

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 19, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 19, 2023. Dr. Weiss called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors: Fredric K. Weis, Chair
Suzanne Blundi, Vice Chair
John B. Lewis, Secretary
Daniel Grenier, Supervisor

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

Absent: James McCartney, Treasurer Board of Supervisors

COMMUNITY ANNOUNCEMENTS

There was no one from any youth groups or other organizations wishing to make an announcement at this time.

Dr. Weiss stated that Lower Makefield Township will be holding a Styrofoam and Recycling Event on Saturday, April 22, 2023 from 10:00 am. to noon outside of the Township Building, 1100 Edgewood Road, Yardley, PA 19067. We are collecting clean, white Styrofoam, natural and synthetic corks, clean pill bottles with tops, and household batteries.

Dr. Weiss stated the Historical Commission is planning a Community Clean-Up Day at Slate Hill Cemetery on May 6th at 9 a.m. Slate Hill is located at 2308 Yardley-Morrisville Road. The clean-up is focused on branches and leaves and is part of the eventual plan to clean grave markers.

Dr. Weiss stated Yardley-Lower Makefield VFW Post 6393 and American Legion Knowles-Doyle Post 317 will be leading the annual Memorial Day Observance Ceremony and Parade on Monday, May 29, 2023. The morning observance

begins at 9:00 a.m. at the Delaware Avenue monument and the Main Street Parade begins at 11:00 a.m. As usual the parade will muster on Maplevale Drive and proceed down Main Street to its conclusion at the American Legion Post.

ZONING HEARING BOARD APPEAL #23-1999 CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS, 375 STONY HILL ROAD – SOLICIT PROPOSALS FOR CONFLICT COUNSEL

Dr. Weiss stated this is a reconsideration of previous decision to defer this matter exclusively to the Zoning Hearing Board since a lot has transpired since that decision including a Zoning Hearing Board meeting on the matter.

Ms. Blundi moved and Mr. Grenier seconded to solicit proposals for Conflict Counsel to possibly represent the Board to participate at the Zoning Hearing Board if the Board desires.

Mr. Grenier stated we are essentially putting out an RFP for Conflict Counsel to provide information to the Board of Supervisors so that the Board can make a collective decision to participate or not. Ms. Blundi stated she does not believe it is as formal as an RFP. Mr. Grenier stated a Request for Proposals is a specific type of document, and we are requesting proposals for Conflict Counsel so that we can be informed as to the potential for participation.

Mr. Truelove stated this Appeal was discussed at the last Board of Supervisors meeting, and at that time it was not known of the proximity of the neighborhood to the Synagogue; and it has been found that one of the effected neighbors who is now a Party in the case is one of Mr. Truelove's law partners. Mr. Truelove stated he feels it would be an appearance of impropriety for his firm to represent the Township.

Motion carried with Mr. Lewis opposed.

Ms. Blundi moved and Mr. Grenier seconded to seek a Continuance of the Zoning Hearing Board meeting currently scheduled for May 2, 2023.

Mr. Grenier asked what can be done if the Zoning Hearing Board or other Parties decide that they do not want to Continue the meeting. Mr. Truelove stated the Board can approve Counsel and have it ratified later and have them attend the meeting on May 2. Mr. Truelove stated he understands that this will not involve just one or two Hearings, and there will be sufficient opportunities to make a Record. Mr. Truelove stated even if the Township does not participate,

they always retain the right to be a Party later on, but it is customary to have Counsel at the Zoning Hearing Board meeting if the Township is going to participate in some capacity. Mr. Grenier stated he asked this because the Board of Supervisors meeting is not until the day after the May 2 meeting. Mr. Truelove stated Mr. Fetterman was appointed as the new Zoning Hearing Board Conflict Counsel at the Zoning Hearing Board meeting last night, and he may need time to get up to speed as well.

Motion carried with Mr. Lewis opposed.

Mr. Kratzer stated Township staff will be meeting with Verizon next week to try to discuss the potential of alternative locations on the site as well as alternative locations in general as well as to better understand some of the deficiencies of service that may exist in that area of the Township. Mr. Kratzer stated that information will be available as well as the consultation with the to-be-appointed Conflict Counsel as the Board contemplates its decision whether to participate or not.

APPROVAL OF MINUTES FOR MARCH 15, 2023

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of March 15, 2023 as written.

FINANCIALS

Treasurer's Reports – February & March, 2023

Ms. Blundi stated in February, 2023 the Township took in Revenue in the amount of \$925,900.94 and had a total amount of Expenses of \$1,660,703.90. She stated in March, 2023 the Township had Revenues of \$4,342,087.71 with Expenses of \$2,099,193.44

Approval of February & March Interfund Transfers

Ms. Blundi moved and Mr. Grenier seconded to approve the February Interfund Transfers in the amount of \$753,696.29 as attached to the Minutes.

A gentleman from the audience asked about the reconsideration of the Township's participation in the Verizon Appeal. Mr. Truelove stated that will be deferred until the next meeting after Conflict Counsel is retained. Mr. Kratzer stated the next Board of Supervisors meeting is May 3.

The vote was taken on the February, Interfund Transfers, and the Motion carried unanimously.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve the March Interfund Transfers in the amount of \$1,132,039.88 as attached to the Minutes.

Approval of Warrant Lists from March 20th, April 3rd, & April 17th

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve the Warrant Lists for March 20 in the amount of \$409,042.68, April 3 in the amount of \$650,289.40, and April 17 in the amount of \$239,332.46 for a total amount of \$1,258,269.54 as attached to the Minutes.

ENGINEER'S REPORT

Mr. Pockl stated his Engineer's Report was provided to the Board in their packet.

Approve Award for the 2023 Road Program to Earle Asphalt Co. in the Amount of \$1,137,813.13 for the Base Bid and Add Alternate #4 in the Amount of \$26,400

Mr. Pockl stated Bids were opened on March 30, 2023, and five Bids were received from the low Bid up to over \$1.7 million. He stated the Base Bid is to mill and overlay a number of roads in the Township which he listed. He stated a number of Add Alternate Bids were opened; and they are recommending, due to Budget constraints, only the Award of the Base Bid and Alternate #4 which is the portion of Maplevalle Drive from Meadow Drive to Taylorsville Road. He noted that there was a drainage project which was recently completed there, and this road was supposed to be paved in last year's Road Program. He stated we also received prices from the contractor who was doing the drainage work and contractors who were doing work within the area, and the price that was received through the Road Program was less expensive than the other prices that were received.

Mr. Kratzer stated we are going to communicate to the contractor if they are awarded the Bid that Maplevale should be the done initially recognizing that that work was anticipated to be completed in 2022. He stated the 2023 Budget contemplated that the cost for this year's Paving Program would be \$785,000, so there is a gap in funding between what was contemplated and what ultimately was realized when we went to public Bid. He stated the recommendation is to proceed with the work and that the gap be funded utilizing proceeds from the 2016 Bond Proceeds Account or the American Rescue Plan Act funds. He stated their initial thought is that it would be more appropriate to use the restricted Bond proceeds recognizing that the other Funds that the Township has available are not as restricted and could be used for other purposes.

Mr. Lewis moved and Ms. Blundi seconded to award the 2023 Road Program to Earle Asphalt Co. in the amount of \$1,137,813.13 for the Base Bid and Add Alternate #4 in the amount of \$26,400.

Mr. Grenier asked how much money is left in the Rescue Plan Funds because those funds have been discussed to be distributed among different projects moving forward. Mr. Kratzer stated his recommendation is to use the Bond proceeds since they are restricted for Capital Projects and roadway improvements are one of the contemplated projects as part of that. He stated in that account there is about \$4.2 million in remaining proceeds from the 2016 Issue. He stated the gap that exists between Budget and the Base Bid and Alternate Bid is about \$379,000 so there are sufficient funds in that account to be utilized.

Mr. Kratzer stated there was some public discussion that there was \$9 million in that Bond fund. He stated there other funds that are not Bond proceeds despite the checking account being labeled as 2016 Bond proceeds, and there were non-Debt proceeds that were placed into the Account. He stated they were accounted for from an accounting perspective and of the approximately \$9.3 million that was reported in terms of Bond proceeds, about \$4.3 million of that is the actual Bond proceeds, approximately \$2 million is attributed to an Agreement that the Township entered into relative to a cell phone tower lease, and the remaining \$3 million is the initial deposit from the Sanitary Sewer sale. He stated all of those were deposited into this checking account which had a very specific title, but were accounted for from an accounting perspective.

Mr. Grenier stated that seems like something that the Township needs to rectify from a bank account perspective with regard to the co-mingling of the funds. Mr. Kratzer stated he will be coming back to the Board on May 3 to try to clean that up. He stated there is nothing wrong with what was done, but he would

recommend addressing that. He stated he feels we should take the \$3 million that is currently in the account and put it in the Fund where the other Sewer sale proceeds are so that it is all together. He stated in terms of the \$2 million there is flexibility, and that could be placed back into either the General Operating Account or in Capital Reserve for future Capital-related projects. He stated with regard to the Debt proceeds they would recommend that we look at transitioning those proceeds from where they are currently deposited at Penn Community Bank to the Pennsylvania Local Government Investment Trust (PLGIT) which is part of the account services that they provide and is a value-add as they will do all the required IRS arbitrage rebate calculations. He stated a proposal will be coming before the Board on May 3 with regard to that issue.

Mr. Grenier stated in the past he has discussed the importance of accounting for things and coming up with a plan to address Capital projects, other projects, etc. across the board with all the funds that we have in a thoughtful, direct manner. He stated this is a good example of why we need to do this.

Mr. Lewis asked how much of the increase in cost was due to the asphalt prices, and Mr. Pockl stated a significant amount of the increased cost was the asphalt prices. He stated last year when the Road Program was bid out, we received a line item price of \$84 a ton for asphalt wearing course; and this year the line item price is \$122.50 a ton for asphalt wearing course. He stated that is consistent with what has been seen across other Municipalities and what the Township has received as far as asphalt pricing to be delivered but not installed. Mr. Lewis asked if this will be a long-term or short-term issue since inflation and petroleum are starting to come down; and Mr. Pockl stated he feels while this may level off and normalize a little bit, he does not feel we should expect prices to go back to \$85 to \$90 a ton.

Mr. Kratzer stated to the extent that we are not going to modify the multi-year plan that was put forth, there is going to have to be funds allocated to this beyond what was initially contemplated just to be Liquid Fuels Funds. He stated in 2023 it was contemplated that there would be use of about \$735,000 of Liquid Fuels Funds, and there was an allocation of \$50,000 from the American Rescue Plan Act which was the \$785,000. He stated assuming things are consistent from a market perspective and what is being received in terms of Liquid Fuels allocation in 2024, in order to continue with the plan that was contemplated, we are going to have to supplement that in some fashion as the Liquid Fuels allocation is not going to be sufficient to meet what has been outlined in the plan.

Mr. Lewis asked what would be this yield on PLGIT; and Mr. Kratzer stated while he does not know the current yield, they have been more competitive than traditional brick and mortar banks. He stated more information will be coming with regard to this issue.

Mr. Grenier stated we should be cognizant of the Memorial Day Parade when considering timing of the Road Program as it related to Maplevale Drive.

Mr. Kratzer asked when mobilization by the contractor would be expected if the Motion is passed this evening. Mr. Pockl stated the Township has the Responsible Contractor's Ordinance that requires 21 days for review of the contractor; however, in the past the Board has waived that for Road Programs because it is generally the same companies who bid on the Road Program every year. He stated the Board could partially waive the Ordinance adding that due diligence has been done as far as reviewing all of the information that was submitted with the Bid. Mr. Grenier asked if they could get the work done in five weeks, but Mr. Pockl stated he feels that would be aggressive. Mr. Pockl stated once awarded, Contracts needed to be drawn and signed. Mr. Kratzer stated they will be mindful of the Memorial Day Parade.

Motion carried unanimously.

Mr. Kratzer asked if the Board wanted to make a Motion with regard to the Responsible Contractor's Ordinance, but no Motion was made at this time.

Approve Change Order #1 for the Woodside Road Bike Path to Richard E. Pierson Construction, Inc. in the Amount of \$7,668

Mr. Pockl stated this is for a portion of the work that was completed. They were proceeding with installing the stone sub base underneath the trail when they encountered some soft soils/additional top soil which was thicker than what was anticipated and they had to excavate the additional top soil and backfill that with a suitable stone sub base in order to provide a solid base foundation for the asphalt paving for the trail. It was approximately 70 cubic yards, and the price for that was \$7,688.

Mr. Grenier moved and Mr. Lewis seconded to approve Change Order #1 for the Woodside Road Bike Path to Richard E. Pierson Construction, Inc. in the amount of \$7,688.

Mr. Grenier asked for an update on the overall status, and Mr. Pockl stated they are ahead of schedule. He stated they anticipated completing in May of this year, and he believes that they will be completed by the end of this month. He stated they are proceeding with paving the trail and they then have some restoration of areas adjacent to the trail after which it will be substantially complete. Mr. Lewis stated they have made great progress the last few days on the paving.

Mr. Lewis asked about the plan with the Delaware River Joint Toll Bridge Commission with regard to the crossing of Taylorsville to finish that process. Mr. Lewis stated it was previously discussed that more money was needed, and we would have to go for a Grant for that. Mr. Pockl stated a Grant Application was filed in January, and we are waiting to hear back from that probably in June. Mr. Lewis stated that could then be a 2023 project, and Mr. Pockl agreed it could be. Mr. Kratzer stated he had a discussion with SAFE Engineering, and related to that intersection in general there were punch items that needed to be verified that they were completed. He stated they were also going to discuss the potential partnership with the Toll Bridge Commission to re-evaluate pedestrian orientation at the intersection and see if there is opportunity for them to help us in some way to implement those pedestrian improvements. Mr. Kratzer stated SAFE is trying to coordinate a meeting with the Toll Bridge Commission, SAFE, and the Township. Mr. Lewis stated he would be happy to speak to the Toll Bridge Commission about having such a meeting.

Mr. Grenier asked if this coordinates with what was in the Grant; and Mr. Kratzer stated SAFE was involved in discussions with regard to the Application submitted, and he assumes that the improvements that were co-contemplated by RVE and SAFE are consistent with the discussions we anticipate having with the Toll Bridge Commission.

Motion carried with Ms. Blundi abstained.

Approve Change Order #2 for the Woodside Road Bike Path to Richard E. Pierson Construction, Inc. in the Amount of \$5,390

Mr. Pockl stated this is for additional curb work that was completed on Hayfield and Clearview Roads. There was replacement of a Belgian block curb which was completed which was not in the initial Contract. The price received from the subcontractor was \$4,900, and the Contract allows for a 10% mark-up by the General Contractor which is why the amount of \$5,390.

Mr. Lewis moved and Mr. Grenier seconded to approve Change Order #2 for the Woodside Road Bike Path to Richard E. Pierson Construction, Inc. in the amount of \$5,390.00. Motion carried with Ms. Blundi abstained.

Approve Pay Application #2 for the Woodside Road Bike Path to Richard E. Pierson Construction, Inc. in the Amount of \$78,162.84

Mr. Pockl stated this is for additional costs for mobilization, maintenance and protection of traffic, temporary erosion and sediment control, and site clearing. He stated this work has been completed, and they have actually gone beyond what are the limits of this Pay Application.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #2 for the Woodside Road Bike Path to Richard E. Pierson Construction, Inc. in the amount of \$78,162.84. Motion carried with Ms. Blundi abstained.

Approve Pay Application #3 for the Maplevale Drainage Project to Bencardino Contractors, Inc. in the Amount of \$9,785

Mr. Pockl stated this was for the replacement of additional concrete curb along Taylorsville Road. He stated once the storm pipe was moved away from the Verizon duct bank, the trench that was excavated to install the storm pipe had undermined the existing curb; and we therefore had to replace the existing curb along Taylorsville Road. He stated the price used for that was based on the line item price for concrete curb replacement that was in the Contract based on the prices bid. This is for 95 linear feet of curb replacement.

Mr. Lewis moved Mr. Grenier seconded and it was unanimously carried to approve Pay Application #3 for the Maplevale Drainage Project to Bencardino Contractors, Inc. in the amount of \$9,785.

Approve Change Order #4 for the Maplevale Drainage Project to Bencardino Contractors, Inc. as a Credit to the Township in the Amount of (\$683.90)

Mr. Pockl stated this is a difference in the prices of items bid and the quantities actually installed in the field; and since there were less quantities installed, the Township is entitled to a credit in the amount of \$683.90.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve Change Order #4 for the Maplevale Drainage Project to Bencardino Contractors, Inc. as a credit to the Township in the amount of \$683.90.

Approve Pay Application #2 for the Maplevale Drainage Project to Bencardino Contractors, Inc. in the Amount of \$73,420.29

Mr. Pockl stated this is a semi-final payment, but does not include the two previous Change Orders just approved. He stated we should expect one more final Pay Application at the next Board meeting to cover those Change Orders and the retainage. He stated the work is completed.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #2 for the Maplevale Drainage Project to Bencardino Contractors, Inc. in the amount of \$73,420.29.

Mr. Lewis asked if everything has been resolved with Verizon. Mr. Kratzer stated Change Order #3 is an additional cost associated with the curbing. He stated there were two prior elements that had been discussed relative to the claim which were the additional design costs that RVE incurred and the fabrication of the structure. He stated those two have been paid, and we will attempt to submit a supplemental claim to try to recover the additional \$9,785.

Motion carried unanimously.

PARKS AND RECREATION

Approval of the 2023 Pool Chemical Bid to Buckman's as Bid Through the Bucks-Montgomery County Aquatic Consortium

Ms. Tierney was present and stated this information was provided to the Board in their packet.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to approve the 2023 Pool Chemical Bid to Buckman's as Bid through the Bucks-Montgomery County Aquatic Consortium.

Acceptance of the Proposal from Patriot Water Works for Leak Detection Services for the Lap Pool in the Amount of \$5,500

Mr. Lewis moved and Mr. Grenier seconded to accept the proposal from Patriot Water Works for leak detection services for the lap pool in the amount of \$5,500.

Mr. Lewis asked how much we are losing in pool water from the leak. Ms. Tierney stated water loss was noticed last year, and she asked Patriot Water Works to come out and do a quick review to see if they saw any concerns. She stated she does not know how many inches of water a day we are losing. She stated they will be able to give us a better number of water loss and if there is a problem or not. She stated they will review it when the pool is empty and then again when the pool is full.

Mr. Grenier stated there is a secondary meter on the Pool, and Ms. Tierney agreed. Mr. Grenier stated we are covered by the “PUC thing,” and Mr. Kratzer stated we are. Mr. Kratzer added that because of the potential timing of the tariff change, we will likely be paying for the cost of filling the pool, as the date that the tariff is contemplated to be effective is in July. Mr. Kratzer stated we will follow up with Aqua to see if there is any consideration on this issue. Mr. Grenier asked if we and others in the Township could get a credit for this. Mr. Truelove stated we have to see procedurally what the next step is once the decision is finalized. Mr. Truelove stated Exceptions were filed by the other Parties, and that delays it a little bit; however, once those are disposed of, he feels the effective date would still be July 8, and we will follow up to see what that means. Mr. Kratzer stated we may be reluctant to consider requesting consideration because of the impact on the entire customer base as opposed to just us as a single user.

Dr. Weiss stated there are other ways that we could fill the Pool, and Ms. Tierney stated they are looking into that. Mr. Kratzer stated we are looking at alternative routes including the potential of hauling water and trying to quantify what the cost of that would be relative to the anticipated disposal fees. Ms. Tierney stated we are also looking into whether we could keep the water in the Pool instead of draining fully every year although that does not help this year.

Ms. Blundi asked if we should be looking into filing an Exception as well. Mr. Truelove stated the time for filing Exceptions has expired. He stated he had submitted that to the Board the day we received the Decision, and there was a ten-day window to file Exceptions. Mr. Truelove stated they did not see anything that was going to be viable that would make it prudent to spend Township money for that purpose. He added that there will be a Rate Case next year,

and he feels that would be the time to raise the issue. Ms. Blundi asked if we could take the position that even though we are late to this, we do support the people who have indicated that this is an illogical decision; and we could write a letter of support. She stated this was something that was discussed with all of the Bidders, including Aqua, and she is disappointed by the turn of events.

Mr. Grenier asked if they are going in next year to try to raise rates, and Mr. Truelove stated that was what was said at the Hearing.

Motion carried unanimously.

Approval of the Purchase of Relay Devices for the Pool and Summer Camp in the Amount of \$4,777.20 and Enter Into an Associated Annual Service Agreement for \$5,220

Ms. Blundi moved and Mr. Lewis seconded to approve the purchase of relay devices for the Pool and Summer Camp in the amount of \$4,777.20 and enter into an associated Annual Service Agreement for \$5,220.

Mr. Grenier asked what is a relay device. Ms. Tierney stated she included information in the Board's packet including a video. She stated the staff indicated that there was a problem and suggested this solution with regard to communication between staff. She stated this is a walkie-talkie-type device that is waterproof for up to thirty minutes. She stated in the event of an emergency they can just push a button which calls the Manager over, and they can communicate back and forth. She stated there is also a translation feature which is helpful particularly with some parents at Summer Camp. She stated since Camp will be at two sites – Edgewood and the Community Center – and they will be traveling in different directions on different days, this would help track the staff who are carrying the devices. She stated at home base, they will be able to advise parents where they are on a trip. Ms. Tierney stated off-season these devices could be used at the Veteran's Day Parade or on Community Day. She stated they use cell phone-type coverage. There are twenty-seven devices along with two desk-top Licenses. Mr. Grenier asked about the Warranty; however, Ms. Tierney stated she did not know all of the Warranty information off hand.

Motion carried unanimously.

Approve RVE's Proposal for Services Relating to the Veterans Square Project

Ms. Tierney stated the Board was provided the packet related to this which includes various Phases. She stated she would recommend going with Phase 1 to get a better picture of what the project is and how much it will cost. She stated we had applied for a Grant, but did not receive it. She stated this will give us an idea as to what the shortfall is as far as budgeting, and they can then come back to the Board as to how to move forward.

Mr. Kratzer stated we want to proceed with work and Phase 1 would be where to start. He asked Mr. Pockl if we do not proceed to subsequent Phases, would we only be billed for the Phase 1 work; and Mr. Pockl agreed. Mr. Kratzer stated at the last meeting there was some discussion about self-funding this project, using internal resources; and in order to provide a clear picture of what the actual costs will be there is additional design work that needs to occur, and so the intention is to proceed with design and come back to the Board with more concrete plans, and at that time the Board can determine how they would like to proceed.

Mr. Pockl stated Phase 2 is Permitting which would be necessary for any of the designs, and that is Permitting through the Bucks County Conservation District. He added it is assumed that a NPDES Permit, which is a Stormwater Permit for Earth Disturbances over one acre, would not be needed for this project.

Mr. Kratzer asked Mr. Pockl if he is recommending that if the Board wishes to proceed, they approve Phases 1 and 2 at this time, and Mr. Pockl agreed.

Mr. Pockl stated there is probably a month of discussion back and forth with the Conservation District for Permitting once we submit.

Mr. Grenier stated they would be doing the E & S Plan as part of Phase 1, and they would get the Permits locked in during Phase 2. He stated it seems like we need the survey and basic site information starting with the concept design, and he asked if we expect that the design will change. He stated it seems that what is described for Phase 1 and Phase 2 is to get a design and Permits done for what would be Bid. Mr. Grenier asked if we still want flexibility in terms of design prior to getting Permits. Ms. Tierney stated conceptually there is a base line design. Mr. Pockl stated given the fluctuation in construction prices, once the design is complete it would be a re-affirmation of the cost estimate to insure that the design still matches up with the funding that is available for the project. Mr. Grenier stated we want to have a design completed so that it is available whenever we get funding and can Bid it. Ms. Tierney stated there is some funding set aside for pieces of the project, and Mr. Pockl will provide a broader

picture. Mr. Grenier asked if this is a not-to-exceed proposal, adding he assumes it will be a times and material not-to-exceed. Mr. Pockl stated that they will only bill for the amount of time spent on completing the project.

Mr. Grenier asked if there is anything in the design where they are looking at doing any retaining walls or similar, and Mr. Pockl stated that the grading on site is relatively flat and therefore there are no anticipated retaining walls. Mr. Grenier asked if they are including any lighting in the design, and Ms. Tierney stated that was not the intent. Mr. Pockl stated there is some stormwater management design that will be required, and they anticipate putting a rain garden in on site. Mr. Grenier stated it will not hit the threshold that requires a Chapter 102 NPDES Permit, and Mr. Pockl agreed. Mr. Grenier asked if there are any concerns about ESAs and asked if there are natural resource issues that we are aware of, and Mr. Pockl stated there are not.

Dr. Weiss asked if everyone was in favor of having Mr. Pockl proceed with Phase 1 and Phase 2 of the project and give the Board an estimate of how much it would cost and make it Bid ready, and all Board members were in favor.

PUBLIC WORKS

Approve Pay Application #1 for Police Department Renovations to S. J. Thomas in the Amount of \$213,262.78

Mr. Fuller was present.

Mr. Lewis moved and Ms. Blundi seconded to approve Pay Application #1 for Police Department Renovations to S. J. Thomas in the amount of \$213,262.78.

Mr. Grenier asked Chief Coluzzi if he is satisfied with the work done to date relative to the Invoice, and Chief Coluzzi stated he is. Chief Coluzzi thanked Mr. Fuller who has been very active inspecting the work and making sure that the contractor performed as he said he would. He stated the original approved amount was \$216,966 so there is about \$3,600 to go; and he is hopeful that it will come in within that amount although there were some unforeseen issues during the project. He stated there was some old duct work in the ceiling that had to be replaced and we also had to put in sound barriers between the Detectives and the Tax Office as we did not realize until the walls were up that you could still hear conversations back and forth so insulation had to be added. He stated he hopes that once Pay Application #2 comes in, we will be within Budget.

Mr. Lewis asked when the project will be complete; and Mr. Fuller stated they are 98% finished, but they are waiting for a few parts to finish the one bathroom with the ADA accessories and a little bit of tile work. He stated they have cleaners scheduled for this week to do a deep clean of all of the surfaces and wax the floors. He stated the Police will be able to move into their facilities within the next two weeks. He stated they then need to complete the Tax Office bathroom probably in the next three weeks depending on the parts needed for the ADA accessories.

Mr. Grenier stated in the documentation there is an adjusted Contract price on Page 3, and Mr. Fuller stated that is what Chief Coluzzi was referring to. He added that is an estimate, and the hope is that when the project is complete we will be at the approved amount.

Motion carried unanimously.

Approval of the 2023 Bucks County Consortium Road Materials Bid

Mr. Fuller stated this is for all of the asphalt and aggregate materials used for in-house services. He stated the detailed package was provided to the Board and included all of the vendors that they plan on using for this year's stone and aggregate purchases. Mr. Fuller stated there are a lot of roads that we need to patch and pave, and we are anxious to begin this work.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to approve the 2023 Bucks County Consortium Road Materials Bid.

Approval of the Purchase of a 2022 Bwise 7,000 Tandem Axle 18" Utility Trailer from Best Line Equipment for a Total Cost of \$6,127.20

Mr. Fuller stated the trailer is used by the open space basin maintenance crews.

Mr. Lewis moved and Ms. Blundi seconded to approve the purchase of a 2022 Bwise 7,000 tandem axle 18" utility trailer from Best Line Equipment for a total cost of \$6,127.20.

Mr. Grenier stated the EAC has a proposal to do an analysis of the basin naturalization program which might save money and manpower on "things like this." Mr. Fuller stated it would help; however, they would still need to

visit a lot of the areas along the right-of-way, etc. He stated there are over 80 basins that they visit. Mr. Grenier stated there was some discussion with the last Public Works Director about “how to do that and he would like to bring that back to life.” Mr. Fuller stated there are certain basins where it would not be feasible due to the proximity of residences; however, there are others that are prime candidates. He stated quite a few of them are planned to be modified with the MS4 work that Mr. Pockl has in the next few years.

Mr. Kratzer stated with regard to the incorporation of these into the PRP, it is somewhat of a unique circumstance generally in that the Township has ownership and O and M responsibilities associated with these basins. He stated it does provide an opportunity for project sites that other jurisdictions do not necessarily have, and basin naturalization fits into that. Mr. Pockl stated within the Pollution Reduce Plan we have a number of basin retrofits that were identified and it is a conversion of a flood-control basin into a flood-control basin and a water-quality improvement basin. He stated there are no-mow zones and seed mixes that go into the bottom of the basins that are a portion of that. He stated the Pollution Reduction Plan covers the portions of the Township that are watersheds that are impaired from sediment. He stated he believes that the program that the EAC refers to is basins all throughout the Township; and while it would include the impaired watersheds, it could include the remaining watersheds within the Township as well. Mr. Grenier stated they are much more generalized, and he is very interested in this.

Ms. Blundi stated there have been discussions for some time about the basin by the Morrisville border because it is an impaired area and it is not near a lot of homes. She stated she would like to move forward with that.

Motion carried unanimously.

Approval of the Purchase of a 2022 Marathon DF 100 Tar Kettle with Agitation from Asphalt Care for a Total Cost of \$14,999

Mr. Fuller stated this is to replace an inoperable tar kettle that the Department has and is hoping to get rid of.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to approve the purchase of a 2022 Marathon DF 100 tar kettle with agitation from Asphalt Care for a total cost of \$14,999 which is under Budget by \$1.

Authorize the Sale of Various Surplus Items via Municibid

Mr. Fuller stated detailed information on this was provided to the Board in their packet.

Ms. Blundi moved and Mr. Lewis seconded to authorize the sale of various surplus items via Municibid.

Mr. Kratzer asked the total value of the items that are contemplated to be sold. Mr. Fuller stated as per the recommendation provided there is potential income of \$64,960. Mr. Fuller noted with regard to the Ford Taurus the recommendation is to donate it to the Yardley-Makefield Fire Company who will do training on it and then cut it up into pieces, after which it will be taken away by a scrapper for \$600. Mr. Fuller stated the highest Bidder for that item was \$525, and there is more value to donate it to the Fire House and then the scrappers will take it for a \$600 value.

Motion carried unanimously.

Mr. Kratzer thanked Mr. Fuller and his staff for doing this work as there were a lot of items that had been on site for quite some time. Mr. Fuller stated now they need to get the various Bidders to come in and take out the items. Mr. Grenier asked if there is a guarantee that all of the material will be removed from the property after this is approved, and Mr. Fuller stated there were people who already wanted to come in and pick up their items before this meeting.

Approval of South Drive Culvert Replacement Project

1. RVE's Proposal for Bidding and Construction Management/Inspection Services
2. Acceptance of the Proposal from Contech in the Amount of \$79,800 to Furnish and Assemble the Culvert
3. Authorization to Bid Demolition of the Existing Culvert, Site Preparation, Backfill, and Site Restoration

Mr. Fuller stated this was a prior project that was Bid but subsequently not awarded. He stated Mr. Pockl went back and considered some options for the project that was over Budget in the fall of 2022, and he has suggested have Contech, a CoStars vendor, furnish the culvert directly to us, assemble

it, and then we will need a contractor to physically do the site prep, backfilling, restoration work, etc. once the culvert is in place by Contech. Mr. Pockl stated it is felt that this will be a cost savings over the previous Bid that was received. Mr. Pockl stated they had discussed adding a little bit of scope as far as extending the limits of paving because South Drive has deteriorated to the point where it makes sense to pave the entire length of South Drive versus just the area that is around the culvert. He stated that would be included in the Bid documents as well.

Mr. Grenier asked Mr. Pockl to speak about the current condition of the culvert. Mr. Pockl stated when they looked at the culvert last year, it was in poor condition, but not to the point where we had to limit the amount of weight that was going over the culvert, although there were areas where it was rusted through and portions that were beginning to buckle. He stated they monitored the culvert throughout the winter and saw no significant deterioration; however they do not believe that it will last through another winter cycle.

Mr. Lewis moved and Mr. Grenier seconded to approve the South Drive Culvert Replacement Project as described by Mr. Fuller.

Mr. Pockl stated there is a ten-week lead time on the culvert, and we would initially engage with Contech to order the culvert so that they can get that manufactured. He stated they would then anticipate the schedule for construction to be mid-July which would be after this School season, but before the next School season.

Motion carried unanimously.

MANAGER'S REPORT

Mr. Kratzer thanked Mr. Fuller and Mr. Pockl for the coordination that is going on between the Public Works Department and our consulting engineer.

Mr. Kratzer stated at a prior meeting the Board discussed the work that had previously been done in terms of the adoption of an Employee Handbook and related Personnel Policies. He stated he and the Township solicitor will be meeting on Friday to review the status of that, and we hope that in the near future that will be brought back to the Board for their review and consideration.

Mr. Kratzer stated there were prior discussions regarding RPA dollars, and by the next meeting he will get an accounting of where we stand on that. He stated the 2023 Budget contemplated spending down those funds to a little over \$383,000, and there have been additional items that have been brought before the Board during his tenure that were contemplated to be paid from that fund so he will get a more accurate accounting of that and report on that to the Board.

Mr. Kratzer stated with regard to creating a strategic financial plan, they will continue to work on that and ultimately have something that feeds into the context of the Budget conversation which should start sooner this year than it has in the past.

Approve RVE's Environmental Assessment Proposal for the Patterson Farm Property

Mr. Kratzer stated as a follow-up to a prior discussion that the Board had relative to the Patterson Farm property, the Board had authorized the Township Manager to prepare a Request for Proposals or Bid documents relative to environmental remediation on the site at Patterson Farm. He stated in coordination with Mr. Pockl and internal staff, there is some additional work that needs to be done to inform what that Bid document would look like so a proposal was provided in the Board's packet from RVE. Mr. Kratzer stated they are recommending additional work to try to refine the scope so that when we do go to market we can eliminate some of the uncertainty that a respondent would have with the Bid.

Mr. Pockl stated in 2018 an Environmental Assessment was done which identified the contaminants both in and around the buildings. He stated it was identified that there was lead contamination around the Satterthwaite House and portions of the barn behind that and also at the Artists of Yardley site. Mr. Pockl stated the next step is to identify a horizontal and vertical profile of the extent of the contamination that is within the soils on the site. He stated they would do sampling around all fifteen buildings on the site. They would go out a certain number of feet from the perimeter of the building, test the soil, and determine the depth of the contamination and the horizontal extent of the contamination. He stated if they get to an area where the lead levels are below what the threshold is, additional testing beyond that might not be necessary. He stated this is to get a horizontal and vertical extent of the contamination that is on the site which will enable them to better provide information on how to remediate.

Mr. Grenier stated most of the costs associated with lead contamination is removal of soils so this will give an area of impact.

Mr. Grenier moved and Mr. Lewis seconded to approve RVE's Environmental Assessment Proposal for the Patterson Farm property.

Mr. Grenier stated we know that there is lead contamination in the soils at Patterson Farm, and now we are trying to figure out the location and the extent of it so that we can at some point get a remediation contractor to remove the materials. Mr. Grenier stated they were very specific about lead. He stated when removing these materials which have to go to a receiving facility, there are other constituents that need to be addressed depending on where they are being received. Mr. Grenier stated he wants to make sure that we are testing for everything that we might come across. Mr. Pockl stated there is a base line test; and when you send the samples to the lab, they will test for a number of items, and lead is just one portion of that. He stated it is their intent to get identification of the number of contaminants that could potentially have an impact on the cost of remediation. Mr. Pockl stated they have made some assumptions within the proposal to identify a cost per sample and testing to identify the parameters for what gets tested at the lab.

Motion carried unanimously.

SOLICITOR'S REPORT

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

Approval of Resolution #23-8 for Revised Pump and Haul Agreement for the Prickett Preserve Land Development Project

Mr. Truelove stated at a prior meeting the original Resolution was passed, and Ms. Kirk has advised that the DEP would not accept the original signed Pump and Haul Agreement as the Act 537 Plan has not yet been changed to reflect Aqua's ownership of the Sewer system. They want the Township named as the owner of the system before they will approve. Mr. Harris, the counsel for Prickett Preserve, indicated that he got a response from DEP that stated the Resolution and the Municipal Agreement references the proposed sewer facilities being Dedicated to Aqua; however, the Act 537 Plan for the sale of Township's system to Aqua has not yet been approved, and as such the

Township continues to be the Permittee of the Sewer system, which is why we had to prepare an Amended Resolution. Mr. Truelove stated they do not feel there will be a Challenge with the DEP eventually doing that, and it is an administrative project. He stated the Agreement that is attached to the Revised Resolution does provide that the Township is fully indemnified by Prickett Preserve and the developer for the purposes of this.

Mr. Lewis moved and Ms. Blundi seconded to approve Resolution #23-8 for Revised Pump and Haul Agreement for the Prickett Preserve Land Development Project.

Mr. Grenier asked why we are still in the situation that it is still the Township and not Aqua. Mr. Kratzer stated some of it is the time associated with the process. He stated there was prior discussion regarding the Act 537 Special Study, and he had provided the Board with a copy of correspondence that was sent in 2022; and we are still working through those items with Ebert Engineering at this point. Mr. Grenier stated the deal closed in March, 2022. Mr. Grenier asked if Mr. Kratzer is referring to the letter that the former Township Manager received in June or July, and Mr. Kratzer agreed. Mr. Kratzer stated Ebert Engineering is addressing those items, and he will follow up with them to determine where that is in the process. Mr. Kratzer stated as Mr. Truelove has indicated, we are not anticipating any issues with that; and this is just an amendment of the Resolution which is necessitated by the fact that the Permit has not been transferred at this point.

Mr. Grenier asked if another Resolution will need to be done once the Permit is transferred, and Mr. Truelove stated that would depend on how far along the development is; and if the Pump and Haul Agreement expires by virtue of the fact that they are connected, we would not have to have another Resolution. Mr. Grenier asked if we incur any costs by doing this, and Mr. Truelove stated the developer has set aside Escrow as part of the Agreement.

Motion carried unanimously.

Approval of Ordinance to Vacate Old Oxford Valley Road

Mr. Truelove stated this was authorized for advertisement, was advertised on April 5, and is ready for approval; and the disposition will be according to the adjoining landowners. He stated there are Easements that run with the land according to the survey.

Mr. Lewis moved and Mr. Grenier seconded to approve the Ordinance to vacate Old Oxford Valley Road. Motion carried with Ms. Blundi opposed.

Discussion of Resolution #23-9 Amending Resolution #323 and #326 Regarding the Composition of the Township's Historical Commission

Mr. Truelove stated at a prior meeting there was discussion about appointing new members to Historical Commission, but there were not enough vacant seats at the time; and the idea was to increase the number of seats on the Historical Commission. Mr. Truelove stated the two Resolutions referred to in this Resolution are the one that created the Historical Commission with five members and within the same year increased that to seven. The proposed Resolution would increase the membership from seven to nine.

Mr. Lewis moved and Mr. Grenier seconded to approve Resolution #23-9 Amending Resolutions #323 and #326 regarding the composition of the Township's Historical Commission.

Ms. Blundi stated she is pleased that there are so many volunteers interested, but if this Resolution were to pass there would need to be five members present at a meeting in order for there to be a quorum. She stated she is concerned about that since sometimes attendance is not as robust as we would like it to be. She stated even if someone is not a member, that does not mean that they cannot help do the work of the Commission.

Mr. Grenier stated he has been the liaison for the Historical Commission and he agrees with Ms. Blundi as there were many meetings when they did not have a quorum so they were only able to have conversations among those present and not an official meeting. He stated he feels increasing it to this level could make it difficult to get a formal recommendation to the Board of Supervisors when one is needed because of not having a quorum. He stated he would lean more toward what we have with the Zoning Hearing Board in the form of having Alternate members.

Mr. Lewis asked if the Board would be in favor of maintaining the current membership at seven members but have up to three Alternates, and this was agreeable to some of the Board members. Mr. Truelove stated the Motion could be Tabled, and he would provide a revised Resolution at the next meeting with that information. Mr. Grenier stated he might prefer moving the membership down to five members given the historic attendance

levels and then have three Alternates on top of that. Mr. Lewis stated at the last meeting of the Historic Commission four of the five members were present, and there are currently two openings. Mr. Lewis stated he would be flexible. He stated there has been a resurgence of volunteers for this Commission, and there are ways to accommodate that. He stated he believes that those who were interested would be okay with the Alternate status. He stated there were five applicants for the two open positions. Mr. Truelove stated the Board could vote down this Resolution, and he could prepare another Resolution with whatever composition the Board wants.

Mr. Grenier stated he feels with Boards of seven or more it becomes difficult to get a quorum every time, and that is his concern.

Mr. Lewis withdrew his Motion. Mr. Grenier agreed to the withdrawal.

It was agreed to have Mr. Truelove prepare a new Resolution leaving the membership at seven members and to create three Alternates.

ZONING HEARING BOARD MATTERS

With regard to Appeal #23-1997 Andrew & Jackie Kush/Terra Flora Design Associates for the property located at 3 Alton Road, Yardley, PA 19067, Tax Parcel #20-040-002-001 and #20-038-074 Variance request from Township Zoning Ordinance #200-23.B in order to install an in-ground concrete pool, concrete pool decking, and patio which would increase the impervious surface from the existing 22.9% to 23.94% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #23-2002 Vilius Zavistauskas for the property located at 208A Morris Lane, Washington Crossing, PA 18977, Tax Parcel #200-028-030 Variance request from Township Zoning Ordinance #200-14 in order to construct a 414 square foot addition which would increase the impervious surface from the existing 17.2% to 19.6% where 13% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #23-2003 Thomas Philpott for the property located at 8 Oakdale Blvd, Yardley, PA 19067, Tax Parcel #20-042-099 Variance request from Township Zoning Ordinance #200-69.A(14)(a) in order to construct a shed 2 feet from the property line, it was agreed to leave the matter to the Zoning Hearing Board.

COMMUNITY DEVELOPMENT

Approval of Preliminary/Final Major Subdivision for 1273 Lindenhurst Road
(Plan #688)

Mr. Stephen Zaffuto, attorney, and Mr. Heath Dumack, engineer, were present.

Mr. Truelove stated this property is located at the west side of Lindenhurst Road at its intersection with Quarry Road.

Mr. Dumack stated the property is approximately 3.07 acres and consists currently of a historic farmhouse and a post and beam barn. He stated they are proposing to subdivide two new building lots off of the parcel. He stated there will be stormwater management, erosion control, and landscaping design for the two new homes. As part of the Conditions of approval, the owner has agreed to preserve and develop the existing farmhouse which has already been Permitted and is under construction at this time.

Mr. Zaffuto stated they have gone to the Zoning Hearing Board and they obtained two Variances – one for the maximum density and one to apply standard setbacks instead of setbacks from resource-protected land. He stated both of those were granted last year.

Mr. Grenier moved and Ms. Blundi seconded to grant Preliminary/Final Major Subdivision approval of Subdivision Plans prepared by Dumack Engineering consisting of eleven sheets dated June 16, 2022, last revised January 17, 2023 and Stormwater Management Report dated June 21, 2022, last revised January 16, 2023 also prepared by Dumack Engineering, and a response letter dated January 24, 2023 also prepared by Dumack Engineering.

They will comply in all respects with each and every requirement of the applicable SALDO and Zoning Ordinances and any other regulations and laws of every level of Government having jurisdiction over the property.

The Plan is subject to specific compliance with the following terms:

1. Comply with the Conditions of the two Variances
2. The historic house built circa 1730 will be preserved and not demolished

3. They will use their best efforts to maintain the integrity of the existing barn structure shown on Lot #1
4. The Conservation Easement in a form of a Recorded Declaration shall be filed of Record with the Bucks County Recorder of Deeds to preserve the remainder of the undisturbed natural resources which shall be granted in favor of and enforced by the Township
5. Shall comply with all requirements as more fully set forth in the second review letter dated February 3, 2023 as prepared by the Township engineers, Remington Vernick
6. Shall comply with any requirements set forth by the Township's Fire Service Director in his review letter dated February 2, 2023
7. Shall comply with all requirements set forth in the Township's traffic engineer, SAFE Highway Engineering, LLC under review letter dated July 18, 2022
8. Shall comply with all comments and requirements set forth by the Township's Traffic Safety Officer, Tom Roche, in his review letter dated January 6, 2023
9. Shall comply with the requirements as set forth by the Township's Sewer engineer, Ebert Engineering as set forth in its review letter dated January 26, 2023
10. Waiver as recommended by the Planning Commission from requirement for separate submission for Preliminary Land and Final Land Development Plans
11. Waiver from Section #178-19 which otherwise requires submission of Subdivision packet and documents as set forth by the Ordinance, and they shall submit the Subdivision packet in an electronic format as approved by the Township

12. Waiver from Section #173-20.C(6) to permit 1' contours rather than the otherwise required 2' contours
13. Waiver from #178-20.C(9) which otherwise requires existing buildings and their uses, driveways, sewer lines, storm drains, culverts, bridges, Utility Easements, quarries, Railroads, and other significant manmade features within 200' of the site to be shown
14. Waiver from Section #178-450.H to permit the existing right-of-way and cartway widths to remain than otherwise required
15. Waiver from Section #178-47.A to not require sidewalks although they have agreed to pay a Fee-In-Lieu of installation and construction of otherwise required sidewalks as approved by the Township

Mr. Majewski has provided via e-mail the amount for Traffic Impact Fees of \$6,818, Park & Recreation Fee of \$10,328, and the Sidewalk Fee-In-Lieu of \$30 per linear foot which will be \$15,390.

16. Waiver from Section #178-93.F(3)(c) to permit use of 8", 12", and 15" pipes rather than otherwise required use of 18" pipes
17. Waiver from Section #178-93.F(3)(h) to permit minimum pipe cover of 1' rather than the otherwise required 2' cover
18. Waiver from Section #174-12.K from the otherwise required minimum twenty-four hours stormwater detention
19. Waiver from Section #178-20.G from the otherwise required Environmental Impact Assessment as the otherwise required EIA information has been provided on other documents as part of the submitted package

20. With regard to Section #178-85.H(4)(h) to not provide provide sixty-nine replacement trees on site but rather to provide thirty-eight replacement trees on site, and provide a Fee-In-Lieu for the remaining thirty-one replacement trees per the applicable Ordinance.

Mr. Lewis asked where is the closest sidewalk to this property. Mr. Dumack stated it would be over 1,000' in either direction along Lindenhurst Road. He stated he believes the nearest sidewalk south on Lindenhurst is actually in Newtown Township, and to the north it is on the other side of the next traffic light up.

Mr. Lewis asked about the stormwater mitigation plan for the property. He asked if they are aware that this area gets tremendous stormwater surges particularly at the corner of Lindenhurst and Quarry. Mr. Dumack stated there is a substantial naturalized detention basin at the northeast corner of that intersection now. He stated what they are proposing are two ballast pits – one for each proposed building lot. He stated they went through infiltration testing that was inspected by Remington Vernick, and that data was incorporated into the stormwater control design. He stated they have complied with the stormwater controls. He stated he recalls that the commentary of the one Waiver of the twenty-four hour storm, it went through and infiltrated more quickly than what the Ordinance requires.

Mr. Lewis asked if any of the neighbors had questions or concerns about stormwater management related to the property when they appeared before the Zoning Hearing Board, and Mr. Dumack stated they did not. Mr. Dumack added that they had resource concerns with trees. He stated the homeowners to the west were concerned about buffer plantings.

Mr. Lewis asked Mr. Pockl if he reviewed the stormwater management; and Mr. Pockl stated they reviewed the Stormwater Management Plans, and while they had a few comments, they feel that given the plan proposed, the size of the stormwater management systems, and the fact that they allowed themselves a little bit of a buffer to go beyond what the Ordinance requires as far as stormwater management it would bring them into compliance easily.

Mr. Lewis asked if there will be an Easement in the front for trails/sidewalks in the future. Mr. Dumack stated the discussion with the Planning Commission was that sidewalks would be considered to be installed on the opposite side, on the east side of Lindenhurst. Mr. Dumack stated on their side there are substantial slope issues and there are substantial retaining walls along the old original driveway. He stated the east side of Lindenhurst is flat and level. There is nothing across the street currently. Mr. Pockl stated the land is generally more favorable for the placement of a pathway on that side versus the developer's side. He added that this is a State road.

Mr. Grenier noted the stone wall, and he asked if it is known if PennDOT has done a Section 106 Cultural Resources Assessment to see if that alone might be a reason not to put a sidewalk there. Mr. Dumack stated he does not know about the evaluation, but the stone wall itself probably predates the Zoning Ordinance. He stated Mr. Majewski also made them aware that there was a re-alignment of Lindenhurst in this vicinity in the early to mid-90s or possibly in the 80s with the idea that PennDOT designed specifically how the right-of-way and cartway is for Lindenhurst in front of this site.

Mr. Lewis stated he sees the issue related to where they would put a bike path in terms of the frontage. Mr. Lewis stated they are also a little higher so in terms of water, there is a little bit of a buffer.

Mr. Grenier asked about the sight lines coming out of the driveways, and Mr. Dumack stated once they remove some of the vegetation along the frontage along Lindenhurst, they will meet PennDOT standards.

Mr. Grenier asked what is the approach to long-term O & M for stormwater management once it is turned over to the homeowners. Mr. Dumack stated there is an O & M Agreement between the owners of the property and the Township, and the Township has the right at any time to come in and inspect the system; and if there is a failure and the pores in the bottom of the system clog over time, the Township has the right to request repairs to be made. He noted the location of the high point on the site and everything goes diagonally across the site into Lindenhurst; and next to the property is a large detention basin which he believes the Township owns. He stated he grew up in Lower Makefield, and he has never seen water in that basin. Mr. Grenier asked if there are two facilities – one for each of the two lots; and Mr. Dumack agreed, and showed their location. He stated they took into account the general slope of the site. Mr. Grenier asked if there is also a Deed Restriction that will be put in, and Mr. Dumack agreed.

Mr. Grenier stated they are not asking for a Waiver from the Tree Replacement requirements other than paying the Fee-In-Lieu, and Mr. Dumack agreed. Mr. Dumack added that if they can get more trees on site, they will add more.

Mr. Grenier asked when they calculated the impervious area did they include the surface area of the swimming pool, and Mr. Dumack stated they did and also added a cushion as normally he likes to put a couple hundred square foot contingency on each system.

Mr. Grenier stated he understands the Zoning Hearing Board granted the standard setback and not the resource-protection setback. He asked what are the resources and if they are on the property itself. Mr. Dumack stated they have some steep slopes, and he showed their location on the Plan. He stated he believes that the majority of them were manmade possibly when Lindenhurst was cut in. He noted a steep slope area in the front toward Lot #1 and it tapers off more to congruent grades as you get to the southernmost lot. He stated there are some trees that would be considered woodlands, and it is the woodlands and the steep slopes that are the primary impact. Mr. Grenier stated there are no wetlands or streams, and Mr. Dumack agreed.

Mr. Grenier asked if the wall is serving as a retaining wall, and Mr. Dumack agreed. Mr. Grenier asked if they have done a structural investigation; and Mr. Dumack stated it is an old, dry-stacked stone wall. He stated while he has not done a structural analysis of the wall, the southern wall along the driveway is basically two walls which are stepped back from each other and that allows for soil interaction and capacities to make the wall stand alone even though it is two walls. He stated he recalls twelve to fifteen years ago it was hit, and a dry-stacked stone wall does allow for fairly easy remedial repair if damage occurs. He stated it was a month before the repair was done, and it has been standing ever since. Mr. Grenier asked who will ultimately own the wall, and Mr. Dumack stated it would be the homeowner of Lot #1. Mr. Grenier asked if they would be responsible for it if it were to start to fail, and Mr. Dumack agreed adding it would be like a sidewalk in front of someone's home.

Mr. Grenier stated it appears that there are PVC pipes coming out of the wall at the bottom, south of the driveway. Mr. Pockl stated those might be weep holes for the wall itself to drain the pressure from behind the wall. Mr. Grenier stated we want to make sure that we are not putting too much burden on Lindenhurst. Mr. Pockl stated he believes that there is an existing

stormwater management system on Lot #1; however, Mr. Dumack stated he did not know if that was true. He added the house dates back to 1730. Mr. Pockl stated it might have been for the pool.

Mr. Truelove asked Mr. Zaffuto if he accepts all of the Conditions and Mr. Zaffuto agreed.

Mr. Lewis asked if there are renderings of what the buildings look like; however, Mr. Dumack stated he does not have those adding that the owner hired his own architect. He stated the designs were submitted and approved by the Township. Mr. Lewis asked the selling price of the two homes that are being planned for; however, Mr. Zaffuto and Mr. Dumack did not know.

Motion carried unanimously.

SUPERVISORS REPORTS

Mr. Lewis stated the Disability Advisory Council met and discussed a number of items. He stated for those in the community needing help with transportation Bucks County does have resources; and if any other assistance is needed, Bucks County CIL offers services.

Mr. Grenier stated the Citizens Traffic Commission is reviewing some proposed project plans. He stated the EAC is reviewing various Ordinances and proposed projects.

Mr. Lewis stated Farmland Preservation met. He stated for those living next to a buffer of Farmland Preservation land, it is very important that you not put anything into the buffers or dump. He stated Farmland Preservation is developing a strategy of prompt corrective action to deal with people who are doing that. He stated they are working with 270 homes that abut Farmland Preservation land, they have written letters, and they have reached out to those residents about this as well as not planting bamboo. Mr. Lewis stated there will be follow-up, and they will be asking for Code Enforcement where appropriate.

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Marilyn Huret to Emergency and Kevin Gallen to the EAC.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to appoint Lisa Pellegrino and Mitch Palin to the Historical Commission.

PUBLIC COMMENT

Mr. Timothy Daly stated he is a Lower Makefield resident. He stated that while he believes the Board knows why he is present this evening, the community may not. He stated thanks to the outreach of two whistleblowers who work for LMT he was alerted to a range of malfeasance that has happened under the watch of the Board of Supervisors including the wrongful termination of a female Police Officer settled for \$300,000, a ransomware attack that resulted in about \$500,000 cost and a \$173,000 ransom payment because someone did not apply a patch for vulnerability, and an active-duty Police Officer who has been carried on the payroll despite not being able to re-certify his firearm's training due to a health incident that disabled him in the use of his arms since 2019. Mr. Daly stated he is waiting an RTK response to determine the amount of salary with his pension and benefits over those three years that has been paid out.

Mr. Daly stated he understands that yesterday a grievance was also filed against Chief Coluzzi by the PBA regarding another Police Officer, and he would appreciate it if the Board would share the details of that grievance.

Mr. Daly stated this misappropriation of tax funds are of serious concern, and he is sure that the Township solicitor in recent days has provided the Board legal advise-ment on the concept and legal terminology of surcharge. Mr. Daly stated this means that if the Supervisors were aware of these misappropriations of funds in the Police Department, they are personally liable to pay back the entirety of the funds lost to the taxpayers. He stated he plans to file a complaint with the Auditor General's office to put the Board under investigation for this misappropriation of funds.

Mr. Daly stated more concerning was learning that Mr. Grenier in cooperation with Chief Coluzzi initiated an illegal surveillance investigation into him on August 20, 2021 because Mr. Grenier was concerned about his aggressive verbal tone towards those with differences of opinion at School Board meetings in another jurisdiction. Mr. Daly stated he can only conclude that Mr. Grenier believes it was against the law for him to exercise his 1A rights to a person who is a Democrat. Mr. Daly stated he would like to know what the legal grounds were that justified this abuse of power that violated his civil rights and those of his family.

Mr. Daly stated that twelve days later, six gunshots were fired in proximity to his home; and despite his wife being a witness to the shooting, she has yet to be interviewed by the LMT Police. Mr. Daly asked “when do these coincidences stop becoming coincidences,” and stated he believes that is when the off-duty Police Officer pulled him over initiating a road rage incident against him “by the barracks,” and verbally threatened him until he rolled down his windows and showed him two witnesses in the back seat that the Police Officer did not know were there.

Mr. Daly stated tonight he is asking LMT to recuse itself from the investigation of the shooting on September 2, 2021 at Bennington and Yardley-Langhorne and transfer the case to the Bucks County DA. He asked that given the gravity of the various official misconduct facts that were revealed in the RTKs, the Board consider suspending Chief Coluzzi with pay and call in the Bucks County District Attorney’s office to investigate the alleged activities that were revealed in these RTKs within the LMT Police Station and the LMT Business Offices.

Mr. Daly stated he hopes tonight that his presence did not scare the Board especially Mr. Grenier since his e-mail sounded like “he was really, really scared.” Mr. Daly stated he believes in exercising his civil rights to petition his elected officials of his representative Government.

Mr. Truelove stated nothing will be answered tonight.

There being no further business, the meeting was adjourned at 9:55 p.m.

Respectfully Submitted,

John B. Lewis, Secretary