

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 7, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 7, 2023. Dr. Weiss called the meeting to order at 7:34 p.m. and called the Roll.

Those present:

Board of Supervisors: Fredric K. Weiss, Chair  
Suzanne Blundi, Vice Chair  
John B. Lewis, Secretary (left meeting in progress)  
James McCartney, Treasurer  
Daniel Grenier, Supervisor

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

#### COMMUNITY ANNOUNCEMENTS

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

Dr. Weiss stated Lower Makefield Township's Environmental Advisory Council is hosting a lecture series on "monarch Butterflies and the Miracle of Migration" presented by Mike Weilbacher at the Township Building, 1100 Edgewood Road, Yardley, PA 19067 on Saturday, June 10 from 10:00 a.m. to 11:00 a.m.

#### PRESENTATION OF VOLUNTEER FIREFIGHTER AWARDS

Fire Services Director Tim Chamberlain was present on behalf of Yardley-Makefield Fire Company. He thanked the Board, the Township Manager, and Chief Coluzzi for all their support. He stated they look forward to continuing to improve the fire service in the Township. He stated tonight they will honor a number of outstanding volunteers from the Fire Company. He stated in 2022, the Fire Company responded to 649 calls for services totaling 5,400 man hours which is almost 80 more calls than there were in 2021.

Certificates were presented to the following: Fire Police Captain Rick Heckman, Firefighter Jason Sciortino, Captain Jason Feyko, Lieutenant Billy Kanzler, Assistant Chief Barry DiNola, President Larry Newman, and Fire Chief Glenn Chamberlain.

Mr. Chamberlain stated each year the Fire Company chooses a member who has gone above and beyond their call of duty, and this year Captain Jason Feyko was chosen as the Yardley-Makefield Fire Company 2022 Firefighter of the Year, and he was presented with a proclamation this evening.

Mr. Chamberlain stated the duties of Chief Fire Marshall for the Township have been provided by the volunteers from the Yardley-Makefield Fire Company for the last 125 years, and many members have served in this position over the years; and for the last sixteen of them, Mr. Ken Richards has served in this position which has now been assumed by the Fire Services Director. Mr. Richards was presented a plaque this evening.

Mr. Tim Chamberlain stated Fire Chief Glenn Chamberlain has celebrated fifty years in the fire service this year. His years of experience and roles in the Fire Company were discussed. A Proclamation was presented to Chief Chamberlain this evening with thanks for his valuable contributions to the residents and the businesses of Lower Makefield Township. An Official Citation for outstanding community service was presented to Chief Chamberlain by the Police Department for his fifty years of service.

State Senator Steve Santarsiero was present with State Representative Perry Warren and a representative from Congressman Fitzpatrick's office to recognize Chief Chamberlain. Senator Santarsiero discussed his experiences with Chief Chamberlain over the years and his leadership as Chief. A Citation and flag were presented to Chief Chamberlain this evening.

Yardley-Makefield Fire Company President Larry Newman presented to Chief Chamberlain a fire helmet from the members of the Fire Company to commemorate his fifty years of service to the Yardley-Makefield Fire Company.

Chief Chamberlain thanked the Supervisors and all members representing the Township for their support. He stated without the support of the Township, the Fire Company would not be where it is today. He stated he and Chief Coluzzi and the Police Department work well together. He also thanked his family for their support, adding he is proud and honored that family members have followed his footsteps in the business. He also thanked all of the

supporting Mutual Aid Fire Departments and his friends who have helped him be where he is today including all the members of the Yardley-Makefield Fire Company.

On behalf of the Board of Supervisors, Dr. Weiss thanked Chief Chamberlain and all of those present to honor him for his fifty years of service to the community.

#### HISTORICAL COMMISSION PRESENTATION AWARD TO JACOB & EMILY HILLER IN HONOR OF HISTORICAL PRESERVATION MONTH FOR THEIR RESTORATION OF THE STAPLER FARM HOUSE

Mr. Joe Camaratta, Historical Commission, stated May was Historic Preservation Month which plays a crucial role in raising the awareness about the value of preserving our cultural heritage and our historic landmarks. He stated he is presenting to Jacob and Emily Hiller the 2023 Community Preservation Award for their restoration of the historic Stapler Farm House on Mirror Lake Road which was built in 1890. He stated they have demonstrated a commitment to preserve the history of our Township, and it is hoped that their actions will inspire others to learn more about the Township history and perform their own acts of preservation. The award was presented to Mr. Hiller.

#### ENVIRONMENTAL ADVISORY COUNCIL TREE PRESENTATION

Mr. Alan Dresser and Mr. James Bray, Environmental Advisory Council, were present. Mr. Dresser stated on April 14, the Environmental Advisory Council sent the Board of Supervisors a letter entitled: "Recommended Tree Planting Locations in 2023 and Beyond." He stated their motivation for sending the letter was the EAC's interest that we maintain the momentum we have in planting trees in the Township that we have had in the last two years. He stated trees were planted at the Twig Lane tot lot, Revere tennis courts, Kids Kingdom playground, along the Buck Creek tributary at Patterson Farm to enhance the riparian buffer, and recently 30 sugar maples along Mirror Lake Road on Patterson Farm.

Mr. Dresser showed a slide indicating that the Tree Bank has a significant amount of money, adding that when the 1101 Subdivision contributes its amount, it will go well above \$400,000 which can be used to purchase and plant well over 1,000 trees.



Mr. Dresser stated the EAC's April 14<sup>th</sup> letter recommended four locations for tree planting that were in the 2016 Long-Range Tree Planting Plan. He stated that Plan has so far resulted in at least 364 trees and 200 shrubs being planted in the Township. He stated there are fifteen locations in the 2016 Plan to plant trees; and if trees are planted at the four locations being recommended, there will only be two locations left in the 2016 Plan one being the detention basin at the Regan tract which he believes will be planted with trees as part of the MS4 Plan, and the other being Macclesfield Park which still needs to be addressed at some point.

Mr. Dresser stated the EAC also recommended two locations which were not on the 2016 Tree Planting Plan which Mr. Bray will discuss in detail along with the other four sites that they have recommended.

Mr. Dresser stated it is felt that it is time to develop a new LMT Long-Range Tree Planting Plan. He stated the 2016 Plan was written by the Township engineer at that time, and Remington Vernick could write it or we could go out to Bid and have an outside group write it up. Mr. Dresser stated he was looking at the Ordinance to see where Tree Bank money could be spent; and he stated Mr. Truelove could look into this to see if it is possible to have Tree Bank money be used for the development of the Long-Range Tree Planting Plan as it states: "Funds shall be used for the purpose of planting replacement trees at approved locations in the Township." Mr. Dresser stated he feels a Plan is part of the process.

Mr. Bray stated some years ago, planting was being done at Patterson Farm and Ms. Blundi had suggested that trees be planted along Mirror Lake Road. He stated they moved forward with that and an outside firm planted the trees in a "formal alley fashion." He stated the results were better than expected and have been noticed by residents. He stated trees are an important asset from an economic and aesthetic standpoint.

Mr. Bray stated there was a meeting yesterday with the Township Manager, Mr. Fuller, Ms. Tierney, Mr. McLoone, and Mr. Majewski to discuss the remainder of the 2023 Plan. He stated some changes were made due to the existence of now-recognized power lines under the ground and also the fact that we are now working on a long-range Master Plan for the Patterson Farm and for Macclesfield.



Mr. Bray stated with regard to the Golf Course, Mr. Kratzer will speak to the Golf Course personnel as to where trees could be placed on the Golf Course property. He stated they had originally envisioned a long line of trees along Woodside Road but there might be issues with that regarding underground utilities as well as closeness to the greens.

Mr. Bray noted the proposed location at Memorial Park East where they are going to eliminate the plantings in Areas A, F, and E. Mr. Bray stated Ms. Tierney had indicated that there is going to be some possible infrastructure changes in those areas, and she would like to hold off right now on planting any trees in those areas. Mr. Bray stated we will still end up with 30 trees being planted in that area. Mr. Grenier noted the "eastern version of Area D," where there is a long open area that is mostly mowed and has some slope. He asked how far back they are looking in D since he feels there may be some opportunities there. He stated there will be nothing going into D West so that could be filled in. He asked what they are envisioning for D East. Mr. Bray stated they felt the D areas would be more formal, alley-type plantings right along the road; but that does not preclude significant plantings in area Mr. Grenier is referring to.

Mr. Bray stated in the new Plan that they are envisioning, they are going to request public input. He stated the idea was that in the next Newsletter there should be a notice about the funds available for planting trees and requesting public input on planting trees in public areas.

Mr. Grenier stated trees were planted in Memorial Park West, and there may be opportunities in a future Plan to look at that area again because there are still some wide-open areas. Mr. Dresser noted the basketball courts area. Mr. Bray stated this is a huge park, and another couple thousand trees could easily be planted there. He noted the compass arboretum is a highlight which was planted at the highest elevation point in Lower Makefield. He stated he feels there is a good possibility that we could be giving tours in the fall about the value of these trees. Mr. Bray stated he gives tours at Bowman's Hill on the wildflowers there, and there is also an arboretum there of over 900 trees. He stated he feels tours here would be nice for our residents as well.

Mr. Grenier stated one of the complaints we get a lot is the lack of shade at various playgrounds and other areas, and he asked that we look at natural versus engineered ways to address shade. He asked that we look at a way to

include shade so that the trees do not interfere with recreation and vice versa to the extent that we can. Mr. Bray stated after the Macclesfield Master Plan is completed they will look into this. He stated that Park draws heavily during the soccer season, and there is a need for many trees to be planted on the edges of those fields to get people out of the sun.

Mr. Bray stated as he noted earlier, we are not going to be doing any plantings along Woodside Road at this time; however, Mr. Kratzer will be talking to Mr. Attara, the Golf Course Director, who has already indicated that he would like significant tree plantings in other areas of the Golf Course. Mr. Dresser stated there had been a plan to plant trees along Woodside Road on either side of the entrance driveway, but there was concern that the trees would be too close to the green on the 8<sup>th</sup> hole. Mr. Kratzer stated these Plans were shared with Mr. Attara to get his initial reaction, and there was some concern about the proximity to the greens. Mr. Dresser stated they could work around that by not putting any trees near the green and trees could be put in further to the left. Mr. Kratzer stated Mr. Attara had indicated that there was an initial Landscape Plan that was done for the Course, much of which was not previously implemented.

Mr. Kratzer stated during the discussion yesterday, it was indicated that for many of the locations where there may be conflict from an infrastructure or function standpoint, there would still be opportunities. He stated as they are discussing Memorial Park East and planning additional amenities, there is no reason why trees cannot be a significant component of the infrastructure that is installed as part of the overall plans. Mr. Kratzer stated the staff will work with the EAC to try to identify those locations that make sense.

Mr. Bray stated they also think that there are still some possibilities along the roadway. He stated the original suggestion was not a straight line of trees but a staggering, and they will look into that. Mr. Grenier stated they can also look at different types of trees as some trees have shallow, spreading root systems that can damage greens and others have deep-root systems that do not spread out. Mr. Bray stated that is a major consideration, and the EAC suggested different species.

Mr. Bray noted the Caiola ballfields. He stated originally they had envisioned a row along Edgewood Road of shade trees; however, there are some infrastructure/utility issues, and they are not attempting to do that right now although there are some significant areas in there that would lend themselves to planting.



Ms. Blundi stated Lower Makefield volunteers and the EAC did significant plantings in Caiola in 2019, and she asked if these trees being discussed are in addition to those; and Mr. Dresser agreed. Ms. Blundi asked that as they go through their proposal, the Board should be advised where there would be opportunities for volunteers. Mr. Dresser stated that would be possible for some of the projects. He stated it would involve trees along Oxford Valley Road down to the PA water facility. Mr. Bray stated there also might be some additional trees in the area since Ms. Tierney likes the buffering approach. He stated Mr. Fuller also indicated that across the street there is a small triangle of land owned by Lower Makefield, and that is an area where trees could be put in the future as well.

Ms. Blundi asked if they are going to address the invasive species along the road there and get rid of them and replace them. Mr. Bray stated those trees were very popular many years ago, but now people are getting rid of them; and they could look into that as well.

Mr. Bray stated they are suggesting 18 shade trees and 5 evergreen trees at the Fred Allan fields along Oxford Valley Road along the Community Trail. He stated when you get to the top end where B is, they are suggesting 7 shade trees and 10 evergreen trees. He showed on a slide a huge area in the central portion, and they are suggesting 60 shade trees be placed in that area. Mr. Bray stated yesterday Ms. Tierney noted that they are going to be putting up a scoreboard along the trail, and some of the trees may have to be shifted slightly.

Mr. Bray stated with regard to Mirror Lake Road at Patterson Farm, because of the Patterson Farm Master Plan that is underway, it was felt that we should hold off on planting any trees in that area at this time; however, after the completion, there should be large areas where a significant number of trees could be planted. Mr. Dresser stated the trees would go behind where the current maple row is up to the Buck Creek tributary. It would be mostly under-story trees and some shrubs. Mr. Bray stated the stream that is flowing there is fairly open, and that is why these plantings were suggested; and hopefully it will happen in the future and help as far as a riparian buffer is concerned. Mr. Grenier stated it has historically been mowed along the road, and they will no longer have to mow it.

Mr. Bray showed a slide regarding the tree row along Woodside and Dolington Roads. He stated this is above the Golf Course, and the EAC had suggested putting in 12 shade trees along Dolington Road, 40 shade



trees along the south side of Dolington Road, and 20 shade trees on the south side of Woodside Road. He stated that this area belongs to Farmland Preservation and they looked at what the EAC intended to do, and their perspective is different as farmers do not want to plant trees. He stated farmers are interested in crop yield, and they want to have as much land to farm as possible. He stated Farmland Preservation is not in favor of doing this, so at this stage this is being eliminated.

Mr. Grenier noted a green feature on the slide, and Mr. Dresser stated he believes that is a stream channel that they cannot farm. Mr. Grenier asked what is the buffer along the stream channel. Mr. Majewski stated they try to keep that natural so that the silt running off from the farm gets captured by the grass that is there. He stated it is not really a stream at that point, and it is not even really wet, and it just traps the sediment so that it does not flow into the stream further down.

Mr. Bray stated the original plan was to plant about 370 trees, but as a result of the meeting, it has been modified to be 162 trees. He stated this would cost about \$60,000 to \$65,000. Mr. Bray stated they would like the Board of Supervisors to authorize planting these trees this fall and go through the steps required to make that possible by Bidding it out. He stated they are also recommending the development of a new Long-Rang Plan. He stated the last Plan was done in 2016, and he believes that they used Tree Bank funds to pay for that; and he feels that would be an appropriate use for the Tree Bank funds. Ms. Blundi stated they did not use Tree Bank funds for that.

Ms. Blundi stated there were volunteer plantings in the past which were very successful in terms of building community, and people still talk about how proud they were to be a part of planting the trees. She asked if there is any intent to have a volunteer project this year or would it all be Bid out. Mr. Dresser stated the EAC has a meeting tomorrow night, and they could discuss that with Ms. Salvati who was the coordinator of those volunteer projects. Ms. Blundi stated she would like to have input about that before proceeding.

Mr. Grenier stated he agrees with Ms. Blundi as the planting project was very important to the residents who participated. He stated after listening to what is proposed, some of the species and sizes would allow for volunteer participation although some of them would be too large for volunteers to plant. He stated he would like to understand what we would be able to do to allow volunteers to take part versus what we need to be done by a vendor.

Mr. Grenier stated he is in favor of doing a fall planting. Mr. Dresser stated they would need to decide where to do it. He stated at Patterson Farm on Mirror Lake Road behind the maples, the Patterson Farm Committee did not want them to do that yet. Dr. Weiss stated he feels they should work with the staff at least one more time and address the concerns and questions of the Board, and they can then come back at a future meeting to make a decision. Mr. Kratzer stated they could work on scope elements, and then come back before the Board for the Board to take action on a formal proposal.

Mr. Bray stated he feels it is essential that we have another Long-Range Plan. He stated the last one was done by our previous engineering firm, and they did a good job. He stated he feels our current engineering firm probably has the expertise as well, and they could come up with something based upon input from the EAC. Mr. Bray stated for the previous Plan, the prior engineering firm went out and looked at all of the various areas and came up with these recommendations. Mr. Bray stated there is expertise on the EAC with regard to trees and plantings, but this is a large job which would be beyond the EAC's scope. Mr. Grenier stated the EAC could put this on their Agenda for their meeting tomorrow night and look at scope parameters to come back to the Board of Supervisors with.

Mr. Bray stated while he thinks volunteer participation is very important, it all depends on the size of the trees you are dealing with. He stated the trees are basically 2 ½" to 3" caliper and have fairly large root masses so it would be pretty difficult for volunteers to get involved in plantings like that. He stated a classic use of volunteers would be along Patterson Farm where there are to be under-story trees and shrubs.

Ms. Blundi stated as part of the development of the Patterson Farm Master Plan they are working with historical landscapers, and we want to make sure that whatever comes out has a cohesive theme. She stated that Committee will be addressing the idea of what should be planted and where it should be planted including if we are able to move forward with any kind of walking paths; and we want to make sure that we are not impeding the ability to do that because we planted trees. She stated she would recommend focusing on other areas rather than Patterson Farm since that is in process.

Mr. Kratzer stated they did discuss the larger tracts where there is on-going planning efforts, and the incorporation of trees as part of the planning effort makes sense as opposed to developing this plan and having a different plan trying to fit trees in. He stated he hopes that they recognize from a staff



perspective, they are very interested in working with the EAC to make sure that they are being engaged in the planning efforts so that they are not operating in a vacuum which will result in a better product for the community. Mr. Bray stated that message was very clear and was much appreciated.

## ENGINEER'S REPORT

### MS4 Annual Presentation

Mr. Pockl stated MS4 stands for Municipal Separate Storm System, and it includes all of the stormwater conveyance from Township properties and Township roads including inlets, pipes, basins, and outfalls distributive to the streams. He stated it does not include systems on private properties, PennDOT roads, or Railroad properties.

Mr. Pockl stated the Township has a Municipal Separate Storm System Permit from DEP that allows us to discharge our stormwater into Waters of the Commonwealth. As part of that Permit, there are requirements for minimal control measures that include public education and outreach, illicit detection and elimination, performing outfall inspections, construction site run-off control monitoring including sediment control measures that are installed during construction projects, post-construction stormwater management run-off, pollution prevention and good housekeeping, the Pollution Reduction Plan which needs to be implemented five years after it is issued, and pollution-control measures.

Mr. Pockl stated in 2023 we are maintaining compliance with the minimum control measures, and the Township continues to post stormwater-related information on social media through various avenues. He stated this presentation tonight allows us to comply with Permit requirements. He stated the Stormwater Management Ordinance has been updated over the years to be in accordance with the DEP model Stormwater Management Ordinance. He stated there is also an Operations and Maintenance Plan that has been updated annually as part of Minimum Control Measure #6 which is good housekeeping and pollution control. He stated this is Operation and Maintenance of Stormwater Management Best Management Practices that the Township operates on their own properties.



Mr. Pockl stated the Permit was approved in February, 2022, and the General Permit expires in 2023. He stated we are expecting an Extension from DEP. Mr. Pockl stated this year we have inspected 137 outfalls, and he believes that we have completed of the inspections on the dry weather outfalls. He stated he is providing a report to the Township regarding any measures of repairs or clogging for the outfalls that were noticed in the inspections.

Mr. Pockl stated the Pollution Control Measures are ongoing in their investigation, and that is inspecting the outfalls during wet weather in certain areas of the Township that might have an illicit discharge or might contribute to some kind of pollutant within the streams. He stated they need to inspect that during wet weather. He noted there are several gas stations within the Township, and the outfall that drains the stormwater run-off from those gas station is inspected. They do sampling and send that to the lab to identify if there are any contaminants, and they would then provide further investigation.

Mr. Pockl stated another Pollution Control Measure is the Animal Waste Ordinance that the Township has implemented – Chapter 79 – Sections 10 and 11. He stated that is in compliance with DEP requirements.

Mr. Pockl stated in 2022 DEP approved the Pollution Reduction Plan for the Township. He stated the General Permit expires in 2023 and renewal may come with increased requirements. He stated the previous Township engineer had submitted a Pollution Reduction Plan in 2017, that was rejected by DEP in 2019. The necessary adjustments were made to the Pollution Reduction Plan, and DEP took several years to review that, and it was finally approved in early 2022. He stated going by the original timeline, the Township needed to be in compliance by 2023, the end of this Permit cycle; however, our Municipality is in the same situation as a lot of Municipalities where they were waiting on DEP for their review. He stated the Permit term was five years to be in compliance with the Pollution Reduction Plan, and we are expecting DEP to make sure that we are in compliance within the five years.

Mr. Pockl noted some of the improved Best Management Practices to be implemented as part of the Pollution Reduction Plan would be the stream-bank restoration project at Charles Boehm Middle School and the porous paving parking lot at Five Mile Woods. He stated at the last meeting the Board approved applying for Grants for these projects. He stated there are also some regional detention stormwater management basin retrofits.

Ms. Blundi asked for an update on the Charles Boehm Middle School project. Mr. Pockl stated the School District is making improvements to the School, and this project would be a streambank restoration project. He stated we have submitted a Grant Application, but have not been instructed to go forward with the design of the streambank restoration project at this time. Mr. Kratzer stated we were waiting until we heard about the award of the Grant. Mr. Pockl stated we were waiting until we see if we get anything from Grand funding, and we would then proceed from there. Mr. Grenier stated the Grant was applied for on May 31, and Mr. Pockl agreed adding that was the Grant Application deadline.

Mr. Kratzer stated there is also an opportunity for a Growing Greener Grant, and Mr. Pockl stated he will discuss this further in his presentation.

Mr. Pockl showed a slide of all of the Stormwater Management Best Management Practices that are part of the Pollution Reduction Plan. He stated in general, the Pollution Reduction Plan requires us to calculate all of the stormwater and the sediment that is expected from the stormwater run-off from Township properties and Township roads that we are contributing to the streams. He stated the requirement is that we have to reduce that amount of sediment or pollutants by 10%. He stated there were calculations involved to select the Best Management Practices so that we could get the maximum amount of sediment reduction based on strategically where they were within the Township and what they captured as far as stormwater run-off. He stated they also had to be within impaired watersheds.

Mr. Grenier asked if the Maplevale project has any benefit here; and Mr. Pockl stated that is more stormwater volume control, and it is outside of the impaired watershed area.

Mr. Pockl stated in the Pollution Reduction Plan there is a Best Management Practices Schedule. He stated for 2023 we have Charles Boehm Middle School streambank restoration and Five Mile Wood parking lot pervious pavement. He stated for 2024, 2025, and 2026 there are various basin retrofits. He stated for 2024 it totals \$1 million, for 2025 it totals \$1.3 million, and for 2026 it totals \$800,000. He stated these are Budgetary estimate numbers, and the amounts shown are based off of the calculation that DEP had regarding a certain price per square foot of basin retrofit. He stated there was not a detailed construction cost estimate done on these, and it is just a Budgetary estimate.

Mr. Grenier noted 2025 which shows the smaller, 43.76 acres Makefield Brook basin retrofit for \$767,000 versus the larger, 58 plus Bridle Estates basin retrofit for \$257,000. Mr. Pockl stated the acreage that is there is the watershed/drainage that gets to the BMP and not the actual size of the basin. He stated Makefield Brook might be a larger basin or might be more difficult to get to from the road which is also taken into account.

Mr. Pockl stated the Pollution Reduction Plan Schedule identifies the four different watersheds that are impaired in DEP's listings and those are the Core Creek watershed, the Queen Anne Creek watershed, Martin's Creek watershed, and Rock Run watershed.

Mr. Pockl showed a slide that spells out the Charles Boehm Middle School streambank restoration project with an estimated cost as shown in the Pollution Reduction Plan. He stated when we applied for the Grant, we came up with a more accurate cost estimate which has actually reduced the number. The scope of the project is approximately 1,500 linear feet of streambank. He stated the benefit of streambank restoration is less sediment transport down the stream. He stated it filters over land run-off and slows over land run-off down as it approaches the stream. He stated it also promotes infiltration and wildlife habitat, and it reduces the temperature of the stream. He stated those were the goals of the streambank restoration project.

Mr. Pockl showed a slide of a rudimentary aerial shot of the Charles Boehm Middle School property and identified the locations of the streambank restoration project in red. He stated it is 1,500 linear feet of streambank, and it would include everything from vegetative restoration of the banks themselves and also planting a forested buffer at the top of the streambank.

Mr. Pockl stated there is a stretch between the two ballfields where it does not seem we could get much forested buffer area through, but DEP does allow partial credit; and once we get into the design, we can look at how to take advantage of that area and get some partial credit for that area.

Mr. Pockl showed a slide of the Five Mile Woods porous pavement project. He stated the scope of that is to remove the existing compacted gravel parking lot. The goal is to work with the contractor and see if there is stone that can be recycled and reused underneath the porous pavement as there is approximately 12" of stone that needs to go underneath the porous asphalt. He stated the stone will retain stormwater run-off within the area, and also promotes infiltration. The porous asphalt would go on top of that.



Mr. Pockl stated compared to a compacted gravel parking lot, there is probably an increase in infiltration 10 to 20 fold of stormwater run-off that infiltrates into the ground with porous paving. He stated the purpose of the project is to promote infiltration, reduce the stormwater run-off volume, filter the stormwater, and re-generate the groundwater table.

Photos of the existing Five Mile Woods parking lot were shown. Mr. Pockl stated with regard to infiltration with the porous paving system, it is basically restricted by the soils underneath; and that is something we will have to measure prior to implementing the project and putting the project out to Bid. He stated it is possible that we could put in soil amendments that would help.

A slide was shown of the W. Ferry Road basin retrofit as an example. Mr. Pockl stated we would retrofit the existing basin by installing native plantings to increase infiltration, removing the concrete low-flow channels, and maintaining the inlet and outlet structures. Pictures were shown of the W. Ferry Road basin retrofit. He stated the existing basin has the concrete low-flow channels; and if a routine storm event comes in and discharges into that basin it travels over the low-flow concrete channel toward the outlet structure, and then to another pipe and into the stream. He stated there is no opportunity for it to infiltrate into the ground, and it flows out of the basin at a rate much faster than it would if it were allowed to run over natural terrain.

A slide was shown of DEP literature available on basin retrofits which discusses the benefits of basin retrofits including public health and safety. Mr. Pockl stated it also outlines costs associated with basin retrofits and benefits from an aesthetic and maintenance standpoint. He stated this literature can be provided to the Township if anyone would like to have it.

Mr. Pockl stated the goals of a typical basin retrofit would be to slow, spread, soak, and filter. He stated as the water is coming into the basin it slows it down, spreads it out, allows it to soak into the ground, and then it filters all the pollutants from the stormwater. He stated the benefits include increased infiltration, filtering pollutants and sediment, increasing wildlife habitat, and reducing maintenance costs because mowing is not needed in the area. He stated they would plant low-mow plantings which would reduce the maintenance costs. He stated it would also increase storage capacity for stormwater, and the ultimate goal is to meet the requirements from DEP.

Mr. Pockl stated the way a basin retrofit works is to remove the concrete low-flow channel and establish a berm at each one of the pipes that flows into the basin so that sediment can be captured and settle out of the stormwater before it gets into the basin. He stated it lengthens the flow path that the water takes in order to get to the outlet structure so that it has an opportunity to infiltrate into the ground, and the plantings can filter out any pollutants or trash from that. He stated there ultimately is less stormwater volume that goes up and down the outlet structure and there is more that infiltrates into the ground. The plantings take in more water which is an added benefit for stormwater management.

A slide of the DEP Permit Schedule was shown listing the requirements of the Permit and the next slide identifies where we are, with almost everything is complete. Mr. Pockl stated there are still some wet weather outfall inspections to complete, and we also have a presentation to give to Township staff regarding good housekeeping and maintenance; and that will then bring us into compliance for 2023.

A slide was shown identifying Grant opportunities. Mr. Pockl stated most of them have passed although we did apply for the watershed restoration for the Charles Boehm Middle School as well as the DCED Greenways Trails and Recreation Program Grant that was due on May 31 for which we submitted the Five Mile Woods project. Mr. Pockl stated the point of providing the due dates even though those dates have passed is to identify that this is typically when these Grant opportunities come up. He stated they are in the spring of each year; and it is inherent on the Township to plan for that for Budgeting next year.

Mr. Pockl stated there is also the Growing Greener Grant which is due June 23; and if the Township wants, we could pursue one of the basin retrofit projects under that Grant opportunity.

Mr. Grenier stated years ago the EAC started looking at basin naturalization programs; and when they are appropriate, those programs are fairly inexpensive. He stated basin naturalization is letting vegetation grow within the basin itself, managing it, and allowing it to grow and do many of those things that the basin retrofits do so that is something to consider. Mr. Pockl stated in order to get credits from DEP you have to do the basin retrofits in a certain manner. He stated he is in favor of a basin naturalization program that saves the Township maintenance costs and promotes wildlife provided that we look at the basins and make sure it is not slowing down the water to the point where it

might cause an issue with what the basin was intended for. Mr. Grenier agreed not all basin naturalization programs work, but they should do the engineering to look into that.

Mr. Grenier stated with regard to planning for expenditures over the next several years, there are other projects that need to be done outside of the Permit requirements. He stated these include replacing culverts and inlets as well as repairs to basins, and these all need to be considered as we go through the Budget process and consider long-term planning. Mr. Kratzer stated those issues effect community quality of life. He stated unlike a sanitary system where there is a reoccurring revenue stream with investment occurring on a regular basis, while there has been some investment, there has not been that supporting revenue, and we will have to discuss this and get beyond just looking at doing minimal compliance. He stated we need to consider the quality of life issues and how to finance those long-term.

Mr. Pockl stated they would pursue every avenue as far as Grant funding to assist the Township. He stated DEP has been responsive as far as awarding Municipalities for Pollution Reduction Plans, but that does not mean that will continue in the future. Mr. Grenier stated we need to plan for this through the Budget process since we cannot assume that we will get Grants.

Ms. Blundi asked if we should be applying for every Grant there is since a lot of money needs to be spent. Mr. Pockl stated he feels it would be in the Township's best interest to be selective in the Grants applied for. He stated DCNR and DCED who review these Grant Applications look at them intensely. He stated he would focus more on the quality of the Application rather than the quantity of the Application. Mr. Kratzer stated he agrees that we need to be strategic in terms of our Applications, and he does not feel that it is likely that the Commonwealth will continue to support all this implementation and we should recognize that we will not be receiving a Grant every funding cycle.

Mr. Lewis asked if the Growing Greener DEP Grant due June 23 is worth pursuing, and if the Board should make a Motion on that this evening or wait until the next Board meeting. Mr. Pockl stated he has a call into the DEP Southeast Regional representative to get an indication whether it is worth it or not. He stated the Board could authorize him to move forward with a Grant Application pending a positive outcome from the discussion with DEP. Mr. Grenier asked if there would still be time if the Board voted on this at the next meeting, and Mr. Kratzer agreed.



General Project Updates

Mr. Pockl stated they held the pre-construction meeting for the Road Program. He stated they are still waiting for the final schedule from the contractor; and once that is received, it will be provided to the Township so that it can be posted on the Township Website and get everyone notified. Mr. Pockl stated the contractor indicated at the pre-construction meeting that they would be starting around June 22 on inlet repairs and ADA ramp improvements on the roads that are to be paved. He stated the paving is expected to take two to three weeks, and that would most likely be done after July 4. He stated they also indicated that they would be paving the section of Maplevale Drive first. Mr. Grenier asked if that will impact Maplevale Phase 2, and Mr. Pockl stated it will not.

Mr. Pockl stated the South Drive culvert replacement project is out for Bid, and the Bids will be opened on June 20 so there should be a recommendation to the Board at the next meeting.

Mr. Grenier asked for an update on the Woodside bike path. Mr. Pockl stated they met with Verizon on site who identified five poles that they are going to relocate at their cost. Mr. Pockl stated he is meeting with the contractor on Friday as they continue to work on the vegetative swale work that they need to implement. Mr. Grenier stated this is still an active construction site, and people should exercise caution if they are going to use it. Ms. Blundi stated she feels that people should be advised that the path is not open and should not be used.

Dr. Weiss stated the final part of the project is the crosswalk crossing over to Taylorsville where the path begins at the Toll Bridge Commission property. Mr. Kratzer stated there was a meeting having to do with the intersection improvements, and they discussed that crossing. He stated he asked the representative from the Toll Bridge Commission to go back and express the Township's desire to meet and discuss a potential partnership in implementing some improvements to the crossing. He stated he is trying to build a coalition that would be supported by multiple parties including PennDOT.

Mr. Pockl stated we have the Grant Application that was submitted for that portion of the work as well; and the last time he talked with the Funding Committee, they indicated that they were anticipating voting on it in July.

## MANAGER'S REPORT

### Ratification of the Township Manager's Engagement of Cohen Law Group as Special Counsel to Advise the Township on Wireless Telecommunication Matters

Mr. Kratzer stated Cohen specializes in representing Municipal interests exclusively in the space of cable, wireless, and broadband matters. He stated they have assisted over 250 Municipalities on related matters. He stated the primary purpose of their scope is to evaluate the Verizon Application that is currently before the Zoning Hearing Board and determine levels of success based on the request for the Use Variance as well as the Validity Challenge that was a secondary path that Verizon articulated in their Application.

Mr. Lewis moved and Mr. Grenier seconded to ratify the Township Manager's engagement of Cohen Law Group as special counsel to advise the Township on wireless telecommunication matters.

Mr. Grenier stated this matter will be on the August 1 Agenda of the Zoning Hearing Board so there should be sufficient time. Mr. Kratzer stated Cohen has the Application at this point so they should have more than adequate time.

Mr. Lewis stated we have used Cohen Law Group in the past and it was a positive experience as they are specialists in this area, and he is in support of this.

Motion carried unanimously.

Mr. Lewis indicated that he needed to leave the meeting at this time to attend a work meeting.

## SOLICITOR'S REPORT

Mr. Truelove stated that the Executive Session started at 7:00 p.m. and informational and litigation items were discussed.

Authorization to Advertise the Ordinance Amending No Parking on Wildflower Circle

Mr. Truelove stated Wildflower Circle is in the Tanglewood townhouse development which is off of Oxford Valley Road near Heacock. He stated when the community was first developed in 1986/1987, Wildflower Circle was originally no parking on either side. It has been determined by the HOA, after consultation with the Citizens Traffic Commission, the Fire Chief, and Chief Coluzzi that allowing parking on one side would not impair any safety or emergency vehicle access. He stated the recommendation from the Citizens Traffic Commission is in the Ordinance which is to amend the no parking to have no parking on the west side of Willow Pond Drive along the west of the street to both sides of the cul-de-sac to the east side of Wildflower Circle which is consistent with the recommendation of the Citizens Traffic Commission.

Ms. Blundi moved and Mr. Grenier seconded to authorize advertisement of the Ordinance amending the no parking on Wildflower Circle.

Mr. McCartney asked what initiated this; and Mr. Truelove stated the HOA went to the Citizens Traffic Commission, and the Citizens Traffic Commission, the Fire Chief, and the Police Department looked at the request, and it was determined that safety would not be compromised by this modification.

Motion carried unanimously.

**ZONING HEARING BOARD MATTERS**

With regard to Appeal #Z-23-2010 Munz Construction for the property located at 44 Bedford Place, Yardley, PA 19067, Tax Parcel #20-046-156 Variance request from Township Zoning Ordinance #200-14.B in order to increase the impervious surface from the existing 21.3% to 22.9% where 13% is the allowable amount and Township Zoning Ordinance #200-51.B.(1)(b) to allow a covered paver patio in a floodplain, it was noted that the Township usually participates in matters related to properties in the floodplain; however, neither Mr. Truelove nor Ms. Kirk are available to attend the meeting, Mr. Truelove suggested that a letter be sent to the Zoning Hearing Board outlining their concerns.



Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to authorize the solicitor to participate in the Zoning Hearing Board matter by submitting a letter to the Zoning Hearing Board about this matter.

With regard to Appeal #Z-23-2011 Gangadhar Vinnakota for the property located at 876 Slate Hill Road, Yardley, PA 19067, Tax Parcel #20-045-029 Variance request from Township Zoning Ordinance #200-14B to allow an increase in impervious surface from the existing 24% to 24.6% where 13% is the allowable amount and Township Zoning Ordinance #200-69.A(14)(a) to allow a 10x10 foot shed 7 feet from the property line instead of the required 10 feet, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #Z-23-2012 Scott Glennie for the property located at 5 Shelley Lane, Yardley, PA 19067, Tax Parcel #20-043-072 Variance request from Township Zoning Ordinance #200-23.B in order to construct a 10x16 foot shed and a 6x33 foot paver patio which would increase the impervious surface from the existing 24.6% to 28.6% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #Z-23-2013 Rob McCubbin for the property located at 712 Long Acre Lane, Yardley, PA 19067, Tax Parcel #20-058-225 Variance request from Township Zoning Ordinance #200-23.B in order to construct an in-ground concrete pool, concrete pool decking, and a paver patio which would increase the impervious surface from the existing 24.3% to 26.1% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

#### COMMUNITY DEVELOPMENT

Approve Pay Application #9 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co, Inc. in the Amount of \$23,424.22

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to approve Pay Application #9 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co, Inc. in the amount of \$23,424.22.

## SUPERVISORS REPORTS

Ms. Blundi stated the Ad Hoc Property Committee meets tomorrow night, and they continue their work on coming up with a Comprehensive Master Plan for Patterson Farm. She stated they look forward to having public participation. Dr. Weiss stated there are signs posted throughout the Township requesting public participation. He stated there is a QR Code on the signs as well which will direct people to the Website. He stated when Zencity is operational this will be another opportunity for the public to give input. Ms. Blundi stated there will also be at least one meeting with the consultants present so that the public can come and speak to them. She stated hopefully that will be scheduled at the meeting tomorrow night. Ms. Blundi stated there is a lot of information on the Township Website.

Mr. McCartney stated he has received positive feedback from residents about the statues throughout the Township, and he thanked the Artists of Yardley, the Park & Recreation Board, and the Parks & Recreation Department that put that together. Dr. Weiss thanked the Parks & Rec Department and AOY for this program. He stated there was a great event Saturday evening which was well attended including State and Congressional representation along with most of the members of the Board and Township staff for the unveiling of the art work next to AOY.

## PUBLIC COMMENT

Mr. Mike Rossi, Twig Lane, stated he appreciates the efforts of the Board of Supervisors as well as the volunteers to insure that LMT adheres to the plans that we have to maintain our Township in the way we expect it to be and maintain the desirability of the Township. He stated he appreciates the nature that we have in the Township, and the one tree that we do not want in our Township is the 150 steel tree that is a “commercial money-making venture for 375 Stony Hill.” He stated his property and the properties of others present this evening are below the grade of 375 Stony Hill. He stated they get a tremendous amount of run-off from the extensive parking area, and an additional 2,500 square feet of impervious ground would not be acceptable underneath the tower. He stated he appreciates that the Board will be working with Cohen, and he asked that they oppose this and put the tower in the Tele-Communications Zone where provisions have been made for it. He asked that the Board adhere to that. He stated he is concerned about diminishing the value of all of our properties in the Township.

Mr. Rossi stated we have the Tele-Communications Zone on the outskirts of the Township, and there are multiple towers already in the Township that Verizon is not utilizing and does not want to utilize, and he asked that we have Cohen look into that as well to insure that existing towers in the existing Tele-Communications Zones are fully utilized before they look to place them in an R-3M High-Density Residential Zone.

Mr. Rossi stated balancing the needs of the community and the needs of the landowner has come up in the past. He stated this one tower will effect hundreds of landowners and benefit one landowner and one Commercial entity, and he asked that this be kept in mind as they balance the needs of the entire Township, and the families surrounding this, especially the families that would not want their children raised under the tower for many reasons. He asked that the Board of Supervisors oppose this with the Zoning Hearing Board at the August 1 meeting.

Ms. Laura Muldowney, 392 Twig Lane, stated she has been a LMT resident for over 24 years and is strongly opposed to the cell tower on the Beth El property. She stated the tower does not need to be built at this particular location, and it is "wrong to build it there." She stated this area is a beautiful Residential neighborhood, and she asked that they not allow Verizon to ruin it. She stated the neighborhood is exactly what people seek when they are looking at LMT and want to move here as it is homes on a "pretty street with trees and nature and wildlife all around." She stated she enjoys the small patch of woods behind her house; and if the cell tower is built, she will lose that and instead will look "at the ugly tower out of every window out of the back of her house."

Ms. Muldowney stated if it is determined to be necessary, "which remains to be seen and needs to be proven," then it should be located in an area of LMT which is appropriately zoned for cell towers. She stated this area is zoned Residential, which she understood to mean that no Commercial towers could be built there. She stated the tower location would be in contradiction to LMT's own Zoning laws, and she asked why there are Zoning laws if Verizon is permitted to build "giant towers in the midst of a purely Residential Zone." Ms. Muldowney stated the Board of Supervisors has the power to stop this, and she asked that they do so. She stated Verizon needs to find another, more reasonable location for this tower.

Ms. Muldowney stated the tower will be closer to her home and her yard than it is to Beth El's own building. She asked how that is fair. She stated no one lives in the Beth El building, but a lot of people and children live around the property. She stated if the Board allows this "unsightly, huge tower to be built,



they are taking away significant property value from her and her neighbors.” She asked that the Board remember that the tower requires support structures which include a 2,500 square foot area which is fenced in by an 8’ chain link fence. She stated diesel machines are inside of the fenced-in area, and this is “unfathomably ugly;” and to build this in a Residential area is not right.

Ms. Muldowney stated there are also a huge number of bats that are on Twig Lane which will be “devastated by the tower;” and she spoke of the importance of bats to the ecosystem. She stated there are also many species of birds including the peregrine falcon which is a protected species, and she asked “who is protecting the birds and the bats and the other important wildlife.” She stated it is up to the Board to protect them. Ms. Muldowney invited the Board members, as her elected representatives, to come to her home so they can view how a cell tower will destroy her “peaceful home.” She asked the Board to oppose Verizon’s quest to build a cell phone tower at this location.

Mr. Jack Muldowney, 392 Twig Lane, stated we have been through this before as it happened in 2010 and 2011; and the Board participated and opposed a cell tower in an area in which it did not belong in the same Zoning area. He stated in April of last year, the Board voted unanimously to participate and oppose a Variance again in a Residential area. He stated this is a Residential neighborhood, and they have a “distinct, peaceful, quiet area where there is nothing else there but a cul-de-sac, and a Synagogue who are their neighbors who they live in peace with.” He stated his neighborhood deserves the same type of protection that other neighborhoods have been given by the Board.

Mr. Muldowney stated he knows that they have hired the Cohen Law Group although he is not sure what the scope and purpose is, but he hopes it is to exhaust other possibilities than changing the nature of a neighborhood. He stated he cannot imagine that this is what the Board wants for our community, and that they would want to “have continued towers to destroy neighborhoods.” He stated while he understands that the Cohen Law Group will be the Board’s counsel and will seek advice from them, ultimately it is the Board who are their representatives, and he asked that the Board act on their behalf. He thanked the Board for the time they spend representing our community and that includes the neighborhoods. He thanked the Board for what they have done in the past and he asked that they continue on with that protection.

Mr. Larry Smith, 386 Twig Lane, stated his property is adjacent to many of the neighbors who have the same concerns that his family has. He stated they are concerned about this cell tower being constructed and feel that they will be negatively impacted for a very long time as this is a permanent structure that they would have to deal with every day. Mr. Smith asked that the Board consider the concerns of the neighbors. He stated he has been a resident of Lower Makefield Township for thirty-five years, a twenty-five resident of Peake Farm, and one of the original owners. He stated it has been a great Township to raise his family in. He stated the Board has done a “fantastic job,” and the Chief’s “people have been a tremendous support when needed.” He stated there are a lot of positives about the Township that he chose to live in, and feels others in the community would be supportive of what he has to say.

Mr. Smith stated he knows that the surrounding neighborhoods are concerned about this. He stated the residents are here twenty-four hours a day, seven days a week, 365 days a year although they go to work and on vacations; but there is a property where this is “being utilized,” and the people who want to put this in this facility are there only a short bit of time – a couple of hours a couple days a week. He stated people who will utilize that tower will then go to their homes far away from this, but the neighbors have to have this in their own back yards. He stated it is visible from his back yard as well as others. He stated he feels most people would not want to have that in their back yard. He stated this is a great Township, and he knows that the Board will do the right thing for all of them. He stated he appreciates the fact that the Board is taking the opportunity to look at this and hire the firm that they have agreed to hire to look into this, and he asked that they support the neighbors in any endeavor to try to prevent this from being installed.

Mr. Desai, 388 Twig Lane, stated he grew up in Yardley which was always a special place, and he loved the community aspect of Yardley. He stated he and his wife had been living in Europe for some time; and when they wanted to start a family, they felt the best place was Yardley. He stated building a cell tower in their back yard would impact the community that has been built here. He stated there was a presentation earlier about planting trees; and he stated he feels we should plant more real trees, and not build fake ones in highly-Residential area. He encouraged the Board to reconsider their position in terms of participating at the Zoning Hearing Board because he feels if they look at the petition on-line there is a strong voice against the building of these cell towers in Residential areas.

Ms. Laurie Grey, Lower Makefield Township resident, stated she has been a resident for over twenty years. She stated there was no public comment after the tree presentation, and her comment is about the pause on the tree planting at Macclesfield Park. She stated she is on the Study Group that is looking at Macclesfield Park, and she feels that there are opportunities to plant trees and not have to wait until the entire Plan is developed. She asked if she should discuss this at the June 28 Macclesfield Study Plan Committee meeting or if she could be provided a way to reach the two gentleman who spoke about the tree planting earlier this evening. Dr. Weiss stated Ms. Grey should either attend or call into the EAC meeting tomorrow and speak to Mr. Bray and Mr. Dresser and ask those questions.

Ms. Grey stated the MS4 Presentation involved a lot of information, and asked if that presentation will be available on-line; and Mr. Kratzer stated it will be posted tomorrow.

Ms. Grey stated she had inquired about the PMC presentation that was given at the May 3 meeting; and while the presentation was posted on-line only four pages were available. Dr. Weiss stated they will look into that and make sure the entire presentation is posted.

Ms. Rene Foley, stated she lives on Wildflower Circle in Tanglewood. She stated when it was read into the Record about the advertisement of *the Ordinance associated with parking on the street*, it sounded like they were going to allow parking on one side of the street; but after it was reviewed again, it seemed that there would be no parking on the east and west sides of the street.

Mr. Truelove stated the limitation is to allow parking on the west side of the of Willow Pond Drive along the west side of the street and through both sides of the cul-de-sac to the east side of Wildflower Circle. After further review, Mr. Truelove stated it is actually prohibited on that side. Ms. Foley asked Mr. Truelove if he is saying that they are going to allow parking on one of two sides, and Mr. Truelove agreed that was the plan. He stated he understands that the HOA came to the Citizens Traffic Commission and made the recommendation.

Mr. Truelove read the recommendation of the Citizens Traffic Commission as follows: "Place 'no parking signs' on the west side, the side with the fire hydrant on Wildflower Circle. The cul-de-sac at the end of Wildflower Circle



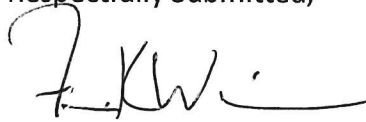
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must be kept clear for emergency vehicle turn-around. 'No parking' signs should be placed on both sides of the cul-de-sac so that no vehicles park there." Mr. Truelove stated the only parking allowed would be on the east side. He stated that was from the Citizens Traffic Commission recommendation which was incorporated into the proposed Ordinance.

There being no further business, the meeting was adjourned at 9:47 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'F.K.W.', with a horizontal line extending to the right.

Dr. Fredric K. Weiss, Chair