

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 21, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 21, 2023. Dr. Weiss called the meeting to order at 7:32 p.m. and called the Roll.

Those present:

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

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

COMMUNITY ANNOUNCEMENTS

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

Dr. Weiss stated a member of the Lower Makefield Township Park & Recreation Board, Kim Rock, is hosting a free shredding event at the Township Building, 1100 Edgewood Road, Yardley, PA 19067 on Saturday, July 24<sup>th</sup> from 9 a.m. to 12:00 p.m.

Dr. Weiss stated the Ad Hoc Property Committee is creating a long-term Master Plan for Patterson Farm and asks for community involvement. This Township-owned property is at a crossroads with historic buildings requiring expensive repairs or they may be lost. Potentially millions of dollars could be needed, but such expenditures cannot be made only to have buildings saved and sit idle. The Committee is working with a team of architects, engineers, and land-use economists to determine the best and compatible uses for the buildings that could benefit our community and thus support maintenance for future generations. The public is asked to become engaged by (a) attending public Zoom meetings held the 2<sup>nd</sup> Thursday each month, (b) learning more at [LMT.org/Community/Patterson Farm](http://LMT.org/Community/Patterson Farm), and (c) attending the Public Forum on June 26<sup>th</sup>, this coming Monday, 7:00 p.m. to 9:00 p.m. at the Community Center on Oxford Valley Road to preview preliminary plans and provide input.

Dr. Weiss stated Community Day will be held on August 26, 2023 at 1050 Edgewood Road, Yardley, PA 19067 from Kids Kingdom and the Pool to the Township Building. Join us for food, fun, rides, and more. For more information visit [lmt.org](http://lmt.org) – special events.

Mr. Lewis stated Sunday, July 9<sup>th</sup> at 5:00 p.m. is Yardley-Makefield Lions Day at the Trenton Thunder Stadium. Tickets are \$11, and the funds are used for charitable purposes in the community. He stated Yardley-Makefield Lions is a community service organization that has done great work in the community.

#### APPROVAL OF MINUTES FOR MAY 31, 2023

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes for May 31, 2023 as written.

#### APPROVAL OF MINUTES FOR JUNE 7, 2023

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes for June 7, 2023 as written.

#### ENGINEER'S REPORT

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

Approve Pay Application #4 (Final) for the Schuyler Drive Tennis Court Reconstruction Project to Keystone Sports Construction, Inc. in the Amount of \$121,711.37

Ms. Blundi moved and Mr. McCartney seconded to approve Pay Application #4 (Final) for the Schuyler Drive Tennis Court Reconstruction Project to Keystone Sports Construction, Inc. in the amount of \$121,711.37.

Mr. Grenier asked if all issues have been resolved, and Mr. Pockl agreed.

Ms. Blundi stated driving by she saw that the net on the first court as you enter from the parking lot is hanging low, and she asked if that is something that can be fixed easily or is related to the project. Mr. Pockl stated he will look into it.

Mr. Grenier asked if the reconstruction project included new nets, and Mr. Pockl stated it did. He added that there was an issue with a broken crank, and the contractor replaced it. He stated this issue may or may not be related to this, and he will look into it. Mr. Grenier asked how that effects the Board voting on this approval this evening; and Mr. Pockl stated there is a Maintenance Bond for eighteen months so anything minor like this can be addressed during the maintenance period.

Motion carried unanimously.

Approve Pay Application #7 (Final) for the 2022 Road Program to James D. Morrissey, Inc. in the Amount of \$61,554.96

Mr. Pockl stated there were remediation items that they had been asked to complete, and those items have been completed.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #7 (Final) for the 2022 Road Program to James D. Morrissey, Inc. in the amount of \$61,554.96.

Mr. Lewis asked if everything was resolved with regard to Maplevale; and Mr. Pockl stated there is a stretch of Maplevale that is still milled that needs to be paved, and that will be paved as part of the 2023 Road Program. He stated there is another portion on the northern leg of Maplevale where when they were fixing Meadow Drive, it scratched the surface of some of the paving; and they are in the process of addressing that as well. Mr. Grenier asked if that will be covered under the 2022 Program, and Mr. Pockl stated it is covered under the 2022 Road Program Maintenance Bond.

Motion carried unanimously.

Approve Escrow Release #7 for the Prickett Preserve (Residential) Development to ELU DeLuca, LLC in the Amount of \$578,382.00

Mr. Pockl stated this is work that covers sidewalks, curbs, and roadways on the Residential side of the development. An inspector was there to review the work, and the work has been completed.

Mr. McCartney moved and Ms. Blundi seconded to approve Escrow Release #7 for the Prickett Preserve (Residential) Development to ELU DeLuca, LLC in the amount of \$578,382.00.

Mr. Pockl stated there is still a significant amount of money being retained.

Mr. Grenier asked for an update on the overall project. Mr. Pockl stated the site work for the Residential portion is about 70% completed. He stated the interior work for the apartments is in various phases. Mr. Grenier stated he has seen that they are advertising for upcoming rental units.

Motion carried unanimously.

Approve Authorization of a Matching Funds Commitment Letter for the Growing Greener Grant in the Amount of \$95,000

Mr. Pockl stated this relates to the Pollution Reduction Plan, and it is for two basin retrofits in Hidden Oaks off of Marble Court and Pond View Court off of Bluestone Drive. He stated these are large surface detention basins that are mowed routinely, and we are promoting a retrofit of the basins to make them retention ponds to be more-naturalized basins which will reduce the amount of sediment by 20,000 pounds a year which is approximately 13% of what our requirement is for our Pollution Reduction Plan. Mr. Pockl stated there is a Growing Greener Grant that is available that is tailor-made for these types of projects. The Application is due on Friday. The Draft Application was completed and provided to the Township for review. One of the requirements of the Application is to commit to the matching funds. The match required is 15%, and we are providing a little bit more than that.

Mr. Grenier moved, and Mr. Lewis seconded to approve authorization of a matching funds commitment letter for the Growing Greener Grant in the amount of \$95,000.

Ms. Blundi asked that when thinking about the naturalization of the basins we consider pollinator-friendly plantings, and Mr. Pockl stated that will be considered during the design.

Motion carried unanimously.

Approval of Resolution No. 23-15 – Growing Greener Grant

Mr. Lewis moved and Mr. Grenier seconded to approve Resolution No. 23-15 to authorize the Application for the Growing Greener Grant.

Mr. Pockl stated this would designate Mr. Kratzer, Township Manager, and Dr. Weiss, Board Chair, as the officials to execute all of the documents and Agreements as part of the Growing Greener Grant.

Motion carried unanimously.

Approval of Motions Related to the Greenways Trails and Recreation Program Grant for Five Mile Woods

Mr. Pockl stated at the last meeting there was discussion of the funding commitment letter for the Five Mile Woods project as part of the Greenways Trails and Recreation Program Grant. He stated that funding commitment was \$30,630; however, we have been notified by DCED that the required match is \$34,600, which is an increase of \$3,970 that would need to be committed by the Board.

Mr. Grenier moved and Mr. Lewis seconded to authorize the funding commitment in the amount of \$34,600 for the Greenways Trails and Recreation Program Grant Five Mile Woods Improvement Project.

Ms. Blundi noted that this item was not on the Agenda, and she asked if it is appropriate to consider this since we are spending additional money. Dr. Weiss stated we are re-considering a previous Motion so he does not feel it falls under the Sunshine Act. Mr. Duffy stated the Board could first vote to allow this to be on the Agenda; and since it was previously an Agenda item, it would be find to adopt it.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to add this item to the Agenda.

The Motion to approve the funding commitment of \$34,600 carried unanimously.

Award Bid for the South Drive Culvert Project

Mr. Pockl stated six Bids were received yesterday, and the apparent low Bidder is Twining Construction Company, Inc. in the amount of \$176,568. He stated this includes removal of the existing culvert and setting the bedding for the new culvert. The manufacturer of the culvert would furnish and install the new culvert, and then Twining would backfill, do the curbing, and erosion and sediment control measures. Mr. Pockl stated it was added to the scope to pave all of South Drive.

Mr. Pockl stated this project was Bid out last year, and it came in approximately \$238,000 and with the culvert it was another \$46,000. Mr. Pockl stated by re-Bidding it, we are saving approximately \$28,000 while increasing the scope to pave all of South Drive. Mr. Pockl stated the Responsible Contractor Ordinance has a twenty-one day period.

Mr. Grenier moved and Ms. Blundi seconded to award the Bid for the South Drive Culvert Project to Twining Construction Company, Inc. in the amount of \$176,568 contingent upon them meeting all Responsible Contractor Ordinance requirements.

Mr. Grenier asked if the Bids were compliant with our needs, and Mr. Pockl agreed. Mr. Grenier stated he would not want to see Change Orders from a low Bidder. Mr. Pockl stated it does not appear that there would be any Change Orders as a result of the Bid.

Motion carried unanimously.

TREASURER'S REPORT

Approval of May, 2023 Interfund Transfers

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve May, 2023 Interfund Transfers in the amount of \$779,625.59 as attached to the Minutes.

Approval of Warrant Lists from June 5, 2023 and June 19, 2023

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve Warrant Lists from June 5, 2023 and June 19, 2023 for a total amount of \$1,934,555.54 as attached to the Minutes.

PARKS & RECREATION

Approval of the Heacock Tot Lot Design and Contract to General Recreation, Inc. for \$85,175.00

Ms. Tierney was present. She stated this is a COSTARS Contract. She stated the Heacock tot lot is between twenty to thirty years old and they are unsure as to the exact date of the install of the playground. She stated it appears that the playground may have been updated in the early 1990's based on the equipment. She stated it is not up to today's safety standards, and it is significantly past its useful life.

Ms. Tierney stated the Board approved \$100,000 for this project in the last Budget, and this has come in under Budget. She stated General Recreation came out to the site and provided some options. The Park & Recreation Board recommended the natural concept that Ms. Tierney showed to the Board of Supervisors. She stated in the small circle just two swings are shown; however, it will be a broader swing set as we want to do a buddy swing on which a parent can swing with their child or two friends can swing together. She added that there are also some elements of ADA accessibility. What is proposed is meant for younger children ages seven/eight and under. Ms. Tierney stated while this is called the Heacock Tot Lot, it is on Cardinal Drive.

Ms. Blundi stated previously there was another tot lot in the area which was visible from Mirror Lake Road and possibly could have been called Rose Hollow. She stated it looked like a space ship, and she asked if we have fewer tot lots now than we did twenty years ago. Ms. Tierney stated she has been here since 2017 so something may have been removed before that time. She stated nothing has been removed since she has been with the Township. Ms. Blundi stated she is in favor of what is proposed and feels that we need more like this. Ms. Tierney stated she hopes that we will be able to cycle through as our infrastructure is aging across the board, and we are trying to tackle them a little at a time.

Ms. Blundi moved and Dr. Weiss seconded to approve the Heacock Tot Lot Design and Contract to General Recreation, Inc. in the amount of \$85,175.00

Mr. Grenier asked how this is funded, and Mr. Kratzer stated it was reflected in the adopted 2023 Budget being funded through the use of Sanitary Sewer sale proceeds.

Mr. Grenier asked for further explanation of the swings. Ms. Tierney stated one swing will be a standard swing, one an accessible swing, and one a buddy swing with the standard swing in the middle.

Mr. Lewis asked about the accessibility elements of the project, and Ms. Tierney stated the buddy swing and the buckle swing are both accessible. She stated there is also an accessibility ramp. She added that internally, we are talking about a path. She stated there is a path from the back street to get to the pickleball courts, and we are looking at an extension of that to the ramp. She stated the ramp will be switched to the other side since that is the side closest to the path. Ms. Tierney stated it will be mulched as opposed to poured-in-place since poured-in-place greatly increases the cost.

Mr. Lewis asked if this went to the Disability Advisory Board, and Ms. Tierney stated it did not. Mr. Lewis asked if the “butterfly section” is accessible, and Ms. Tierney stated it would be accessible to some although not to someone in a wheelchair. Mr. Lewis asked what kind of upkeep issues there are with mulch, and he asked if money has to be spent every year to keep the mulch up to date. Ms. Tierney stated we currently re-mulch it every year; and since there will be more than is done now, it will cost a little bit more. Mr. Lewis asked that all future projects like this be reviewed by the Disability Advisory Board as it is important that more people can access these areas. Ms. Tierney stated that is the theme of Play For All, and she regretted not going to the Disability Advisory Board, although she will consult with them going forward on this project.

Mr. Grenier noted the street view with regard to access and stated if you come off of the sidewalk, you have to go up a hill. Ms. Tierney stated that has been an issue for some time on the Cardinal side. She stated on the other side there is a walkway that comes all the way in. Ms. Tierney stated in the Transition Plan, there is the creation of a potential ramp up.

Mr. Grenier stated this tot lot generally serves the residents of the development and it is not an LMT park per se. Ms. Tierney stated it is a walkable park for anyone who can access it and some people may drive to it. Mr. Grenier asked who built this originally whether it was the HOA and we took over responsibility or did the Township build it; and Ms. Tierney stated she believes that the developer built it, and the Township took over the property. She stated it is Township property that we maintain, and is open to the public. Ms. Blundi stated the pickleball courts that are there are used by people from all over the Township who play there, and Ms. Tierney agreed.

Mr. Grenier asked if the existing path is paved to the courts, and Ms. Tierney agreed. She added that we are going to explore doing an extension internally to get to the playground.

Motion carried with Mr. Grenier opposed.

Play for All, Art in the Park Summer Event Announcements

Ms. Tierney stated there has been a stroll, an Art Show at Memorial Park, and there will be an upcoming Art Camp June 19 to June 23. She stated the Kim Rock group will be hosting a Movie in the Park and showing the Super Mario Bros. movie. She stated Silly Stories in the Park will be offered every Monday at 10:00 a.m. beginning July 10 through August 14, and there will be a series of readers. There will be an Ultimate Frisbee Expo on July 19 run by Park Board member, Doug Krauss, and his son; and it will include some students and graduates from Pennsbury High School. She stated there will be a Hula Hoop Round-Up which will involve a camera and music in the Park and hula hoops will be provided. Ms. Tierney stated there will be a pickleball demonstration for all levels on August 18 at Memorial Park. There will be additional Sunday strolls, and a Pottery Art Camp will be held at the Community Center August 21 to 25.

Ms. Tierney stated we have received great feedback about Art in the Park and a lot of great suggestions for the future. Information about Art in the Park events can be found on the Township Website.

PUBLIC WORKS

Approval to Purchase a New 2024 Chevrolet Silverado 3500HD Pickup Truck With Upfitting to Include a Lift Gate, Snowplow, and Emergency Warning Lights

Mr. Fuller was present.

Mr. Lewis moved and Ms. Blundi seconded to approve the purchase of a new 2024 Chevrolet Silverado 3500HD pickup truck with upfitting to include a lift gate, snowplow, and emergency warning lights.

Mr. Lewis stated this will have cloth interior, and he asked if that lasts longer than leather. Mr. Fuller stated the issue is that the vendors are not letting you purchase piecemeal. He stated if you wanted a leather interior, you would have to upgrade to the next level which would increase the cost.

Mr. Grenier asked the cost, and Mr. Fuller stated the total cost is \$71,060.96. Mr. Grenier asked how this is being financed. Mr. Fuller stated the original assumption in the 2023 Budget was to finance this purchase over five years; however, his recommendation to the Board and Mr. Kratzer was to utilize the funds that were brought in from Municibid sales in the amount of about \$64,000. He stated the rest of the amount required of about \$11,000 would actually have been the financing amount for 2023. He stated this would save about \$6,000 in financing charges if we buy it outright.

Mr. Kratzer stated the financing payment would have been in subsequent years, and the recommendation is to fund it with the revenue was not contemplated through the sale of the assets and the work that the Public Works Department did to realize those funds. He stated paying for the truck in this way would create additional budgetary flexibility moving forward.

Motion carried unanimously.

Approve Change Order No. 1 for Police Department Renovations to S. J. Thomas in the Amount of \$7,024.87

Mr. Fuller stated during the award, Chief Coluzzi had asked for a \$5,000 buffer. When demolition work took place, the HVAC ductwork was falling out of the ceiling and was disconnected so we had to spend additional funds on that. Mr. Fuller stated there was also the need for additional wall insulation for sound privacy.

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve Change Order No. 1 for the Police Department renovations to S. J. Thomas in the amount of \$7,024.87.

Approve Pay Application No. 2 (Final) for Police Department Renovations to S. J. Thomas in the Amount of \$5,728.16

Mr. Fuller stated this is the final payment including the Change Order just approved. All work has been completed and the space is being utilized by the Detectives.

Mr. McCartney moved and Ms. Blundi seconded to approve Pay Application No. 2 (Final) for Police Department renovations to S. J. Thomas in the amount of \$5,728.16.

Mr. Grenier asked if all the work was done; and Chief Coluzzi stated everything is fine, and Mr. Fuller did a great job. Dr. Weiss asked if the bathrooms are done as well, and Mr. Fuller agreed. Mr. Grenier asked about the Budget for this; and Mr. Fuller noted that, as he stated earlier, the awarded amount was approximately \$211,000 with the \$5,000 buffer so it was \$216,000, and it came in at \$218,999.00. Mr. Fuller stated this was due to building-related issues that he noted including the ductwork.

Motion carried unanimously.

#### MANAGER'S REPORT

##### Authorize the Deposit of the Remaining Sanitary Sewer Sale Proceeds Into the Lower Makefield Township Trust

Mr. Kratzer stated there was an initial transfer of sale proceeds authorized in February, 2023 in the amount of \$10 million into the Trust. He stated at that time there was about \$22.5 million that was remaining from the Sanitary Sewer Sale. There was payment of the expenses related to the transaction, pay-off of the related Sanitary Sewer Debt, and the decision to pay off the Golf Course Debt. Mr. Kratzer stated to date the money that remains in Penn Community Bank has yielded about \$202,000 of interest. He stated there was a total authorized Interfund Transfer of \$1,245,933.00 in the adopted 2023 Budget, part of which was the Heacock playground project that was discussed earlier this evening, Mr. Kratzer stated we are expecting interest earnings throughout the year, and expect to generate roughly another \$280,000. He stated it is expected at the end of the year that there would be about \$11,794,000 in remaining Sanitary Sewer Sale proceeds contemplating the expected interest for the remainder of 2023.

Mr. Kratzer stated at the time of the initial contribution, there was discussion about the amount of the initial contribution; and while the initial amount was decided to be \$10 million, there was discussion at that point about consideration of an additional contribution into the Trust. He stated he is bringing this matter back for the Board's consideration.

Mr. McCartney moved and Ms. Blundi seconded to authorize the deposit of the remaining Sanitary Sewer Sale proceeds into the Lower Makefield Township Trust.

Dr. Weiss stated this is for the remaining, un-earmarked funds from the Sewer Sale proceeds into the Trust.

Mr. Lewis stated he does not believe we are at the "spot where we can make that suggestion credibly." He stated the structure of the Trust is so restrictive that if we were to need any of the money from that, it would be nearly impossible to get it. He stated when there was discussion about the Trust, he had preferred something more flexible which we could borrow against. He stated his concern is that we have not really mapped out our capital and infrastructure for the upcoming year. He stated after we do that process, he would be open to considering what is felt to be appropriate of the remainder that could go into the Trust.

Mr. Lewis stated we are yielding about 4.8% from Penn Community Bank which is a decent rate of return. He stated the question is whether we think we could make a lot more money if it is in the Fund. He stated while that is possible, if we needed to use some of that money in the future, it would be very difficult to do so.

Mr. Lewis stated he would suggest Tabling this discussion until there is a better sense of what we think our infrastructure needs are in the coming years and a better plan for that. He stated alternatively, if Board members are willing to consider elements of the Trust again, he is open to that. He stated absent that, he does not feel this is the right time; although after we have gone through the Budget process, he might be in favor of this. He stated at this point he does not feel we have enough information adding that there was nothing in the Board's packet to illustrate the total amount and the trade-offs.

Mr. Lewis moved and Mr. Grenier seconded to Table. Motion did not carry as Mr. Grenier and Mr. Lewis were in favor and Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Dr. Weiss stated while he does not disagree with Mr. Lewis, currently we have a healthy General Fund Balance of over \$4 million thanks to the \$3 million deposit which was earmarked for the General Fund balance. He stated we also have a large amount of money that needs to be used for projects/Capital investment in the Bond Fund of well over \$4 million, plus we have a significant portion of Sewer Fund money which is not Sewer proceeds money, but is money that was collected when we owned the Sewers that will probably take care of anything that we need to take care of as far as Capital projects.

Dr. Weiss stated from the discussions that we have had this year, he is concerned that if the money is not in the Trust, it will be lost over time. He stated he feels it would be a very poor decision on the part of the Board to expose that money since we monetized a Township asset to do certain things. He stated all of those things have been done. He stated the money that is not in the Trust is an exposure that if a future Board decides to spend it on Operations & Maintenance of the Township, that money would be lost forever. He stated as a Board member who has lived through the last six years getting to this point of basic financial health, he would "hate to see the tide shift over time." He stated he would not want to lose that money that belongs to the Township and is the final asset of the Sewer system that we used to own. He stated he feels that money should be dedicated to relieving the tax burden, which is why the Trust was made.

Dr. Weiss stated millions of dollars have been lying dormant for projects that should have been paid for years ago, but we could not risk it because of our poor financial condition. He stated now we know how much money is there, and we are vetting the idea of how much money we are going to need in the near future to pay for Capital projects. He stated we are developing better Revenue streams adding that the Golf Course is bringing in almost \$1 million every year. He stated the Sewer fund, if invested right, will bring in maybe another \$1 million or more every year. He stated he would like to see that money protected today so that we can have that Revenue stream for years to come.

Dr. Weiss stated knowing where we are and knowing the thoughts of the Board, he would rather see that money protected. He stated there are other ways to get the money if we need to get it for a large Capital project.

Mr. Grenier stated he agrees with much of what Dr. Weiss has said about protecting the value of the funds that we have so it is not spent on one or two big projects, and so that we can be responsible for the long term. He stated at the last meeting we looked at the Pollution Reduction Plan (PRP) and were looking at about \$1.5 million per year just to do a couple projects and be in compliance with the Permit. He stated we also know that stormwater sewers and other infrastructure is going to cost more than that over the next several years. He stated there was also discussion earlier about a "structural deficit" of a couple million dollars, and we have to address that. He stated there is also Patterson Farm coming up which will not be inexpensive. He stated there are also roadways and other things we want to do. He stated he is not saying we should spend the money on that now, but we have less than six months in this year. He stated the reason he voted

to Table is not because he is against putting the balance in the Fund, but because he feels that before we do that it would be wise to have the Township Manager present to the Board the full gamut of where we are and what we need to do. He stated after we have that discussion and know what is left after everything we need to do is done, we could then put that amount into the Trust, and that would provide more money to the Township in future years. He stated he does not believe we can touch that money for two to three years.

Mr. Kratzer stated distribution is restricted through 2024, and a distribution could be made on or after January 1, 2025. He stated it is the same for withdrawals, but in order to withdraw it requires a vote of at least four members of the Board or a determination that the Township is financially distressed under Act 47. He stated as it relates to loans, it also is restricted to January 1, 2025 so for the entirety of 2024, it would be restricted.

Mr. Grenier stated the interest that we would be allowed to use to put toward the Budget could not be touched for a couple years, so the next few years could be difficult depending on what projects come up that might be an emergency. Mr. Grenier asked Mr. Kratzer how we should approach this, and Mr. Kratzer stated it is the decision of the Board. He added that placing it in the Trust does create restrictions in terms of use; however, the argument in terms of making sure that it is protected or invested in a way that generates long-term return as opposed to using it for operational-related expenses is prudent as well. Mr. Kratzer stated there are things that we could have a clearer picture on later, but as the Chair has noted, there are cash balances that do provide some flexibility in those circumstances.

Dr. Weiss stated there are Sewer funds that we have left over from owning the Sewers, which are significant. He stated we owe Morrisville “a bit of it,” although he does not want to discuss the details of this because of potential litigation. He stated we want a healthy credit rating when Moody’s evaluates us. He stated we also have the Bond Fund that has been sitting there for ten years “doing nothing,” and has not kept up with inflation. He stated if anything is going to be done with Patterson Farm, that money should be used first.

Dr. Weiss stated the large Capital projects that we have to do are Play For All and Patterson Farm. Mr. Grenier noted stormwater and road projects. Dr. Weiss stated roads would be a “poor choice” to use Sewer proceeds.

He stated re-investing in the Township is what should be done with these funds which would be buying more land and creating parks or developing a Revenue stream that would keep taxes from rising as great as they would if we did not have it. He stated he believes that protecting the money at this point is the best way to go. He added he agrees that it will influence our Budget discussions in the fall, and we should discuss how we pay for sustainability in the coming years and not risk using the money that is at Penn Community. He stated he feels that would be a poor fiduciary position.

Mr. Grenier stated he is concerned that we will have a lot of money that we cannot touch, and we could get into a situation almost immediately where we are short of money, and the only thing we can do is put in an EIT; and he does not want to be forced into doing that because we have all of this money blocked up. Dr. Weiss stated if we have to use Sewer fund proceeds to pay the bills, we are not being true fiduciaries for the Township. Dr. Weiss stated the public expects us to be better stewards of our assets. He stated we sold an asset, and that should be with the Township forever with the money in a permanent Trust. He stated \$10 million of it is now. He stated he feels that the money that we have now that we can spend on projects should be used for those projects.

Dr. Weiss stated we can also use a portion of the Sewer money, although not Sewer proceeds money, to pave a couple miles of road; but we also have Debt Millage that will be coming due in the next year, and we can take an additional Road Loan like we have now to put in additional roads. He stated we have already put in place processes that will keep us going. He stated it is Mr. Kratzer's responsibility to tell us at Budget time what is going to be sustainable. He stated he does not want to "fritter away" money that we fought for so much to get us to this point and not "end up in 2018 terms where we had to take an Anticipatory Note to pay the salaries of our staff in the beginning of 2018 because we were basically broke." Dr. Weiss stated he now realizes what it is going to cost to fix Patterson, what we will need to do at Macclesfield, and what we may or may not do at Snipes; and there are other funds or a Bond issue that will take care of what we need to do.

Mr. Grenier stated Dr. Weiss mentioned some big-ticket items and big concerns that are still being studied and we have not had presentations on yet, and there may be changes. He stated he is only asking that we go through the Patterson process, finish the Macclesfield process, and then have the Township Manager and staff advise us as to potential paths forward that ultimately would lead to the financial stability we are trying to push for. He stated he would want to do that by the fall. Dr. Weiss stated he feels we can do that and still protect the money.

Mr. McCartney stated the money we are considering putting into the Trust could be tapped into for operational costs if we were to come into "hard times." Mr. Kratzer stated you would have the ability to do that with the parameters in terms of the restriction on distribution, restriction on withdrawals, and also on a loan. He stated at a minimum it would be restricted through 2024; but beyond that, to the extent that the value is beyond the amount of the initial contribution, which was \$10 million, you would have the ability to take that money out. Mr. McCartney stated if it was left in the high-yield Money Market that it is currently in, we could tap into it for any type of operational use tomorrow; and Mr. Kratzer agreed. Mr. McCartney asked Mr. Kratzer if he is comfortable that if an emergency comes up between now and the end of 2024, there are other funds that would adequately meet any need that we have. Mr. Kratzer stated he cannot contemplate everything; but from a General Fund perspective, there is a balance of a little bit over almost \$3.7 million in what is titled the Series 2016 Bond Fund. He stated there is the initial \$3 million that was put in there from the Sanitary Sewer sale which has already been authorized to be transferred to the General Fund although it was not. He stated he believes that it was not transferred because of trying to generate additional yield, and at that time the Sewer proceeds fund had the highest interest rate from Penn Community Bank. He stated there is also an additional \$2 million on top of that which was when the Township sold its interest in the Cell Tower Lease. He stated there is probably \$5 million there in addition to the \$3.6 million. He stated as Dr. Weiss noted, there is almost \$10 million in Sewer funds, recognizing that some of that will have to go towards the Settlement that was referenced; and while there are some miscellaneous projects, there should be a fair amount of balance in that fund as well that could be transitioned over.

Mr. McCartney stated conservatively there is about \$10 million which could be used if we were to have an emergency in 2024 that we needed to take care of. He stated he is not referring to operational costs as he feels we agree that it would be inappropriate to use the Bond money for operational costs. Mr. Kratzer stated he feels Mr. McCartney's estimate is fair. Mr. McCartney stated he agrees that at some point we are going to have very tough conversations coming up with a Budget that allows us to operationally run at break-even rather than a deficit. He stated he would not want a future Board to have the opportunity to tap into the Sewer Sale funds to run operations. Mr. McCartney stated he recalls that when the Trust was first discussed, Mr. Grenier wanted to put the entire amount into the Trust; and he feels it is the right thing to do and now it is the right time to do it. He stated this will also force the Board to be creative at Budget time and have a firm and balanced Budget.

Ms. Blundi stated she did not arrive at this decision lightly, and she did not arrive at her vote to sell the Sewer lightly. She stated we have used some of the Sewer sale proceeds to pay down debt so that we are in a better position; and she is proud that the Board has taken those steps, and she feels we need to take this step now.

Mr. Grenier stated in January/February there was mention of some level of a structural deficit that we had to address, and he has now heard a “nicer picture.” He stated the structural deficit that was discussed earlier this year was a big part of the reason why we only went with \$10 million. He stated he has not seen the summary “that says we made that jump.”

Dr. Weiss stated the cash on hand is one thing, and we have a cash balance; however, that cash balance will disappear in a couple of years if we do not address the structural deficit. He stated we have partially addressed it by going to PLGIT and getting better interest rates, and we have reduced our health costs by going with the State co-op. He stated there may be other economies that Mr. Kratzer can find between now and Budget time. Dr. Weiss stated if we were at a \$2 million deficit and have made up \$600,000; we are still \$1.2 million to \$1.3 million behind which means that we would lose our healthy fund balance and would have to tap into Sewer funds. He stated over time, we would find ourselves in the same place we were in 2017.

Mr. Grenier stated while he is in favor of the concept, he still feels we should hold off; and over the next few months get a good picture of how to address the Budget. Dr. Weiss stated he has been working with the Township Manager on this.

Mr. Lewis stated with regard to the process, there was no background material for the Board to assess this decision. He stated decisions are being asked for without supporting documentation. He stated we do not exactly know what our structural deficit is, and that is troubling because Board members should know exactly where we are. Mr. Lewis stated he does not believe that this is an irreversible decision because the Trust can be “voided and four people can vote to change it.” He stated he does not see the rush for this, and it could be done after some more thought.

Mr. Lewis stated “you do not understand just how horrifically bad the Sewer decision was; and the fact that we are still somehow sugar-coating that.” He stated the first PUC-approval will be coming in for the rate increase.

He stated "you know that we did not even take the best Bid." He stated some argue that was somehow a great decision, but "history will not look kindly on any of this." He stated he is very frustrated, but "he will let this go." He stated in general it is difficult to communicate "complex stuff for folks." He stated when a decision gets made, there are "ancillary things." He stated last year he and Mr. Grenier repeatedly asked for a plan for what we want to do with the money, but we kept getting asked for "a half million here and a half million there." He stated this is precisely what they are now trying to guard against when it was done just last year. Mr. Lewis stated he does not feel this is the right way to do business. He stated it also does not help our case with the rating agencies, and we do not look good with these decisions. He stated the rating agencies know what we have done, and they have not upgraded us. Mr. Lewis stated he does not feel we are making good decisions as a collective unit, and he feels a better way to do this is to have a larger plan/discussion; and he is hopeful that we will have that in the fall.

Dr. Weiss stated If we had not sold the Sewers, we would probably be insolvent by now. He stated 2025 is when the rates will increase, which will mean that there have been no Sewer Rate increases since 2019 which will be six years. He stated with an inflation rate over the last six years, we just saved 30% to 35%; and if rates go up 38% to 40% it is really a 3% to 4% over inflation rate increase. He stated those in Yardley Borough pay higher than we do, and they still have their Sewers. He stated if we had not sold the Sewers, we would have a zero fund balance, and we would have trouble paying the salaries because we would be renewing Debt on other things.

Dr. Weiss stated the Township is in a much better and stronger position today than if we had not sold the Sewers. He stated all we could go on was the indicative rates that PFM gave to us; and although we did not get the highest deal, we got the best deal as far as a majority of the Board voted at the time. He stated the conclusion was that with \$53 million, \$3 million went to our Fund Balance, and we paid off the Golf Course. He stated it was a transparent process, and the Board heard Mr. Lewis' comments at that time. He stated there is over \$20 million in Sewer proceeds, and \$10 million was already put in the Trust. He stated Mr. Lewis wanted to put the rest in the Trust in February, and a majority of the Board at that time wanted to hold it. He stated over time he now feels it is the time to protect the rest.

Mr. Lewis stated what he had stated previously was that he would not have a problem putting the full amount in the Trust if we had a more flexible way of accessing it. Dr. Weiss stated he is glad that we do not because we have heard

Mr. Lewis' comments in the past regarding sustainability and how to make our Township more sustainable over time, and he disagrees strongly with Mr. Lewis' plan for the Township. He stated if Mr. Lewis' views are the majority in the coming years, he is worried for the Township; and this is one of the reasons why he feels it is good to protect the money right now. He stated having a good, significant income stream that will help the taxpayers in the future is much more preferable than exposing that money to be lost by paying Operation & Maintenance costs. He stated we will need a "super majority to take the money and waste it away if that is what they want to do in the future." Dr. Weiss stated as long as he is on the Board, he cannot see that happening.

Mr. Lewis stated Dr. Weiss is "resorting to ad hominem attacks." Dr. Weiss stated he did not say Mr. Lewis was a terrible person, he said his idea was terrible, just as Mr. Lewis has told him his idea of selling the Sewers was the most horrific thing the Township ever did. He stated that is an attack on an idea, and he has no problem with that, and Mr. Lewis should not either. Dr. Weiss stated Mr. Lewis' idea is "ridiculous – wasting hard-fought money that belongs to the Township that is a Township asset." Dr. Weiss stated the money that was obtained by selling the Sewers should be protected and used to benefit the taxpayers for decades to come. He stated we could leave the interest out that has been accumulated.

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

Mr. Lewis asked how much is the amount that was in the Motion and Mr. McCartney stated he believes the balance was \$12 million. Mr. Kratzer stated there were Interfund Transfers that were already allocated so it would be net of the Budgeted Transfers which were \$1,245,933, none of which has been transferred at this point out of the current balance. Mr. Grenier stated the \$1.245 million is representative of all of the Park & Rec projects, and Mr. Kratzer stated those were the only validated Budget transfers. Mr. Grenier asked if the timing would be immediate, and Dr. Weiss stated it would be after there is an accounting of the earmarks. He stated the interest earned can stay. Mr. Grenier asked if that would "re-start any clocks," and Dr. Weiss stated it would not. Dr. Weiss stated it had been stated that the \$10 million was just an initial deposit, and we were planning more.

Approval of an Ordinance to Amend Chapter 190 – “Vehicles and Traffic”  
Section 3 – “Parking Prohibited at all Times in Certain Locations” to Establish  
Parking Regulations with Respect to Wildflower Circle

Mr. Kratzer stated this matter was a topic of discussion at a prior meeting, and there was an error in the Ordinance that was advertised so it is being suggested that this be withdrawn from the Agenda and there be authorization to re-advertise the Ordinance with the proper provisions as it relates to the parking restrictions. Mr. Kratzer stated the prohibition was noted as one side of the street, and there was inconsistency in the recommendation that came forth. It referenced the side where there were no fire hydrants, but the actual Ordinance referenced the side of the street that has the fire hydrants.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to re-advertise the Ordinance with the amended Ordinance and proper restrictions.

Approval of an Ordinance to Enter Into an Intergovernmental Agreement for the  
Purpose of Joining the Pennsylvania Municipal Health Insurance Cooperative  
(PMHIC) and to Participate as a Member of PMHIC

Mr. Kratzer stated as was discussed previously, we are looking at changing how we are procuring insurance. He stated we are currently in the fully-insured market through Independence Blue Cross; and this would result in the transition to a self-insured Trust. He stated Independence Blue Cross would still be in the network in which employees access the respective bargaining units to the extent that there are provisions in their Contracts and have reviewed and consented to this change. He stated this change in how we are procuring insurance will result in an expected savings of \$572,337 which is a reduction in excess of 21%. He stated once adopted, we would begin as a member of PMHIC on July 1, 2023.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Ordinance to enter into an Intergovernmental Agreement for the purpose of joining the Pennsylvania Municipal Health Insurance Cooperative (PMHIC) and to participate as a member of PMHIC

Authorize Advertisement of an Ordinance to Amend the Lower Makefield Township Subdivision and Land Development Ordinance Relating to Open Space Requirements

Mr. Majewski stated the Board authorized advertisement of Zoning Amendments to allow for open space as part of Subdivisions. He stated during that discussion it was brought up that there should be some Subdivision and Land Development Amendments to go along with that to make sure that there was consistency between the two in certain definitions. He stated another item that was also brought up was the nature of open space and how that would be managed and accessed. He stated an Amendment was drafted by Ms. Kirk along with Mr. McLoone, the Township Planner; and they came up with what had been discussed at the Planning Commission and by other Boards and Committees. The Ordinance was submitted to the Planning Commission which recommended that the Board of Supervisors proceed with the Ordinance subject to making some minor revisions which were made, and that is what is before the Board tonight to consider authorizes advertisement.

Ms. Blundi moved and Mr. McCartney seconded to authorize advertisement of an Ordinance to amend the Lower Makefield Township Subdivision and Land Development Ordinance related to open space requirements.

Mr. Grenier asked what other Boards and Committee have reviewed this, and Mr. Majewski stated they have not reviewed this exact Ordinance. He added that it was generated by the Planning Commission at the request of the Board of Supervisors and the Planning Commission. He stated once it is approved for advertisement by the Board of Supervisors, it will be forwarded to all Boards and Committees for their comments. Mr. Grenier stated he has an issue with the process as it relates to advertising something before it has gone through all the appropriate Boards and Commissions to review as he would not want to have to pay to re-advertise it if it changes.

Mr. Grenier stated he is in agreement with this being updated, and it was started last year when he was the Liaison to the Planning Commission. Dr. Weiss stated he believes this was a result of a comment from the Bucks County Planning Commission to get our definitions to be standard in both SALDO and Zoning. Mr. Grenier stated the Lower Makefield Township Planning Commission also commented on the different definitions. Mr. Majewski stated there were minor changes to some of the definitions. He added there was also discussion about what the open space would look

like, how it would be managed, and who would have access to it; and it was indicated that should all be spelled out as part of the Subdivision and Land Development process so that everyone knows what we are getting.

Mr. Grenier stated he would lean toward voting against advertising as the EAC will have a lot of comments about this. He stated he also assumes the Park & Rec Board will have recommendations since it involves open space as will the Disability Advisory Board.

Mr. Grenier stated when we get into larger developments where there are larger areas of open space once the new Ordinance goes into effect, there should be a Management Plan for the open space up front so that there is no question as to how the open space will be managed; and he is glad that has been included.

Mr. Grenier stated he feels it is fundamental to the definition of open space whether if a developer puts in an amenity such as a swimming pool, a tennis court, or a basketball court as part of the Plan, is that considered as open space even though it is impervious area with limited usage; and he does not see that in this Ordinance. He stated he would prefer to include in the definition of open space that “developed recreational lands” are not included as open space. He stated those should be given their own definition and their own consideration within the Code as we move forward. He stated he feels most people feel open space is walking trails, wooded areas, and park land areas and not improved with “lots of concrete, swimming pools, or other things.” He stated because those things are put in, they then have to do more stormwater management.

Mr. Grenier stated in the definition of open space it says, “It can include resource-protected lands;” and in Lower Makefield that is a defined term where we have resource-protected lands that are wetlands and their buffers, streams and their buffers, woodlands and their setbacks, and steep slopes, and those are included in the definition of what can be open space. He stated he would prefer that because they are resource-protected lands, they have to be protected; and if we include those as open space that can be accessed, he does not want people to access those areas and have a negative impact on those areas. He stated the other Ordinance may have contemplated this. He stated he would like to see resource-protected lands handled differently from regular open space. He stated he wants to make sure it is protected, and he wants to make sure we get additional open space in addition to resource-protected lands

whenever we can. He stated he knows there are questions about that, and he would like “legal to comment on this at some point in the future,” and see what our options are and how we would adjust the definition.

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

#### SOLICITOR’S REPORT

Mr. Duffy stated the Board met in Executive Session starting at 6:30 p.m. and discussed information and strategy in connection with litigation, consideration of potential acquisition of Real Estates, and discussing employee-related matters.

#### Approve Resolution to Amend the Attachments to the Ordinance Vacating Old Oxford Valley Road

Mr. Duffy stated this relates to an Ordinance which the Board adopted in April of this year to vacate Oxford Valley Road. He stated there were two different Exhibits attached to it – a legal description and a Plan. After adoption of the Ordinance those Exhibits were corrected, and this Resolution would allow for the substitution of those corrected Exhibits A and B to the previously-adopted Ordinance.

Mr. Grenier moved and Mr. Lewis seconded to approve the Resolution to amend the attachments to the Ordinance vacating Old Oxford Valley Road.

Mr. Lewis stated the need for this is a correction to make sure we did the surveying correctly so that we are providing the exact land to the recipients. Mr. Duffy stated it was a Metes and Bounds legal description of the land, and there was a Plan attached to it; and it does not change the substance of the Ordinance.

Motion carried with Ms. Blundi opposed.

## ZONING HEARING BOARD MATTERS

With regard to Appeal #Z-23-2014 Ed Oleynick for the property located at 261 Rock Run Road, Yardley, PA 19067, Tax Parcel #20-056-104 Variance request from Township Zoning Ordinance #200-69A(14)(c) in order to install a fence in a Sewer Easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #Z-23-2016 Michael Meginniss for the property located at 0 Edgewood Road, Yardley, PA 19067, Tax Parcel #20-034-130 Variance requests from Township Zoning Ordinance #200-52.C(1)(a)(2)(b) a maximum density of 2.75 DU/AC, Township Zoning Ordinance #200-51.B(4)(c)(1) a 25 foot wetland buffer, and Township Zoning Ordinance #200-61.C the minimum building setback to be measured from the lot lines in order to subdivide this property into two lots and construct a single-family dwelling on each lot, Mr. Grenier moved and Mr. McCartney seconded that the Township participate.

Mr. Grenier stated they are asking for the ability to disturb areas within resource-protected areas so that they can build a home on a fairly small lot. He stated we have major concerns with that. He stated the Zoning Hearing Board has addressed these in the past, but this is an elevated concern because of the nature of the resources. Mr. Grenier asked if the Zoning Hearing Board were to deny this would the owners still be able to “build anything there given our Zoning requirements; and if not what does that mean to us.”

Mr. Majewski stated there are some outstanding questions on the property and the Plan. He stated the flood mapping shows the property located within the floodplain; however, the topography that was provided, and even going back to our 1980 aerial topography that the Township has, appears to show that all of the area where they are proposing to do work in is actually above the floodplain. He stated they would need a Letter of Map Amendment to administratively remove that from the floodplain, so therefore there would be no disturbance on that. Mr. Majewski stated they do have an approximate limit of wetlands on the Plan, which he feels may be less in their favor from what the actual wetlands are; and he feels they need to do more work to pin down some of the issues to determine whether or not we really should participate or oppose.

Mr. Grenier stated he feels we should oppose, but we would not want to put ourselves in a position where opposing it puts us in “litigation trouble.”

Mr. Grenier asked if “someone hung some flags and had a surveyor shoot the flags to show what some consultant said was a wetland.” Mr. Majewski stated they just indicated “it is the approximate limit of the wetlands.” He added based on the property next door, which had an actual delineation, he does not believe that the wetlands are as extensive; however, it needs to be delineated and surveyed to determine what is the real setback from resource-protected land. He stated it may be that the relief is minimal when they provide more information.

Mr. Grenier stated participating does not mean that the Board could not oppose later once we get more information, and Mr. Duffy agreed. Mr. Duffy stated one of the main purposes of participation is to flesh out all the points that Mr. Majewski is discussing. Mr. Grenier asked when they will be going before the Zoning Hearing Board, and Mr. Majewski stated it is on July 18. Mr. Grenier asked if there will be answers to the questions by July 18, and Mr. Majewski stated some if not all will be answered. He stated he will reach out to the Applicant and their engineer to advise them of a couple of issues that he sees with their Plans so that they can take appropriate action. Mr. Majewski stated they could open the Hearing and the Applicant could make their presentation, and we could ask for a Continuance if needed unless they provide all of the information before the meeting and it is satisfactory. Mr. Duffy stated as a participant, the Township can request a Continuance. Mr. Grenier stated depending on the information provided before the meeting, the Board could, through the Township Manager, indicate that they want to change their position.

Dr. Weiss stated if the Board of Supervisors participates and does not agree with the Zoning Hearing Board’s decision, we could get involved through the Courts.

Mr. Grenier stated he feels it sends a message when the Board participates versus opposing.

Mr. McCartney stated he would prefer to participate at this point rather than oppose.

Mr. Lewis stated the reason why the Board of Supervisors is very particular about wetlands and flood zones is because we applied through FEMA to put us in the CRS which results in about a 25% reduction in flood insurance premiums for those living in a flood zone. He stated as a consequence, we are vigilant about making sure that we are protecting people from flood zones.

He stated in the past the Board has often participated in Zoning Hearing Board Appeals to make sure that things are done right because we want to protect residents and their insurance premiums. He stated he is fine with participating at this point. He asked what would be the process for the letter that the Applicant would get indicating that they are not in the flood zone. Mr. Majewski stated he believes that they have enough information right now to submit the Letter of Map Amendment to FEMA; however, he is not sure what the current processing timeframe would be for that and it could be between fifteen and sixty days. He added that he is pretty confident that the houses as proposed and the area that would be needed to enjoy the yards around the houses are higher than the floodplain.

Mr. Lewis asked if the Zoning Hearing Board could make approval contingent upon that letter being accepted by FEMA, and Mr. Majewski agreed. Mr. Lewis stated we could suggest that as a participant, and Mr. Majewski agreed. Mr. Majewski added that if they do not get the Letter of Map Amendment, they would need to go for another Variance for disturbing the floodplain. He stated they have not requested that because they are above the floodplain; however, until FEMA removes you from the floodplain administratively through a Letter of Map Amendment, you are in the floodplain.

Motion carried unanimously.

#### COMMUNITY DEVELOPMENT

##### Approve Extension of Time for Torbert Farm Subdivision and Land Development Plan to August 1, 2023

Mr. Grenier moved to approve the Extension of time for the Torbert Farm Subdivision and Land Development Plan to August 1, 2023.

Mr. Lewis asked when is the Board of Supervisors' first meeting in August, and Mr. Majewski stated it is August 2, 2023. Mr. Majewski stated if discussions with the Applicant are positive, he feels the Extension could be extended another day, and that would be done at the next meeting. Mr. Lewis asked what would be the problem with the Board approving the Extension to the middle of August. Mr. Kratzer stated the Extension is at the developer's discretion and not the Township.

Mr. Lewis seconded the Motion, and the Motion carried unanimously.

Approve Extension of Time for 1566 LLC to August 4, 2023

Mr. Lewis moved and Mr. McCartney seconded to grant an Extension of time for 1566 LLC Subdivision to August 4, 2023.

Award Recommendation for the Regency Pedestrian Trail Project to T. Schiefer Contractors, Inc. in the Amount of \$429,964.00

Mr. Majewski stated this is for pedestrian trail connections along Big Oak Road and Old Oxford Valley Road between Regency at Yardley on both sides of Big Oak Road. He stated the Township received only one Bid for the project, and it was determined that the contractor is qualified and everything is in order with their paperwork. The Budget that was allocated in 2023 for this project was \$600,000 so it is below Budget. Mr. Majewski stated approval should be Conditioned on the issuance of a written Contractor Responsibility determination by the Township after the public review period.

Mr. Grenier moved and Mr. Lewis seconded to award the Bid for the Regency Pedestrian Trail Project to T. Schiefer Contractors, Inc. in the amount of \$429,964 conditioned on the issuance of a written Contractor Responsibility determination by the Township after the public review period.

Mr. Lewis stated this is being funded through the special funding that was part of the Regency Infrastructure Fund. He stated the Township had entered into an Agreement with the developers for the Regency properties; and as part of that, funds were set aside for infrastructure improvements that are related to that area. He stated the Township worked diligently with the Regency community who should be relatively happy with the outcome of this in terms of the process that we went through. He stated the intersection is challenging for pedestrians, and this will provide access to parts of Regency which should be helpful.

Motion carried unanimously.

Approve Pay Application #10 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the Amount of \$43,838.95

Mr. Grenier moved and Mr. Lewis seconded to approve Pay Application #10 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the amount of \$43,838.95

Mr. Grenier asked who reviewed the work, and Mr. Majewski stated PennDOT hired an inspection firm to do the inspection. He added the Township has been out there and is satisfied with the work that was done.

Motion carried unanimously.

Approve Pay Application #11 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the Amount of \$12,965.60

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve Pay Application #11 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the amount of \$12,965.60.

Approve Certificate of Appropriateness for 1790 Yardley-Langhorne Road – Barberino Yardley Sign

Mr. Majewski stated this had been approved for a sign when it was Trombino Hair Care, and they changed the lay-out of the sign and went to HARB a number of times. Mr. Majewski stated at the HARB meeting there was a consensus that they liked the sign but wanted it to be a different shape from what was proposed, but Mr. Trombino wanted to keep the sign as he had presented it to HARB.

Mr. Doug Trombino was present. Dr. Weiss stated he recalls that the final sign design that was submitted to HARB was a rectangular sign with a white background, a barber pole, and the name Barberino. Mr. Trombino agreed adding that it had black border, and that is the sign he would like to have. Dr. Weiss stated he recalls that HARB wanted cut-outs at each corner, and he understands that Mr. Trombino does not wish to do that. Mr. Trombino agreed adding that he does not want to have any concave shapes or any other creative design, and he prefers it to be a rectangle shape. He stated he is working with a professional graphic designer as well as a professional marketing director; and they all agree looking at the area where the shop is located with the houses around it, Heston Hall, and where he is located in the Carriage House every shape of the windows and shutters are rectangles, and there are no concave shapes. He stated he feels it would conflict with the simplicity of what he is trying to accomplish and the simplicity of the area to have other than a rectangle shape. Mr. Trombino stated it is also very costly

to be cutting out these shapes on the sign, and he is a small business with a low budget. He stated he personally does not like the “avant-garde” shapes that were recommended.

Ms. Blundi moved and Mr. McCartney seconded to approve the Certificate of Appropriateness for 1790 Yardley-Langhorne Road – Barberino Yardley Sign.

A picture of what Mr. Trombino was proposing was shown. Dr. Weiss stated it will be a rectangle to match the window shape. Mr. Trombino stated the sign would be 4 ½” wide by 6’ long. Mr. Grenier asked the size of the window next to the sign; however, Mr. Trombino was not sure although he believes it was about 40”. Mr. Trombino stated he does not want the arched top – he wants a plain rectangle. Dr. Weiss asked Mr. Majewski if the rectangle sign proposed by Mr. Trombino meets the guidelines, and Mr. Majewski stated it does.

Mr. McCartney stated there was also a rendering of a flower box, and he asked if that was a HARB addition and if it is something that the landlord will be doing. Mr. Majewski stated HARB had recommended that to Mr. Trombino, and Mr. Trombino stated that was acceptable to him. Mr. Majewski stated he believes HARB wanted that added to balance out the size of the sign better by adding the flower box to the window.

Mr. Lewis stated he is in support of the sign Mr. Trombino has proposed. He stated he feels that from a marketing standpoint, the scalloped sign would provide some more visual appeal, but he feels it is within Mr. Trombino’s discretion as to what he feels is appropriate and what is best for his business.

Motion carried unanimously.

#### SUPERVISORS’ REPORTS

Mr. Lewis stated Farmland Preservation had a general discussion on operations. He stated they also indicated a willingness to work with the Township on future potential acquisitions of farmland. Mr. Lewis stated the Historical Commission has been doing great work in terms of restoring the Slate Hill Cemetery by cleaning the tombstones. He stated we are still waiting the results of the ground-penetrating radar work at the Cemetery. He stated one of the oldest tombstones there is from 1690, and it may be the oldest cemetery within Bucks County and possibly further. He stated the Historical Commission is doing very interesting work, and there are volunteer opportunities working in this area.

Mr. Grenier stated the Citizens Traffic Commission met and confirmed the installation of a few items. He thanked Mr. Fuller for “confirming.”

#### OTHER BUSINESS

Mr. Grenier stated he believes it has been about one year since we got a letter from the DEP relative to finalizing the Act 537 Plan, and Mr. Kratzer agreed. Mr. Kratzer stated he has been communicating with Mr. Ebert who was the consulting engineer on the Sanitary Sewers, and he had indicated that he has prepared a draft response which has been reviewed with Aqua since some of those obligations are transferable to Aqua. Mr. Kratzer stated he has not received a letter from Mr. Ebert yet. Mr. Kratzer stated he also intended to reach out directly to the DEP to understand the process better. He stated he hopes the letter is forthcoming from Mr. Ebert and we can re-submit to the DEP.

Mr. Grenier stated there are things that the Township is committing to, and the Township will have to review this; and Mr. Kratzer agreed that we will have to review it prior to the submission back to the Department as we are the current Permittee from the Department’s perspective.

#### PUBLIC COMMENT

Mr. Leonard McMullen, 394 Twig Lane, stated he is a 29 year Yardley resident. He thanked the Board for what they do. He commended the Township for the statue program. He stated his property is adjacent to the Beth El property which has been proposed for the Verizon cell phone project. He stated his concern centers around the impact of the project itself on the character of the neighborhood. He stated the structures as proposed are referred to as “Frankentrees” and will have a substantial impact on the characteristics of the neighborhood. He stated they do not belong in an area that is Zoned as a Residential area. He stated there are many homes around this area, and he invited the Board to walk the area if they have not been back there. He stated during the summer months, the tree growth is full; but during the winter months, it is very obvious what is there as you can see through the tree lines.

Mr. McMullen also noted concerns about pre-existing water management issues there from past expansions of the parking lot which have resulted in a lot of water problems in the yards along the area, and this project would only serve to aggravate those issues as well. Mr. McMullen stated there is also an impact on the bio-diversity of their area and their local eco-system which is quite unique. He stated given the rainwater run-off, he feels a little wetlands has developed back there; and he sees a lot of turtles, frogs, and other aquatic animals.

Mr. McMullen stated his property is directly adjacent and serves as one of the largest properties along the Beth El property line along with Dr. Mannarino and the Township. He stated what is proposed is a 150' tower including the lightening rod, and his property line is 150' from the tower, and his family room is 260' from the tower. He is concerned about his personal safety and the safety of his neighbors. He stated included in the project will be a diesel generator which will contribute noise when it runs as well as a 200 gallon diesel fuel tank, which introduces hazards into the area which should not be in a Residentially-Zoned area. He asked the Board to consider this as they move forward.

Mr. McMullen stated there have been a number of safety concerns over the years with towers like this. He stated in 2021 in Upper Dublin Township, a 125' tower collapsed due to tornados in the area; and a number of years ago a 75' tower caught fire in Bensalem which made it unstable and had to have a safety zone of about 300' established around the structure.

Mr. McMullen asked the Board to make a clear position of opposition on this proposed project. He stated he knows that the Board is pursuing a number of alternatives, and he would like to know if there is any chance for the Board to provide an update on discussions with Verizon on the status of alternative sitings of the tower. He also asked for any status updates on discussions with the Cohen Law Group which was hired to advise the Board of Supervisors on possible alternative actions and representation and the "threats" from Verizon regarding their recourse if they were denied a Zoning approval. He asked when the Board might reconsider their position on this matter and when it may come up for a vote again.

Mr. Kratzer stated there has been no additional communication with Verizon, and the Hearing is still set for August. He stated he understood that they were looking at some alternative locations, but we have not seen anything at this point. He stated there was a Kick-Off meeting with the Cohen Law Group last

week and he, Mr. Majewski, and Mr. McLoone met with them to go over the Application materials; and they are reviewing matters and are aware of the date of the Zoning Hearing Board meeting. Mr. Kratzer stated he has asked them to get materials to him prior to the Board of Supervisors' meeting on July 19 so that the Board can decide what they are going to do prior to the Zoning Hearing Board meeting on August 1.

Dr. Tony Mannarino, 405 Stony Hill Road, stated because of the Federal Tele-Communications Acts, we can talk about the health risks, but they cannot be considered. He stated what can be talked about are the safety standards, which are wrong. He stated this tower would not be allowed to be built anywhere else in the World other than possibly Japan. He provided to the Township tonight a copy of the power density standards for the planet. He compared the standards in the United States compared to other Countries. Dr. Mannarino stated the Federal Circuit Court of Appeals has already ruled against the FCC telling them that they were arbitrary and capricious not to re-visit their outdated, antiquated standards that were based on work from the 1970's and 1980's. He stated this tower does not meet safety standards.

Dr. Mannarino stated he does not believe that an individual homeowner would be granted a Variance to put a 200 gallon diesel tank in their back yard. He stated the water tower was taken down at Sesame Place because someone shot holes in it, and they are going to put a 200 gallon diesel tank in their back yards; and he does not feel this is the right place for the tower.

There being no further business, the meeting was adjourned at 10:10 p.m.

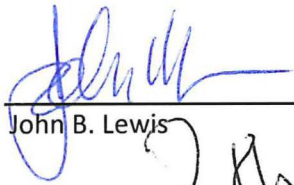
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John B. Lewis', written over a horizontal line.

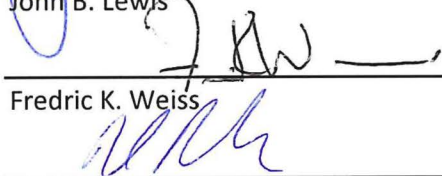
John B. Lewis, Secretary

LOWER MAKEFIELD TOWNSHIP  
BOS MEETING - 06/21/2023  
INTERFUND TRANSFERS

MAY 2023 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	769,410.29
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	6,522.90
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	484.90
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,885.65
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,321.85
	<b>779,625.59</b>



John B. Lewis



Fredric K. Weiss

Daniel R. Grenier

James McCartney

Suzanne S. Blundi