

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 6, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 6, 2023. Ms. Blundi called the meeting to order at 7:45 p.m.

Those present:

Board of Supervisors: Suzanne Blundi, Acting Chair
 Daniel Grenier, Acting Vice Chair
 John B. Lewis, Secretary
 James McCartney, Treasurer

Others: David W. Kratzer, Jr., Township Manager
 David Truelove, Township Solicitor
 Isaac Kessler, Township Engineer
 Kenneth Coluzzi, Chief of Police
 Derek Fuller, Public Works Director

COMMUNITY ANNOUNCEMENTS

Ms. Blundi stated any youth organizations or residents who have a community announcement are invited to call in at this time or send an e-mail to admin@lmt.org and it will be added to the Agenda. There was no one wishing to make an announcement at this time.

Ms. Blundi stated the LMT EAC are trying to revitalize our Bird Town Program. If you want to be part of a local group making the Bird Town PA goals a reality in LMT, contact Jeanne Bray at jjyardley56@gmail.com.

Ms. Blundi stated to remember the events of 9/11 we will be holding an event at 8:30 on the morning of September 11, at the Garden of Reflection at Lower Makefield Township Memorial Park. There will be no evening ceremony; however, members of the public are invited to visit the Memorial that night and always.

Ms. Blundi stated the next Ad Hoc Property Committee Public Forum on the creation of a long-term Master Plan for Patterson Farm will be held on September 26th, and she asked the public to participate. She stated this group has been working hard to come up with “usability” plans for the buildings and determine how we can manage that property within our current constraints.

Ms. Blundi stated Kim Rock, a resident and member of the Park & Rec Board, is holding a Shredding Event for the benefit of all residents on Saturday, September 30th from 9:00 a.m. to 12:00 p.m. in the Pool parking lot. She added she believes this is the second or third such event that Ms. Rock has done for residents, and she thanked Ms. Rock. Those interested can go to www.shredbucks.com to secure a time.

Ms. Blundi stated the EAC will be hosting a Styrofoam & Recycling Event on Saturday, October 28, 2023 from 10:00 a.m. to Noon in the parking lot of the Township Building. She stated they recycle not only clean, non-food Styrofoam but also wine corks, pill bottles, and batteries.

Ms. Blundi stated we are looking for volunteers to help at the Five Mile Woods on Saturday. Those interested should contact Parks & Rec. She stated we will be adding a way to make a portion of the Park more accessible to those who have physical handicaps, and we need volunteers to help clear the way for that project.

APPROVAL OF MINUTES FOR AUGUST 16, 2023

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of August 16, 2023 as written.

ENGINEER'S REPORT

Approve Escrow Release #8 for the Prickett Preserve to ELU Deluca Yardley, LLC in the Amount of \$626,985.00

Mr. Lewis moved and Mr. Grenier seconded to approve Escrow Release #8 for the Prickett Preserve to ELU Deluca Yardley, LLC in the amount of \$626, 985.00.

Mr. Grenier asked if all work has been completed. Mr. Kessler stated the inspection team confirmed that these items were completed and ready for payment.

Mr. Lewis asked if there is still a residual, and Mr. Kessler stated the remaining financial security after this payment would be \$2,207,394.50.

Motion carried with Ms. Blundi, Mr. Grenier, and Mr. Lewis in favor. Mr. McCartney was not present for the vote.

Update Re: Woodside Road Multi-Use Path

Mr. Kessler stated he met with the contractor last week and went through everything that is remaining for them to address as well as coordinate with the engineer's office and the Township to complete the project. He stated the contractor did address items that were identified that were to be done by yesterday including cleaning up areas that had deteriorated snow fence protection, leveled out a sink hole which had been addressed, and cleaned the site. He stated there is a site walk-through of the entire project site scheduled for tomorrow by his office and the contractor to look at some items they were unsure about on the punch list so that they can be addressed as quickly as they can.

Mr. Kessler stated with regard to the utility poles, the latest correspondence he had with Verizon, the owner of the poles, was for his office to clarify some of the locations for the poles even though they had met with them on this already. He stated Verizon wants a clear plan on paper; and that is being provided following up with a meeting with the utility companies, his office, and the Township staff to get a more firm schedule as to when the work will be done.

Mr. Kessler stated he met with the Toll Bridge Commission to discuss the project's intended end connection across the intersection. He stated it was a productive meeting and he identified some items with Permitting as that intersection is with PennDOT. He stated there was also discussion about ways to have a safe set-up in the interim as to how the public can safely use the trail until that connection is completed. Mr. Kessler stated he will continue to work with staff to identify the next steps on Permitting so that the connection can be completed to the Toll Bridge Commission's trail.

Mr. Lewis stated with regard to the sink hole, there was a recommendation for a retention wall in one section; and he asked how that was addressed. Mr. Kessler stated the sink hole location that he mentioned earlier was an area that had just had a settled sub base underneath, and that is a different spot from what he believes Mr. Lewis is referring to. He stated that settled area was just addressed by re-compacting underneath and leveling it off. He stated when final paving is done, they will re-pave a wearing course on that.

Mr. Kessler stated with regard to the area along the basin, that is an area that they will look at closely together tomorrow. He stated the slope where the trail side is going down the basin, is where it is broken off and parts have deteriorated. He stated the contractor had constructed the trail a bit higher than what was on the Plans to avoid too much of a difference between where the roadside curb is and where the trail is; and as a result, the trail is higher so that it slopes more into the basin side. He stated there are some options to address this including armoring the side that has fallen apart or re-do the trail more like it was on the Grading Plan. He stated they hope to address this as quickly as they can.

Mr. Lewis asked the time of the walk-through tomorrow, and Mr. Kessler stated it is 1:00 p.m.

Mr. Lewis asked what else is needed with regard to working with the Delaware River Joint Toll Bridge Commission besides getting Permitting from PennDOT. Mr. Kessler stated the remaining part is the Permitting coordination with PennDOT. He added that the Toll Bridge Commission has their trail coming up to the PennDOT right-of-way on their side, and the Township's is coming from the other side of the intersection. He stated the piece that was pending with PennDOT was the As-Built Plan of when they re-did the intersection with all of the turn lane lay-out, etc.; and that was needed to have the Base Plan to propose to PennDOT how we wanted to put the trail on top of that. Mr. Kessler stated that was recently provided, and he was able to confirm when he met with the Toll Bridge Commission that the As-Built Plan is the right one to go forward with. He stated now we need to meet with PennDOT and discuss what is proposed as a connection through the intersection, and they will then look at the Permitting process so that we can proceed.

Mr. Lewis asked if there is a significant amount of expenditure expected to complete that from the Township side or from the Delaware River Joint Toll Bridge side. Mr. Kessler stated that he understands that a year and a half ago when the Toll Bridge Commission and the Township met about this, the Township agreed to bring it across the intersection. He stated that was the genesis of going for the Grant funding; however, unfortunately the Township did not get that Grant. Mr. Kessler stated once he meets with PennDOT, we will have a clearer picture of what will be needed in the intersection. He stated he does not believe that we will need to move mast arms, lights, etc.; but there are guide rails that may need to be shifted around, and they might want the pedestrian crossing to be as short as possible. He stated there was discussion with the Toll Bridge Commission that once we have

a clear scope of cost, we would be looking to follow up with them as to their “meeting point,” otherwise it would be up to the Township and we could hopefully identify some more Grant opportunities to help offset any costs.

Mr. Grenier noted the slope by the basin and stated there is a lot of silt sock in general which is falling apart. He stated there is no silt sock at the basin itself where discharge could occur, and he feels we should make sure that the contractor takes care of that so that there are not compliance issues from a Conservation District perspective. Mr. Kessler agreed. Mr. Grenier stated downhill from that area there is an inlet where there is a pole and it seems that a cut occurred within the walkway that is now filled with gravel and has no paving, and he asked for an update on that area. Mr. Kessler stated there is fencing around that spot. He stated the pole relocation is the catalyst to getting that resolved, and he will meet with them to see if there is anything in the meantime to help people get around that easier than getting off and going around the snow fence.

Mr. Grenier stated closer to the Golf Course entrance, there is a section about 50' long where no grass is growing, and there was significant “rutting,” and he asked if that has been fixed. Mr. Kessler stated this morning they indicated that they need to rake it and smooth it out, and they understand that this needs to be repaired.

Mr. Grenier stated in that same area, Woodside Road itself seems to be settling. He stated he believes that is Bridge Commission work. He asked Mr. Fuller if that issue has been communicated to the Bridge Commission, and Mr. Fuller agreed it has. He added their engineering team is aware of it, and they are trying to develop a fix. He stated he believes that it might be a bond failure. Mr. Grenier asked how we can keep the Bridge Commission focused on that given that the weather will start changing, and this is a fairly steep slope at that location. Mr. Fuller stated he will reach out to them again as Mr. Pockl had previously noted it and had a conversation with them.

Update Re: Big Oak Road Pedestrian Crossing/Regency Area

Mr. Kratzer stated Mr. Kessler’s firm is doing construction observation on this project. Mr. Kessler stated the latest field meeting was held at the site and his office, Township staff, the designer, the Township traffic engineer, and Police and Fire personnel were present. He stated there was discussion about the concerns with regard to vehicle turns and traffic. He stated some options were discussed as to how to proceed.

Mr. Kratzer stated SAFE Engineering , the Township's traffic engineer, is looking at the issues that have been raised primarily by the residents of Yardley Woods as it relates to the dedicated right-turn lane into the development. He stated we have met on site a few times, but no determination has yet been made as to specifically what to do.

Mr. Jerry Wall, 3 Griffin Way, Yardley Woods, stated he is the President of the HOA. He stated he wants to discuss the communications they had with the Township regarding the turning lane and subsequent conversations they had last Thursday with Mr. Kratzer and some of the other Township representatives regarding the sidewalks that were put in. Mr. Wall stated it is his understanding that this was funded by the Yardley Woods residents and by the Regency residents through an assessment to the developers of \$1,600 as that is what they were told last week.

Mr. Lewis stated he understood that the funding source of that was a result of litigation involving the Residents Against Matrix with Matrix; and there was a Settlement Fund to be used for infrastructure in that area. Mr. Kratzer stated he believes that there were Settlement proceeds as a result of that litigation; and he believes that part of that Settlement was a per unit assessment. Mr. Truelove stated he agrees. He added that he does not believe that it was assessed against the units as they were purchased by the residents, but it was assessed against the developer. Mr. Wall stated the residents paid it indirectly. Mr. Truelove stated when the Settlement Agreement occurred, the developers had to pay \$1,600 per unit once they were built.

Mr. Lewis stated that Agreement predates everyone on the Board and it involves a Third Party that was the litigant in that case, and it was not the Township. He stated that was the Settlement that those Parties came to as part of a Condition for building in that area. He stated when Mr. Wall indicates "he was assessed," that is the result of a community group that had entered into litigation and had resolved that litigation. He stated the Township's role was not to set those rates, because that was set by the Court; and the Township's role involves certain funds that were allocated and rules as to what could be done under the Agreement. He stated on many occasions, the Township had brought in the original attorney and the "original folks" to make sure that we were abiding by the Agreement. Mr. Lewis stated Mr. Wall is free to contact those folks, and they will tell Mr. Wall that the Township has always brought in independent people to resolve those issues. He stated the Board did not specifically require the payment of \$1,600, rather that was a Condition of the Settlement between that group and the developer; and it was not the Township.

Mr. Wall stated both developments were assessed or allocated \$1,600 per unit by the Court. Mr. Lewis agreed. Mr. Lewis stated there are people who are specialists about this Agreement, and he does not recall all of the details of the Agreement. He stated in exchange for that per-unit fee, the developer was given special rights in terms of density that they would not have normally in order to build. He stated those fees were an offset to that. He stated the Township does have the Agreement. Mr. Wall stated he understands that was nine years ago, and Mr. Truelove stated it was about twenty-two years ago.

Mr. Wall stated the money was intended for “whatever it was intended for, and then somehow got re-directed to this project.” It was noted that was incorrect. Mr. Lewis stated there was no re-direction, and the Township was specifically required under the Agreement to use those funds for infrastructure projects in that area. Mr. Lewis stated the Township started discussions around this area and that path five years ago.

Mr. Wall stated one of the issues that the residents have is that they knew nothing about this. He stated no one in their development was contacted and told anything. He stated the residents were “aggravated because they were ignored.” He stated they were not notified, and work was started in front of their properties and changing their driveways.

Mr. Lewis stated it has been over five years of meetings and discussions. He asked Mr. Wall when he moved into Yardley Woods, and Mr. Wall stated he moved in three years ago and has been the President of the Board for two years, but no one in the development knew anything about this. Mr. Lewis stated the Township met with multiple people in the area, and there were meetings on this where there was open discussion and it was listed on multiple Agendas. He stated people had ample opportunity to review the Township’s Agenda and watch it on TV. He stated it was also public when the Township went to Bid for the project.

Mr. Wall stated that would be true if they were looking for it and were aware of it. Mr. Wall stated he was before the Board of Supervisors a year ago for another issue that “did not get taken care of.” He stated at that time he did not know anything about this, and he asked if the residents should not have been contacted over the last two to three years that the Township was going to put in sidewalk and “rip their driveway out.” Mr. Lewis stated when roadway improvements are done by the Township, we do not send notice to everyone on the roads where improvements are to be done unless we are “inconveniencing them.”

Ms. Blundi stated she appreciates Mr. Lewis' knowledge and expertise, but she also understands that this has been an inconvenience. She stated she would like to continue to hear from the residents adding that the Township stopped the work in that area and is working with experts to determine what the solution should be. She stated the Board has heard from Township residents in general that they want more connectivity so that we have a walkable Township; and what the Township was looking at for in this area was to have a safe area to walk.

Mr. Wall stated he understands the intent of the project, but it could be argued where the money came from as indirectly the residents paid it as the developer had to put the money in per unit so it was funded by the residents. He stated Regency knows all about the project, and they have been involved with it for a long time. He stated they were surprised when he indicated that the residents knew nothing. Mr. Wall stated he understands that the intent is for safety, but there is another side to that that the residents are living with now trying to get in and out of the development which he feels was unforeseen.

Mr. Wall stated the other issue that he learned last Thursday was that not only did the residents not know about this sidewalk, but now the residents have to pay to maintain it. He stated there are sixty-two homeowners and now they have to take care of it.

Mr. Grenier stated in Lower Makefield any new development is required to have sidewalks, and Mr. Kratzer agreed and it is a requirement of the Subdivision and Land Development Ordinance. Mr. Wall stated they have sidewalks, and the project was approved with sidewalks. He stated this has nothing to do with that. Mr. Grenier stated this gets back to the Settlement Agreement which pre-dates the Board by many years. He stated one of the issues with Yardley Woods and the neighborhood around Yardley Woods is that a lot of those decisions were made by a Judge and not by the Township, land use planners, or by engineers. He stated "we are stuck with the outcome of those decisions that were made by a Judge" as it relates to the Settlement Agreement, and he understands the frustration.

Mr. Grenier stated a traffic engineer did the conceptional design, and we had another engineer "from a big firm" do the final design who also oversaw construction. He asked if at any time either of the engineers from those groups raised an issue about safety. Mr. Kratzer stated he understands that from a technical perspective the proposed design is consistent with standards

and safety provisions. Mr. Grenier stated he has heard that people do not feel safe trying to “get in and out of there.” He asked what can be done to address the issue. He asked if the traffic engineer or the “engineer of record” made any recommendations.

Mr. Kratzer stated one of the options would be the restoration of the dedicated right-turn lane into the Yardley Woods Subdivision which would include the removal of the bump-out and the infrastructure that was installed. He stated with regard to the installed infrastructure, based on the traffic engineer’s professional opinion and standards, there is no technical issue with the design. Mr. Kratzer stated there may be consequences from that, as part of the effort of what was done was to reduce roadway width and in turn reduce speed which was also part of the justification for both the bump-outs and some of the additional concrete islands that are in that area. Mr. Kratzer stated Chief Coluzzi could speak to overall rates of speed on that roadway. He stated pedestrian safety and vehicular safety was contemplated by the proposed design by reducing roadway width and slowing down traffic.

Chief Coluzzi stated several years ago Middletown and Lower Makefield got together and reduced the speed along that stretch from 40 to 35 miles an hour because of the high rates of speed that vehicles were traveling. He stated the idea of SAFE Engineer’s concept was traffic calming and to make it safer for pedestrians to cross that street. He stated a refuge area is going to be provided along the roadway so that pedestrians can stop to get out of traffic and then make their way across the street. He stated he and Mr. Fuller went out to that location as a result of some complaints received from the residents, and they were there for quite some time on several occasions; and it was their opinion that because there is only one way in and one way out of Yardley Woods, and the way a vehicle has to actually go all the way to the center line of the roadway to make a left-hand turn or a right-hand turn, that they believe that it is very unsafe because there are vehicles traveling from Middletown Township across the Railroad tracks and around the bend, and they are coming rather quickly. He stated vehicles cannot get out of that quickly in their estimation. He stated it is the same for making a left-hand turn which means that traffic travelling toward Middletown Township and making a right-hand turn into Yardley Woods would now have to completely stop and stop traffic in back of them. He stated this causes people to be very impatient and start blowing their horns at the residents and maybe even potentially going around to another lane causing a traffic situation.

Chief Coluzzi stated as noted earlier he met yesterday with the designer, SAFE Engineering on site, and it is his opinion that here is a potential for removing the bump-out and restoring the turn lane turning right into the development. He stated other than that, nothing else has been determined at this point, and they are still discussing it. He stated they are also looking at it from the safety point of view from the Fire Department's perspective as far as both Regency and Yardley Woods to get into that development safely and quickly. He stated they have heard what the residents are saying, and they want to make it right for them.

Mr. Wall stated they appreciate the Chief taking the time to look into this. He stated he has had the experience of people going around him because they have no patience. He stated he has lived there three years and has not seen an accident that he is aware of. Mr. Wall stated he appreciates the efforts to create this although he still does not understand how if this "was in the works for twenty years, and we just got built six years ago, why it was not incorporated originally."

Ms. Blundi stated there was a Settlement twenty years ago that the Township was not a part of that said that as part of the Settlement there were to be improvements in this area. She stated she had heard that someone wanted the money to be used to expand Route 1 even though it is not in Lower Makefield. She stated this matter did go before the Citizens Traffic Committee, but she agrees that we could do better at communicating and how residents could be notified.

Mr. Wall stated with regard to the sidewalks, he does not understand if something was approved "not long ago, three years later we need sidewalks." He stated the sidewalks were not there when they purchased their homes, and they did not anticipate having to take care of more sidewalks. Ms. Blundi stated they will look into that. She added that those sidewalks may have existed on paper longer than the residents are aware of. Ms. Blundi stated they will listen to the comments, and try to respond once they look into it. Mr. Wall stated the residents were provided the Plan when they bought their homes, and the sidewalks were not on it.

Ms. Elena Dukat, 36 Griffin Way, asked how many pedestrian crossings are needed in this short stretch as this is not "downtown Philly." She stated it was indicated that there is a requirement in the Township to have sidewalks for every community; and while she feels that is great, there are communities that do not have sidewalks. She stated she actually crosses this road but she does not go during

rush hour and she goes when the traffic is much slower. She stated she never saw anyone from Toll Bros. ever crossing this road at all. She stated it is 35 miles an hour and cars can stop to let you go. She stated when she crosses this road she uses her own judgment.

Ms. June Pride, 67 Griffin, stated at the turn off of Oxford Valley Road onto Big Oak Road it goes from two lanes down to one. She stated people are traveling at a high rate of speed and trying “to beat one another out at that point.” She asked that they consider a sign that says: “Right Lane Ends” or the symbol for the lane ending so that people who are not familiar with the area know that the lane is about to end in front of Capital Health and the day care center. She stated she feels the addition of that sign would be helpful when we are talking about traffic calming.

Mr. Kratzer stated both Oxford Valley and that initial segment of Big Oak are PennDOT roadways, but they can look into what Ms. Pride is suggesting. Ms. Blundi stated the Township has limited jurisdiction as to what we can do on PennDOT roads.

Mr. Steve Pope, 26 Griffin Way, asked if they could be provided with an outline of what the follow-up is and what the next steps will be with a schedule of timeframes and how the residents will be advised. Ms. Blundi stated they did get e-mails from some of the residents, and they will respond to those they got e-mails from. She stated she feels it will be on another Agenda for discussion once it is known what they can do.

Chief Coluzzi stated the residents should understand that the road work has stopped, but it will begin again although it will only be for the refuge spot and the median at Locust.

Mr. Dana Simeone, 68 Griffin Way, stated he appreciates the comments and the understanding that the residents are getting. He stated whatever decision is made, he would add some urgency as it is a very unsafe situation right now. He stated cones are there and the sidewalk itself is very dangerous because it drops off precipitously on either side by several feet. He stated it is not marked; and if someone is walking in the dark, it is an easy place to fall and get hurt. He stated they should at least get the sidewalk filled along the sides.

Mr. Simeone asked if the specific Agreement from twenty years ago called for these specific improvements. He asked why the sidewalk was not on the other side of the street and what was the purpose for these specific improvements.

He stated they have heard that it was mostly for the residents of the other community so that they could cross the street; and if “we are at risk because of that, he feels that is an unconscionable decision.”

Ms. Terry Wall, 3 Griffin Way, thanked Chief Coluzzi for coming out to the property. She stated since her husband is the HOA President, they get a lot of people telling them that they are stopping to turn into the development, and drivers are not used to them not being in the turning lane, and are slamming on their brakes. She stated there have been a couple of “near misses.” She stated some people have been threatened by that, and it is a scary situation. Ms. Wall stated an ambulance had to get into her home for a family member, and the ambulance driver indicated that it was a “situation out there.”

Ms. Wall asked if anyone slips or falls on the concrete driveway/sidewalk who would be responsible if they get injured. Mr. Truelove stated he does not feel he can answer that at this point, and that is part of what they will look into in evaluating the plans, etc. that are being discussed tonight.

Mr. Greg Kobol, 63 Griffin Way, stated winter maintenance will be an issue, and each of the islands will create a trap spot for run-off potentially creating ice. He stated he knows the Township is responsible for plowing those areas and those areas could damage their vehicles. He stated instead of static signs where the “safe haven” is going to be, he suggested looking into rapid-flashing beacons similar to what was put in at Roelofs so people do not just become accustomed to seeing a static sign.

Ms. Eletta Kershaw, 59 Griffin, thanked everyone for what is being done to address their concerns. She stated when she was making the right into Yardley Woods, a driver pulled out into the left-turn lane to go around her car because he was impatient. She stated neighbors have also had people blowing their horns at them. She stated it is unsafe. She stated sometimes the freight trains back up to Bundy and this is just increasing the traffic congestion. She stated she disagrees with the comment about insufficient time to make a left-hand turn out of their complex as she has done that for three years; and while it takes patience at times, there is more than sufficient time to judge when cars are coming and when it is safe to pull out. She stated she would like the residents to have input. She stated the sidewalks feel excessive, and she questions why there were not sidewalks on the opposite side of Big Oak rather than on their side and also why the path did not begin at Locust for people going over to the pool. She stated she does not feel it had to happen at Bundy.

Ms. Gale Ulrich, 57 Griffin Way, thanked everyone for listening to the residents and the Chief for coming out. She stated it is a dangerous intersection and safety is her biggest concern. She stated while the speed limit is posted at 35, drivers are going 40 and 45. She stated she feels the idea of crossing the street is “frightening.” She stated losing the turning lane making the right into Yardley Woods has been discussed, and she added that people are impatient; and with the very large bump-out to make a right turn into the development, you have to slow down to make that turn, and the drivers behind you are very impatient. She stated she hopes that the Township will do the right thing for the residents of Yardley Woods. Ms. Ulrich stated a turning lane was added coming the opposite way from the Railroad tracks into the Regency development, but the turning lane into Yardley Woods was taken away which does not sit very well.

Chief Coluzzi stated Mr. Kratzer and Mr. Fuller were out numerous times on site coordinating with the engineers and having discussions with the residents.

PUBLIC WORKS

Authorize Advertisement to Bid for 2023 Leaf Collection Contractors

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to authorize advertisement to Bid for the 2023 Leaf Collection Contractors.

Authorize Advertisement to Bid for 2023-2024 Snowplow Contractors

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to authorize advertisement to Bid for the 2023-2024 Snowplow Contractors.

Award the 2023-2024 Bucks County Consortium Salt Bid to Silvi Concrete Products (D/B/A Riverside Construction)

Mr. Lewis moved and Mr. McCartney seconded to award the 2023-2024 Bucks County Consortium Salt Bid to Silvi Concrete Products (D/B/A) Riverside Construction.

Mr. Lewis asked the price, and Mr. Fuller stated it is \$66 a ton delivered to the Township which is \$1.76 less than last year.

Motion carried unanimously.

MANAGER'S REPORT

7/15/23 Flash Flood Response

Mr. Fuller stated work has continued between the two properties within the existing Drainage Easement for replacement of the pipe. He stated the headwall has been set, which is the outlet of the new pipe along the Canal. He stated armoring of the Canal embankment is about 90% complete. He stated the pipeline has been run from the Canal between the homes, and is about 60' shy of the street as of this afternoon. He stated the contractor intends to complete that pipework and tie it into the existing inlets inside Maplevale Drive by the end of tomorrow. He stated on Friday, the contractor will finish off the soil fills between the properties in the back yards. He stated by the end of the day Monday, everything should be topsoiled which will begin the restoration process such as seeding, etc. Mr. Fuller stated there are tight confines between the homes, but the contractor hopes to have major construction completed by the end of the day Monday.

Mr. Kratzer stated the next Agenda item relates to this work as well. He stated the correspondence that was requested to be sent to both the DCNR and DEP was sent with a request for consideration of the ability to install an additional 30" pipe adjacent to the existing 30" pipe that is discharging into the Canal. He stated DEP has responded at this point indicating that they are not inclined to permit the installation without *additional studies, and it is not part of the Emergency Permit process*, and would require an additional process for the Township to be able to do that. Mr. Kratzer stated the standing meeting with DCNR took place on Tuesday, and they will be providing a formal response to the letter sent as well. He stated he is not sure that they are inclined to permit it at this point, but they did indicate that they hope to provide some direction to the Township as to what they would need to see from a study perspective to permit the additional discharge into the Canal.

Mr. Grenier stated DEP issued an Emergency Permit that initially allowed for the second pipe from their perspective; but since meeting with DCNR, they decided to rescind that Permit and issue a new Emergency Permit that did not allow for the second pipe. Mr. Kratzer agreed adding that they indicated that the installation of the second pipe was not consistent with the scope of what a typical Emergency Permit would look like. Mr. Grenier stated if it was not DCNR we were dealing with, and it was Township property, we could have built it; an Mr. Kratzer agreed.

Mr. Kratzer stated the regulatory agency has indicated that they will not permit the second pipe, but he understands that there will be some direction provided to the Township that could be helpful in pursuing some additional outfall in the future.

Mr. Grenier stated we are dealing with a twenty-acre drainage area, and Mr. Kratzer stated that was verbally conveyed on the call yesterday about having one additional pipe adjacent to the existing pipe, and that is it water that is ultimately making its way anyway to the Canal because of the topography of the land. He stated that has been discussed multiple times with both agencies. Mr. Grenier stated he does not understand how we are getting these responses for such a small drainage area.

Mr. Grenier stated he saw crews over the weekend cleaning up the stream across the street north of Maplevale. Mr. Fuller stated the crews cleaned up a small stretch along Taylorsville heading northbound toward the State Road bridge. He stated they removed a lot of vegetation and large saplings along the banks to be able to maintain it in the future. He stated last week and over the weekend they gained access into the Township's fourteen acre parcel, and you can almost walk that whole parcel down along the stream to where it discharges out to the Canal. He stated they have another day's work there in order to be able to get larger equipment in there to remove some brush and debris that is in that stream section.

Mr. Grenier stated we are looking at the stream's capacity. He stated he assumes there is a lot of brush that needs to be clear that "may or may not have created some localized damming." He asked if it is felt that there are significant deposits in the stream that we need to clean out via a DEP General Permit or is the stream itself fairly clean. Mr. Fuller stated when he walked the site yesterday, besides some wooded debris, there are not large sediment bars prevalent in that area visually. He stated they need to clean back some overbrush, and he feels it is more wooded debris and brush that would be the restricting factor, if any, in that section. He stated there are no large gravel bars per se in that section.

Mr. Grenier stated that is a different scenario from across the street at Taylorsville, and Mr. Fuller agreed. Mr. Fuller added that stream along the wooded area looks to be very flat and was probably manmade according to historic aerial imagery, and it was probably manmade when the Bridge was put in in the 1960's. He stated it is flat and low-lying.

Mr. Grenier asked the status of the drainage improvements with the inlets at Highland. Mr. Kessler stated he will have to provide an update on that. He stated this is what has been called Phase 2, and is the Highland Avenue stretch. He stated they will re-visit what is proposed in that Plan. He stated it was put together so that the Township could go for Grant funding, and they will re-visit that to look at maximizing the capacity. He stated it had been designed per all the standards, but we are now focusing on the observations that we had from the storms over the summer and looking to see where we can add some more capacity. He stated they are also going to look at where the water goes through the system through some of the older culverts and what is their capacity. He stated this project would not necessarily replace all of those, but they would identify some recommendations for improving that flow of the water through the area.

Mr. Grenier stated in looking at some historical aerials and older Plans, it looks like at some point in the 1960's someone, mostly likely PennDOT, moved the stream. He stated when you are on Taylorsville looking toward Highland, you can see a large hump that is not natural, and he feels that is because someone moved the stream and put that there because they were worried about the stream jumping its banks. He stated when you look at the historic aerials, it looks like the stream used to be south of where it crosses now, much closer to the northernmost home that is along Taylorsville before the ramped bridge. Mr. Grenier stated this was probably related to I-95, and he asked "what we have that shows what happened there because that is a more natural flow regime and helps us understand what happened and why it happened."

Mr. Kessler stated visually you can identify some things that are manmade compared to naturally occurring, and it was probably re-aligned which was not out of the ordinary for that decade. He stated while it is not done that way any longer that was not uncommon at the time. He stated while looking into some improvements in the area, you cannot just necessarily put it back to where it was; but they can identify where the water is trying to get to and see what ways there are to get it there without causing damage to properties, etc. He stated there may be some areas that would benefit from a berm, etc. He stated they need to consider that there is much more development than there was when it was moved in the first place.

Mr. Grenier stated a letter was sent to PennDOT asking for help with storm-water management on Taylorsville and Dolington where there is not any. He stated these are both State roads, but PennDOT advised that would not

happen. Mr. Kratzer stated PennDOT directed the Township to look at the Long-Range Transportation Planning Process which feeds into the TIP which is the Multi-Year Transportation Improvement Plan. He stated he met with Evan Stone, the Executive Director of the Bucks County Planning Commission, to better understand the LRTP and TIP process in the Southeast. He stated he will be meeting with the Director of Transportation from Bucks County to discuss that and pursue some of the path that PennDOT has indicated we would need to go through given what PennDOT articulated as limited financial resources and demands that are beyond the amount of resources available.

Mr. Kratzer stated the Township will continue to have discussions with the County as they are the conduit for that process.

Mr. Grenier stated when Yardley Borough built their sidewalk, they put in a lot of stormwater management along Main Street. He stated he wanted to know how that was paid for, and he found that it was a combination of State and Federal Grants. Mr. Grenier stated he reached out to Representative Warren's Office as well as people he knows on the Yardley Borough Council to understand how they went about that process because if PennDOT is not going to help us with stormwater management, that might be a way to get stormwater management and a sidewalk. Mr. Grenier stated he was advised to get in touch with DCED which is an agency that funds that to see what options we might have for a sidewalk that stretches from the northern entrance of Maplevale down to the Yardley sidewalk which will end across from Dolington.

Mr. Kratzer stated they could meet with DCED's Director to understand funding available through the Multi-Modal Transportation Program that they administer as a potential solution as well.

Mr. Lewis asked if we are on track timing-wise, budget-wise, and scope-wise with the project plans that were provided previously. He asked if they have been updated for all the work that has been done during the last two weeks. Mr. Kessler stated the latest one that was issued was on track as far as preparing the Permit document and items related to the agencies. He stated some of the responses have taken a little longer, and they are waiting on the DCNR response. He stated for the Highland Avenue piece, they are looking to have plans for the Township staff to look at within the next week or two. He stated he believes the tasks are being tracked well although he does not have the schedule with him. Mr. Kratzer stated they will look at updating it. Mr. Lewis stated it seems we are relatively close in terms of timing, scope, and budget. He stated continuing to track that is important for those who are in the affected areas as

well as the broader community. Mr. Kessler stated having the schedule was an excellent idea given all of the moving pieces that are part of immediate fixes and the neighborhood in general, and they intend to continue to use this tool.

Ms. Blundi stated the schedule will be updated and re-posted in a way that it can be read easily by the public so that they understand what we are working toward.

Ms. April Bollwage-Cloer, 20 Maplevale, asked if there is any recourse to the DEP rescinding the Permit. She stated she appreciates all the work that the Township has done, but she feels that she is in no better place than she was since it is the same amount of water coming in the same place between the homes. She asked what recourse the citizens have. Mr. Kratzer stated once we get a response from DCNR, we will be able to better evaluate the next steps. He stated he is hopeful that DCNR, as the property owner, will provide a little bit more direction in terms of what they would need to see to feel comfortable, and we could then work through the more technical aspects with DEP. He stated he advised them that we are talking about the same drainage area, the same location, and the same water that is making its way to the Canal. He stated they could then consider where it makes sense to install an additional pipe or upsize the original pipe from the development that was installed in 1955.

Mr. Grenier stated we are hopeful that they will come back with something reasonable that we can respond to in a timely manner. Ms. Cloer stated they have not responded to the residents' messages at all. Mr. Grenier stated if they do not provide a reasonable response, we could try other means as can the residents and we could work together on that by lobbying "different people" who could help us.

Ms. Cloer asked if there is a window of time during which they have to respond to the Township; and Mr. Kratzer stated while they do not have a statutory window, they have indicated to the Township that they hope to respond in a week or two. Ms. Cloer thanked everyone for their help. Mr. Kessler stated he feels the additional capacity of a second pipe is an excellent idea, but it is not felt that the additional pipe will solve all of the problems." He stated given the amount of water that came through during the storm in July it would have overrun two pipes. He stated they need to look at other stream sections and work that they have been doing. He stated there are a lot of things that they have been doing that will make a difference.

Mr. Kratzer stated the outfall structure in terms of the Canal bank has been dramatically improved from what the pre-storm condition was. He stated there is agency coordination going on, and we need those agencies to be cooperative and supportive as it is not just jurisdictionally within the Township's control. He stated during the July event, the Maplevale drainage area blended with the upstream area; and a second pipe would not have been able to handle that volume of water. He stated the next Agenda item will consider looking at the upstream drainage area and opportunities for improvement so that the water does not even make its way to that point. Ms. Cloer stated this also happened two years ago and ten years before that.

Mr. Grenier stated the contractors with the heavy equipment have been at the Cloer and Luzeckyj properties non-stop for the last several weeks, and he wants to make sure that the contractors are doing a good job, treating the homeowners with respect, and being professional; and Ms. Cloer stated they are.

Mr. Robert Abrams, 652 Teich Drive, asked if the RTKs go to Mr. Kratzer, and Mr. Kratzer agreed that they do. Mr. Abrams stated on July 17, 2023 he sent an RTK having to do with "responsive records for the Planning Commission, Water and Sewer Department etc. for Maplevale for between July 18, 2018 and July 17, 2023." He stated on 8/24 he was sent a thirty-day extension notice which was not a problem, but he has not heard anything since. Mr. Abrams stated on the 31st he sent a follow-up for information, "same thing responsive records concerning Pennsylvania American Water Company work that was done in the same section."

Mr. Abrams stated on September 1 he received an e-mail from a law firm, Curtin & Heefner, which is not Mr. Truelove's law firm, wanting an eight-day extension. He stated the problem with the letter is that it is made out to "Mr. Adams as opposed to Mr. Abrams." Mr. Abrams stated Mr. Adams is present this evening. Mr. Abrams asked if they want the eight-day extension on his Right-To-Know that was sent in on the 31st or is it Mr. Adams' Right-To-Know. Mr. Abrams also asked why Curtin & Heefner "is doing this when we pay Mr. Truelove's firm to do this work especially when Curtin & Heefner have potentially two major conflicts of interest in the responsive documents which they are going to try to protect and hide." Mr. Abrams stated he has not heard anything on the responsive documents from 7/17 which was due 8/24.

Mr. Kratzer stated he will have to look into this further. Mr. Abrams stated he could forward these to Mr. Kratzer again, and Mr. Kratzer stated that would be helpful.

Mr. Tim Daly stated he is a Lower Makefield resident. He stated he sent Mr. Truelove an e-mail, and he believes Ms. Blundi received it as well as to how Curtin & Heefner was “awarded this unbelievable gift” doing the RTKs on Maplevale. He stated they are the Conflict Counsel and not the General Solicitor. Mr. Daly stated he has the “utmost respect” for Mr. Truelove, and he uses his firm for his corporate work; and he would like to know why the Board made the decision that Hill Wallack is not being allowed to answer the RTKs for the Maplevale inquiries.

Mr. Truelove stated he answered Mr. Daly’s e-mail. Mr. Daly stated he did a follow-up, and he did not get an answer to his follow-up. Mr. Truelove stated he felt he answered the original e-mail fairly well although he understands that Mr. Daly did not agree with all of it. Mr. Truelove stated there is a conflict because he did some work for Mr. Daly about ten years ago, and Mr. Daly had also worked with Frank Sullivan from his firm. He stated in his response to Mr. Daly he indicated that the decision to assign Right-To-Know matters is not up to him; however, in this particular case, he understands that Curtin & Heefner is handling most, if not all, of the Maplevale issues so it seemed an efficient practice for them to continue to do that.

Mr. Truelove stated some comments had been made about Curtin & Heefner, and some of those same comments had been made about himself and his firm in another context.

Mr. Truelove stated the Township has the right to make a determination in a particular circumstance as to who will respond to Right-To-Knows, and he does not disagree with their approach given the fact that the topic and substance would be consistent with what was already responded to before. He stated he understands that Mr. Daly has very strong feelings about Curtin & Heefner, but he does not share them. He stated he believes that Ms. Steers from Curtin & Heefner, who is the attorney who has been responding to most of the Right-To-Knows, is very competent. He stated Ms. Diaz from his office has worked with Ms. Steers a number of times. Mr. Truelove stated he has no problem with Curtin & Heefner continuing to do the work with regard to the Right-To-Knows at this time.

Mr. Daly stated there are two significant conflicts of interest, and the Board knows that “your endorser and the head of the Democratic Party, Senator Steve Santarsiero, is a former lawyer at that firm and had to leave the firm because of their public issue with ethics.” He stated Curtin & Heefner also just recently hired Joe Kahn who is running for the Attorney General’s office.

Mr. Daly stated the reason he came this evening is that “the response is eerily similar to what Mr. Khan did to Jamie Walker and Megan Brock which is now an embroiled controversy in our County for which Judicial Watch has now picked up all seven lawsuits because of the misconduct of Joe Khan.” He stated what that misconduct was is that he did not answer the RTKs on time, and “he pulled a fast one” on Ms. Brock and Ms. Walker by getting them to agree to a thirty-day extension just like Ms. Steers “just tried to do to Mr. Abrams.” Mr. Daly stated as a result of that, they lost their right to Appeal. Mr. Daly stated he does not feel the Board wants to do this to the “Maplevale people and make them wait another sixty days.” He stated he knows that Mr. Adams has the exact same problem. Mr. Daly stated there are now three RTKs with no responses, and they are between five and eight days behind in violation of “RTKL;” and when you do not deliver on the 30th day after you get the extension, they do not have a legal right to ask for an extension. He stated they have to go to the Open Records Office and prove that they actually need more time, and then they will be granted it. He stated he does not feel that Mr. Abrams or Mr. Adams will have any problem with granting more time, but they have to go through the process of going there. He stated what Mr. Khan did was he asked for the extra thirty days, and then he extended it out to sixty-five days, and “then he denied every single thing; and they knew that they were going to deny from day five, and it was just a game.” Mr. Daly stated then Mr. Khan “unfortunately had a big loss on his hands because they re-submitted all seven of these RTKs. Mr. Daly stated he assisted them in their Appeals, and he won all seven against Mr. Khan.

Ms. Blundi stated Mr. Khan is not working on this for the Township. Mr. Daly asked “how do we know, and you do not know what involvement he is having or advice he is giving, and that is the conflict of interest concern.” Mr. Daly stated “they have conflict of interest concerns, but are not making allegations.” He stated this is “eerily similar to the lawsuits that are in Bucks County right now that are being fought by Judicial Watch with the super-secret e-mail address of Diane Marseglia.” He stated “you all know what was going on, and you know who spearheaded it – it was Joe Khan – and he works in this law firm, and we are doing the same things.”

Mr. Daly stated tomorrow Appeals will be sent to the Open Records Office to “force your hand to turn over the documents, and he will be assisting Mr. Adams and Mr. Abrams in producing those.” He stated Lower Makefield has “effectively broken the law in Pennsylvania by not producing these records.” He stated while he appreciates that Mr. Truelove respects that firm, “when you are eight days behind and you are intentionally violating the law,

he does not have any respect for that firm.” He stated with the conflicts of interest and the similarities to Mr. Khan’s “previous misconduct,” he has a growing concern that they are not going to turn over documents, and they are going to do a denial, and create a process to have to go through all of this again which “you will eventually lose.” Mr. Daly stated “these people” do not deserve that treatment as they have been through enough. Mr. Daly stated the Board should instruct their lawyers to turn the documents over in twenty-four hours “otherwise big things are going to start happening.”

Mr. Lewis stated he does not see that there is a problem as Mr. Khan, who recently joined that firm, is not involved in this situation. He stated he would not have a problem with directing that only Ms. Steers works on the case adding that he is very well aware of her experience in Allegheny County.

Mr. Grenier stated Mr. Truelove identified a conflict and recused himself. Mr. Truelove stated according to Conflict Rules, even if he is not involved directly, his firm has a relationship with a person who is now adverse to the Township or another client of his, and he has to remove himself from the process; and that is what was done in this situation early on. He stated Curtin & Heefner has been the Conflict Counsel for the Township for various matters for several years. Mr. Truelove stated he was a partner there for several years until 2011, but Ms. Steers and Mr. Khan did not work there during the time he was there. Mr. Truelove stated Ms. Steers has been involved since the Maplevale situation occurred and was responding to Right-To-Know requests related to that. Mr. Truelove stated even though Mr. Daly is not involved in the requests directly, the subject matter and the topic seem to be appropriate for them to continue to do that. He stated the process is efficient and hopefully it saves the taxpayers money in the way that they respond in that we would not have to “start afresh.”

Mr. Grenier stated no one from the Township directed Mr. Truelove to recuse himself, and Mr. Truelove agreed adding that it came from him. Mr. Grenier stated when that occurs the RTK Official, which is the Township Manager, goes to the next “one in line,” which is the Conflict Counsel, which in this case is Curtin & Heefner. Mr. Grenier stated they have someone who has handled RTKs in the past when Mr. Truelove and his firm could not. Mr. Grenier stated there was a similar situation having to retain Conflict Counsel with a Zoning Hearing Board matter. Mr. Truelove stated he does not agree with Mr. Abrams’ and Mr. Daly’s concerns about Mr. Khan, and he does not believe that there is an ethical conflict that he has heard in terms of Mr. Khan just being a member of the firm. Mr. Truelove stated Ms. Steers’ being involved in responding to

Right-To-Know requests does not create any other type of conflict. He stated if there was a concern about Mr. Khan's connection, he knows nothing of that. He stated Ms. Steers was involved even before Mr. Khan joined the firm. He stated he believes her only work at this time may be Right-To-Know requests because of their frequency and volume.

Ms. Blundi asked if the Board is in agreement that we are going to ask the Township Manager to direct that Ms. Steers is the attorney who works on the RTKs on the Maplevale issue that is with Conflict Counsel; and the Board agreed.

Mr. Grenier stated we can double check the invoices to date to make sure that she is the only attorney who has been working on this. Mr. Daly stated that is not correct, and there is an assistant who is working with Ms. Steers; but they are fine with that. He stated the issue is that Joe Khan has some conflicts of interest and his name may even come up in some of these responsive documents because the communications may be going through Bucks County, and they go through him if he was the Solicitor at that time. Mr. Daly stated Steve Santarsiero may also be on some of the documents; and that is why he is expressing the concern. Ms. Blundi thanked Mr. Daly for expressing his concerns, adding that they will be mindful of them going forward. Mr. Daly stated he is fine with the Junior Associate being involved as there is a "large volume that needs help." He stated the issue is very specific with Joe Khan.

Mr. Grenier stated the Township is also doing historic records reviews including the PennDOT aerals with regard to moving the stream, and we want to do that regardless of an RTK. Mr. Grenier stated there was a reference made to "volume," and he asked how many RTKs are we dealing with at this time. Mr. Kratzer stated it is significant and there are up to ten a day. Mr. Grenier asked if these are from the Maplevale residents; and Mr. Kratzer stated they are not from the Maplevale residents directly, but related to the issue.

Mr. Lewis asked if those Right-To-Know requests are coming from a multiple of people or just a few people, and Mr. Kratzer stated those Right-To-Know requests are coming from three individuals who are consistently submitting that volume of Right-To-Know requests on a daily basis. Mr. Lewis asked if some of these are questions that they could ask through an e-mail without filing a Right-To-Know or are they detailed and require comprehensive review.

He stated he is asking because that incurs significant taxpayer spending, and Mr. Kratzer agreed. Mr. Lewis asked the amount being spent on Right-To-Know requests, and Mr. Kratzer stated it is in the tens of thousands of dollars.

Mr. Grenier asked as we find documents is there a way to put them on-line so that people can have access to them. Mr. Kratzer stated we can do that; however, he stated the nature of some of the Right-To-Know Requests are more internal communication-type issues and not necessarily substantive study documents that are being requested. He stated there are also questions being posed, and the Right-To-Know Law relates to documents and not questions and inquiries.

Mr. McCartney stated he agrees with Mr. Grenier about a way to be able to make this more transparent through use of some technology rather than having three or four people asking for the same five or ten things repeatedly. Mr. McCartney stated he understands that Mr. Kratzer stated that it is costing tens of thousands of dollars to fulfill these Right-To-Know Requests, and Mr. Kratzer agreed that it is five figures at this point. Mr. McCartney stated we want to be in compliance with the Right-To-Know Laws, but there may be a better way to approach it. Mr. Truelove stated there has been a lot of discussion at the Legislative level, and there have been Court Decisions from the Supreme Court of Pennsylvania. He stated we do not have a lot of guidance on that at this point. Mr. McCartney asked if that is something that we have to have from the State level or is it something that we could establish ourselves; and Mr. Truelove stated there may be ways to craft this in order to satisfy some of the inquiries, but in terms of whether that would be a substitute for the Right-To-Know Requests, he does not think the Law at this point would support that although there is a lot of discussion about something like that at the State level.

Mr. Richard Adams stated he has been a Lower Makefield Township resident for seventy-two years. He stated he has “put in many of these Right-To-Know and your people are abusing their powers and nobody is checking on the responses where he is asking for a document and he gets the response of what they have done in the creek.” He stated he did not ask for that, and he asked for a document.

Mr. Lewis stated all of his e-mails and text messages are available for the “lawyer to go after at any time.” Mr. Adams stated Mr. Lewis did not “answer the document that he was asking from him.” Mr. Lewis stated Mr. Adams did not ask him for a document; however, Mr. Adams disagreed. Mr. Lewis stated Mr. Adams asked him about a specific Right-To-Know

Request related to a Grant; and Mr. Adams stated while that was correct, Mr. Lewis did not answer him. Mr. Lewis stated he is not allowed to answer him directly.

Ms. Blundi stated when you file a Right-To-Know request there are rules that go into effect. Mr. Adams stated he wants a copy of the rules. Ms. Blundi stated Mr. Adams can contact “the Right-To-Know people.” Ms. Blundi stated they are trying to provide information and to help the people who have had a very difficult time. Mr. Adams stated they need to tell whoever was hired to “review everyone.” He stated it is someone different all the time.

Mr. Adams stated he wants an answer from Mr. Lewis on the Grant that was requested in December of last year. Mr. Lewis stated on Friday, August 4, 2023 at 5:24 p.m. he received an e-mail from Ms. McVan regarding a Right-To-Know Request from Mr. Adams wherein she asked if he could review the Request and advise if he knew what Grant Mr. Adams was referring to and if he had any information which would help with the Right-To-Know Request. Mr. Lewis stated on Friday, August 4, 2023 at 6:22 p.m. he e-mailed Ms. McVan and attached the July 20 e-mail that Mr. Adams’ was referencing and the details of the Grant he is referencing. He advised her that if those two items were forwarded to Mr. Adams, that should satisfy his request. Mr. Lewis stated he could not send that directly to Mr. Adams because once he invoked the Right-To-Know Request, rules had to be followed. He stated if Mr. Adams had just written him an e-mail asking for details about this and it was not a Right-To-Know Request, he would have received an answer. He stated Mr. Adams has e-mailed him before, and he has responded to Mr. Adams in less than twenty-four hours; however, once he invokes the Right-To-Know process, he cannot respond directly to Mr. Adams.

Mr. Kratzer asked Mr. Adams if he ever received a response to that request, and Mr. Adams stated he did not. Mr. Kratzer stated he will check on that. Mr. Adams stated it is not just this “incident with John, but many others; and it is preposterous what you are putting us through and the total lack of leadership here is beyond belief.” He stated someone has to see that every Right-To-Know Request is answering the question that the person is asking for and not talking about “cleaning the embankment, etc.” He stated he is asking for documents.

Mr. Lewis stated he provided the documents to Ms. McVan, but he cannot send them to Mr. Adams because Mr. Adams invoked the Right-To-Know Request. Mr. Lewis asked Mr. Truelove if he could send the specific e-mail and the time and date stamp; and Mr. Truelove stated he could not because once the Right-To-Know process is invoked according to the Statute it must go through the Right-To-Know Officer, Mr. Kratzer. He stated once Mr. Kratzer or someone on his behalf follows through to obtain the information that has been requested, such as Mr. Lewis has described, they then supply the information. He stated there is also a determination whether it is responsive or if it needs further review because there are legal issues that may be implicated. Mr. Truelove stated they have to follow the rules.

Mr. Adams stated they are not following the rules. Mr. Kratzer asked Mr. Adams if he filed an Appeal, and Mr. Adams stated he did not know how to do it. Mr. Kratzer stated he will check on the status adding that in the event that there is a deemed denial, there is a process that Mr. Adams can pursue although he is not encouraging that. He stated to the extent that he feels that we are not complying with the Law, there is an Appeal process to the Office of Open Records.

Mr. Adams stated he feels there is a "strong need for Mr. Kratzer to review every person who fills one of these out because they are totally ignoring what he is asking for and telling him about all of these great things that they are *doing in the creek.*"

Mr. Adams stated while he has "a pile of Right-To-Know issues at home" he is only going to deal with two of them this evening. He stated on August 7 he wrote a request for a document for "pre and post drainage shed" for the Hillwood Terrace development. He stated he heard "through the grapevine from people who are not in this room who work for this Township" that in 1960 when the whole development was built, there was "no such thing." He asked why they do not answer the written request for the document and say, "doesn't exist." He asked why they "string him past 30 days, holding him out on a limb."

Mr. Kratzer stated the extension was to be able to look through the Township records. He stated there are a voluminous requests that are being made by a handful of people regarding these issues. He stated while we do have an obligation to respond, we also have a capacity issue in terms of being able to respond. Mr. Adams stated he realizes that "you have a workload."

Mr. Kratzer stated this is not the only issue that they are working on.

Mr. Adams stated “you cannot treat human beings like this.” Mr. Kratzer stated they are being asked for documents from sixty years ago in many cases; and in order to find a document that may or may not have existed sixty years, that takes time. Mr. Adams stated verbally he has been told that there were “no such rules required and therefore nobody is doing impervious surface or any of that.”

Mr. Grenier stated what is heard verbally from someone does not “hold water” when it comes to Right-To-Know Requests, and we have to go through all of our files in line with all of the other RTK Requests that we are doing to verify whether or not there is a single document that may have existed. He stated he agrees that there probably are not, since back then they did not do a lot of that, but it does not mean it does not exist. Mr. Grenier stated the Township has to go through the process. He stated not everything is electronic and some of it is in boxes and files that have been put away; and they have to go through them because they want to respect the request that has been made and do their due diligence to make sure that they are being responsive. He stated that is the point of the Open Records/Right-To-Know laws.

Mr. Kratzer stated on August 17, 2023 at 2:13 p.m. there was a response to Mr. Adams from Mr. Majewski which indicated that his request for information was granted in part and denied in part. A list of all Variances in Hillwood Terrace was provided to Mr. Adams. The response also indicated that Lower Makefield Township does not have any records of pre-development or post-development drainageshed plans for the Hillwood Terrace Development. Mr. Kratzer stated he feels that so many requests are being made that perhaps the requester is not seeing responses to his requests.

Mr. Truelove stated for the Township to review everything to make sure that they have done an exhaustive/required search, at some point that person, Mr. Kratzer or Mr. Majewski, may have to complete an Affidavit saying that they have done that.

Mr. Kratzer stated Mr. Adams had received a response to his request yet he had indicated that he did not get a response to his request. Mr. Adams stated he “left the house with the wrong paperwork that he wanted to discuss.

Mr. Adams stated he feels that having Mr. Kratzer's signature "on there ahead of time implies that he is reviewing this before it goes back." Mr. Kratzer stated he feels they can consider Mr. Adams suggestion from a process standpoint. He stated that is the system that was in place.

Mr. Adams stated he wants "the practice of Lower Makefield Township personnel deliberately deceiving residents to stop immediately by putting an answer on there that has nothing to do with the question of the document."

Mr. Adams stated it has been more than seven weeks since the flooding, and the Township owes the homeowners a written best plan of construction to prevent any water overflowing onto Taylorsville Road. He stated the people who been effected by this "should not be kept in the dark."

Ms. Blundi stated as was discussed earlier by the Township engineer and the Township Manager, there is a plan; and it has been on the Township Website. She stated she felt it was difficult to read so they are trying to make it more legible and they are updating it so that the residents can see all of the different things that we are doing, trying to do, and the people we are in contact with. She stated others have seen it so there is a plan. She stated she understands that it is frustrating but we should not be finger-pointing, raising voices, or calling people names. She stated once Right-To-Know is invoked, the rules must be followed, and that is what they are striving to do.

Mr. Adams stated he "had no idea that they are doing this." He stated he comes to the meetings and to the meetings in between to find out what is going on.

Mr. Grenier stated several updates were discussed earlier specific to the Maplevale/Hillwood Terrace/Taylorsville Road area and some ideas as to what can be done in that area in addition to the pipe that has been installed, trying to get a second pipe installed, cleaning the stream, and the additional Highland Drive work. He stated there was also discussion about a sidewalk and a stormwater system based off of that and going after PennDOT to try to do stormwater management on their roads. He stated all of that is very local to Maplevale and Taylorsville. He stated the next item on the Agenda is starting to look at items "bigger picture" that may have a bigger positive impact on the situation in Maplevale long term for the larger storms.

Mr. Adams stated people cannot wait that long.

Mr. Grenier stated the next item on the Agenda is to look at other items upstream that we can do in the near-term, mid-term, and long-term and how we can implement that as part of a larger plan. Mr. Grenier stated we have been fixing things in term of stabilizing homes and moving quickly and the Public Works Department has been cleaning the streams without much help from agencies that we have to rely on to issue Permits. He stated there are also other things that we are planning for the fall that should have a positive impact as well. He stated while they are not "complete fixes," they are working on things.

Mr. Adams stated the Township owes the property owners in writing the best plans to replace the "10' wide by 3' from underneath the bridge to the normal water level of the Highland Drive bridge." He showed a picture which was taken many hours "after the peak," but nobody is telling him that they are going to replace the bridge so that water can get through there and not end up out on Taylorsville Road. He stated he would like to hear that they are drawing up plans to replace that bridge that was put there in 1960. He stated since then they have had the Prospect Farms Development and Makefield Chase which are dumping a lot more water down the creek. He stated he hopes that they are planning on doing a proper survey of the Hillwood Terrace area to determine that whatever is done is sufficient to not let this happen again.

Mr. Kratzer stated the next item on the Agenda relates to upstream conditions. Mr. Kratzer stated Mr. Adams is proposing a very specific improvement to a piece of infrastructure; and while he may be right, there may be other ways to address that issue beyond what Mr. Adams is articulating. Mr. Kratzer stated the next item on the Agenda is dealing with those aspects and providing for a listening opportunity for those who have observations over extended periods of time and can express those to experts to try to comprehensively address these issues that Mr. Adams is talking about. Mr. Kratzer stated they cannot just draw up plans and start replacing culverts without understanding all of the issues.

Mr. Adams stated seven weeks have gone by and they have not contracted with anyone. Mr. Kratzer stated Mr. Adams is talking about things that have happened over eighty years.

Mr. Adams noted the area where they cut all the trees that were coming out of the sand bar and cut them off just above the water line where it makes the bend to go underneath Taylorsville Road/PennDOT bridge. He asked when they

will go with a “clamshell bucket and go down and take out the root ball that has all the things that were cut off” so that the water going under Taylorsville Road is not restricted. He stated seven weeks have gone by and it is a “simple thing to hire a contractor with a clamshell bucket to go down there and take it out.”

Ms. Blundi stated while the Township has not done everything, we have done a lot. She stated this is not a simple process, and the Township cannot just enter into Contracts like Mr. Adams might want them to. She stated they are aware of the situation and are looking to continue to make improvements.

Mr. Adams asked that they promise that the sand bar with all of the roots in it and the spillway “before next week is over with.” He stated the Township should “write a purchase order to some contractor with a clamshell bucket.” Ms. Blundi stated she believes the area Mr. Adams is referring to is a PennDOT (Pennsylvania Department of Transportation), area. Mr. Adams stated “he is tired of hearing excuses.” Mr. Adams stated if the Township can go in and cut the trees down, they can go in with a clamshell bucket.

Acceptance of the Proposal from LandStudies for Flood Mitigation Assessment

Mr. Lewis moved and Mr. Grenier seconded to accept the proposal from LandStudies for flood mitigation assessment.

Mr. Kratzer stated this is a tributary assessment, and there is a series of tasks that are outlined in the proposal looking specifically at the un-named tributary located upstream of the Maplevale neighborhood from the upper stream reaches starting around the Merrick Road area down to the Canal. He stated the first task relates to background information and mapping and trying to collect the historic information and data. He stated the second task involves a physical visit from LandStudies walking the entire stream corridor and trying to understand any opportunities that exist as well as recognizing that there are residents who have been here for extended periods of time and have observed conditions so there will be a gathering meeting for those residents to provide information that they have to the consultant. He stated the third task deals with visual assessment and then there will be a Summary Report.

Mr. Kratzer stated a lot of the work that has been done had to do with addressing what happened at the bottom of the drainage area, and this will look at upstream opportunities that may exist so that we can evaluate things such as Mr. Adams

has brought up including whether the culvert needs to be upsized or are there green infrastructure components that can be addressed upstream to address the issue. He stated there may also be some floodplain restoration work that potentially could be done, recognizing that this would require partnership with private property owners. He stated there are some larger private properties that are upstream of the area, and there may be an opportunity to capture water upstream. He stated they may also consider if there are opportunities for retrofitting stormwater basins to promote additional infiltration. He stated all of those are intended to be evaluated as part of the scope from LandStudies.

Mr. Kratzer stated LandStudies is specifically focused in these areas and has done work throughout the Commonwealth of Pennsylvania and beyond, and he has worked with them personally on a number of occasions. He stated they are leaders in this field. He stated in addition to a local perspective, he feels they can offer some perspective that would be helpful in informing the comprehensive, strategic look at this watershed that we have been talking about.

Mr. Lewis asked if they will be able to help us understand what our total capacity is and what it could be in the future post improvements. He stated there is a lot of variability of storms, and he asked if we would have a better understanding of what we think the best-case scenario is and how much we could support going forward. Mr. Kratzer stated he feels that we will be able to do that for this specific area of the Township.

Mr. Lewis stated we have also been having general discussions about areas outside of this specific area. He noted Merrick Road down seems like a good breakpoint. Mr. Grenier stated he believes that is the breakpoint is because when you look at watershed mapping this particular tributary extends up to that point.

Mr. Grenier stated he feels that the LandStudies proposal is an existing-conditions review and they are doing a full assessment of the watershed to see what is there that has not been assessed in the past. He stated a lot of these properties where the stream goes have probably not been accessed by the Township in a very long time. He stated he does not feel they will be doing a land survey, but there is publicly-available information that provides pretty good topographical information that could be used to better understand what opportunities might be there and what water is doing. He stated he feels that this is a Phase 1 of a couple of assessments. He stated the ultimate deliverable from this will be a summary of what is happening in the watershed. He stated they "lean more planning than engineers and they tend to look at the bigger

picture watershed and give typical or potential solutions for different scenarios in different parts of the watershed” and the range of positive impact you could have by implementation. He stated it would not be a list of designed projects as that would be the next phase. He stated this proposal is setting the ground-work to be able to do all of that, and then turning some of those into projects when the engineers would come in and do the survey, design and cost out the project, be signed off by a professional engineer, and find funding

Mr. Grenier stated what is being proposed is not only an “initial desktop review/critical issues assessment,” but also on-the-ground field inspections and doing interviews to collect the information which can then be processed. He stated then a real plan can be developed for the long-term to improve the watershed.

Mr. Grenier asked if this did not have to be sent out for an RFP because of the dollar amount; and Mr. Kratzer stated it is a professional service and there is not a requirement for an RFP, and based on his experience with them, he is confident that they will produce a document that informs us moving forward. Mr. Grenier stated he feels that for “certain future phases” we should go out to RFP, and Mr. Kratzer agreed. Mr. Grenier stated he would like to make sure that Mr. Truelove has reviewed the terms and conditions attached to this, and Mr. Kratzer stated we will make sure that is done before the execution of any documents.

Ms. Blundi stated she does not believe that this is a Contract, and it is just a proposal to make a Contract since there are items that still need to be determined such as the schedule.

Mr. McCartney stated he was also looking for the lead time, but it seems that they are looking to expedite it.

Mr. Adams stated he is curious as to how soon what is being proposed can be contracted out. He asked if they have to go out to Bid to more than one. Mr. Kratzer asked if he is talking about physical construction, and Mr. Adams stated he is asking about the study that they are discussing. Mr. Kratzer stated upon execution of the agreement, there are prepared to move on with the study. Mr. Adams asked how long it will take it, and Mr. Kratzer stated they still have to discuss the schedule with them.

Mr. Grenier stated based on the value of the Contract and how they have described some of their tasks, he feels it could be “pretty quick” to execute the tasks that they have included; and he feels that they could be done within several weeks up to a month and a half.

Ms. Cloer asked that when it is time for them to solicit feedback, how can the residents indicate that they have information, pictures, etc. to offer. She stated if there is a way for them to sign-up to help with this process, the residents would like to do that; and Mr. Kratzer stated that would be helpful.

Mr. Adams stated he assumes the Board is aware of the US Coast and Geodetic Survey Maps. He stated he has seen the ones that cover everything within a very small area. He stated “going back to the 1930s/1940s, they are somewhere but how do you find them.” Mr. Grenier stated before there were computers, the best information he would see was from the “USDA NRCS hard copy soil survey books.” He stated these go back to the 1920s. He stated we have access to historic aerials. Mr. Adams stated these are not aerials that he is speaking of, and Mr. Grenier stated he knows what Mr. Adams is speaking about as he uses them. He added that LandStudies knows how to access those.

Motion carried unanimously.

Ratify and Confirm the Acceptance of the Proposal from Cohen Law Group for Wireless Facilities Management Services

Mr. Kratzer stated this is a follow-up to the work that Cohen Law Group was doing related to Wireless Facilities Management Services. Mr. Kratzer stated the proposal is not looking at the specific Application that was submitted, but looking at the Township Code in general and updating it to reflect some of the more recent items relative to a Case Law standpoint and some of the regulatory pronouncements, preparing design standards associated with those facilities, and making sure that our requirements as they relate to wireless facilities are compliant with applicable Federal and State Law.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to confirm and accept the proposal from Cohen Law Group for Wireless Facilities Management Services.

Award a Professional Services Contract to Thomas Comitta Associates, Inc. for a Not-To-Exceed Amount of \$18,000 for the Preparation of a Multi-Year Tree Planting Plan

Mr. Kratzer stated this Plan would be funded using dedicated funds that are available for these purposes. He stated the recommendation to award is following an RFP process in which the RFP was submitted directly to ten potential respondents. He stated we received four responses, and TCA was the low bidder from a cost perspective, met all of the objectives, and has the experience in order to prepare the Plan.

Mr. Grenier moved and Mr. Lewis seconded to award a Professional Services Contract to Thomas Comitta Associates, Inc. for a not-to-exceed amount of \$18,000 for the preparation of a Multi-Year Tree Planting Plan.

Ms. Blundi stated part of this is going to focus on plantings around detention basins and riparian buffers, etc. which can help with stormwater mitigation.

Mr. Grenier stated one of the other proposers was Morris Arboretum and Gardens at the University of Pennsylvania, and he graduated from the University of Pennsylvania, was taught by one the senior botanists at the Morris Arboretum, and has used the Morris Arboretum as a resident expert on projects of his own in the private sector; and he asked Mr. Truelove if he needs to recuse himself adding that he did not talk to them about any of this work. Mr. Truelove asked if he is actively engaged with them on anything at this time, and Mr. Grenier stated he is not; and Mr. Truelove stated there is no conflict.

Motion carried unanimously.

Approve Resolution #23-20 Authorizing Financing (Lease/Purchase) for a 6-Wheel Dump Truck w/Upfitting for Use by the Public Works Department

Mr. Kratzer stated the Board previously reviewed this item; and we went out to quote rates for this lease/purchase, and Santander Bank had the best rates as part of the RFP process. Mr. Kratzer stated the principal amount of the borrowing is \$235,306.95 with a sixty-month term at an interest rate of 4.48% which was the most competitive. He stated it will be paid in four quarterly payments of roughly \$13,000 per quarter. He stated this is consistent with what was contemplated as part of the 2023 Adopted Budget and would be funded out of

the Special Purpose Fund for Road Equipment/Road Machinery Fund. He stated they recommend adoption of the Resolution for purposes of proceeding to closing on the loan.

Mr. Lewis moved and Mr. Grenier seconded to approve Resolution #23-20 authorizing financing (lease/purchase) for a 6-wheel dump truck with upfitting for use by the Public Works Department.

Mr. Grenier asked how many of these have been purchased this year. Mr. Kratzer stated the Board authorized this purchase, and this is just the financing aspect of it. Mr. Fuller stated it was contemplated as a lease/purchase. Mr. Kratzer stated this is not an additional truck, and this is just the financing associated with a truck that the Board already authorized the purchase of. Mr. Fuller stated as previously discussed, this truck will replace a 2003 vehicle which is falling apart although they hope it will get through the winter. He stated hopefully the new vehicle will be delivered in January.

Motion carried unanimously.

SOLICITOR'S REPORT

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

Approval of Ordinance #441 Amending Chapter 130, Article 1 of the Code of Ordinances of Lower Makefield Township to Provide for Immediate Revocation of Any Issued License

Mr. Truelove stated this relates to short-term rentals for a window of time for "a three strikes you are out situation for revocation of a License." He stated it was properly advertised and is appropriate for the Board's consideration.

Mr. Lewis moved and Mr. McCartney seconded to approve Ordinance #441 Amending Chapter 130, Article 1 of the Code of Ordinances of Lower Makefield Township to provide for immediate revocation of any issued License.

Ms. Blundi stated she believes that Lower Makefield was a leader in this area, and she feels that there may be more that can be done, and she encouraged the Township solicitor and others to provide feedback on anything else that can be done. Mr. Truelove stated he will continue to monitor the situation and consider anything that can be done to strengthen the Ordinance to make it more enforceable for the residents.

Motion carried unanimously.

Approval of Resolution #23-21 Authorizing and Approving the Execution and Recording of the Unilateral Declaration of Covenants, Conditions, and Restrictions With Operations and Maintenance Obligations for the Community Trail Connection Constructed by the Township Along Edgewood and Oxford Valley Roads

Mr. Truelove stated this was necessitated because there is PennDOT and DEP oversight that we wanted to make sure that we are consistent with and meet all the NPDES requirements and everything else that is required. He stated this will be a Recorded version of our obligation to do that.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution #23-21 authorizing and approving the execution and Recording of the Unilateral Declaration of Covenants, Conditions, and Restrictions with operations and maintenance obligations for the Community Trail connection constructed by the Township along Edgewood and Oxford Valley Roads.

Approval of Resolution #23-22 Authorizing and Accepting the Memorandum of Understanding and Deed of Easement for Completion of Bike Path Connection Along Woodside Road – 1208 Woodside Road

Mr. Truelove stated this is to Record the memorializing of the Recording of Easements and the payment for Easements along the bike path connection along Woodside Road at 1208 Woodside Road.

Mr. Grenier moved and Mr. Lewis seconded to approve Resolution #23-22 Authorizing the Accepting the Memorandum of Understanding and Deed of Easement for completion of bike path connection along Woodside Road – 1208 Woodside Road. Motion carried with Ms. Blundi abstained.

Approval of Resolution #23-23 Authorizing and Accepting the Memorandum of Understanding and Deed of Easement for Completion of Bike Path Connection Along Woodside Road – 1214 Woodside Road

Mr. Truelove stated this is similar to the prior Resolution as it relates to 1214 Woodside Road.

Mr. Grenier moved and Mr. McCartney seconded to approve Resolution #23-22 authorizing the accepting the Memorandum of Understanding and Deed of Easement for completion of bike path connection along Woodside Road – 1214 Woodside Road. Motion carried with Ms. Blundi abstained.

ZONING HEARING BOARD MATTERS

With regard to Appeal #Z-23-2029 Eric Konyves for the property located at 968 Queens Drive, Yardley, PA 19067, Tax Parcel #20-037-061 Variance request from Township Zoning Ordinance #200-23.B in order to install an in-ground fiberglass swimming pool which would increase the impervious surface from the existing 22.4% to 24.6% where 18% is the allowable amount, Mr. Lewis moved, and Mr. Grenier seconded to participate.

Ms. Blundi stated she wants to make sure that the process has been fixed so that Applications are not accepted that are not compliant with showing how there will be mitigation. Mr. Truelove stated the Applications themselves have the Calculation Tables on them, and it is whether the Applicants indicate what they are going to do to mitigate it. Mr. Kratzer stated he will follow up on Ms. Blundi's concern.

Motion to participate to carried unanimously.

With regard to Appeal #Z-23-2030 Michael Montgomery for the property located at 249 Forrest Road, Yardley, PA 19067, Tax Parcel #20-049-245 Variance request from Township Zoning Ordinance #200-69A(14)(c) in order to install a 6-foot high aluminum fence in a Sewer Easement it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Grenier stated when it is in a Sewer Easement it is no longer a Township-owned Easement; however, Mr. Truelove stated while that is correct, the access would still require the Township to enable that. Mr. Kratzer stated it is still a provision of the Zoning Ordinance, and it is something that Mr. Majewski is looking at in terms of updating the Ordinance to potentially avoid this and to the extent that the owner of the Easement is agreeable to this. Mr. Kratzer added that one of the requirements and anticipated Conditions that was already communicated to the Applicant is that the Applicant would have to receive the consent of Aqua as the holder of the Sanitary Sewer Easement. He stated it is still a provision of the Zoning Ordinance, and by virtue of that a Variance is needed.

Mr. Truelove stated possibly we have to include a line on the Application that if there is a Sewer Easement issue, they need to notify Aqua about that. Mr. Grenier stated we are currently now making decisions for Aqua. Mr. Truelove agreed to follow up on this in terms of process.

With regard to Appeal #Z-23-2031 Victor Fiori for the property located at 0 Dolington Road, Yardley, PA 19067, Tax Parcel #20-020-113-004 Variance requests from Township Zoning Ordinance #200-69.A.(14)(a) in order to construct a detached 3,200 square foot garage not in the fourth of the lot farthest removed from the road, and Township Zoning Ordinance #200-69(A) for a proposed height of 26'7" where 15' is the maximum permitted, Mr. Truelove stated this property is located in an area adjacent to where a lot of the flooding occurred in the last seven weeks, and they would recommend participation to make sure that any concerns are addressed that may impact on stormwater management.

Mr. Grenier moved and Mr. Lewis seconded that the Board of Supervisors participate in Appeal #A-23-2031 for the property located at 0 Dolington Road, Tax Parcel #20-020-113-004.

Mr. Grenier stated this parcel is not only in this watershed, but it is the single largest parcel in terms of length of stream from the unnamed tributary that has been discussed to be studied. He stated the landowner sent him photos of his flooded property during the storm event including multiple bridges across the stream and "other things in there" so he is concerned. He stated he knows that this is going over an old tennis court/parking

space that has been there for years where they parked multiple cars, and they are proposing putting in a facility that is 26 and half feet tall where the maximum is 15' and it is 3,200 square feet.

Mr. McCartney asked if the Motion is to oppose or participate; and Mr. Grenier stated it was to participate, but he would be open to hearing about going "stronger than that." Mr. McCartney asked Mr. Truelove if we can change our position at a later date, and Mr. Truelove agreed. He stated if the Hearing convenes and it looks like there is information that may cause more concern, the Supervisors could decide to change their position. Mr. McCartney asked if the Zoning Hearing Board approves the Variance, would we still have standing to oppose; and Mr. Truelove stated the Township always has standing even if we do not participate and can take action on Appeal.

Ms. Blundi stated the proposal does not indicate that they are going to be impacting impervious space. Mr. Grenier stated they have a twenty acre parcel so they can do a lot on that parcel that is impervious and not meet the threshold, but it does not mean that they are not going to have an effect. Ms. Blundi stated we still have the rule that when you build, you have to mitigate. Mr. Grenier stated there are State and County thresholds, but not necessarily in the Township.

Mr. Richard Adams, 221 Taylorsville Road, stated he is opposed to any additional roofed area that would put water on the ground and end up coming down the creek. He stated he has been told by people in the Township Office that there are also "water lines" on the other side of Dolington Road that drain onto this property. Mr. Adams stated the property is so old, he is sure it is just like the Hillwood Terrace Estates, and there has never been a survey of the property. He stated before anything is granted to the property owner that would alter the amount of water that ends up not going into the ground, he feels the Governing body needs to require a complete study of that property and divulge how much water is coming from across Dolington Road.

Mr. Grenier stated he heard that there is a small area at Houston Road that collects drainage and is piped to that property. He stated it is not a large drainage area, but "it is something." Mr. Grenier stated the parcel itself "is interesting because it is old and lots of stuff has been going on there for years, and years, and years." He stated while he does not personally back up to it, he knows a lot of the neighborhood he lives in backs up to it; and they have a tall barbed fence around the whole thing.

He stated it is aware that there are bridges going over the stream which requires Permits from the State, and he does not know if those are in order. He stated those items are not being covered in this Variance request so he does not know that we can require a full-blown stormwater study of that property for this particular Variance request, although he would "love to do that."

Mr. Truelove stated we are confined to the request as it pertains to this particular Application; however, the Study that the Board approved earlier this evening will take that into account as part of the overall review.

Mr. Truelove stated at the Zoning Hearing Board meeting there may be information that comes out that will hopefully provide some context for that. He stated participating gives the Township the ability to take part at the Hearing and ask questions. Mr. Grenier stated as noted earlier, we also have the ability to change our position from participating to opposing.

Mr. Lewis stated those who are concerned can attend Zoning Hearing Board meetings in person or on-line to make their opinions heard. He added that the Zoning Hearing Board is a quasi-Judicial, independent body. He stated the Board of Supervisors considers very carefully who they appoint to the Zoning Hearing Board, but they are designed to be independent, and the individuals who are on that Board deal with these issues all the time and work with property owners to find a balance between making sure that people are not flooded and property owners can enjoy the rights to their property. He stated the Board of Supervisors has often participated over the years in Zoning Hearing Board cases where there is the potential for flooding. He stated the Township has completed the CRS Program under FEMA, which is the Community Rating Service. He stated for those who have to get flood insurance, the CRS reduces their premiums by over 25%. He stated the Board of Supervisors participates in these Zoning Hearing Board cases as part of compliance with the FEMA CRS, although they generally want to respect the independence of the Zoning Hearing Board which is why it is not immediate opposition although we do retain the right to oppose in the future if we feel that way.

Mr. Adams asked that the pipeline that goes across Dolington Road be looked at to see if that was done "prior to the impervious surface."

Mr. Truelove stated that will be done as part of the LandStudies evaluation of the area. Mr. Adams asked if it can be looked at to see if they could be re-directed to the south and "end up in the pond in Yardley/the stream back there."

Ms. Blundi stated at this point we are only talking about a Zoning Hearing Appeal. She stated the Board understands that Mr. Adams has a lot of ideas about water mitigation. Mr. Kratzer advised Mr. Adams that he will have an opportunity to talk about all of these things directly to the consultant who is developing the study, but not at the Zoning Hearing Board with regard to this Appeal as the purview of the discussion right now relates to a specific Zoning Hearing Board Application. He advised Mr. Adams that some of the things that he is talking about in terms of re-directing water, discharge points, etc. is part of something else.

Ms. Blundi stated she believes that she heard Mr. Adams indicate that he would have a hard time getting to the Zoning Hearing Board meeting, and she stated anyone can go in person or can watch it on YouTube or on cable. Mr. Truelove stated people can also be Parties to the Appeal if they qualify.

Motion carried unanimously.

With regard to Appeal #-23-2032 Edward Murphy for the property located at 777 Township Line Road, Yardley, PA 19067, Tax Parcel #20-012-005-005 Special Exception so as to allow an additional 21,000 square feet of medical office-related space to be provided within the existing office building in accordance with the standards set forth in Section #200-98 of the Lower Makefield Township Zoning Ordinance, Mr. Truelove stated this is the former office space that was occupied by Hill Wallack LLP. He stated Penn Medical occupies a great deal of the space, and they are asking for a Special Exception to take over the space that Hill Wallack formerly occupied. He stated the concern previously was about parking, but his observation personally is that there is plenty of parking there to handle any additional medical space. Mr. Grenier asked if they are asking for a Special Exception because the Use type would require a different amount of parking; and Mr. Truelove agreed that is his understanding as the qualification for medical space normally require more parking spaces, but he feels there is plenty of parking there to handle this adding that he rarely saw the parking lot 40% occupied at its highest.

It was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Ms. Blundi stated in addition to the Ad Hoc Property Committee Public Forum to be held on September 26, they have their regularly-scheduled meeting on September 14th; and the public is welcome to join in by Zoom to hear what is going on and voice ideas.

Mr. Lewis stated the Disability Advisory Board has two openings, and he asked those interested to apply. Mr. Lewis stated the Historical Commission is planning a special event at the Slate Hill Cemetery on October 14, and he urged everyone to attend. Mr. Lewis stated there has been some discussion in the community about a property that contains an octagonal school house, and he advised that is privately owned; and while that owner is attempting to sell the property, it is not clear that there is a buyer for it, and the price is very high.

Mr. Grenier stated the Trenton Mercer Citizens Airport Review Board has forwarded a letter they are recommending we piggy-back on. He stated it is a letter from Senator Santarsiero to the New Jersey DEP Commissioner, and they have asked that we issue a similar letter which is primarily centered around PFAs and making sure that we are informed of the various decisions they make. Mr. Lewis stated he filed a New Jersey Right-To-Know Request specifically asking for documents related to PFAs on parcels that are in the Airport complex and associated with the Airport. He stated he did get a response within the appropriate timeframe, but it was indicated that they did not have any documentation "which was troubling at the time." He stated in the past he had to wait nine months to get an answer to a letter that he sent to the New Jersey DEP Commissioner.

Mr. Grenier reminded everyone that today was the first day of School at Pennsbury so traffic patterns will be changing from the summer, and there will be School buses out, children on bus stops, and parents dropping off their children.

OTHER BUSINESS

Mr. Kratzer stated BOWMA, the organization we partner with to manage the deer population in the Township, is beginning their hunt on September 16th. He stated correspondence to surrounding property owners is being mailed out and the properties have been posted.

Mr. Kratzer stated while it will be legally advertised and posted on the Township Website and social media channels, he is announcing that the Board will be holding a Special meeting Thursday, September 14 beginning at 6:30 p.m. at the Municipal Building for the purpose of interviewing parties who have expressed an interest in being appointed to serve the vacant Board of Supervisor's position. Eleven parties have expressed interest at this point.

PUBLIC COMMENT

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated he has a second water meter at his home and he is going through the process including sending Aqua a photo of his meter, but it is unclear as to what they are considering to be an initial meter reading. He stated he initially felt it would be the last thing that he submitted to Lower Makefield two years ago since Aqua "knew this was going on and for two years they have been collecting money off of the water bills knowing that there is a way to discount what they are not actually processing." He stated it is unclear based on their instructions, and there is no real guidance he saw as to what he should use.

Mr. Truelove asked that Mr. Costello e-mail him, and he will follow up with individuals from Aqua and the PUC to see if he can find that out. Mr. Costello stated he uses this for his sprinklers, but he learned that this could also impact the Township Pool. Ms. Blundi stated she does not feel that is correct.

Mr. Kratzer stated ultimately it will be dictated by Aqua's tariff, and it is his understanding that it is prospective and not retroactive, but we will try to get clarification. Mr. Costello stated Aqua knew about this. Mr. Grenier stated Mr. Costello is not the only one in the Township dealing with this issue; and he believes that a lot of people are "out a fair amount of money because of the way Aqua has been handling this." He stated the issue with the PUC did not help in terms of timing. Mr. Grenier asked if there is any guidance that we can get from Aqua, and Mr. Truelove stated he is going to look at the final Order and other information to see if he can come up with an approach.

Mr. Costello stated he understood that this also relates to the Pool. Mr. Grenier asked if there is a second meter at the Pool. Mr. Kratzer stated the water that is drained from the Pool is ultimately discharged into the sanitary sewer system so he does not know what the basis of a deduction would be because ultimately they are treating the water.

Ms. Laurie Grey stated she is a Lower Makefield Township resident. She asked the status of the Budget process as at the last meeting it was mentioned that there were going to be a couple Special Budget meetings. Mr. Kratzer stated they are looking to conduct the first Board of Supervisors Budget Workshop on Wednesday, October 25, 2023, and information on start time and other details will be posted on the Township Website and the Township social media channels. He stated depending on progress at that meeting, there may be a follow-up Budget Workshop on November 8, 2023 with the start time to be published.

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John B. Lewis', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

John B. Lewis, Secretary