TOWNSHIP OF LOWER MAKEFIELD

BOARD OF SUPERVISORS

MINUTES – SEPTEMBER 20, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was

held in the Municipal Building on September 20, 2023. Mr. Grenier called the meeting to

order at 7:45 p.m. and called the Roll. Mr. Grenier stated that Mr. Coyle, our new Super-

visor was unable to attend this evening due to illness; however, he was officially sworn

into office, and at the next meeting we will have a Ceremonial Swearing In.

Those present:

Board of Supervisors: Daniel Grenier, Acting Vice Chair

John B. Lewis. Secretary

James McCartney, Treasurer

Others: David W. Kratzer, Jr., Township Manager

David Truelove, Township Solicitor

Paul DeFiore, Township Engineer

Kenneth Coluzzi, Chief of Police

Derek Fuller, Public Works Director

James Majewski, Community Development Director

Absent: Suzanne Blundi, Board of Supervisors Acting Chair

Colin Coyle, Supervisor

COMMUNITY ANNOUNCEMENTS

Mr. Grenier stated during this portion of the Agenda residents and Youth Organizations

may call in to make a special announcement or contact the Township at [admin@lmt.org](mailto:admin@lmt.org)

to request a special announcement be added to the Agenda. There was no one wishing

to make an announcement at this time.

Mr. Grenier stated LMT’s Environmental Advisory Council will be heading up the effort

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](mailto:jjyardley56@gmail.com).

Mr. Grenier 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.

This Township-owned property is at a crossroads with historic buildings requiring

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expensive repairs. The Public is asked to become engaged by: (a) attending Zoom

meetings held the second Thursday of each month, (b) learning more at LMT.org/

Community/Patterson Farm, and (c) attending future public forums.

Mr. Grenier stated that Kim Rock from Keller Williams Realty is hosting a Shredder

event on Saturday, September 30th from 9:00 a.m. to 12:00 p.m. in the Lower

Makefield Township Pool parking lot, 1050 Edgewood Road. For more information

or to register you can go to [www.shredbucks.com](http://www.shredbucks.com).

Mr. Grenier stated the Environmental Advisory Council will be also be hosting

their Styrofoam & Recycling Event on Saturday, October 28th, 2023 from 10:00 a.m.

to Noon outside of the Lower Makefield Township Building, 1100 Edgewood Road.

Mr. Grenier stated LMT will be hosting a Blood Drive for the Red Cross on Friday,

November 3, 2023 from 12:00 p.m. to 5:00 p.m. in the meeting room at the

Township Building. To sign up or get more information log onto RedCrossBlood.org

and enter Sponsor Code LowerMakefield.

MOTION TO ADD AN ITEM TO THE AGENDA UNDER 14 b

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to add

an Item to the Agenda under 14 b - Susan Circle Paving and Punch List Items.

PUBLIC COMMENT

Mr. Grenier stated for the last few years, Public Comment has been at the end of

the meeting, but the Chair has the prerogative to move it to the front. He stated

he is offering to keep Public Comment at the end but also take Public Comment

at this time on any non-Agenda items.

Mr. Greg Koble, 63 Griffin Way, asked for an update on the crosswalks on Big Oak

Road. Mr. Krater stated over the course of the past weeks we have been working

with the Township’s traffic engineer discussing options to address some of the

concerns that were expressed relative to the construction that occurred on Big

Oak Road. He stated we will be meeting with the respective HOAs within the

next week to provide an update.

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Mr. Mike Rossi, 390 Twig Lane, stated he has been before the Board a number

of time with regard to the proposed 150’ cell tower to go up in their back yards.

He stated the matter is to go before the Zoning Hearing Board next month.

He stated he would like to know where the Board stands in support of the

neighbors in not having a 150’ cell tower in their back yards. Mr. Grenier stated

this is to go before the Zoning Hearing Board on October 17, and the Board of

Supervisors will have one more Board meeting prior to that on October 4; and

he anticipates that will be on the Agenda for discussion and a vote to partici-

pate or oppose. He added that when this matter first came before the Board

of Supervisors he had made a Motion to participate; and there will be a more

robust discussion at the meeting on October 4 when they hope to have the full

Board present.

APPROVAL OF MINUTES FOR SEPTEMBER 6, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to

approve the Minutes for September 6, 2023 as written.

TREASURER’S REPORT

Approve August, 2023 Interfund Transfers

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to

approve the Interfund Transfers for August, 2023 in the amount of $911,309.63

as attached to the Minutes

Approve Warrant List from August 21, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to

approve the Warrant List from August 21, 2023 in the amount of $1,052,354.78

as attached to the Minutes.

Approve Warrant List from September 5, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to

approve the Warrant List from September 5, 2023 in the amount of $936,413.06

as attached to the Minutes.

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Approve Warrant List from September 18, 2023

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to

approve the Warrant List from September 18, 2023 in the amount of $482,526.99

as attached to the Minutes.

QUESTIONS AND ANSWERS WITIH BOWMA (BIG OAK WHITETAIL MANAGEMENT

ASSOCIATION) REGARDING THE TOWNSHIP DEER MANAGEMENT PROGRAM

Mr. Todd Huber, representing Big Oak Whitetail Management Association, was

present. He stated he understands that there was some concern about a new

tract of land that was added to the list of properties that they hunt, and he

hopes that the presentation this evening will allay some fears from the residents.

He stated there was some concern about this being a firearm hunt, but they are

archery only; and they have been doing this since 2009 without incident.

He stated their hunters abide by the State Game Commission Rules and Regula-

tions, they have background checks from the State Police, and they have to pass

proficiency testing in archery tackle every year to insure that the hunters are

capable with the equipment that they are using. Mr. Huber stated each hunter

is required to carry a Township-issued hunter ID, and all hunters carry liability

insurance.

Mr. Huber stated all the hunting occurs well within the property boundary lines

stated by the Township, and they are required to have a safety zone or 50 yards

from any occupied structure; and when they post inside the property line, they

stay well within that when they are hunting. Mr. Huber stated all hunters hunt

from elevated positions meaning that they are up in tree stands so that there

is not going to be any risk of arrows going into property owners’ properties that

could result in injuries or property damage. He stated they typically shoot 20 to

30 yards maximum from an elevated position, and the arrow will land in the

ground well inside of the boundaries.

Mr. Huber stated that the first deer harvested by each hunter is required to be

donated to Hunters Sharing the Harvest which provides thousands of meals

annually to Bucks County food banks, and last year approximately 600 pounds

of meat was donated equal to about 2,400 meals as well as four deer which

were processed and distributed to families in need.

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Mr. Grenier stated in terms of proximity to homes and potential for impact, it was

stated that they stay at least 50 yards from a structure; and Mr. Huber stated the

State Game Commission regulations are that for archery tackle you have to be

50 yards from any occupied structure on any private property as a safety zone,

and they are beyond that; and when they post the properties with the Township-

provided signs, they go off of the outside property line so that the signs are “not

in your face” for the property owners so that they do not have to see them from

their back yards. He stated if they were to go into the woods, they would see

the signs.

Mr. Grenier asked what is the frequency of signs that are posted. Mr. Huber

stated each property posting could be different; however, they were trying to

put the signs on what looked to be accessible trails so that if you were walking

into the woods, you would see the signs readily. They would be facing outside

of where they are hunting facing the houses. Mr. Grenier asked if there are

blazes on trees; and Mr. Huber stated there are not, and they typically post

along the outside perimeter. He stated the signs are white with red lettering.

Mr. Grenier asked if they are just doing posting or are mailings sent out to

surrounding homes. Mr. Huber stated BOWMA does not do that. Mr. Kratzer

stated the Township does that and direct mailings were sent out to all adjacent

property owners in addition to the posting of the property. Mr. Grenier asked

if it is just adjacent properties or properties within a certain number of feet.

Mr. Krater stated hundreds of notices were sent out, and the notice provisions

were no different this year than they were in the past.

Mr. Grenier asked about the timing of the hunt, and Mr. Huber stated they

follow the Game Commission rules. Mr. Kratzer stated the dates are

September 16, 2023 through November 24, 2023, and then it resumes

December 26, 2023 through January 27, 2024. Mr. Kratzer stated most of

the properties that BOWMA hunts are Monday through Saturday only,

but there are two Sundays in November that are exceptions that are

permissible under State law and Game Commission regulations. He stated

as it relates to the Five Mile Woods, hunting is there Tuesday, Wednesday,

and Thursday only. There is no hunting on Thanksgiving. He stated that

facility is a little bit different from the other facilities as it is closed during

the periods of the hunt, but is open the other days – Monday, Friday,

Saturday, and Sunday.

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Mr. Kratzer stated the other limiting factor is that they are required to have tags,

and the organization can only obtain a certain number of tags. Mr. Huber

stated each hunter is only allowed to get six antlerless tags. He stated they are

limited to the tags they possess versus being able to harvest an animal and then

replace the tag with another tag. Mr. Huber stated this year they have just

under 100 tags. Mr. Grenier stated that once they use the 100 tags, they are

done; and Mr. Huber agreed. Mr. Kratzer stated they hunt in Upper Makefield

as well, and Mr. Huber agreed that number of tags is for both Upper and Lower

Makefield. Mr. Grenier asked if they use up all of their tags, would they let the

residents know that the hunt is done; and Mr. Huber stated that would be up to

the Township, but they could discuss that with the Township.

Mr. Grenier stated it was indicated that they typically shoot from 20 to 30 yards

at most; and Mr. Huber agreed since they are very much aware of the impact

it could have if you wound an animal and it wanders onto someone else’s

property, and they want to be close in so that does not happen. He stated

if that would happen, they would seek permission to go onto the property;

but if permission were denied, they would go through the Game Commission.

Mr. Grenier asked if we have any information on the estimated deer

population in Lower Makefield and is there is any data on the effectiveness

of the program on culling the deer population in Lower Makefield. Mr. Huber

stated in the past there have been biologists who have looked into the

deer population and indicated it was much more per acre than what it could

actually sustain. He stated he understands that the number of deer collisions

have reduced over the years. Chief Coluzzi stated the only way to gauge the

effectiveness of the hunt is the through deer population counts as well as

the incidents of dead deer on the highway and auto versus deer incidents.

He stated they keep statistics on the auto accidents with deer and where

they occur. He stated in 2019 there were 123 incidents of deer found dead

on the highway; and while it was obvious that they were hit by a vehicle,

there was no vehicle there to do an Accident Report. He stated the other

category is where Accident Reports are actually taken, and in 2019 there

were 28 of those. He stated in 2022 there were 62 incidents and 15

accidents so it went down dramatically. He stated to date in 2023, there

were 41 incidents and 12 accidents.

Mr. Grenier asked what is done with the deer harvested. Mr. Huber stated

as noted earlier it is a requirement of their organization to donate the first

deer harvested by each hunter to Hunters Sharing the Harvest which goes

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to a food bank. He stated some hunters will donate more than their first deer.

Mr. Huber stated he personally processes the deer and feeds his family all year

long and shares with family and friends, and most of the hunters do that as well.

Mr. McCartney asked Mr. Huber how many tags the group had last year, but

Mr. Huber was not sure. Mr. Huber stated some hunters were more successful

than others, and they may have started out with 6 tags, but they harvested 12

to 13 deer. He stated other hunters were not as successful and did not use all

of their tags. Mr. McCartney asked how many deer were taken last year; and

Mr. Kratzer stated there were 89 deer taken last year, and 40 of those were

from Lower Makefield, 41 in Upper Makefield, and 8 in Newtown.

Mr. McCartney asked if there is an area where they are most successful; and

Mr. Huber stated it varies from year to year as they migrate. Mr. Huber stated

they have been active at some of these properties since 2009, so the deer

move out sometimes into other neighborhoods.

Mr. Lewis asked if they hunt in Solebury; and Mr. Huber stated they do not

as Solebury was interested in much higher counts, and he believes that they

went in a different direction. He stated he believes they were considering

sharp-shooters the last time BOWMA talked to them, but he is not sure what

they did. He stated that they were looking to remove thousands of deer.

Mr. Lewis stated he has long been a supporter of the work that BOWMA

does, and their work makes a difference. He stated since they started in 2009,

there has never been an issue. He stated BOWMA’s requirements are very

stringent, and it has been a very successful program at no cost to the Town-

ship.

Mr. Grenier asked if it is known whether more deer are taken during the

beginning, the middle, or the end of the program. Mr. Huber stated he

does not have that information, but believes that they are more successful

in the beginning. He stated when the bucks are active chasing the does,

that can be a productive time as well.

Mr. Doug Marshall stated he is a Lower Makefield Township resident.

He stated he lives in Yardley Crest off of Big Oak, and there are deer there.

He asked how they determine what areas they are going to be hunting.

He also asked if any thought has been given to a fertility drug where the

doe are shot with a dart that would make them sterile. Mr. Huber stated

they hunt on Township properties as well as on private properties owned

by residents who allow them to hunt on their property provided they do

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not encroach on other neighbors. He stated there is a minimum size of the

property required, and a member of their Board does mapping and looks to see

if hunting is doable without causing any problems. Mr. Huber stated he cannot

speak to the question with regard to fertility.

Mr. Truelove noted Ordinance #141-11 – Hunting and Trapping which prohibits

hunting or trapping on Township-owned properties except to persons who are

authorized by the Township, (like BOWMA) to undertake and are actively

engaged in any actions, etc. related to deer management programs on land

owned, leased, or controlled by Lower Makefield Township. He stated as far as

the fertility question, when this program was started many years ago, that same

question was posed, and there were practical challenges with it. Mr. Grenier

stated it would be governed by the Pennsylvania Game Commission, and they

would set up a program if it made scientific sense to do something like that.

Mr. Lewis stated Farmland Preservation has people who lease the property for

farming, and as part of that they sometimes have tags for the farmer who is

leasing the property; and if they choose to, hunting can take place on Farmland

Preservation property, and BOWMA has tended to hunt on those properties

as well.

Mr. Mike Rossi, 390 Twig Lane, asked if they only do “straight over-the-counter

Permits,” and Mr. Huber agreed. Mr. Rossi asked if the Township could look

into “DMAP Permits” for over-population. He stated that could provide some

extra Permits for BOWMA to hunt. He stated he is a hunter, and he feels that

we are severely over-populated.

Mr. Jim Goldstein, Yardley Run, stated he is concerned that a child could be

struck by a stray arrow; and he would like to know what BOWMA’s plan is to

insure that immediate medical attention is given to the child. Mr. Huber

stated they would call 9-1-1; however, he added that would not happen by

anyone from BOWMA.

Mr. Grenier asked if there is any requirement for BOWMA members to have

CPR/First-Aid Certification or anything like that, and Mr. Huber stated there is

not currently. Mr. Grenier asked if BOWMA members wear “blaze orange or

anything like that,” and Mr. Huber stated they do not.

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Ms. June Farley stated she lives in Yardley Run at 1289 Fountain Road. Ms. Farley

stated she has a Petition that has been signed by residents. Mr. Grenier stated

the Petition can be read into the Record, and can be provided to the Township

Manager. Ms. Farley stated from her home she can see through the property

to be hunted, and it is a very small piece of land which is a concern for everyone

on her street.

Ms. Farley stated the Petition concerns the welfare of the community and the

ethical treatment of the wildlife. She stated she is advocating on behalf of 43

families who feel that the Yardley Run wooded area should be removed from

the hunt. She stated the Petition is signed by residents along the Yardley Run

Tract, residents from the development of Newtown Reserve, homes off of

Lindenhurst, and homes off of Twining, all of which surround the property.

She stated the community firmly believes that the deer hunt is a problem,

and their sense of safety and security are at risk given the proximity to their

homes. She stated she understands the legal ramification of 50 yards from

the dwelling; however, they are all very close in proximity. She stated the

piece of property involved is extremely narrow. She stated many residents

are concerned about stray injured deer, stray arrows, and the “possibility

of viewing this slaughter from their dens.” She stated most of the families

can view the woods via their dens, and in many homes can see right through

the wooded area. She stated concerns for the children are the highest

priority and one resident noted that children across Lindenhurst cross the

retention basin and enter the woods to reach the properties off of Lindenhurst,

but they were not notified of the hunt. Ms. Farley stated they are certain that

others were also not informed. Ms. Farley stated the residents strongly oppose

deer hunting in the area directly behind their homes.

Ms. Farley stated she was very surprised when she got notification two days

before the hunt. She stated she has been in Yardley Run for twenty years,

and has never received a notice. Ms. Farley stated she called the Township

and was emotional, and she was told that the Township had no obligation to

notify the residents since it is Township property. She stated she was advised

that there was notification as the woods were posted; however, Ms. Farley

stated while her dog runs into the woods every day, she does not walk into

the woods. Ms. Farley stated she was also told that they do not have to post

it at the edge of the woods. Mr. Farley asked that they remove the Yardley

Run wooded area from the properties to be utilized for hunting. She stated

they would suggest a more progressive approach to deer management as was

mentioned earlier.

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Ms. Farley provided the Petition and a map to the Township Manager this

evening.

Ms. Farley asked when BOWMA presents the Township with the hunting

areas, are they aware of all of the dimensions. Mr. Grenier stated it is

presented to our Township staff who have maps of all of the parcels, and

typically they go through them property-by-property. Ms. Farley noted on

a map a very narrow area. Ms. Farley asked if BOWMA presents to the

Township where they would like to hunt, and Mr. Kratzer stated they do

provide maps. He added that on that specific parcel, he believes that there

is an area that is off-limits. Ms. Farley stated she knows that there is a

recovery area.

Mr. Michael Ward, BOWMA, stated with regard to mapping and measure-

ments, is Ms. Farley asking about the narrowest width. Ms. Farley noted

an area which her neighbor had indicated where her deck is 10’ from the

wooded area. Ms. Farley stated they believe that this is too close to their

homes. Ms. Farley noted the recovery area on the map. She added that

the Game Commission indicated that if the deer were to run into their

yards, BOWMA would be trespassing. She stated the neighbors are

concerned that an injured deer could run into their yard. She asked if

BOWMA gives the dimensions to the Township for the hunting area.

Mr. Ward stated there is something that they can provide as it has been

provided in the past. He stated if there is a tract of land that the Township

has questions about, they could provide that.

Mr. Grenier stated typically BOWMA will discuss a parcel, and the Towns-

ship staff will review it and make a recommendation to the Board of

Supervisors as to whether or not it should be included. Ms. Farley asked

if it has dimensions on it. Mr. Grenier stated not every parcel is a square,

and portions of parcels may be off-limits because of the fifty-yard require-

ment as that is a State law. Mr. Grenier stated from looking at the map

Ms. Farley is showing, he believes a portion of the property would be

off-limits; however, if they were to shoot a deer in the wider portion

that would run south to the lower portion, they would not leave it there

if it were struggling, but they would not be actively hunting there from a

tree stand; and Mr. Huber agreed.

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Ms. Farley stated her neighbor is a hunter, and he advised her that there is a

tree stand at a location she showed on the map. Ms. Farley asked if the Town-

ship provides money to BOWMA, and Mr. Grenier stated they do not. She asked

if there have been hunts on this parcel in the past, and Mr. Huber stated this is

their first time here. Ms. Farley asked if anyone from BOWMA or any organiza-

tion has hunted illegally here, and Mr. Farley stated he would not know.

Mr. Grenier stated it appears that Ms. Farley has a number of questions written

down, and he suggested that she e-mail those to the Township so that we can

look into those and provide the correct answers; and Ms. Farley agreed to do so.

Mr. McCartney asked what made BOWMA identify this property as a parcel to

hunt, and Mr. Huber stated they are always looking for new properties as some

of the properties get “tired,” and they hope to increase the harvest by getting

new properties. Mr. Kratzer stated he is new to the Township, but he was told

that this property was hunted in the past by BOWMA, and there was a period

of time when it was not; and the request to resume hunting on this property

came from BOWMA this year.

Mr. McCartney stated while he is in favor of what BOWMA is doing, he feels

that at this point this parcel should just be eliminated from the hunt. Mr. Huber

stated a majority of their Board is present this evening, and he agreed BOWMA

would be fine with removing this parcel from the hunt.. While a Motion was

not required, Mr. Truelove suggested that the parcel be identified for the

Record. Mr. Lewis stated it is Parcel #20-004-172 owned by Lower Makefield

Township, and it is 19.84 acres.

Mr. Grenier asked if there is a compelling reason for this property to be

hunted by anyone and if there have been any complaints about deer, and

Mr. Kratzer stated there were not to his knowledge. Mr. Lewis stated while

BOWMA has agreed to remove this parcel, we are not too far from another

parcel which is hunted; and the deer are probably going into this parcel

near Yardley Run. He stated everyone should realize that other species

suffer when the deer are more invasive. He stated we are not killing deer

because it is something we want to do, but we do not want them to

become invasive and have a negative effect on the entire eco-system.

He stated there is also the accident data which is significant and there is

also the issue of Lyme Disease. He stated these are things that the Board

balances when making decisions; and we want to consider health, safety,

and welfare. He stated he understands it is unseemly that a deer may die

in a field close to where someone may live, and that is the choice of living

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in this particular area. He stated he would not be so supportive of the Program

if he did not feel that they were making a difference. He stated he is okay with

the sense of the Board and BOWMA’s willingness to work with us as they have

been a tremendous partner over the years.

Ms. Bonnie Rattigan, 15 Claire Drive, stated she would challenge everything

Mr. Lewis just said as he does not live here. She stated there are 15 deer

there, and that is not an overabundance of deer. She stated she can see

her neighbors’ houses from her house. She stated her dog looks like a “deer,”

and her dog is out there without a leash. She noted a number of residences

do not have fences, although she does. She stated the deer do not only run

in the hunting grounds. She appreciates BOWMA backing down from hunting

here. She stated all of the animals are very healthy. She stated she has lived

here for six years and has only seen one deer die which she believes was

because they were fighting. She stated she has also seen one dead deer

along the road in this area.

Mr. McCartney stated BOWMA has agreed that they will not hunt this

property.

Mr. Rob Ottenheimer, 1309 Fountain Road, stated he has lived there since 1989.

He stated we were “blind-sided,” and he believes that letters would never have

come out from the Township had the Township not received a Registered, Certified

letter and e-mail from Dr. Eingorn’s son, an attorney, asking what the Township

was doing “because now the Township has all this liability.” Mr. Ottenheimer

stated even though Mr. Lewis believes we should be hunting in this area, the area

is very small, and he does not want to have to have this conversation again next

year. He stated there is no access. He stated the deer are in the back yards and not

in the road. He noted all the wildlife he has seen in the area. He stated “we have

been shepherding this land, which is Township property, since 1989.” He stated

two hunters have shown up over the last twenty years saying they had permission,

were challenged, and they did not have permission from anyone.

Mr. Ottenheimer stated it is very important that the Board make it so that there

is no hunting in perpetuity unless the residents change their minds. He noted

the orange dots on the map who are people who represented themselves on

the Petition saying “no hunt on my property or contiguous to my property.”

He noted his property is where the blue dot is on the map, and he stated the

only other access is off of Lindenhurst Road. He stated BOWMA’s original

map where they had the “recovery, etc. and the Township notes going back

said three years ago they illegally hunted this.” Mr. Ottenheimer asked if “Jim”

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was present from BOWMA, and it was noted he was not. Mr. Ottenheimer

stated “Jim” had made mention that when he became President he had realized

that they did not have permission to be in there “except that one of our

residents supposedly let them in.” Mr. Ottenheimer stated there was illegal

hunting, and it is in the Township meeting notes. He stated it was “really

disgusting to get this letter.” He stated he appreciates what BOWMA is doing

“backing it out.” He stated he wants to make sure that they are on Record

backing it out in perpetuity unless there becomes a problem. Mr. Ottenheimer

stated they have seen only four fawns this year. He left the map that correlates

with the Petition with Chief Coluzzi.

Mr. Kratzer stated notices sent out by the Township had nothing to do with

any correspondence that was received by the Township, and the Township’s

practice has been to notify people. Mr. Oppenheimer stated “they only had

four days.” Mr. Kratzer stated the letters associated with this parcel went

out no different from the timing of any other letters that went out.

Mr. Ottenheimer stated he is pleased to know that the Township is letting

us know things. He added the distance that there was a question about is

70 yards from the nearest point.

Ms. Pam Ottenheimer, 1309 Fountain Road, stated she is one of the oldest

residents in Yardley Run. She stated while much of what she was going to say

has already been said, it was not mentioned that it was originally going to be

92 days of hunting. She stated the letter was sent four days from when it was

going to begin “on the eve of Rosh Hashana.” She stated according to a meeting

held on April 23, the Deer Management Proposal was signed and approved at

that time, but they did not receive the notice until four days before the hunt

which she does not feel was timely. She stated she feels if it were sent earlier,

they could have gotten together to see if everyone wanted this. She stated she

read Minutes from May 19, 2021 and Mr. Blundi, Mr. Grenier, and Mr. Ferguson

had discussed that before a property is chosen residents have a chance to make

comments. She stated that would be appreciated if they are considering a

property in the future.

Mr. Grenier stated he feels that when we put an Agenda together in the

spring we should list the properties; and that way it would be part of the

Public Notice. Mr. Kratzer stated he would consider any modifications in

terms of Notice adding that the practice that was done this year was

consistent with past practice over the course of the past fourteen years.

Mr. McCartney thanked BOWMA for conceding on this.

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Ms. Mary Cherepko, 32 Maplevale, stated they also hunt behind their homes;

and in 2010 the “same thing happened to them.” She stated they were not told

either when it first happened other than four days ahead of time. She stated

she had “one of the guys come up to her and told her that they were hunting

behind her house and pulling deer through her property.” Ms. Cherepko advised

them that was not going to happen. She stated she went to her neighbors and

also did a Petition and also had NBC News with them about what was going on.

She stated she does “not understand how the changes have happened from

2010 to 2023.” She stated they are telling everybody that it is 50 yards from

the property line. She stated she has a letter from the Supervisors saying

that they changed it to 100 yards from their property line – not 50. She stated

“plus through the Township, totally different people, said the hunt was also

shortened from September to the end of November and not December, and

January, and Sunday.” She stated she does not know when that started.

Ms. Cherepko stated with regard to the posting some years the signs were not

put up, and the residents had to call and ask the Township to put the signs up.

She stated not all the signs right now are up along the property of Maplevale

because there are some people that have no signs posted behind their houses.

Ms. Cherepko stated most of the residents do not have fences as the Board

knows since they have been to their houses because of the floods. She stated

she does not know when or why these changes occurred.

Ms. Cherepko stated years ago they also asked for data, and that still has not

been done. She asked if there have been any accidents on Maplevale and

Taylorsville with deer. She stated they have also asked how many deer has

this impacted and the population of the deer, but they have never seen

anything.

Ms. Cherepko stated when she left her home this evening, it was dark;

and they are supposed to be hunting between dawn and dusk, but

there “were still guys out there at night.” She stated the residents have

seen them leave at night. She stated there is also only supposed to be

one hunter behind their house, and they have “caught two of your guys

behind our house,” and more than one truck being parked on Taylorsville.

She stated where the Township cleared along the stream, some of the

neighbors are concerned because “there is now a nice trail for the hunters

to get back there and also these clearings/circles that were made which

she questions.” She stated the end of the stream going into the Canal has

not been cleaned out.

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Ms. Cherepka stated what is being said tonight “is really not true.” She stated

the residents have called the Township for problems although it was a different

Township Manager at that time, and it was not Mr. Kratzer. She stated they

have also sent e-mails about problems including that there was more than one

hunter back there. She stated the response they would get back was that it

was going to be looked into. Ms. Cherepka stated we still have the hunt

because “we made the compromise, but the compromise has changed over

the years.” She stated she could get a Petition going again too as they “do not

want them back there.” She stated originally there was 22 acres, but since

the second bridge was put up, there is less acreage. She stated she is from a

family of hunters, “and she knows exactly what goes on, but to us this is not

hunting, and it is more a slaughtering and a massacre. She stated it is babies

and does and not just bucks.”

Ms. Cherepka stated she wants to know why these changes occurred since

the residents were never notified. She stated they are there longer, and

they have seen more than one hunter, and they are staying there late at

night when it is dark out. She stated it is supposed to be 100 yards as that

is what was in the letter which she can provide to the Township.

Mr. McCartney stated he assumes that if they shot a deer, they may be

tracking it late, and they would not actually be hunting. Ms. Cherepka

stated “they see them leaving with nothing.” Mr. McCartney stated they

could track and still not come out with a deer. Ms. Cherepka stated “we

know what is back there, and we do see them.”

Ms. Cherepka asked if they have data as to how many deer they have taken

out from that area, and Mr. Huber stated he feels they can come up with

that since they collect that data annually. She stated they have been asking

for how many were taken out of the Maplevale tract. Mr. Grenier stated

moving forward he feels everyone would like to see data by parcel. Mr. Ward

stated they have that data, and it gets submitted in a bi-weekly report to the

Township.

Mr. Grenier stated he would also like to know when the residents’ inter-

actions with the hunters occurred so there is an understanding of whether

that was recently or years ago. He stated there may have been some “bad

actors,” and they would like to know if that has been corrected. Mr. Huber

stated BOWMA are not the only hunters that go in there, and what has

been discussed does not sound like something one of their hunters would

do. Mr. Grenier asked what happens if a hunter does something they are

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not supposed to do, and Mr. Huber stated there is a disciplinary process. He stated

depending on the severity, they could be put on probation or removed from the

program. Mr. Grenier stated if anyone has an issue with any hunter going in there,

they should contact the Township; and if the Township is not responsive, they

should contact one of the Supervisors by e-mail.

Mr. Huber stated this was the first year that BOWMA did the posting since

usually a Township-employee does this, and they may not have done what

the Township did in the past. He stated they tried to put them up where they

saw postings in the past. Mr. Grenier stated he feels they should “over-post.”

Mr. Grenier stated he understands the concerns of the residents, but he also

understands what it means to have an over-population of deer and what that

does to the environment. He stated there is a Township Ordinance about the

distance, and he does not believe 100’ yards is in that Ordinance; and

Mr. Truelove agreed that it is not. Mr. Grenier stated there may be Ordinance

changes necessary to insure process and to make sure that notification to

nearby residents is codified. He stated he also feels we should come up with

a more standardized approach to posting. He stated if there is anything

missing with the process, it should be fixed with feedback from everybody

involved.

Mr. McCartney asked if the Park & Ride would also be part of the Maplevale

area, and Mr. Ward agreed. Mr. McCartney stated it seems that 4 of the 40

deer taken came from the Park & Ride from September 17 to February 4.

Mr. Kratzer stated that was from data that was provided by BOWMA at the

beginning of this year relative to last year’s hunt.

Mr. Huber stated with regard to the number of hunters, he felt that they could

have two hunters but only one vehicle. Mr. Grenier stated he feels that

between the Township and BOWMA we need to clarify that number to

make sure that it is clear what is permitted. Mr. Huber stated parking was

restricted to across the street, and they did not want two vehicles there

to block access. Mr. Kratzer asked if there was a limit as to the number

of occupants in the one vehicle. Mr. Huber stated he felt it could be two

people in one vehicle, but he will look into that. Mr. Grenier stated for

the safety of the hunter or anyone going into the field, you typically want

two people so that they can look out for each other; but you would not

want them covering a lot of space. Mr. Huber stated the parcel can

easily handle two hunters. Mr. Grenier stated he feels that there is room

for improvement across the board.

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Ms. Susie Taylor stated she has been a resident of Yardley Run for twenty years.

She thanked the Board for their service to the community. She stated she under-

stands that hunting is a cost-effective strategy to control the deer population,

but she does not want to see or hear it. She stated she opposes the BOWMA

proposal to hunt on the very narrow tract of land that borders several neigh-

borhoods off of Lindenhurst Road including the Yardley Run development.

Ms. Taylor stated for many of the residents there is a level of fear, anxiety, and

sadness that came along with the letter and notification that there would be

hunting in their back yards. She stated the fear is based on the reality that

accidents happen. She stated there is no shoulder on the stretch of Twining

Road where the Sterling Farm property is. She stated passing through the

woods is the safest and fastest option for children traveling between Yardley

Run and the neighborhoods on the other side of the woods. She stated

while she understands that there are warning signs, she is glad that they

“are realizing that there is a great deficit in that,” since she looked for the

signs today and did not find them. She stated the reality is that children today

do not look forward because they are looking down at their phones, and they

would not see any of those signs anyway. She stated she feels that on such

a narrow strip of land, it is more likely that accidents will happen.

Ms. Taylor stated her anxiety has to do with the realization that it would have

been very likely over the course of the 85-day hunt that while on her couch

looking out her window, she would see an injured deer “stumble onto her

property with an arrow sticking out of its body clearly suffering and in agony.”

She stated witnessing this from “the confines of her home is absolutely

unimaginable.” She stated while some may not care, to her and her family

witnessing such “suffering and torture caused by an intentional human act

would be traumatic, and something she would expect her children to have a

very difficult time forgetting.” She stated as a parent she expects her home to

be a safe place where she can protect her children from witnessing “such

profound trauma.”

Ms. Taylor stated her sadness comes from knowing how the children from the

immediate area regularly use that open space and realizing it would no longer

be available to them. She stated between when the soccer season ends and

the baseball season begins, the open space becomes a place where children

gather to explore and play after school and on the weekend. She stated because

the land is so narrow, once the leaves fall, you can see through to the other

side, and she can see her children in the woods. She stated once the leaves

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fall, that space transforms from the woods to an open playground. She also

noted that Boy Scouts are in this area to clean up litter that has been “dumped”

or collects along the banks of the small stream that runs through the property.

She stated we are “blessed to live in a community where kids can unplug from

their devices, go outside their front door, and be exposed to the beauty and

mystery of nature, and it makes her terribly sad to think that kids would not

have the opportunity to do any of this for such an extended period of time.”

Ms. Taylor stated as elected officials the Board is charged with using their

judgment to make decisions based on what is best for the residents you

serve. She stated she is glad to know that the Board has listened to them

and appreciates how having approved this property to hunt would have

impacted not just the adults but the children as well.

Ms. Taylor stated she appreciates their thoughtfulness about the signs.

She stated she backs up to that space and walks her dogs along it, and

there were no signs. She stated perhaps there could be a discussion

about how this could be communicated with a generation of younger kids

as they are not looking for signs, and she stated there “may be an App,

or something else, or through the Schools so that the Township can

communicate with them.”

Mr. Truelove stated the Board and Mr. Kratzer have indicated that there

will be a review of the notification process.

ENGINEER’S REPORT

Tabling Pay Application #4 for the Woodside Road Multi-Use Trail Project in the

Amount of $112,231.07

Mr. DeFiore stated this Pay Application is for work completed so far on the

trail, and this will catch up the contractor on payment due for work completed.

Mr. McCartney stated he will make a Motion just for the purpose of discussion,

and Mr. Lewis stated he will second the Motion just for the purpose of discussion

Mr. McCartney moved and Mr. Lewis seconded to consider Pay Application #4

for the Woodside Road Multi-Use Trail Project in the amount of $112,231.07.

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Mr. Grenier stated the Board has concerns with this particular Pay Application

because of the current state of the bike path. He stated there are parts of the

bike path that are failing. He stated there are also some issues with seeding,

utility poles being moved, issues with stormwater inlets, and issues with regard

to the installation and current upkeep of the erosion and sediment control best

management practices. He stated this is why the Board has reservations about

moving forward with the Pay Application given the outstanding items. He asked

if we have to move forward with this before we make some improvements that

need to be made.

Mr. DeFiore stated they agree with the concerns of the Board; and members

from his office met with the contractor for a site walk, and they have identified

the items Mr. Grenier mentioned which are to be completed. He stated there

is a new punch list, and they are working with the contractor. Mr. DeFiore

stated what is being considered tonight is not the final payment, and there

is still approximately $55,000 left. Mr. DeFiore stated approximately $98,000

of this pay-out is for the asphalt that was installed, and his office agrees that

these items for which they are seeking payment are complete.

Mr. DeFiore stated there are areas of erosion near the basin, and the

contractor is providing information as to how to remedy the erosion.

He stated there is also silt sock remaining on site which will be removed

soon. Mr. DeFiore stated the areas that need vegetation will be seeded

and fresh sock will be installed for those areas, but the majority of the silt

sock that is along the project can be removed since it is no longer needed

and is in disrepair. He stated the items for payment have been fairly

completed by the contractor. He stated he believes they have not been

paid since March of this year, and this will catch them up on the three

Pay Applications that have been sent to the Township.

Mr. Grenier asked for the areas that are failing or having issues including

along the basin where pavement has fallen off, some sloughing of soils,

and issues with some inlets, can we make a determination as to whether

it was the contractor not doing what they were supposed to do or if there

was a design deficiency. Mr. Kratzer stated he does not know if we definitely

know that. He stated his understanding is that the Township engineer

has inspected the work that he is recommending payment for, and he

assumes that the items that are in this Pay Application are not items of

concern. He stated he expects that there will be ongoing conversations;

and from the contractor’s perspective, he assumes that there are going

to be Change Orders. He stated once those Change Orders materialize,

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there will be discussion as to whether it is a design deficiency and if this was

required because there was a deviation from standard. He stated he has been

clear with the Township engineer that our project savings do not necessarily

become available for addressing some of these other issues.

Mr. Grenier stated it was indicated that $98,000 was for asphalt, and he asked

Mr. DeFiore if that number is more representative of the work that has been

completed than the $112,000. Mr. Grenier asked if there is a number that is

less questionable and more representative of the work that was completed

correctly that has been successful and does not need additional work.

Mr. DeFiore stated the $98,000 was his summary of the quantity item for the

completed asphalt paving. He stated the majority of the trail is intact, and he

agrees with the pay-out items. He stated he also agrees that there are items

to be completed and addressed. He stated he supports the Payment, but there

is also a need to have the punch list items to be addressed.

Mr. Grenier asked what is the $14,000 difference between the $98,000 and

the $112,000. Mr. DeFiore stated $5,700 is for the crosswalk striping.

He stated there is also relocating traffic signs and mailboxes; and they

have done five which is $2,000. He stated it was $550 for the stop bars.

There is also topsoil, seeding, and straw mulch which is $7,600. Mr. DeFiore

stated we are not paying out the 2% retainage which has been subtracted.

Mr. Grenier asked the amount left if we move forward with the $112,000;

and Mr. Kratzer stated it is $54,990.17 that is not being recommended for

payment plus the retainage.

Mr. Grenier asked Mr. Kratzer if the Township staff has a recommendation

on this, and Mr. Krater stated they defer to their professional engineers who

are inspecting the work.

Mr. McCartney asked Mr. DeFiore if the punch list items that have been

identified as remaining will render the full trail usable or unstable. Mr. DeFiore

stated we still need to re-locate the utility poles and complete the crossing at

Taylorsville. Mr. McCartney asked if the remaining punch list items pose a

health and safety concerns for residents who are trying to use the bike path.

Mr. DeFiore stated one of the items that is still to be added is that they are

going to place a barrier at the end of the trail near Taylorsville to help warn

anyone on the trail they should not be there. He stated there was a sign, but

the contractor moved the sign to block the one end of the trail further west

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on Woodside. He stated we are going to need to put a barrier at the east side

near Taylorsville. He stated there are some safety items that are to be completed

that are a part of the punch list.

Mr. McCartney asked for a timeframe as to when the utility poles will be

removed. He also asked if there is going to be a Change Order to re-surface

the areas where the utility poles were. Mr. DeFiore stated with regard to the

timeline for the utility poles, we are in the process of addressing the utility’s

comment that they would like them all in one line. He stated when they met

with them out in the field, there was discussion about moving poles a certain

distance. He stated to keep them all in line, it would be user-friendly for the

utility, and they are currently discussing that. He stated there needs to be a

review of the right-of-way and the distances and clearances. He stated they

also need to see if there are any other Easements required. Mr. DeFiore stated

there may be areas of the path that will have to change to be in coordination

with the utility poles and to shift the path to have the clearances needed and

to make things work.

Mr. McCartney asked what was the advantage of installing the bike path

with the utility poles in the middle of the path. Mr. DeFiore stated in hind-

sight it appears that the poles should have been moved first.

Mr. Grenier stated he feels that if we cannot open the trail, it does not seem

that it is complete from a contractor’s perspective to the point that we can

pay them for something. Mr. Grenier stated he understands that they have

done work, but it is “not work that we can use.” Mr. DeFiore stated part of

the trail can be used, but part of the trail is set to be closed.

Mr. Grenier asked if there is any legal obligation for the Board to pay this

now since we all have “these hesitations.” Mr. Truelove stated he would

have to check the MPC, but there are timeframes depending on when the

contractor submitted it. Mr. DeFiore stated he believes the last time they

were paid was in March. Mr. Kratzer stated he had been pushing off the

Payment Applications until we got some resolution on some of these

issues. Mr. Kratzer stated while the Board can push off the Payment

Application, they may get a claim from the contractor for untimely pay-

ment because some of these issues are likely not as a result of contractor-

performance, and they are probably a result of design deficiencies

although he cannot say that definitively at this point. Mr. DeFiore stated

one of their Payment Applications was made May 8, 2023, and that is

the earliest of the three that were submitted.

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Mr. Grenier stated there is documentation from RVE that is a Payment Certificate

on RVE’s letterhead; but the Board does not have the original invoices from the

contractor with dates, which is why he is asking these questions.

Mr. McCartney asked Mr. DeFiore if the contractor came to him with any kind of

issues with the design that was preventing him from completing the project, and

he specifically noted the telephone poles. Mr. McCartney stated he is wondering

if the contractor would have a claim against the engineering firm that came up

with the design that told him to pave a bike path with telephone poles in the

middle of it. Mr. DeFiore stated the contractor has voiced to him that some of

the items yet to be completed are pending pricing, and they have voiced their

request for payment.

Mr. Grenier asked if the contractor made any field change requests or issued any

“RFIs” during the construction process identifying any issues which they felt

should be addressed before moving forward; and Mr. DeFiore stated he could

follow-up with the full background tomorrow, but it is his understanding that

where there were items where the contractor had questions, RVE supplied

answers. He stated with regard to the utility poles, he does not know whose

call that was or about the direction to proceed as he was not a part of that.

Mr. Truelove stated there could be a Motion to Table at this time if the Board

agrees.

Mr. Lewis moved to Table and consider at a later time on the condition that we

receive a comprehensive updated Plan and timeline for remediation of items and

affirmation as to when the utility will fix the poles prior to that.

Mr. Lewis stated we understand that this is not ideal from the perspective of the

contractor.

Mr. McCartney seconded the Motion to Table and the Motion carried

unanimously.

Project Updates

It was noted that the Board received the full Engineer’s report in their packet.

Mr. Grenier asked for an update on the deficiency work notice that was submitted

for the pickleball courts. Mr. DeFiore stated he will look into the status of that.

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MANAGER’S REPORT

7/15/23 Flash Flood Response Update

Mr. Kratzer stated the restoration work at 18 Maplevale and 20 Maplevale has

largely been completed as well as repair to the bank of the Delaware Canal.

Some landscape restoration in the two back yards remains to be completed.

He stated there is no update from PEMA or FEMA regarding any determination

regarding public or individual assistance. He stated with regard to vegetation

management along the unnamed tributary which has been a topic of conversa-

tion, the Township continues to clear that out in order to try to gain access to

the stream. He stated ultimately that is necessary for evaluating the need for

sediment removal within the stream channel, etc.

Mr. Kratzer stated at the last meeting the Board authorized the engagement

of LandStudies, an environmental consulting firm from Lititz, to perform a

conditions assessment along the entire stretch of the same unnamed tributary

to look for opportunities to address upstream conditions. He stated as part of

the scope of work LandStudies and the Township will be holding a community

listening/information-gathering session on October 11 at 6:30 p.m. at the

Lower Makefield Township Community Center on Oxford Valley Road, and we

will provide notice on the Township Website, via our social media channels,

and through Listserv that is maintained internally. Mr. Grenier asked if we have

the ability to have a virtual meeting as well at the Community Center, and

Mr. Kratzer stated he will have to look into the capacity to do that at the

Community Center, but he believes that we can try to do that. Mr. Kratzer

stated the Project Kick-Off meeting was held with LandStudies, and they

are contemplating that their work will be done by November/December of

2023, and there will be a host of recommendations likely coming out of that.

Mr. Kratzer stated there is a pre-Application meeting scheduled with the

Pennsylvania Department of Environmental Protection and the U.S. Army

Corps of Engineers scheduled for October 12 to discuss Permitting require-

ments and process for additional sediment from that same unnamed

tributary. He stated RVE is coordinating that, and LandStudies will be

participating in that session as well. Mr. Grenier asked if it is for any

specific stretch of stream, and Mr. Kratzer stated it is on the two parcels

of Township-owned land that Mr. McCartney had previously requested.

He stated it would be Prospect Farm and the area on the east side of

Taylorsville Road adjacent to the Park & Ride.

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Mr. Kratzer stated the Township engineer is finalizing designs for the previously-

contemplated Phase 2 for Maplevale, and they are looking at the scope of work

and trying to determine its sufficiency and seeing if there are opportunities for

expansion of that scope of work.

Mr. DeFiore stated with regard to the stream clean-out Phase 2 gravel bar

removal, they have been in constant contact with DEP and their recommenda-

tion was to have a Pre-Application meeting; and that has been scheduled.

He stated we are trying to avoid a full Army Corps of Engineers approval in

terms of limiting the time required for Permitting. He stated they want to

see what is permissible to avoid a full Army Corps approval. He stated they

will be involved regardless, and DEP stressed that there should be a Pre-

Application meeting which is set for October 12. He stated we are also in

coordination with one of the reviewers and have been discussing requirements.

He stated in this way, we will have a good handle on the design before going

into the meeting. He stated they are doing as much as they can to push that

along and get that stage complete. He stated October 12 was the soonest they

had since September was booked.

Mr. Grenier stated the reason the stream had not been cleaned out yet was

because of this meeting coming up. He stated we are hoping to get a General

Permit so that we can clean out stretches of the stream; however, there are

Conditions with that Permit that limit you to certain linear footage across the

entire length of the stream before you have to go to a Joint Permit Application

or Individual Permit that includes an Army Corps review. He stated General

Permits are usually a two-month review, and Individual Permits can be over

six months. He stated that is why we are having the meeting.

Mr. DeFiore stated they are doing everything they can do, and trying to do

what can be done fast anything that is permitted. He stated they understand

the urgency, and they want to get more capacity in the streams, and this is

the best route to see what can be done fast.

Mr. Kratzer stated we do continue the work of clearing vegetation, and he

asked Mr. Fuller to speak to what has been done and what is remaining to

be done. Mr. Fuller stated since the last update on Wednesday, the crews

were only there about a half day on Thursday as Friday there were equipment

failures with the boom tractor, Monday it rained, Tuesday it was too wet, and

today there were manpower shortages. He stated they did get the backhoe

in there last Thursday, and they removed some stumps and logs from the

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stream channel that they were able to access. He stated the goal now is to start

boom mowing the vegetative banks of the stream and uncover more vegetative

and wooded blockages.

Mr. Grenier asked if there has been any response from DCNR on pipe issues, and

Mr. Kratzer stated there has been no response from DCNR. He stated he will

follow up on this again. Mr. Grenier stated he feels at this point we should look

at alternative paths. He stated we know that there is another older pipe nearby,

and that may also require replacement at some point, and that may be an

opportunity to upsize when replacing and try to address the issue without having

to get DCNR to sign-off on a second pipe. Mr. Kratzer stated he and Mr. Fuller

have discussed that. He added that to the extent that we would be upsizing the

diameter, they are still going to want some information in terms of downstream

impact. He stated he is not sure that path will avoid some of the H and H study

discussions. He stated we are hopeful that DCNR will respond to us so that we

can have some ability to understand where the target is.

Mr. Grenier stated because they have not provided us any guidance about what

studies they want, it may be worthwhile to do the design, submit the Application,

and “prove that it is good.” Mr. Kratzer stated that is an approach that could be

taken.

Mr. Grenier stated Senator Santarsiero had his annual PennDOT drive-around

Bucks County which included Bucks County’s “transportation folks,” and

Representative Warren was also there. Mr. Grenier stated he believes that

the only location they came to in Lower Makefield was the stream off of

Taylorsville to see exactly what happened. Mr. Grenier stated he, Mr. Fuller,

and Mr. Kratzer, and Mr. Majewski were there and “gave them the whole

story and said that we have to do something.” Mr. Grenier stated they talked

about different options in terms of things that could be done quickly to

procure materials that they may have and things that could be done long-term

working with them. Mr. Grenier stated we also brought up the concept about

using a sidewalk as a means to have stormwater management on Taylorsville

because it is a State road. Mr. Grenier stated while they did not make any

true commitment, they did agree to work with the Township moving forward.

He stated we are trying to push PennDOT to be an active partner in this since

he feels a big part of the impervious area in this watershed is PennDOT roads –

Taylorsville and Dolington that were built a long time ago and have an impact

on our stormwater management as does 295. Mr. Grenier stated if we put in

for “some approval, we expect them to not sit on it and work together.”

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Mr. Grenier stated a lot of the work that has been done to the stream vegetation-

wise including the tree that came down recently across Taylorsville, is all PennDOT

right-of-way that the Township has addressed; and he feels we should look at

submitting a bill to PennDOT since we spent a lot of money addressing these

items and many of them are in the PennDOT right-of-way that the Township is

taking care of.

Mr. Lewis stated Mr. Fuller and his team took care of the fallen tree within an

hour. Mr. Grenier stated the Police Department, Code Enforcement, and Public

Works were all there very quickly with the tree company. Mr. Grenier stated

the tree fell near the off-ramp from 295 to Taylorsville heading south and it was

crossing a lane of traffic. He stated the Township staff responded very quickly.

He stated thankfully no one was injured, and he thanked everyone for their

quick response.

Mr. Kratzer stated we received an updated schedule from RVE yesterday that

was posted today. He stated hopefully it is more readable than the previous

document.

Mr. Greg Luzeckyj, 18 Maplevale, stated he appreciates the briefing, and he

thanked the Township for the work that was done to get his “land back to

looking like some form of a back yard.” He stated a possible alternative was

offered if we are not able to get a second pipe, and he asked why that was not

brought up six weeks ago, and why has someone not been acting on that as

not just an alternate plan, but an additional plan. He stated a lot of good work

has been done; but from his perspective, with the work that has been done,

he is no better than where he was in July. He stated he took “a loss that he will

never get back so he is still behind.” He stated while they may have done some

work in cleaning out streams which is good, he asked if there is a maintenance

plan for that; and if they do is it documented as he would like to see it.

He stated he understands that they will clean it out now, and it will be better

to some degree, but he still feels that we still need “that additional top level

overview of the whole water channel problem through the Township that

ends up at us.” He stated it is not just one stream. He stated if it is cleaned

out now, someone has to be conscious to look at it and be maintaining it.

Mr. Luzeckyj asked how they are going to fix the problem, because he does

not think they have yet. He agreed they have “helped it a little.” He stated

he still thinks that we have a water run-off problem, and until that is

addressed, he is still vulnerable. He stated he does not want to replace a

fleet of cars again or have his floors re-done. He stated he worries when

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he hears the words “long-term solutions, as we do not have long-term.”

He stated they are already saying it will go into next year, and he does not feel

that is “action; and it is inadequate action in his opinion for what we are talking

about.” He stated it is not just property as peoples’ lives could be at stake.

He stated he knows that if his family had been home, they would have been at

the storm drains. He stated he wants to make sure the urgency is there, and he

would like to see the schedule “with what they think they have.” He stated he

would suggest that their schedule needs “to be moved in a lot to the left – not

right; and if they are going to delay meetings, someone needs to sit on them.”

He stated that is how stuff gets done. He stated there is a real problem, and it

has to get done fast. He stated he wants to see the “real update with getting it

fixed.

Mr. Grenier stated there is a multi-prong approach. He stated with regard to the

immediate phase, he hopes that by the next meeting we will have an updated

design for Phase 2. Mr. Kratzer asked Mr. DiFiore if he can advise when we will

see a revised design. Mr. DeFiore stated they understands the urgency and

recognize the problem. He stated with regard to the Phase 2 design, they have

expanded the scope and are trying to think what makes the most sense to try to

prevent flooding. He stated their goal is to have a plan by the next Board

meeting, and they are open to any input. He stated they are looking at what

they feel is practical and will help as soon as possible.

Mr. Grenier stated he understands that by the next Board meeting we should

see a Plan for Maplevale 2 to review; and if there is something available earlier,

that they could look at it as part of the Flood Update Meeting. Mr. Grenier

stated the next “immediate, in-the-ground item will be the work that is closer

to Highland and the culvert off of Taylorsville.” Mr. Grenier stated when we talk

about the “big picture,” that is the meeting with LandStudies looking at the whole

watershed and looking at different projects that could go on to address this

throughout the watershed and getting feedback from the residents. He stated

that is “bigger-picture, long-term stuff.” He stated the immediate phase is Phase 2.

He stated the replacement of the existing older pipe that is between 18 Maplevale

and 16 Maplevale is something he feels that we should move on if that is the will

of the Board and the recommendation of the staff and the engineer; and he feels

we should look at that sooner rather than later to see what we might be able to

execute in a timely manner that could work. Mr. Kratzer stated that would make

sense.

Mr. Grenier stated the stream clearing can happen fast if we can get the Permit

fast. He stated with regard to a Maintenance Plan, he feels there are two pieces

one being a basic Maintenance Plan for the stream that our Public Works

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Department handles similar to what they have done adding that maintaining

the stream depending on what is being done may require Permits; and we

would have to “do that every two years or whatever to get in there and clean

stuff out depending on how long it takes for sediment to accumulate.”

He stated he also feels that this will be discussed with LandStudies and what

their recommendations are in addition to projects and approaches for a long-

term approach to the entire watershed and other streams and other watersheds

that might come up. Mr. Grenier stated he had mentioned the sidewalk issue

to allow for stormwater management on Taylorsville, and that is a very costly

project; and while we could use our engineers to design it since that part is not

that costly, it would be the actual construction of it that would be costly, and

there are Grants available for that. He stated we have had discussions with

PennDOT and preliminary discussions with the Department of Community

and Economic Development (DCEC) about funding for that. He stated that

would not be immediate, but we are hoping to get that done relatively

quickly if we can get in the Grant program.

Mr. Luzeckyj stated he gets concerned when he hears the term “long-term

used because you do not know what that means.” Mr. Grenier stated “in

his mind he does.” Mr. Luzeckyj stated to him it means that it is not

happening until there is a Plan on paper and they agree to move forward.

He stated they are already moving into next year so he is worried. He stated

the reason he mentioned the Maintenance Plan is because if we do not have

something like that, “that is the start of forgetting us all over again.”

Mr. Luzeckyj stated Mr. Grenier had stated “it was costly, but costly is

trying to keep a home that you built over thirty years working and it has

been ripped out from underneath your feet, and he is sitting at meetings

asking for some help in a timely fashion, and right now it is two months’

later; and while he might have some form of a back yard again, he still

does not feel comfortable and happy.”

Mr. Luzeckyj asked if the Township has considered raising their houses as

an option. He stated the Township may want to think about it because he

is thinking about it. He stated “this was not through any fault of his own.”

Mr. Lewis stated our Public Works team does have recurring Maintenance

Plans for a lot of the infrastructure that they manage including stormwater

basin plans as to when they mow and what is done to those structures.

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A number of people including Mr. Richard Adams began calling out from the

audience, and Mr. Grenier stated that they are trying to have a meeting where

everyone has a say in a polite manner. He stated they need the Board and the

public to be able to speak in a professional way and so that those watching from

home are able to hear what is being said; and if people are shouting out from

the audience, it cannot be heard and it does not get on the Record.

Mr. Lewis stated Mr. Fuller is preparing his Budget for next year, and he will be

calculating what the plans are, how to do the maintenance, and how that

effects how he structures his team.

Mr. Grenier stated the Budget process is starting now, and there have already

been internal meetings. He stated he himself has been vocal over the last three

to four years about the need for infrastructure being number one in the Budget

versus other projects, although he voted against the last three Budgets. He stated

he is hopeful that this year the Budget takes a turn toward infrastructure improve-

ments and “fundamental things,” and stormwater is a huge part of that. He stated

this would include drainage and streams. He urged everyone to review the Budget

items and watch the Special Budget meetings. He stated he hopes that there is a

lot of support for more spending on infrastructure and less on other things that

we might be able to put off.

Mr. McCartney asked Mr. Luzeckyj about his comment regarding raising his house,

and Mr. Luzeckyj stated he feels this “is the kind of stuff that the Township should

be looking at for options to protect them, and he is not asking for anything for

free.” He stated this is the “kind of stuff that should be looked at when you put

together your global plan to keep water away from us.” Mr. McCartney stated one

of the options would be demolition of some of the existing homes in order to make

the neighborhood safer.” Mr. Luzeckyj stated he was not talking about demolition,

he “just said pick it up.” Mr. McCartney stated he now understands that

Mr. Luzeckyj was talking about raising it and getting it out of the waterway,

not “razing it,” and Mr. Luzeckyj agreed. Mr. McCartney stated an option that

was discussed previously was that it could come to a situation of eminent domain

where there is no other option but to buy the property. He stated if they are to

look at all the options, there are multiple options when it comes to the existing

structures and one of them is to raise it, and one of them is to demolish it.

Mr. Luzeckyj stated he agrees but that “would be extreme.” He stated he was

referring to elevating his home.

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Mr. Grenier stated if there are people who are interested in elevating their

homes, Mr. Majewski can address the FEMA program and how that can be

done. Mr. Grenier stated he feels it would be helpful to provide something to

residents who are interested in that option as to what that process would

be depending on different scenarios.

Mr. Luzeckyj stated he would not be interested in paying for that. He stated

this was through no fault of his own, and they were there for thirty years;

but after “four times and now they are losing real estate, you guys broke

something bad and you cannot ignore it anymore.”

Mr. Majewski stated we just received an e-mail from PEMA (Pennsylvania

Emergency Management Agencies) last week notifying us that although the

Federal Government currently has some of their programs on hold, they still

want to keep to their standard timeline that they have done in the past for

Municipalities to put in a Letter of Intent if they are interested in the Flood

Mitigation Assistance Program. He stated that Program will fund elevation

of homes, acquisition, and demolition of homes at the request of the home-

owners. He stated this is not something that the Township is compelling

anyone to do, and the homeowner would have to voluntarily want to do it.

He stated one of the things we want to talk to PEMA about is at what level

they will be funding these programs. Mr. Majewski stated depending on the

nature of the house and where it is as far as damages that FEMA has recorded,

the cost that is covered by the Grant is anywhere from 75% up to 100%.

He stated those numbers would have to be finalized.

Mr. Majewski stated Maplevale is a unique situation in that the properties are

not in a designated floodplain so we would need to discuss that with PEMA.

He stated the Township needs to submit to PEMA the Letter of Intent to file

an Application for assistance by October 18. He stated while we do not need

to go too in-depth with the homeowners, we want to explain as much detail

as possible as to what can be done and how the process works. Mr. Majewski

stated if anyone is interested, they can contact him. He stated he also wants

to try to get someone from PEMA to meet with everyone because there are a

“lot of moving parts.” He stated the Program has not opened up yet because

the Federal Government put it on hold, but PEMA is still trying to push it

forward on the same timeline to try to get people to submit their Letter of

Intent by mid-October and put a Grant in by the end of the year.

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Mr. Grenier stated that is less than a month, and he is not sure getting people

together who may be interested in less than a month’s time could be done in a

meaningful way. Mr. Grenier asked how much detail needs to be put in the

Letter of Intent. Mr. Majewski stated the Letter of Intent does not need to be

very detailed, and they just want to know how many Applications they could

be expecting from a local Municipality so they can figure out their workload.

He stated when the actual Applications get submitted that is a substantial

amount of work. He added the Letter of Intent does not obligate anyone;

and if you change your mind, it is not an issue. He stated it is just basically

a placeholder as to the number of potential Applications which could be

coming into PEMA which would ultimately have to be reviewed by FEMA.

Mr. Grenier asked if it would be the homeowners putting in the Applications

and not the Township, and Mr. Majewski stated the Applications come from

the Township. He added that FEMA has the Fund, and they give money to

PEMA if the Grant Applications are accepted based on the Applications

filed by the Township on behalf of the homeowner. Mr. Majewski stated

the only slight difference in this case is that the Maplevale homes are not

in a designated floodplain as the stream was not studied by FEMA so there

is no floodplain established, and he is not sure exactly how it would be

determined how high to raise the house. He stated they may go to historic

high levels and then go a couple of feet above that, and this is something

that he wants to talk to PEMA about. He stated PEMA could then talk to the

homeowners directly individually or in small groups. Mr. Grenier asked if

there is a Condition within the Program that says it has to be in a floodplain,

and Mr. Majewski stated he does not believe so. Mr. Grenier asked if there

is any reason not to submit a letter, and Mr. McCartney stated at this point

it is determining how many homeowners might be interested in this.

Mr. Kratzer stated we just received the letter last week. Mr. Majewski will

contact PEMA, and we should have more information at the first meeting in

October. Mr. Grenier asked if we were to indicate that there were six home-

owners that might want to put in for this Program, and ultimately there were

two, three, or ten that applied, does it matter. Mr. Majewski stated they

would not like the Township to indicate that they intend to submit two and

then put in ten. Mr. Majewski stated he feels we should discuss with the

homeowners how the process works, the timeframes, and the costs involved

to see if they think they want to move forward with this. Mr. Grenier stated

we may find that there are people interested in this during the October 11

meeting, and he asked if that could be put on that Agenda since that would

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be a week before the Letter of Intent is due. He stated in the meantime, we

could spread the word that there may be this option. Mr. Kratzer stated they

could do that. Mr. McCartney stated even if we do not get a response, he

feels we could submit the letter with a number; and if we have to we could

back down from that, and at least we would not have missed the deadline.

Mr. Majewski stated it is not a hard and fast deadline because the Federal

Government has not even authorized the Program yet. He stated in past years

it was authorized at the end of September with the October 18 deadline to get

a Letter of Intent in so that PEMA could line up how many people they need to

process the Applications that would be due to them by the middle of November

so that they can submit to FEMA by early January. He stated there is a lot of

work involved for the Township and for the Government agencies.

Mr. Grenier stated the next meeting of the Board of Supervisors is October 4,

and the “Town Hall” meeting is October 11. He stated the deadline would

be October 18 which is the date of the Board’s second meeting in October.

He asked if we should put this on the Board’s next Agenda, and Mr. Truelove

recommended that it be put on the next Agenda and word it in some way

that it is conditioned upon further information being received at the

October 11 meeting so that there is some flexibility. Mr. Majewski asked if

they are saying that it should be put on the Agenda for the Board to authorize

putting in the Letter of Intent, and Mr. Grenier agreed. Mr. Majewski stated

in the past we have not done that in the Township, since it is non-binding;

and it is just people saying that they are interested. He stated the Board of

Supervisors would have to authorize it if we went ahead and submitted a

Grant Application. Mr. Grenier stated he feels that if it is on the Agenda,

people will attend the meeting to discuss it, and we will have a feel for how

many homeowners might want to do it. He stated more feedback may also

be received at the meeting on October 11.

Mr. Luzeckyj stated he feels razing a house is very “invasive, and that

should not be the answer to this problem.” He stated it is an “extreme

option and he does not really want it,” but it is something to consider.

He stated the real option is that they have to get the water away from us,

and that is where the Township should focus and expend their energy now.

He stated the razing/demolition of a house is an option, “but no one wants

any of that, and they should get the water away from us.”

Mr. Grenier stated the Township has done “a ton of work on behalf of PennDOT,”

since a lot of this area is driven by PennDOT’s impervious area and PennDOT

right-of-way not being maintained by PennDOT; and the Township has done it

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for them. He asked if we have a clear understanding of where the stream and

surrounding vegetation, etc. are that are PennDOT’s responsibility versus the

Township’s responsibility so “we can get on their case.” Mr. Majewski stated

they will have to look into that. Mr. Grenier stated we need to do that because

the Township has probably spent “a half million dollars doing things in the last

few months; and from what he has seen happen, a lot of that is due to PennDOT

maintenance that has not occurred within the PennDOT right-of-way, and the

Township just did it for them.” Mr. Grenier stated when they came to visit the

area last week we reminded them of that, and we can continue to do that as

part of this whole process.

Ms. Nicole Mumme, 36 Maplevale, thanked the Police for getting out to the

area when the tree fell. She asked with regard to Phase 2 of Maplevale,

would part of that be considering putting a full grate back at the bottom of

Highland. Mr. Grenier stated he discussed this with the Township engineer a

few days ago, and the engineering team is looking at all options including

larger inlets on either side and widening the culvert to get more volume space

underneath. He stated we should see this by the next meeting. Ms. Mumme

stated it was there, and then it was gone. She stated it might be something

that would catch the water coming down before it even comes across the

street. Mr. Grenier stated the issue with that is once the stream is full, it would

just go across anyway; and from a volume perspective, there may not be much

of a benefit because there is only a little bit of space there. He stated they are

running the numbers to see if that would do anything.

Mr. DeFiore stated they have looked at that, and currently the approach they

are taking is adding more inlets along Highland and connecting to the upstream

inlets at well. He stated there appears to be an 18” pipe that runs down the

swale, and what they are looking at is upsizing the connection pipe; and at this

point they are looking at adding two pairs of inlets which would help increase

the capture area and lessen the burden on the lower inlets where the trench

drain was as well as increasing the capacity of the outlets. He stated they are

looking at two pipes to the maximum size they are allowed through a General

Permit to increase capacity to the stream. He stated they are also addressing

the stream issue with the wooded debris and the eventual gravel bank removal.

He stated also as part of Phase 2 they are checking the capacity of the culverts.

He stated there is the culvert that is under Highland and another one under a

driveway. He stated they are open to any other recommendations and options.

Mr. Grenier asked how often we clean out the pipes in the Hillwood Terrace

neighborhood. He stated during the Leaf Program huge piles of leaves can

be seen piled over the inlets in those neighborhoods. He stated he feels

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there is a lot of debris in those pipes which is lessening capacity which results

in more flow in the street than into the inlets and the pipes. Mr. Fuller stated

the Township does not currently have a stormwater pipe maintenance plan in

place where every two years every pipe is being flushed. He stated there are

problem inlets that are known that collect debris and sediment, and the

crews know that they need habitual maintenance because it is either a low

box or at the bottom of a hill. He stated there are also residents who know

of their own problem boxes who call Public Works to remind them about a

box. Mr. Fuller stated they do go out to the problem ones that they know

about on a regular basis as needed, but there is no plan in place for constant

jetting of pipes. Mr. Grenier asked about televising; and Mr. Fuller stated there

is no televising plan in place, but this will be addressed in the Budget.

Ms. Mumme stated she believes that there is a pamphlet from the Township

that leaves are supposed to be kept on the curb in peoples’ yards, but people

do not do that. She asked if there a way to regulate or fine them. She stated

she walks in the neighborhood and tries to clear leaves out of the inlets.

Mr. Grenier stated the issue is enforcement versus education, and how many

resources we can put toward enforcement when there are other issues.

He stated not only do leaves in the street impact the storm drains, but you

also lose a lane of traffic in a neighborhood where there are no sidewalks.

Mr. Fuller stated when they know a large storm is coming, crews do go out

and check the problem/low-lying areas where they know there is habitual

flooding. He stated they try to notify the residents about not putting leaves

in the street, and they will put out as much public information as possible.

He stated residents are encouraged to tarp the leaves to stop them from

blowing in the street, and the crews will move the tarp back when they are

collecting the leaves, and will leave the tarp on the lawn. Mr. Fuller stated

leaves should also not be around objects such as mailboxes so that the trucks

do not hit them.

Mr. Grenier stated we can also post on our neighborhood Facebook pages

reminding our neighbors not to put the leaves in the street as it has a

negative impact. Mr. Grenier stated he mows his leaves and does not put

them out.

Ms. Mumme asked if there are Minutes from the Flash Flood meetings

since it is easier to read the Minutes than to watch the videos, and

Mr. Kratzer stated there are no Minutes for those meetings.

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Ms. Mumme asked with regard to the LandStudies meeting will the Township

be putting out a flyer notifying those in the area about the meeting or is it just

through the Township Website and social media. She stated there are people

who do not follow social media. Mr. Kratzer stated while they could look into

that, it is a very expansive area; and at this point they are just considering

public announcements, social media channels, Listserv, etc.

Ms. Mumme stated at the bottom of Highland on the Township side, there is

someone who maintains a little bit of the grass, but there is a large portion

that no one maintains. Mr. Grenier stated most of that is PennDOT right-of-

way. Ms. Mumme asked who they should notify when it is overgrown, and

Mr. Fuller stated it is PennDOT’s responsibility. He noted another area on

the north side of Highland which is PennDOT’s responsibility, but the Town-

ship and/or the Joint Toll Bridge Commission have mowed that. He stated

with regard to the parcel that Ms. Mumme is referring to if the crew is there

and sees that it is very overgrown, they will mow it; but it is not the Township’s

responsibility.

Ms. April Bollwager-Cloer, 20 Maplevale, asked about the grate on the corner

of Maplevale and Taylorsville where there is a large plank over top. Mr. Fuller

asked Mr. DeFiore about the re-design for that box. Mr. DeFiore stated they

are currently working on it to find a better design to make that work.

Ms. Cloer stated it is supposed to rain this weekend, and she cannot stress

enough how hard this has been on the families in the neighborhood who

are concerned every time it rains. She stated they are very frustrated at this

point although they appreciate the work that was done to stabilize their land.

She stated there has been no discussion about “replacing our property that

sat on top of your Easement that collapsed.” She stated this included a shed,

a play area, a patio and patio furniture that was “sucked down when the land

collapsed.” She asked what is happening to the things that they could not find

including her son’s play house. She stated there has been no talk about what

is going to be done to replace that. She stated they were told to call the United

Way, but they are only open 9 to 5 and not on weekends. She stated she works

full-time. She stated she has done what she can to keep in touch with her

neighbors and the Township and “have random people show up at her house

whenever they want and show up with equipment and walk into the yards and

never knock on the doors.” She stated the Township needs “to think of them

as human beings who live on these properties.” She stated they have stress,

anxiety, sadness, and fear every time it rains. She stated she does appreciate

all the work that Mr. Fuller and his crew have done, but she wants them to

know this is not over for the neighbors; and they are in no better position than

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they were before other than their land will probably not collapse next time; but

there is nothing to make them feel that they will not flood again. She stated she

has still not put floors in. She stated when they flooded two years ago her down-

stairs was done in less than two months because she was not scared. She stated

this time she has not painted or put floors down.

Ms. Cloer asked that they be advised when the grate at the corner of the street

will be fixed. She asked that is be done sooner rather than later. She stated

she knows they are working hard on this. It was noted that the grate being

referred to is the one on the north side. Mr. Fuller stated that was the one

that was high, and 6” was installed, paved, and then subsequently failed about

a week and a half later due to truck and School bus traffic. He stated there

was a crack and the grate fell off and a steel plate was put on for safety.

Mr. Grenier stated there can then be no inflow there. Mr. Grenier asked when

it failed, and Mr. Fuller stated it was in the last few weeks. Mr. Fuller stated a

re-design needs to happen because if an 8” riser is put on, the inlet would be

high; and it would be just like it was during the flood when no water got into it.

He stated it was lowered so that water could get to it, but it has since failed.

Mr. Grenier asked if any Permitting will be needed, and Mr. Fuller stated it will

not. Mr. Fuller stated RVE is completing the design, and then the work can be

done.

Mr. McCartney asked if we could do an emergency removal of the steel plate

during the rain event this weekend. Mr. Fuller stated that would severely

limit the traffic at the intersection; and it would basically be one-way in and

one-way out. Mr. McCartney asked that the plate be removed just for the

weekend.

Mr. Michael McPeak, 24 Maplevale, stated he feels they could lift the

plate on top of a “parking stop 6” and the water would run underneath

it.” He stated you would still need safety barriers so that cars do not run

into it and damage it.

Mr. McPeak stated this weekend the rain will be the heaviest rain we have

had since the storm. He stated it is also on a weekend and not a week day.

He asked if there is a schedule for maintenance to go by and look at how

well the work that has been done is faring during the rain. He stated a lot

of debris was cleared out of the stream, and the water will flow; but he also

feels that there is a lot of loose material now that was not moving before

that will move now because there is a clean-out; and he does not know

what the effect will be.

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Mr. McPeak stated they were told that that there were things that the Township

was not allowed to do. He stated we wanted the State to widen under Taylors-

ville, but they said no; and he asked if the Township will do it recognizing that

it would have to be done with Township funds. Mr. Grenier asked Mr. McPeak

if he is referring to the culvert that runs across Taylorsville close to the off-ramp

of the bridge, and Mr. McPeak agreed. Mr. McPeak stated there was an early

conversation about making it wider or deeper, but PennDOT indicated that they

would not do it. He asked if the Township could put in a parallel culvert to

take off some of the extra water or could something else be done. He stated

we were also told that we could not dredge the creek, but he asked if we

could put berms around it to increase the volume of the creek. Mr. Grenier

stated anything within 50’ of the top bank of a stream is State-regulated.

Mr. McPeak asked if it could be 55’, and Mr. Grenier stated you would then

be in the road “or in the middle of someone’s house.” Mr. McPeak stated

that is true for some of it as the stream, but there are areas where we could

do it.

Mr. McPeak stated on the south side someone suggested a retention basin,

and they are discussing studies. He asked if anything can be done in the

meantime. He stated there is a bike trail that “goes up and down; and if it

were raised to be level, that would keep more water in there and more

water could be diverted into that field.” He stated while it is not a retention

basin, it would still be a place for the water to go.

Mr. McPeak stated he felt that the double pipe was a great idea, adding the

same amount of water is going to go to the Canal sooner or later. He stated

without breaking the laws, “he feels we could skirt them and do fixes that

will help alleviate the problem.” He stated that may be part of the engineering

report; and Mr. Grenier stated some of that may be part of the engineering

report, and he feels a lot of it will be part of what LandStudies is doing since a

lot of what Mr. McPeak is talking about is “bigger-picture, watershed stuff.”

He stated he feels a lot of the issue is catching water further upstream before

it gets down to the bottom. Mr. McPeak stated while he agrees, some of the

bigger-picture items are not going to be able to be done in two week or two

months; and it could be two years before they are done. He stated temporary

fixes that can be done in a shorter time period would be a big help for the

water and for the peace of mind of the residents.

Mr. DeFiore stated his goal for the pre-Application meeting with the Army

Corps is to see what is available to increase the capacity of the stream

which he feels will be a great help. He stated when it over-tops, that seems

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to be a major issue. He stated with regard to the stream, that is already planned

to be discussed. Mr. Grenier stated it was found out that PennDOT relocated the

stream in the 1960s when they built the bridge for 95. He stated they relocated

the stream and made it “into more of a roadside ditch in some instances on the

west side of Taylorsville.” He stated they relocated where it crosses Taylorsville

further north from where it naturally would have been. He stated they then put

in the concrete embankment “where it almost does a 90 degree through the

culvert and then goes into the Township property.” Mr. Grenier stated when

they did that it seems that they built berms between the Skinner’s house and

the south side of Highland to keep the stream more within its banks and tried

to channelize it along Taylorsville further north and then underneath Taylorsville

which is their road. Mr. Grenier stated we do not currently have the natural

stream channel; and he is curious as to what ideas the Corps and DEP may

have because of the historic channelization that PennDOT has done to the

stream to “see how much wiggle room they have with the regs to make it a

little less than 90 degrees where it runs into something, jumps the banks, and

goes into Maplevale, which he feels is a big part of the issue.” Mr. DeFiore

stated they will discuss that at the pre-Application meeting since they want to

do anything they can to increase the capacity.

Mr. DeFiore stated with regard to the additional pipe into the Canal, when

they had he phone call with DEP and DCNR, his argument was that the water

was going to get there anyway, and they were not increasing impervious.

He stated they are trying to get their approval and see what they are going

to require.

Mr. Richard Adams stated he lives in Lower Makefield Township, and he asked

Mr. Fuller if he is going to have a full crew working in the creek Thursday and

Friday knowing that Saturday and Sunday there will be a storm. Mr. Fuller

stated they are going to address the inlet box first. Mr. Adams stated he did

not ask about that. He asked Mr. Fuller if he will have a full crew of men

working in the stream. Mr. Fuller stated if the men are available, they will

be working. Mr. Adams asked if they will be working in the stream and not

somewhere else in the Township. Mr. Fuller stated they are going to first

take care of the inlet box to make sure that is available for flow. He stated

one of the workers that works in the stream is not available as he has a

CDL test tomorrow. He stated if the other workers have completed their

tasks from today, they will get into the stream. Mr. Adams asked why it

is not known if their tasks are done since it is 11:00 p.m.

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Mr. McCartney asked Mr. Adams to direct his questions to the Board and not to

Mr. Fuller individually, and Mr. Fuller can answer the Board.

Mr. Adams stated it is now 57 days and 9 ½ week since Saturday, July 15, and

as of today no proposed plans have been provided to the public to even suggest

how an engineered solution to prevent excessive creek water from spilling over

to Taylorsville Road. He stated we have a right to know how the future plans

will correct the problem. He asked what are the plans to prevent the creek

water from backing up onto Taylorsville Road through the stormwater catch

basins, grates, and inlets. He asked “if anybody is really trying to put a stop to

the water coming out of the creek onto Taylorsville Road and then going

everywhere into Maplevale.” Mr. McCartney stated efforts are being made by

the Township.

Mr. Kratzer stated during the Senator’s Road Tour, that was one of the items

they were stressing with regard to PennDOT; and it was communicated that

they were going to install backflow preventors at some of the inlets that

Mr. Adams is referencing. Mr. Kratzer stated while we understand the urgency,

we need cooperation too. He stated Mr. Adams is talking about PennDOT

infrastructure that needs to be addressed in some way to address the issues

he is referring to. Mr. Adams asked if we are getting any cooperation from

them and have they done any plans yet. Mr. Kratzer stated we continue to

put pressure on them, and he does not know what more we can do as a single

Municipality out of 2,500 putting pressure on the Commonwealth. Mr. Adams

stated his Right-To-Know to PennDOT has not been returned, and it is near the

30 days.

Mr. Adams asked when elevations are going to be established so there can be

a solution to diverting the road water other than into the creek on the west

side of Taylorsville Road. He stated he has asked for someone to go out there

with transits. He stated he understands that there are no existing plans as to

what are the different elevations so that the engineers can come up with

some ideas. He stated until you find all of the different elevations, he does

not feel they can work up something that PennDOT would agree with and

which could be presented to the people most affected by this. He asked if

anyone has made arrangements to go out there with transits and establish

elevations. Mr. Kratzer stated if he is referring to a retrofit to historic develop-

ment, no one has done that at this point.

Mr. Adams stated he is asking how they could intelligently put together a

proposal of what they are going to do to put a stop to the water overflowing

onto Taylorsville Road and into Maplevale.

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Mr. Grenier stated we have executed a Contract with LandStudies to start the

process. Mr. Grenier stated Mr. Adams is focusing on the tail end of the stream

after everything is already down there. He stated when you only look at putting

a basin at the very end of the stream, it has no impact, and when you only look

at certain sections of the very bottom of the stream, there is very little

effective impact. Mr. Grenier stated the way to fix the problem is to address

the bigger picture which is the entire watershed so that we can see where

water is going and manage it accordingly. Mr. Grenier stated we can do other

things like clean the stream like we have been doing and put more inlets in;

but if PennDOT, DCNR, and DEP do not agree with us, we can look for “work-

arounds.” Mr. Grenier stated we are going to keep pushing. Mr. Grenier

stated he appreciates those who have written letters to DCNR and DEP.

He stated we also need to push PennDOT, and we have been sending letters

to our State Senator and State Representatives, who continue to be involved.

Mr. Grenier stated he is “frustrated that PennDOT has not done anything and

DCNR has given us the cold shoulder on the pipe.” He stated we all need to

push in the same direction so that we can get this done.

Mr. Adams stated everybody that pays taxes in this Township should be

irate about the catch basin on Maplevale Drive south entrance. He stated

he would like to see “the prints of what the contractor was told to set that

catch basin up so high that water could not go in it.” He stated then we

lowered it, and now we are going to have another contractor come out

there and make the corrections. He asked why we have to pay three times

for something to be done correctly. Mr. Grenier stated he too is “irate.”

He stated we had talked about the Woodside Road bike path. Mr. Adams

asked who approves blueprints they are put out – “nobody.” Mr. Grenier

stated we do approve plans, and an engineer has to review them and

sign and seal them and that is what goes out with the Bids. He stated as

he discussed with the Woodside Road bike path, there are issues with the

bike path failing. Mr. Adams stated “he does not care about the bike path.”

Mr. Grenier stated he is using that as an example because it is the same

thing. He stated something was not done correctly, and we need to get

to the root cause so it can be fixed and not happen again. Mr. Adams

stated the specifications must not have been written correctly.

Mr. Grenier stated it is usually either that “or the contractor messed

something up,” and we need to figure out what happened.

Mr. Adams stated he has a copy of the request for money sent in on

December 21, 2022 for the Hillwood Terrace Highland Drive bridge.

He stated it is “single applicant ID 9518089 and single applicant ID

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202212213638.” He stated he sent in a “request to know,” and he got it back at

3:30 this afternoon that “request to correct the problems of Hillwood Terrace

/Highland Drive bridge has not been approved.” He stated “he has had the

eleven pages for quite a few days now, and has read through it; and if he was

a person in Harrisburg sitting at a desk and that was the next one to look over

and approve, there are so many errors and red flags in there, he would just

take the request and put it on the bottom of the pile and go to the next one.”

He asked “if anyone reads these things before they send them off for money.”

He stated the total cost of the construction is $173,637; however, if you go to

the next page you are asking for a Grant of $500,000. He stated “that looks

like a red flag.” He stated you only need $173,000, but you asking for $500,000,

and there is “nowhere that even suggests what you are going to use the other

money for or why you asking for it, or what the need is.” He stated he “cannot

believe that this Government is so disorganized.”

Mr. Adams stated with regard to the Hillwood Terrace Development Impervious

Surface Water Management Study, he was led to believe that there never was

one; and it was before that was required. He stated now is the time to do one,

but they “keep telling him about the organization out in Lancaster County,” and

he asked if a Contract has been let with them to do an “Impervious Water Study

of Hillwood Terrace.” Mr. Krater stated there has not. Mr. Adams stated it has

been 9 ½ weeks, and there need to be decisions. Mr. Kratzer stated Mr. Adams

is offering things as if they are definitive solutions; however, they need to be

evaluated. He stated there needs to be an overall evaluation first. Mr. Adams

stated we should sign a Contract with them. Mr. Kratzer stated we have a

Contract with them, but Mr. Adams is talking about a scope of work that is

very specific as if it is the definitive response to the issues that are being

experienced. Mr. Adams stated we need the information before they make

decisions.

Mr. Grenier asked Mr. Adams to complete his comments as has been

speaking for over ten minutes and the Board has other issues to deal with

tonight. He added that he shares Mr. Adams’ concerns. Mr. Adams stated

it has been “9 ½ week, 67 days, and we are doing nothing.”

Acknowledgement of 2024 Minimum Municipal Obligation for the Township Defined

Benefit Police and Non-Uniform Pension Plans and the Defined Contribution Plan

Mr. Kratzer stated consistent with Act 205 of 1984, there is a requirement for the

presentation of the Minimum Municipal Obligation for the subsequent year prior

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to the last business day in September. He stated the Board was provided in their

packets the respective MMOs for the Plan. He stated for the Police Plan the

MMO for 2024 is $1,034,695.00 which is down from $1,070,523.00 which was

the 2023 MMO. Mr. Kratzer stated the reason for that is because we had some

members of the Plan enter into the drop so as a result the annual payroll that

is subject to the calculations is less. Mr. Krater stated for the Non-Uniform

Pension Plan for 2024 the MMO is $400,253.00, and this is down as well.

He stated this is a Legacy Plan, and it is not available to new hires; and it is a

closed Plan with the existing members. He stated it is down from 2023 by

roughly $3,000. Mr. Kratzer stated the Non-Uniform Defined Contribution Plan

is a Plan where payroll is being added as new members are entering on the

Non-Uniform side. He stated the MMO is up in 2024, with the MMO being

$157,374, and it was a little over $118,000 in 2023.

Mr. Kratzer stated these have been calculated consistent with information

provided by the Plan actuary. He stated ultimately these will be incorporated

into the 2024 Budget.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried

to acknowledge receipt of the Plans as indicated by the Township Manager.

SOLICITOR’S REPORT

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m.

and items discussed involved litigation, personnel, Real Estate, and informational

items.

ZONING HEARING BOARD MATTERS

With regard to Appeal #Z-23-2016 Michael Meginniss for the property located at

0 Edgewood Road, Yardley, PA 19067, Tax Parcel #20-034-130 Variance requests

from Township Zoning Ordinance #200-21 to permit Lot 1 to have a net lot area of

8,889 square feet and Lot 2 to have a net lot area of 9,972 square feet where

12,500 square feet is otherwise required, Township Zoning Ordinance #200-22 to

permit a front yard setback of 70 feet where 80 feet is otherwise required, Town-

ship Zoning Ordinance #200-52.C(1)(a)[2][b] to permit a maximum density of 4.62

dwelling units per acre where 2.70 DU/AC of net building site area is otherwise

required, and Township Zoning Ordinance #200-61.C to not require the minimum

building setbacks to be measured from the limit of resource-protected lands in

order to subdivide the property into two lots and construct a single-family

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dwelling on each lot, Mr. Truelove stated this is an amendment from an earlier

Application. He stated when this was initially looked at participation at a

minimum was recommended. He stated the Applicant is listed as Michael

Meginniss who is actually the attorney for the Applicant. Mr. Truelove stated

following the initial presentation, he found that the Applicant is actually

Brian Brzezinski, who is a client of his firm through one of his partners; and if

the Board decides to participate or oppose the Application, outside counsel

will be needed to represent the Township in that process.

Mr. Lewis moved, Mr. McCartney seconded, and it was unanimously carried to

oppose Appeal #Z-23-2016.

With regard to Appeal #Z-23-2028 Richard Turchi for the property located at 0

Big Oak Road, Yardley, PA 19067, Tax Parcel #20-032-023-002 Variance request

from Township Zoning Ordinance #200-51.B.(6)(b) to permit protection of 27.6%

of woodlands from disturbance where 70% protection is otherwise required,

Mr. Truelove stated with regard to this Application, they recommend opposition.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to

oppose Appeal #Z-23-2028.

COMMUNITY DEVELOPMENT

Approve Extension of Time for the 1566 LLC Subdivision to October 15, 2023

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to

accept an Extension of time for the 1566 LLC Subdivision to October 15, 2023.

Approve Certificate of Appropriateness for 679 Stony Hill Road – Wells Fargo

Bank Signs

Mr. Majewski stated this is the Wells Fargo Bank near the McCaffrey’s, and

they are doing a re-branding of their signs. HARB recommended approval of

the Application as submitted.

Mr. Lewis moved and Mr. McCartney seconded to approve the Certificate of

Appropriateness for 679 Stony Hill Road – Wells Fargo Bank signs.

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Mr. Lewis stated the Bank may be a client of the company he works for, but the

amount is de minimus, and he does not use their services in any way.

Mr. Grenier asked if HARB voted on this at their last meeting, and Mr. Majewski

agreed. Mr. Grenier asked if they had a quorum, and Mr. Majewski stated they

did. Mr. Grenier stated they are a seven-member Board, and he understands

that one of their votes was two to one. Mr. Truelove stated HARB is an advisory

board, and you take it for the weight versus admissibility.

Motion carried unanimously.

Approve Certificate of Appropriateness for 930 Stony Hill Road – Prickett

Farmhouse Renovations

Mr. Lewis moved and Mr. McCartney seconded to approve the Certificate of

Appropriateness for 930 Stony Hill Road – Prickett Farmhouse Renovations.

Mr. Grenier stated there was a Condition that “they had to do something that

Mr. Heinz had asked for, and he did not see what Mr. Heinz had asked for.”

Mr. Majewski stated they have committed to doing what Mr. Heinz had asked

for. He stated he wanted to see the detail on the ramp that goes into the

building and also he wanted the color of the mortar that is going into the

joints; and it was a minor part of the Application. Mr. Grenier stated given

it is Prickett Preserve, he wants to make sure that “HARB is on board, and

that the Applicant is held to what they said they were going to do.”

Mr. Majewski stated the Applicant is agreeable to all of the Conditions.

Mr. Grenier stated HARB voted two to one in favor of this. Mr. Truelove

stated technically HARB does not even need to vote on this, but it is good

to have their input. Mr. Grenier stated it is part of the “Overlay Ordinance,

and we put in there about HARB.” Mr. Grenier asked that they check the

Overlay Ordinance to make sure that “we do not need a quorum vote;”

and Mr. Truelove stated he will look into this. Mr. Grenier asked if that

would preclude us from voting tonight, and Mr. Truelove stated he did not

believe so, and they could re-affirm it if they had to or rescind it with the

Condition that HARB have a full quorum to deal with this.

Motion carried unanimously.

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Approval of LMT 2023 Tree Planting Project Bid to Parkyn Landscape and

Hardscape LLC in the Amount of $65,909

Mr. McCartney moved and Mr. Lewis seconded to award the LMT 2023 Tree

Planting Project Bid to Parkyn Landscape and Hardscape LLC in the amount

of $65,909.

Mr. Grenier asked if this has any connection to what the Board voted on at the

last meeting, and Mr. Kratzer stated this is what was identified as the fall, 2023

planting. He stated there were residuals coming out of the prior Multi-Year

Tree Plan that the EAC and the Township ultimately adopted. He stated there

were two requests when the EAC came before the Board, one for updating the

Multi-Year Plan and the other related to a fall, 2023 tree planting at various

locations. Mr. Majewski stated he believes the locations are Memorial Park,

Caiola Fields, Fred Allan, and another location. Mr. Grenier thanked the EAC

for looking into this and working with the Park & Rec Department and others

to come up with a Plan that we can execute.

Motion carried unanimously.

SUPERVISORS’ REPORTS

Mr. Lewis stated Farmland Preservation met yesterday and reviewed buffers

and talked about a request for access to certain land which they rejected.

Mr. Grenier stated with regard to the Airport Review Board, he received a

letter from Senator Casey’s staff. He stated some members of the Airport

Review Board had asked Senator Casey’s staff for a follow-up letter to the

one that they had already provided the FAA, but they declined to do so.

He stated they also sent a letter that Mr. Santarsiero had written to DEP

to make sure that his office received information.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried

to direct the Township Manager to work in concert with the Trenton-Mercer

Airport Review Committee to draft a letter expressing LMT’s concerns with

PFAS at the Trenton-Mercer Airport and a request to get all updates on

upcoming Permits and Applications to New Jersey’s DEP/Shawn LaTourette.

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OTHER BUSINESS

Supervisor Liaison Assignments

Mr. Grenier stated with Dr. Weiss’ retirement and Mr. Coyle’s placement on the

Board, Dr. Weiss’ Liaison assignments were open; and Mr. Coyle will be handling

those assignments which include Planning, Park & Rec, Veterans, and HARB.

Motion Regarding Susan Circle Paving and Punch List Items

Mr. Lewis moved and Mr. McCartney seconded that the Township Manager issue

a Request for Proposals to solicit Bids to pave Susan Circle, complete all punch

list items, and to insure Code Compliance prior to Dedication to the Township

with specific Bid Alternate for project completion either in 2023 or 2024.

Mr. McCartney stated this does not assume we are permanently taking on this

expense, and Mr. Truelove stated the issue is to complete it for the residents.

He stated we are not obligated to do it, but recognizing public safety, health,

and welfare issues, the Township is taking this on and would be looking for

contribution from the responsible Parties.

Motion carried unanimously.

PUBLIC COMMENT

There was no one from the public wishing to speak at this time.

There being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully Submitted,

John B. Lewis, Secretary