if they wanted to sell that other property, the delinquent charges at Lower Makefield would have to be paid before that other property could be sold. He stated Portnoff is well equipped to do this, and have done this work in a lot of places. He stated he feels the Fees that they have quoted are reasonable.

Mr. Lewis asked if they would be empowered to use the Execution Sale function to collect debt, and Mr. Truelove stated he believes that they have that ability. Mr. McCartney stated he recalls that during the presentation it was indicated that was less than 1%. Mr. Truelove agreed that is a very rare option. Mr. Lewis stated he had previously worked for another Municipality, and they had 100% collection of Sewer rents because they used aggressive Execution Sales. He stated you get a Judgment against the property owner who has not paid their Sewer bill, and you are then empowered to take their property. He stated a Constable would go with Police Officers, and if there was a car parked outside, they would get it towed, and they had the right to enter the premises and select items to cover the cost of the Sewer bill. He stated people would come in the next day and pay their Sewer bill. He stated given the amount of money that is owed the Township, we would want to collect all of it as it is a significant amount of money. He stated he has had people express concern with this suggested vendor; however, he wants this money collected.

He stated previously Ms. Blundi had suggested that people should pay their Sewer bill before this occurs, and he asked if the effective date of this could be delayed thirty to sixty days, and in the interim explain to the residents how important it is to pay now. He stated an Execution Sale is very serious, and he wants the residents to know they should pay their Sewer bill as soon as possible.

Mr. Ferguson stated Bucks County Water and Sewer is now done taking payments. He stated we were able to get an extra thirty days from them for collection, and at this point we do not have a collection agent that would be available to take those payments. Mr. McCartney stated there is a stepped process with Portnoff as far as an initial contact, thirty days, sixty days, etc. and during that time the individual has the opportunity to request a hardship, etc. Mr. Ferguson stated the first Fee would be \$25, and provided payments are sent in on the terms set with the company, additional fees would not compound. Mr. Truelove noted 4D in the Contract which outlines the policy with regard to hardship.

Mr. Lewis asked if there is a mechanism in place at this time to accept payment, and Mr. Ferguson stated there is not. He stated May 31 was the last day of payment. Mr. McCartney stated a number of letters have been sent to the effected individuals, and Mr. Ferguson agreed. Mr. Ferguson stated since the first quarter of 2022 with the Pandemic, one of the first things that they recommended to the Board was that all late Fees and compounding Fees be waived, and those Fees have continued to be waived so that if someone has not paid their Sewer bill for two years, they would not have attached to their account late charges or Fees; and it would just be a principal payment multiplied by the last eight quarters. Mr. McCartney stated this was clearly communicated to those individuals as well, and Mr. Ferguson agreed. He stated Bucks County Water and Sewer confirmed with the Township over the last year whether we were going to continue with that practice, and at that time that practice was continued that charges and Fees would not be placed on those accounts. Mr. McCartney asked Mr. Ferguson for an estimate of how much in late Fees the Township waived through that program, and Mr. Ferguson estimated it to be \$200,000.

Mr. Grenier asked if we are still in that period of no late Fees. Mr. Ferguson stated if someone had a delinquency from four years ago that they had not paid, there would have been Fees on that; however, from March, 2020, there would have been no additional late Fees. Mr. McCartney stated we are no longer doing that program since yesterday we stopped accepting payments. Mr. Ferguson stated we are not “back-feeing” what they would have been charged.

Mr. Lewis stated we have a list of those who are delinquent which will be passed over to Portnoff, and Mr. Ferguson agreed. Mr. Lewis stated he would like to reach out to those who are delinquent and explain exactly what is happening so that they know they should pay as soon as they get notice from Portnoff. Mr. Ferguson stated Portnoff will send out a letter explaining the process and how it can be resolved. He stated something could be put on the Township Website advising those who have not paid their Sewer bill what is coming. Mr. Grenier stated he would be in favor of this. Mr. Ferguson stated this notice could also be run on the Township TV channel. Mr. Ferguson stated notices had gone out from Bucks County Water and Sewer for delinquent accounts.

Mr. Zachary Rubin, 1661 Covington Road, asked if Portnoff gets a percentage of what they collect or is it an hourly rate. Mr. Truelove stated the Ordinance has the proposed Fee Schedule depending on the type of activity engaged in. He added the only place where there would be an hourly rate would be over and above the multiple items of activity that would take place during the process. Mr. Ferguson stated part of their presentation was that the charges that would be incurred would not be charged to the Township other than the set-up charge. He stated all Fees would be for the ratepayers.

Motion carried unanimously.

Approve Advertisement of Delinquent Sewer Fee Collection Ordinance

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve advertisement of Delinquent Sewer Fee Collection Ordinance.

Approve Kurt Ferguson's Contracted Services Consulting Agreement

Mr. Truelove stated this is Ad Hoc work to help in the transition for on-going work some of which has been listed and enumerated in the Agreement. He stated this is also true for the next item on the Agenda which is for Mr. Hucklebridge's Contracted Services Consulting Agreement.

Ms. Blundi moved and Dr. Weiss seconded to approve Kurt Ferguson's Contracted Services Consulting Agreement.

Mr. Grenier asked the hourly rate, and Mr. Truelove stated it is \$100 an hour. Mr. Grenier asked if this is an increase over the effective hourly rate at the current salary, and Mr. Ferguson agreed that is true as a straight salary comparison although it would be less if pay and benefits are considered. Mr. Grenier asked if there is a not-to-exceed amount of hours or budget number included in the Agreement, and it was noted there is not. Mr. Grenier stated we have known that Mr. Ferguson was leaving for about three months, and we are behind in terms of getting someone in, and he hopes that can we get that done immediately or if not, get an Interim Township Manager to be here during the day. He stated he understands that this Agreement is for after 6 p.m. and on the weekends only which makes it very difficult for the staff who do not work after 6 p.m. to interact with Mr. Ferguson.

Mr. Grenier stated when Mr. Ferguson was doing similar work at Newtown, he found that it was over 350 hours over ten months as the last Invoice was June 7, 2019, and at \$75 an hour that was over \$26,000. He stated if we are at that same volume, it will be over \$35,000 at \$100 an hour. Mr. Grenier stated he does not want it to go that long. Mr. Truelove stated the Contract ends this calendar year unless it is extended. Mr. Grenier stated he would prefer that a not-to-exceed is put on this but it could be increased if that cap is reached. He stated he would suggest a cap of \$10,000.

Mr. Grenier stated he knows that in his new Contract, it puts Upper Dublin first and limits some of what he can do for Lower Makefield so that there is no conflict; and he would like some confirmation from Upper Dublin that they are okay with this Agreement or he will not vote for it. Mr. Grenier stated he feels we need to move forward with replacing this key position, and we are three months behind getting this started. He stated if there is not a not-to-exceed amount on this, it has the tendency to just keep going.

Ms. Blundi stated as was noted previously Mr. Ferguson resigned the beginning of April, which is two months. Mr. Grenier stated the Board was told the first week of March. Ms. Blundi stated that was when he advised the Board that he was looking at another position. Ms. Blundi stated she would not agree to an Amendment to the Motion.

Mr. Lewis stated Mr. Truelove had indicated that there are limitations on the hours, and Mr. Truelove stated there are not. Mr. Lewis asked if it would have to be in the Agreement to make it in concert with Upper Dublin, and Mr. Truelove stated that would be between Mr. Ferguson and Upper Dublin.

Mr. Lewis moved to Amend Section 4 of the Term – “this engagement shall commence upon execution of this Agreement and shall continue in force until such time as 100 hours or December 31, 2022.”

Mr. Ferguson stated even if a new Manager is hired tomorrow, there are 30 accounts in the Township, and he has worked as the Finance Director for the last four years and saved the Township closed to \$600,000 by being willing to take on that role. He stated the obligation he feels in terms of assisting is to make sure that the accounts, the audit, the Pension audit, the Moody’s Review, and the Police Contract are covered. He stated if there is a 100 hour cap on it, and he is in the middle of a Police negotiation that he needs to stop because of a cap, he is not sure that there is value in that.

Mr. Ferguson stated there are a variety of issues going on in the Township; and while the hours may vary, he does not feel it would be more than 10 hours a week although during Budget time, if he is to assist with that, that would be more labor intensive. He stated he is not looking at this as a lucrative endeavor, but he wants to help the staff as he has been committed to taking on the role of Township Manager and Finance Director for four years. He stated he would have provided all of the information regarding Newtown if Mr. Grenier had requested it of him.

Ms. Blundi stated she would not agree to amending the Motion. She added that she is looking forward to having Mr. Ferguson help us, and she hopes he will be able to help us until we find a new Manager.

Mr. Ferguson stated he has discussed this with Upper Dublin. He stated what he could not be involved with would be anything that had to do with going for Grants or things that contradict the responsibilities that he will have in Upper Dublin. He stated this is the same understanding he had with Newtown when he helped there. He stated he would assist staff as outlined in the Agreement and he would not want to continue beyond the end of the year. He stated he does not anticipate coming close to the number of hours that he had in Newtown as that was a longer period of time.

Mr. Lewis stated the Amendment he made was not seconded. He stated his concern is that we are not in a good position to find a replacement in a short time period. He stated the best that we can do is to immediately seek an Interim Manager. He stated JPM, who is the firm that is helping us with the search, has Interim Manager services. He stated he does not feel anyone wants to burden Mr. Ferguson on nights and weekends unnecessarily, but we need to have a transition plan in place. He stated a situation where we are relying on a contractor who cannot be here during the day is detrimental to the residents. He stated he feels it will take at least six months to find a new Township Manager; and in that time period, he does not want us to be without the support that we need during primary business hours.

Ms. Blundi stated she would be interested in discussing this, but feels at this point we should consider the Motion.

Mr. Ferguson stated Chief Coluzzi could serve as the Interim Manager, which he has seen done in other Towns. He stated Chief Coluzzi has relationships with the Department Heads and he also has the benefit of a Command staff that assists him with Police-related work. Mr. Ferguson stated he could assist

the Township after 6 p.m. or over the weekend. Mr. McCartney asked Chief Coluzzi if he is comfortable with this; and Chief Coluzzi stated he is adding that this is typical in most Towns, and this is what happened in Newtown before Mr. Ferguson was there. Chief Coluzzi stated he has a working relationship with the Department Heads and has worked closely with Mr. Ferguson.

Mr. Lewis stated he would like to entertain a Motion of looking at JPM giving us an Interim Township Manager. He stated Chief Coluzzi has important work in public safety, and we are also understaffed in other areas. He stated JPM has a multitude of different people to choose from, and the Board could review their resumes and interview them so that we can get someone on line so that there is support during the day going forward.

Mr. Grenier stated while he does not disagree with Mr. Lewis, he feels there should be a vote on the current Motion and there could then be discussion about what Mr. Lewis is bringing up. Mr. Lewis stated his concern is that debate would be restricted, and he feels it should be discussed fully in an open session. Mr. Lewis asked the Chair if he would allow the Board to discuss this upon completion of this discussion item.

Dr. Weiss stated the topic of an Interim Manager is not on the Agenda and is not suitable for consideration because of the Sunshine Law, and it is not relevant to the Motion on the Table. Mr. Truelove stated the Interim Manager could be discussed tonight under Discussion Items, but the new Sunshine Act requirements would not allow that to be voted on tonight. He stated it could be discussed tonight, and it could be put on the Agenda for the meeting on June 15. Mr. Lewis asked Mr. McCartney if he would be amenable to that, and Mr. McCartney stated they will consider that when they get to Discussion Items.

Mr. Zachary Rubin, 1661 Covington Road, stated with regard to Mr. Lewis' Amendment, an Amendment to a main Motion is a subsidiary Motion which is in order and has nothing to do with the maker of the main Motion. He stated an Amendment is in order if it is recognized by the Chair, if it properly seconded. He stated in the future we should follow Robert's Rules of Order in these proceedings. Ms. Blundi stated it was not seconded.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approve Greg Hucklebridge's Contracted Services Consulting Agreement

Mr. Truelove stated this is similar to Mr. Ferguson's Agreement except that the hourly rate is \$75 per hour and the specific tasks are different. Mr. Truelove stated Mr. Hucklebridge communicated with him during the last discussion that he has checked with Northampton, and they are fine with the Agreement in terms of the structure and the hours.

Mr. Lewis moved to approve the Agreement subject to the removal of an extraneous symbol on Section 6. Ms. Blundi seconded.

Mr. Grenier stated he understands that the job posting for a new Public Works Director had a close date of June 10, and he asked if we received any resumes to date. Mr. Ferguson stated we have received about six.

Mr. Grenier stated he will forward to Ms. Blundi the e-mail from Mr. Truelove about his conversations with Mr. Ferguson about when he let him know he was leaving the Township which was in March. Ms. Blundi stated she agrees that Mr. Ferguson advised the Board that he was looking at another job. Mr. Grenier stated he had advised that he accepted another job. Ms. Blundi stated he had indicated that he was being interviewed, but he had not resigned. She stated his letter of resignation was accepted in April. She stated the process was put in place, and we are looking for a Manager.

Mr. Grenier stated the engineer who runs our Public Works Department has "on the ground needs and skills that other staff cannot do," and there is a very specific skill set. He stated he understands that his Contract ends the end of the year as well, and Mr. Truelove agreed. Mr. Grenier stated this is \$75 an hour versus \$100 an hour, and Mr. Truelove agreed. Mr. Grenier stated this also does not have a not-to-exceed amount; and Mr. Truelove stated the Agreement is identical to Mr. Ferguson's Contract except for the hourly rate and the identified tasks although there are some overlaps about the Budget. Mr. Truelove stated the tasks include MMA reconciliation of Fees and Charges, assisting with current projects, coordinating staffing needs of the Public Works Department and other Departments as needed, assisting with the 2023 Budget, and assistance with Aqua regarding Sewer facilities and delinquent billing for the Township.

Mr. Grenier asked if that includes attendance at our Township meetings to provide feedback to the Board as he is trying to understand how they will communicate with the Board what they are doing if they are only here after

hours and on the weekends. Mr. Truelove stated there is nothing specific about that, but there is nothing that precludes them from doing that.

Mr. Grenier asked how they will be directed “in certain work and how are they going to deliver their work products.” Mr. Ferguson stated there will not necessarily be a work product. He stated as an example if Mr. Hucklebridge is reconciling MMA accounts it will be coordinated with attorneys; and if he is called by Mr. Pockl with a question about a project, much of that communication would be by e-mail and it would not be a project-oriented report. He stated they will be assisting to close things out or provide guidance. He stated he assumes there will be a bill provided showing how much time was spent on a particular issue and a description of the work that was done. Mr. Grenier stated his concern is how we manage, oversee, and verify billings. He stated at times when there is a question that needs to be answered, we need three votes from the Board to get a question answered as it could involve money. He stated we need to understand what they are billing us and what we are getting for the amount being paid.

Mr. McCartney stated he does not feel we are looking at this as a “contractor status” as much as looking at it as a consulting status. Mr. Grenier stated he feels it is the same thing. Mr. Grenier stated there was a statement made by Mr. Ferguson when he first started with the Township that he spent 700 hours on the Budget in his first six months, and he would not want anyone spending 700 hours on anything in six months so the Board needs to know how time is allotted. He stated as a consultant he himself has to bill every hour of his day, and this is what has to be done when someone is billing on an hourly rate, and we need to be able to check that. Mr. Truelove stated he feels that a time sheet could be devised for Mr. Ferguson and Mr. Hucklebridge that would be acceptable to everyone with the time spent and the description of the work.

Mr. Grenier stated Mr. Ferguson had indicated he could spend eight to ten hours per week, and he asked if that is what we are anticipating for Mr. Hucklebridge as well. Mr. Ferguson stated he anticipates it could be about five hours a week for Mr. Hucklebridge although there may be weeks where he puts in more hours if he were trying to complete an MMA reconciliation which could result in twelve hours in a week. Mr. Ferguson stated when he had indicated he worked 700 hours on the Budget, that was when the Budget was 762 pages long and he was trying to pare that down; and that would not be the case now. Mr. Ferguson stated if staff has a question about an Expenditure or a Lease Payment on a Public Works vehicle, he feels the staff should be free to e-mail Mr. Hucklebridge about that, and would

communicate back with answers so that the flow of work is not interrupted. He stated while it is difficult to put an exact amount of time for that type of work, he does not believe that would typically take more than five hours a week for Mr. Hucklebridge.

Mr. McCartney asked Mr. Ferguson how many of these lateral transitions he has gone through, and Mr. Ferguson stated this would be the second time that he has done that. He stated in other positions he has not done that as the management staff was deeper, and there was more of an opportunity to have someone in place. He stated in Newtown there was an Assistant Manager and they asked him to stay on to assist the Assistant Manager who is now the Manager at Newtown. Mr. McCartney stated his point was that Mr. Ferguson has experience in this transition process as does Chief Coluzzi in dealing with these transitions so that there is a game plan moving forward and helping us find a new Township Manager. He stated even though Mr. Ferguson has accepted a new position, his willingness to put the effort into the Township speaks volumes of his dedication to the Township, and the residents should appreciate that. He stated this is true for Mr. Hucklebridge as well.

Dr. Weiss stated the vast majority of what Mr. Hucklebridge will do should not take a lot of time apart from the reconciliations of MMA where there are already attorneys involved. He stated if that should become a matter of litigation, it would be good to have Mr. Hucklebridge working with our solicitors to see this through. He stated this could involve millions of dollars so he feels it is well worth the investment in Mr. Hucklebridge's expertise as well as Mr. Ferguson to work with him to get this resolved.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to Appeal #22-1964 Shiju Vadakot & Stacy Vadakot Jacob for the property located at 300 Frazer Drive, Yardley, PA 19067, Tax Parcel #20-056-086 Variance request from Township Zoning Ordinance #200-22 in order to construct a 448 square foot addition which would decrease the front yard setback to 31.4 feet where 50 feet it otherwise required, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1965 – Megan & James Abriola for the property at 1201 Ward Drive, Yardley, PA 19067, Tax Parcel #20-025-205 Variance request from Township Zoning Ordinance #200-23.B in order to extend the current driveway 420 square feet which would increase the impervious surface from the existing 18.9% to 21.1% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1966 Jessica Festa & Tom Volpe for the property located at 1002 Buckingham Way, Yardley, PA 19067, Tax Parcel #20-054-043 Variance request from Township Zoning Ordinance #200-23.B in order to construct a 379 square foot addition which would increase the impervious surface from the existing 19.3% to 21.4% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

Appeal #22-1967 Darin Bodolosky for the property located at 116 Walnut Lane, Morrisville Pa 19067, Tax Parcel #20-052-127-001. Applicant is requesting a Variance from Township Zoning Ordinance #200-69.A.(14)(a) in order to construct a 1,750 square foot accessory storage building at a height of 25 feet where 15 feet is the maximum permitted, and Township Zoning Ordinance #200-23.B in order to increase the impervious surface from the existing 14.1% to 20.97% where 18% is the allowable amount.

Mr. Truelove this property is at the southeastern part of the Township and Walnut Lane divides Lower Makefield from Falls Township in that location. He stated there was concern expressed by some Supervisors as to whether we should participate or oppose.

Dr. Weiss moved and Mr. Grenier seconded to oppose.

Dr. Weiss stated this is a tight area, and a relatively large building is proposed. Mr. Grenier stated it appears that the house has a pool with a fair amount of impervious area around the pool and a pool shed/pool house. He asked if they are looking to replace the outbuilding in place; and Mr. Truelove stated while he does not recall, he believes there is a replacement of an existing building and increasing the footprint which led to the increase in impervious surface. Mr. Grenier stated he feels that the request for the 25' height may mean that they want to put in an apartment.

Motion to oppose carried unanimously.

Appeal #22-1968 – Joseph & Angela Kearns for the property located on Big Oak Road, Morrisville, PA 19067, Tax Parcel #20-034-089-002. Applicant is requesting a Variance from Township Zoning Ordinance #200-22 in order to construct a single-family residential dwelling with a 60 foot front yard setback where 80 feet is otherwise required from a collector road.

Mr. Truelove stated this is an open lot and is between Charles Boehm Middle School and the Service Station at the corner of Big Oak and Makefield Roads. He stated this property fronts Big Oak Road and has a small frontage on the west side of Makefield Road behind the Service Station. He stated he spoke to the Applicant's attorney, and they measured the setbacks in the back, which do not require a Variance, from the floodplain area not the property line so they do take that into account. He stated with respect to the 60' setback, all of the homes along Big Oak Road in that area are much closer than the 60' setback that is being requested here. It was noted that the property is 1.16 acres.

Mr. Grenier asked if they did a wetlands delineation, and Mr. Truelove stated he does not believe so. Mr. Grenier stated there is another setback off of that that needs to be considered. Mr. Majewski stated we could have them verify that, and they may have already done that. He stated walking in the area, there does not appear to be any wetlands outside of the actual water course limits.

Mr. Lewis moved to participate.

Mr. Lewis stated he is concerned about traffic with the corner adding that there had been some changes done including changes to the signals.

Ms. Blundi seconded and the Motion carried unanimously.

ZONING, INSPECTIONS, AND PLANNING

Approval of Minor Subdivision for Giagnacova (Plan #686)

Mr. Albert Giagnacova Jr. and Ms. Giagnacova were present. Mr. Truelove stated the property is located on the northeast corner of Makefield Road and Sutphin Pine where there is a large open lot and a structure on the other half of it. He stated this went before the Zoning Hearing Board and relief was granted with Conditions which included a Declaration of Covenants, Conditions, and Restrictions which are defined in the document that was presented.

Mr. Giagnacova stated this property was bought thirteen years ago and was the original farmland for the Subdivision called Green Acres. He stated it has been in three families over the last 110 years including his. He stated the property is consistent with the neighborhood. He stated they want to develop the northeast side of the property. He stated currently there are two houses on the property – one on Makefield Road and an old Victorian across from the Lutheran Church. He stated the property sits on approximately 2.6 acres and has some outbuildings throughout including a barn, two garages, and a chicken coop.

Mr. Majewski stated the property is Zoned R-2, and the lot sizes are fairly consistent with the surrounding area. He stated the proposed lot will be to the south of where the garage is located and will extend out so it will actually be bigger than most of the lots in the surrounding area.

Mr. McCartney asked if they are keeping the original structure. Mr. Giagnacova stated they are keeping the original garage, but they are changing the polarity of the garage. He stated currently the garage goes east to west, and that will be changed so that the door is leading north. He stated none of the four corners of the garage will be knocked down, and they will just be changing the door from going east to west to going north to south.

Mr. McCartney asked if the Victorian will be retained. Ms. Giagnacova stated the Victorian faces Sutphin Road. She stated next to it is a Colonial.

Mr. Grenier stated when this came before the Planning Commission there was discussion about the sight line coming around the corner which was addressed with the way the vegetative buffers would be set back from the property line to allow for proper sight lines. He stated the main question the Planning Commission had related to two homes being on one lot, and the Planning Commission was concerned if that were to change hands, what that would mean from a restriction perspective and could there be different families in the different homes. He stated they were being thoughtful about some of the Airbnb issues that the Township has had to address. This Plan was ultimately recommended for approval by the Planning Commission.

Mr. McCartney asked Mr. Majewski to clarify about the multi-family use on the parcel. Mr. Majewski stated they are grandfathered since there are already two houses on the property, and they are allowed to maintain those two houses as is. Mr. McCartney asked if there are any restrictions on occupancy; and

Mr. Majewski stated it was a Condition of the Zoning Hearing Board and emphasized again at the Planning Commission level that there is to be a Declaration on the property. Mr. Truelove stated part of the approval requires their agreement with a Deed Agreement and that is a Declaration of Covenants, Conditions, and Restrictions that reflect the discussions that Mr. Grenier presented. Mr. Truelove stated it talked about limiting it to Residential use; and it cannot be used for a boarding house or short-time rentals, and there can be no business/Commercial use. It states that Lot #1 shall retain its use as a Residential property for Residential housing by the owners or other long-term authorized renters of Lot #1 in accordance with the provisions of the Township Zoning Ordinance. He stated it also states that the Declaration shall restrict and encumber only that portion of the property shown on the Plan as Lot #1 with the two existing two-story Residential dwellings constructed on it. He stated if one of the two Residential dwellings shall be demolished and/or removed and not re-constructed then the Declaration will terminate. He stated the Declaration runs with the land.

Mr. Lewis stated asked about the chicken coop, and Mr. Giagnacova stated that is on the other property. Ms. Giagnacova stated it is currently use for storage.

Dr. Weiss moved and Ms. Blundi seconded to approve the Minor Subdivision for 1 Sutphin Road, Plan #686, Tax Parcel #20-042-109 for an existing Lot and a conceptual single-family dwelling on the new lot as submitted by Edwin A. Reimon, PE. Plans submitted to the Township include the Minor Subdivision Plan, 1 Sutphin Road, dated 2/8/22 prepared by Mr. Reimon, calculations for Small Projects Stormwater Management dated 3/1/22 as prepared by Mr. Reimon, results of a percolation test for a rain garden dated 2/22/22 as prepared by Mr. Reimon, all collectively referred to as the Plan. Unless otherwise addressed during the Approval process, the Approval of the Plan is subject to all of the terms and conditions contained as part of the Motion. The Applicant is required to comply in all respects with each and every requirement of the Lower Makefield Subdivision and Land Development Ordinance, the Lower Makefield Township Zoning Ordinance, and all other Municipal Ordinances and Regulations, and with the Laws and Regulations of every level of Government and every jurisdiction over any aspect of the property. All references are to the Ordinances unless otherwise indicated. All references shall mean without further explanation to the Applicant of the project subject to the following:

- 1) Compliance with all Conditions set forth in the decision of the Lower Makefield Township Zoning Hearing Board, said Decision dated 10/5/21; specifically Applicant has agreed to a Deed Restriction to preserve the Residential character and nature of the lot and to prohibit Commercial or business enterprise use of the property as more fully set forth in said October 5, 2021 Zoning Hearing Board Decision and the Record Minutes of same. Applicant will sign and Record the Final Declaration of Restrictions, Covenants, and Conditions in such form as approved by the Township solicitor; otherwise Applicant shall comply with all other requirements of the Township Zoning Code;
- 2) In addition to the foregoing, Applicant shall comply with the requirements set forth in the letter dated 4/22/22 prepared by the Township's engineering consultant, Remington & Vernick Engineers incorporated herein and set forth in full (will be attached);
- 3) Comply with all requirements and determinations of the Township's traffic engineer including but not limited to all requirements and Conditions as more fully set forth in the review letter dated 3/28/22 as issued by SAFE Highway Engineering, LLC;
- 4) Comply with all requirements and determinations of the Township's Traffic Safety Officer including but not limited to all requirements and Conditions as more fully set forth in the review memorandum dated 3/13/22 as issued by Tom Roche, Traffic Safety Officer;
- 5) Comply with all requirements and determinations of the review memorandum from Township Fire Official, Timothy Chamberlain, dated 3/25/22;
- 6) Comply with all requirements and determinations of the Lower Makefield Township Planning Commission including but not limited to all requirements and Conditions as more fully set forth in the review memo dated

5/12/12 including reference to the entry of a Declaration of Covenants and Restrictions provided by Barbara M. Kirk, Esquire of Hill Wallack, LLP

The Applicants agreed to the Conditions, and the Motion carried unanimously.

PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, stated he is the President of Makefield Glen Homeowners Association which includes 848 homes on private roads. He stated a few days ago one of the residents was walking at 8 p.m. and observed a number of young people going door to door in the complex. They indicated they were from the Clean Water Alliance; and the resident advised them that the community is private, and there is signage on both sides of the entrance to their property that there is to be no soliciting. He stated they produced a Permit from the Lower Makefield Township Police. The resident stated it was still private property and they were trespassing, and she called the Police. Mr. Rubin stated when the Police Officer arrived and saw the Permit, he advised the resident that they had a right to be on the property. Mr. Rubin stated he brought this issue up a number of years ago with the Chief who agreed that only political solicitation can go on private property. He stated Clean Water is a 5014C and by definition cannot participate in political activity. He asked the Chief to re-acquaint his Officers with the fact that Permitting does not give a solicitor the right to come onto private property. Chief Coluzzi stated he agrees, and he will make sure the Officer who was involved is aware of this.

DISCUSSION ITEM

Interim Township Manager Discussion

Mr. McCartney stated Mr. Lewis asked that they discuss an Interim Township Manager. Mr. McCartney stated he feels we have a very skilled Township Manager and very skilled Chief of Police who will be able to handle this transition. He stated based on a prior discussion regarding the talent pool that we are looking to pull from based and on a base salary we are “aiming pretty high.” He stated he is not 100% sure how an Interim Manager would help during this transition, but he would be willing to listen to options.

Mr. Lewis stated he feels it is very important that we get an Interim Manager; and having gone through this transition process previously, we do not want to be in a situation six to eight weeks from now where the Board is receiving operational calls as that is not the role of the Supervisors to run the operations of the Township or to be the “back stop” when we do not have sufficient people slotted in those positions. He stated we can easily get an Interim Township Manager, and that will help insure that we have the time to select the correct Township Manager who will work best for the Township for a very long time. He stated there “has been a long delay in the process of getting started on this, and he has agitated and pushed on this.” He stated he believes that Mr. Truelove and Chief Coluzzi know that “he agitated and pushed the last time we had to do a transition and had to push a lot longer and a lot harder.” He stated once we get to August and September, if we do not have a candidate either identified or close to joining, we will be in a situation where we are relying on people who have primary full-time jobs. Mr. Lewis stated this is a discussion about the work required and the staff resources we have to do that. He stated it is not about people who have had the position previously, and it is about going forward. He stated going forward means having someone to handle the operations of the Township. Mr. Lewis stated we were in the circumstance where we did not have a Public Works Director or a Township Manager, and it is very difficult to deal with that when the Board is receiving citizen concerns when they do not get immediate responses; and this is not the role of the Supervisors. He stated we want to have people in place to do the management of the Township.

Mr. Lewis stated JPM has done this kind of work for years for multiple Municipalities in the area, and having an Interim Manager reduces the pressure to find someone quickly and who might not be the most ideal candidate. Mr. Lewis stated he will continue to push for this, and if this goes on for three to four months, he feels the Board will be wishing they had someone in place. He stated the people who had these positions in the past have limited time and have families and there is staff with limited time as well, and this is why he is strongly suggesting that we get an Interim Township Manager. He stated we would not lose anything by considering this option.

Mr. Lewis stated he feels this has been a long process, and he does not feel we have been as aggressive as we should have been; and the sooner we can do this, the better off we will be, and the citizens will be better served by having a full-time Interim Manager. He stated our Public Safety will also continue to operate in the manner in which it is, and he does not want anything to disrupt that in any way.

Mr. McCartney stated he understands that Mr. Lewis is indicating that he would like to explore an Interim Township Manager to work with Mr. Ferguson during the transition while we continue to interview possible candidates for Township Manager, and this would alleviate Chief Coluzzi from being the Interim Manager.

Mr. Lewis moved to put this on the Agenda for the next meeting. There was no second.

Mr. Lewis stated if the Board approves it at the next meeting, we would talk to JPM and get three or four candidates. If one of those works, they would serve as an Interim Township Manager who can serve three to under six month which would give the Board the time to find the Township Manager that all the Supervisors want. Mr. Lewis stated when Mr. Ferguson was selected, he had a unanimous vote, and he believes that process of on-boarding Mr. Ferguson worked very well. He stated he would like to have the time to have that same process going forward. Mr. Lewis stated when you are under-staffed it is “brutal” and it does not serve the citizens.

Mr. Grenier stated how that role is filled in terms of the skill set the Board would look at is time-dependent; and as they go through the summer it gets closer to the Budget season so if we have an option to get someone who is a little more Finance-oriented, that would augment our Operations side. He stated we will also be considering the Sewer sale proceeds over the next several weeks, and he feels we should show support for our staff by having someone with experience in the building that they can go to even if that is not the long-term person. Mr. Grenier stated it may be possible that we are happy with the Interim Manager and may want to keep that person as the full-time Manager. Mr. Grenier stated his prior Township made use of Interim Township Managers and it went well.

Mr. Ferguson asked Chief Coluzzi to advise the Board and the public about his background and education. Chief Coluzzi stated in addition to his Police education and the staffing commands, he has a Master’s in Public Administration and has been with the Township over twenty-one years.

Dr. Weiss stated he is aware of Chief Coluzzi’s experience and qualifications, and what he did for the Township in 2018. Dr. Weiss stated he has worked with Interim Managers and knows of four Townships and two Boroughs that worked with Interim Managers, and other than “being a place holder and answering the phone, they were not a valued added to the Township in almost every case.” Dr. Weiss stated with Mr. Ferguson assisting and

Chief Coluzzi doing the day-to-day work with the Department Heads and handling general staff issues, he feels that we will be well served for the next three to four months and we can spend the money it would have cost for an Interim Manager in other areas. He stated we have a Finance person in Alison who could easily become the Finance Director one day. He stated we also have a number of good Administrative Assistants that have developed excellent skills and have no problem deferring to the Chief if necessary. He stated he has faith in our Police Command staff to do a little bit extra, and that has been proven over the last few months given our computer issues. Dr. Weiss stated he does not see a need to hire an Interim Manager or even look for one at this point unless in the next two to three months our applicant pool is insufficient and we would not be able to hire a Manager for 2023. He stated if there is something that requires Board action, the Board could hold an emergency meeting to make a decision if necessary.

Mr. McCartney stated he is leaning toward the plan that was given to the Board by Mr. Ferguson and Chief Coluzzi.

Mr. Lewis stated he is just asking that this be placed on the Agenda for an up or down vote to explore this opportunity. He stated he does not see a downside risk of exploring this. He stated we are not sure what the Applicant pool will be, and we want to make sure that we have a competitive, compelling offering; and the sooner we do that the less risk we have. He stated considering this does not mean that we have accepted a Township Manager, and it just means that we are willing to talk to JPM and see what the options are which he feels is a reasonable approach and does not necessarily preclude any decisions.

Mr. Lewis stated if Chief Coluzzi wanted to apply for the Township Manager position he would welcome his Application. Chief Coluzzi stated that is not part of this discussion, and he is just here to help out. Mr. Lewis stated he feels those who are willing to step up and help may become frustrated with the time commitment, and he feels what he is discussing is a reasonable approach to deal with a challenging staffing issue.

Mr. McCartney stated he will take it under advisement for the next meeting.

Mr. Zachary Rubin, 1661 Covington Road, advised the Board of a search for a replacement position he was aware of which took place some years ago.

Ms. Blundi thanked all those who came out for the Blood Drive adding that it was so successful we have been asked by the Red Cross to host another one, and that will take place on August 5.

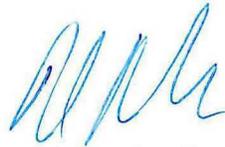
SUPERVISORS REPORTS

Ms. Blundi stated there was a successful Styrofoam/cork/battery collection day. She thanked the EAC members for their help taking the materials to the places that will take these items.

Mr. Lewis thanked those involved with the successful Blood Drive. He stated the Citizens Traffic Commission addressed issues with regard to speeding and have followed up with Chief Coluzzi and SAFE to get some monitoring at Reading and Fairway Roads. He stated the Trenton-Mercer Airport Review Committee will meet on Monday.

There being no further business, Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 10:50 p.m.

Respectfully Submitted,



Daniel Grenier, Secretary