TOWNSHIP OF LOWER MAKEFIELD

BOARD OF SUPERVISORS

MINUTES – OCTOBER 18, 2023

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

was held in the Municipal Building on October 18, 2023. Ms. Blundi called the meeting

to order at 7:35 p.m.

Those present:

Board of Supervisors: Suzanne Blundi, Acting Chair

 Daniel Grenier, Acting Vice Chair

 John B. Lewis, Secretary

 James McCartney, Treasurer

 Colin W. Coyle, Supervisor

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

 David Truelove, Township Solicitor

 Isaac Kessler, Township Engineer

 Kenneth Coluzzi, Chief of Police

 Derek Fuller, Public Works Director

 James Majewski, Community Development Director

COMMUNITY ANNOUNCEMENTS

Mr. Coyle stated the attacks in Israel on October 7 and the ensuing unrest in the

Middle East has had great impacts on our local community many of whom have

family and other ties to the region. He stated we share in the grief of all those

impacted in Lower Makefield. Residents looking for ways to help locally should

consider donating to any of our many local Synagogues, many of whom have

incurred significant increases in security costs in the intervening weeks.

He stated may the memory of all those who are lost be a blessing in both these

dark and in more peaceful times.

Ms. Blundi asked for a moment of silence for all those who have been impacted

over the last week and a half.

Ms. Blundi stated LMT’s Environmental Advisory Council is looking for people

to help them 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@gail.com.

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Ms. Blundi stated the Environmental Advisory Council will be hosting their

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

to noon at the Township Building.

Ms. Blundi stated Lower Makefield Township will be having probably our last

Blood Drive of this year for the Red Cross on Friday, November 3, 2023 from

12:00 p.m. to 5:00 p.m.

Ms. Blundi stated Lower Makefield is hosting their Third Annual “Race the Course

5K/10K” on Friday, November 3, 2023 at 4:30 p.m. at the Makefield Highlands

Golf Course. For more information or to register you can go to wwwruntheday.

com/register.

Ms. Blundi stated the Annual Veterans Parade and Ceremony will be celebrated

on November 4, 2023 with the Lower Makefield Veterans Committee. The Parade

will run along Edgewood Road from Whitehall Drive to Heacock Road and will

conclude with a Ceremony at Veterans Square. The Parade starts promptly at

1:00 p.m.

Ms. Blundi stated Lower Makefield Township and Yardley Borough will be hosting

an e-Waste Recycling Event on Saturday, November 11, 2023 from 9:00 a.m. to

12:00 p.m. at the Pool at LMT. Additional information can be found on the Town-

ship Website. She thanked the Township Manager for working on this event.

Mr. Coyle stated tonight is Recognition Night for PAA, the local baseball and

softball league; and he congratulated the various members, coaches, and staff of

the seven Championship Teams for the 2023 season.

There were no residents or anyone from any youth organizations wishing to make

an announcement at this time.

APPROVAL OF MINUTES FOR OCTOBER 4, 2023

Mr. Lewis moved and Mr. Grenier seconded to approve the Minutes of October 4,

2023 as written. Motion carried unanimously. Mr. McCartney was not available

for the vote.

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NATURAL LANDS SNIPES PROPERTY PRESENTATION

Ms. Kelsey Boyd, Stewardship Planning Program Manager at Natural Lands, was

present. She stated Natural Lands is an environmental non-profit based in south-

eastern Pennsylvania and southern New Jersey. Their mission is saving open

space, caring for nature, and connecting people with the outdoors. She stated

they work with Municipalities to help them better understand and manage their

open spaces.

Ms. Boyd stated the purpose of the assessment was to look at the current

condition of the existing natural resources at the Snipes property, which was

done through both site visits and looking at available data which included

mapping data and background information provided by the Township and the

Pennsylvania Natural Diversity Index Report. Ms. Boyd stated from the assess-

ment she worked to determine priorities of natural areas based on the current

ecological condition and their importance.

Ms. Boyd stated the Snipes property is a 35-acre property, and she showed

the location of the property in gray on a map. She stated it is off of 295.

She showed an aerial from 2018 which shows a lot of trees on the property

as well as shrubs, meadow areas, and a driveway coming through and making

a loop through the property to the salt barn. A photo from 1968 was shown

which shows that the area had been cleared for agriculture, and there was no

natural vegetation; and this shows that we would not expect to see old mature

trees or other plants on the property.

Ms. Boyd showed a map of the current vegetation on the site. She stated for

the site visits, she spent two days walking the entire property looking at the

individual plant species and grouped them into different types of plant

communities based on the cover type such as forest, meadow, wetlands, and

shrublands, and if it was wet or dry conditions. She stated she found five

different plant communities – conifer forests shown in dark brown, meadows

shown in the lighter yellow, mixed-hardwood forests, which cover the majority

of the property, shown in green, shrublands and woodlands in the center, and

wetlands.

Ms. Boyd stated the conifer forest is the most direct connection to the past as

a Christmas tree farm. She stated there are very few different types of native

plants in this area, and it is mostly the same type of conifer trees planted in

rows.

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Ms. Boyd stated native plants are plants which have historically been in this

area, pre-European colonization. She stated they have evolved here so that

they are in balance with other native plants and wildlife to form our eco-system.

She stated in contrast, we have exotic plants which have been introduced

either intentionally or unintentionally that do not have the same connection to

the history of the eco-systems and the land. Ms. Boyd stated within the exotic

species are also invasive species which are aggressive, exotic plants. She stated

they out-compete our native plants, and they can smother them, push them

out, and re-populate quickly so they have a tendency to take over an area.

She stated that is an issue because they provide poorer-quality habitat, and

our wildlife has not evolved with these plants, and they do not provide the

same food benefits.

Ms. Boyd stated the conifer forest does have some native trees in the canopy;

however, the understory is heavily-invaded by invasive plants. She stated

because the area was planted for Christmas trees, they are shading each other

out and are outgrowing what was the original intention, and they are dying off

as they shade each other out. She stated the invasive plants then move in further.

She stated this is not a good quality area on the property.

Ms. Boyd stated the meadows provide better quality habitat compared to

the conifer forest. She stated there are a few main areas of meadow, and the

central meadow is primarily native plants. The meadow to the east/the

southern end is similar and has a lot of native plants; but when you go to the

northern half, you get more invasive plants and it is not as good a quality.

She stated around the salt barn there is a heavily-invaded patch of meadow

that does not have ecological value. Ms. Boyd stated overall the meadows do

provide habitat particularly for birds and pollinators.

Ms. Boyd stated the mixed-hardwood forest covers the majority of the

property, and there is a range of quality throughout these areas. She stated

there are some high-quality areas that have a lot of native trees in the canopy,

in the understory, and the herbaceous groundcover; but there are also other

areas in the mixed-hardwood forest which are more heavily-invaded with

invasive shrubs and vines.

Ms. Boyd stated there are also woodlands/shrublands, and she showed a photo

of an example of this area which is an open area with mostly native herbaceous

plants; but there are shrubs moving in which are mostly invasive shrubs. There

are scattered trees on the site which are primarily natives. She stated this provides

habitat diversity with birds in the trees and open areas.

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Ms. Boyd stated there is a manmade, wetlands area with a majority of native

plants; and this provides habitat diversity as there are some species that thrive

more in this type of environment. She stated this is not technically an identified

wetlands as there are specific qualifications for what is considered a wetlands in

terms of Permitting and legality. She stated they would need more expertise to

determine if this is a wetlands, and the Township should have an expert come in

to test the soils and check the vegetation; and at this point it is not a technically-

classified wetlands. Mr. Grenier stated a Jurisdictional Determination was not

done based on the 1987 Corps Manual Regional Supplements, and Ms. Boyd

agreed.

Ms. Boyd noted the Pennsylvania Natural Diversity Index Report (PNDI Report).

She stated this Report takes an area, and you submit it to four different

agencies for screening to see if there are any species of concern that are

threatened, endangered, or rare species of both plants and animals. She stated

two items did come up one being the potential for bat habitats although it was

not a definitive listing. She stated what you would look for would be large

diameter trees and then specifically hickory trees. Ms. Boyd stated because the

area had been cleared for agriculture, there are not a lot of large diameter trees

so it is not currently prime bat habitat. Mr. Grenier asked the particular type of

bat; and Ms. Boyd stated she does not believe the actual species were called out

in the Report. Mr. Grenier stated they would not be called out in the PNDI, but

they would be in U.S. Fish and Wildlife, although he is not sure that Ms. Boyd

went through them. Ms. Boyd stated it did not go through that source.

Ms. Boyd stated the other item that was flagged was that if there are wetlands

on the property, there is a non-disturbance buffer that should be enacted

around the wetlands. She stated because this is not an identified wetlands,

that would not kick into effect; but if it is found to be a wetlands, the Township

should take that into consideration.

Ms. Boyd stated she did not do an extensive survey of the wildlife as the focus

was on plants, but she was able to identify different common bird species

through the Merlin Bird ID App. She stated she also saw evidence of deer, fox,

and squirrels on the property.

Ms. Boyd stated all of the vegetation on the property as a whole working

together provides benefits such as carbon storage, stormwater management,

and scenic views.

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Ms. Boyd stated she prioritized the different areas within the property, and

she broke them into four different categories based on the ecological quality.

She stated the rankings are relative to other areas within the property, and

it is not a comparison to other Municipally-owned properties or to rare and

threatened plant communities in other areas; and it is just specifically a

comparison of better to poorer-qualities within the actual property.

Ms. Boyd stated in general, there were not any exceptional areas or species

that were identified on the site. She stated the PNDI Report did not flag any-

thing, and the site visits did not reveal anything exceptional on the property.

She state the highest-quality areas were in the south/central region; and

they had better ecological qualities, were more intact, and less degraded.

She stated if the Township wanted to manage those areas for natural

resources, they would require less stewardship resources to maintain them.

She stated the lower-quality areas would require more resources to manage

as natural areas.

Ms. Boyd showed a map of the priority areas. She stated the dark green in

the lowest south/central area is the highest priority. The yellow is the

medium to high-priority area. The orange is medium to low-priority area.

The red is low. She stated the white circle is the buffer that would be around

the wetlands if it was found to be technically a wetlands; and that buffer

would become a high-priority area because of that.

Ms. Boyd stated the high-priority areas include the better quality forests which

are the forests with fewer invasive plants, have a better canopy, and have more

diversity. She stated the central meadow had better native plant diversity and

fewer invasives. She stated the wetlands was also included in this area.

She stated they have more native plants with better structural diversity, and

they provide better quality habitat.

Ms. Boyd stated the yellow areas on the map toward the center of the property

are the medium to high-priority areas. She stated they include the southeastern

meadow which is similar to the central meadow, but it is not surrounded by as

high a quality area. She stated the woodlands/shrublands are also included,

and have moderate invasive pressure, but more native plants.

Ms. Boyd showed the medium-to low areas which are patchwork across the

property. She stated they include the northeastern meadow which has a

higher percentage of invasive plants and it includes some of the mixed hard-

wood forest specifically areas that have a lower diversity of native plants and

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more invasive pressure particularly vines. She stated there might also be canopy

gaps opening up where trees have died off and no new native plants are coming

in from the understory, and there is less diversity overall.

Ms. Boyd stated across the entire property, regeneration of native plants and

new native plants coming in was fairly low probably due to high deer pressure

which is very common in the area.

Ms. Boyd stated the low-priority areas are the areas in red on the map, and

these include the conifer forest which has low diversity, with some of the trees

dying off, and invasives coming in. It also includes sections of the mixed-

hardwood forest particularly areas that have canopy gaps from ash tree

die-offs, and those are not being replaced by native regeneration. She noted

in the bottom right on the slide a fallen tree with a large open area and invasive

vines coming in. She stated there is also an area of invasive wisteria, which is a

very aggressive vine, shown in the top right of the slide, which has completely

overtaken an area and is forming a thick mound on the ground and growing up

into the trees and is severely compromising the area and the health of the

canopy trees. Ms. Boyd stated also included in the low-priority area is the

meadow area around the salt barn because it is primarily invasive plants, and

there are not a lot of native plants in that area. She stated overall these areas

have compromised sustainability, and they are likely to continue to degrade over

time without a lot of active management.

Ms. Boyd stated overall there are moderate-quality ecological conditions

across the site. She provided her contact information if anyone wishes to

contact her at a later time.

Mr. McCartney stated it seems that if the property were left alone it would

essentially become a non-native area, and Ms. Boyd stated there is a very

strong likelihood of that happening. She stated the invasive plants are already

there, and you can already see areas where they are becoming dominant.

She stated without native regeneration, any openings will likely be taken over

by the invasive plants particularly in the forest areas. She stated the meadows

may have a better chance because they have a higher percentage of native

plants, but the deer are suppressing any native regeneration. She stated

combined with the invasives, it is a potential downhill trajectory without

active management. She added that is very common in the region, and

active management is the best opportunity to sustain the site.

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Mr. McCartney asked Ms. Boyd if she knows what percentage of the property is

non-native versus native, and Ms. Boyd stated she does not know the percentage

and it does vary across the property. She stated the meadows are a much higher

percentage of natives, and she would estimate that they would be three-quarters

native. She stated when you get into the conifer forest, the understory is probably

75% invasive.

Mr. McCartney stated he understands that we allow hunting on this property

but only on Saturdays, and Mr. Kratzer stated he believes that is correct.

Mr. McCartney asked if there is a reason it is only done one day a week, and

Mr. Kratzer stated he believes it had to do with the proximity to the Schools,

but he would have to verify that.

Mr. Lewis asked Ms. Boyd if she looked at the “mass at the bottom with the

nuts, etc.” Ms. Boyd stated where she could she did look as leaves and seeds

which are good identifiers. She stated it also depends on the season and what

has “been eaten and what is able to be seen.” Mr. Lewis asked about smaller

animals. He stated deer are a significant challenge for us. Ms. Boyd stated

she saw fox scat and saw squirrels and birds. She stated she did not see any

rabbits, but it does not mean that they are not there. She stated it is dense

when you get into the meadow and in the forest where there are invasive

plants, it gets thick as well so there are places where smaller animals could

hide.

Mr. Lewis asked Ms. Boyd if she has any thoughts on techniques that we

should be considering to remove additional deer from the area. Ms. Boyd

stated typically they recommend continuing with deer removal with a

Permitted hunt. She stated on Natural Lands Preserves, they do a Permitted

hunt where they allow a certain number of hunters per property who go

through a safety test, and they have to be Permitted. She stated they also

have additional rules and regulations in addition to what any hunter would

have to follow in the State. She stated there are also sharpshooters who can

come in to take care of the property, but that needs to go through the PA

Game Commission, and they have certain qualifications that must be gone

through for them to make a decision on whether that is allowed. Ms. Boyd

stated there is already hunting on this property, so that makes a case for

needing additional measures. Ms. Boyd stated some people try fencing in

the entire property with fencing of a sufficient height, but that is costly and

difficult to maintain. She stated if the Township decides to do plantings

within the property individual trees, shrubs, or areas could be fenced in.

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Mr. Lewis asked Ms. Boyd if she observed any eagles, as he knows there have

been some in that area. Ms. Boyd stated she did not, but she was only there

for two days. She also did not see any eagles nests. She stated she did check

the data base which is maintained as to where nests have been sighted, but

there were none on Snipes although there were some in the general vicinity.

Mr. Lewis stated according to the mapping the southeastern corner of the

property showed a red section and a yellow section. He stated we have storm-

water management issues in that area. He asked Ms. Boyd if, based on what

she saw, does she have recommendations on what we should be considering

to improve stormwater management in that specific quadrant or throughout

the whole property. Ms. Boyd stated the area closest to the road was called

out as a low-priority area because there is a lot of mowed area and it is open.

She stated in general vegetation like shrubs and trees can help slow ground-

water and help it infiltrate into the ground better. She stated converting it

out of lawn would be one recommendation for a natural approach.

Mr. Lewis asked if there are other areas where she would encourage the

Township to look at stormwater features. Ms. Boyd stated she is not a

stormwater expert, but she knows there are options that could be considered.

She stated because that is not her area of expertise, she would not want to

give too many recommendations.

Mr. Lewis asked Ms. Boyd if there were any people on the site when she

was there for the two days. Ms. Boyd stated Township staff was there,

but there were no other people on the site.

Mr. Grenier stated the Township engineers and others have done a number

of studies at this site including geo-technical analysis, soil samples, infiltration

testing, and “maybe some tree surveys. He asked Ms. Boyd if she reviewed

any of those previous reports. Ms. Boyd stated she did look through the

previous reports; however, the focus of this was really what are the natural

features that are currently there and what is their quality. She stated it was

not where stormwater could go or that type of assessment. Mr. Grenier stated

the southeast corner is underlaid by very shallow rock so infiltration is “terrible,

and that is why they did not put that big basin there.”

Mr. Grenier asked Ms. Boyd what she found from a soils perspective, and

Ms. Boyd stated she did look at the soils looking to see if they were hydric

soils and if there was any geology that was unique such as a “serpentine or

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anything like that.” She stated there are partially hydric soils that she found in

the northern corner of the triangle, but that was it. Mr. Coyle asked what a

hydric soil is for the benefit of those who do not know what it is. Mr. Grenier

stated it is a soil that supports potential wetland habitat so it stays wet more

than not.

Mr. Grenier stated while it was not in the scope, he does not believe a formal

tree survey was done; and Ms. Boyd stated that was not part of the scope.

Mr. Grenier asked Ms. Boyd if she had any recommendations for additional

studies to be done in the future. Ms. Boyd stated that was not part of the

scope; and aside from the wetlands issue that she already discussed, she has

no recommendations for future studies to be done.

Mr. Grenier asked if the wetlands are a little less than a quarter acre, and

Ms. Boyd agreed. Mr. Grenier stated he saw that it was primarily cattails and

some standing water; and Ms. Boyd agreed adding that there are some rushes

in there as well.

Mr. Grenier stated he feels this is useful information that we can use to do

future studies to further establish what is there and what we can do with it

per the Township Code and what would be required for Permitting.

Mr. Grenier stated deer browsing has a negative effect. He stated in our

Township we have established a Tree Bank, and we are currently developing

a Tree Planting Plan. He stated he would like to know about places and

approaches that would be recommended for this tract in the future to augment

the existing trees with trees, understory shrubs, etc. to try to better manage

the invasives that are coming in. Ms. Boyd stated in terms of better managing

invasives, you can try to do plantings that take up growing space; but you also

want to tackle the invasives specifically as well, and take specific control

measures to directly address them and free up growing space for natives to

either be planted or grow in. She stated a vine will try to smother any tree/

sapling that is put in if it is not managed. She stated for stewardship in

general, the recommendation is to start with tree plantings in the highest

priority areas which are those which are most-ecologically intact. She stated

the Township could start with some of the mixed-hardwood forests to

establish an understory with trees that could replace the canopy trees, and

to support natural succession.

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Ms. Boyd stated another area to look into is the larger southeastern corner; and

if you can control the invasives there, that is where you are getting more canopy

gap mixed in with the native plants. She stated if you can replace the trees that

are dying off and take up the sunlight, the trees will provide less light for the

invasive plants in the understory which will help as well.

ENGINEER’S REPORT

Approve Change Order #1 for the South Drive Culvert Replacement Project in the

Amount of $5,230.03

Mr. Kessler stated this is a slight addition to the Contract and includes the removal

of a tree that was determined to be in conflict with the construction and installation

of the culvert and the wing walls. He stated the original Contract value was

$176,568; and with this Change Order for the cost for removing the tree, the

revised full Contact value will be $181,798.03.

Mr. Grenier moved and Mr. Lewis seconded to approve Change Order #1 for the

South Drive culvert Replacement Project in the amount of $5,230.03.

Mr. Grenier asked if we expect any other Change Orders; and Mr. Kessler stated

we do not from the Plans we have for the Contract, but we did run into an unfore-

seen water line with the Water Company that was in there which caused a delay

with the work scheduled with the contractor, and we are currently working

through any costs related to that. He stated that is not necessarily a cost put

on the Township and will be coordinated with the delay caused by the utility

company.

Motion carried unanimously.

Approval of Pay Application #1 for the South Drive Culvert Replacement Project in

the Amount of $62,302.55

Mr. Kessler stated this includes payments to the contractor for work that has been

completed to date and verified by the inspection team. He stated it includes the

tree removal that was part of Change Order #1 because that is completed work.

He stated after this payment with the Revised Contract value, the remaining

Contract amount is $119,495.48. He stated work is continuing, and they anticipate

a payment upcoming as the project continues.

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Mr. Grenier moved and Mr. Lewis seconded to approve Pay Application #1 for

the South Drive Culvert Replacement Project in the amount of $62,302.55.

Mr. Grenier asked Mr. Kessler if the work was inspected and found sufficient

relative to this item, and Mr. Kessler stated everything was verified as complete.

Motion carried unanimously.

Engineer’s Report Items

Mr. Grenier stated at the last meeting we discussed the inlet on the southern

entrance to Maplevale and when and how that would be fixed, and he asked

for an update. Mr. Kessler stated they have been coordinating with Mr. Fuller

on this. He stated they looked at the option of completely replacing the box

and top that had failed at the north side of the intersection. He stated rather

than going through the process of getting a specially-ordered box and top,

they have been able to provide a detail of how to modify the existing one

which would thicken the inner walls of the inlet box which will give the support

that the top needs. Mr. Kessler stated the reason why it has shifted back is the

type of top that is placed on both of those was moved back a little more to be

in line with the curb line on both sides. He stated Mr. Fuller has provided

the detail to the contractor who typically assists on these types of repairs,

and we anticipate having an answer with costs from that contractor in the

very near future so that it can be scheduled and completed. Mr. Kessler

stated the modifications to the box will be done in the field rather than

having to replace any of the structures. Mr. Fuller stated it is anticipated

to be completed within a week.

Mr. Grenier asked for an update on the Hillwood Terrance/Highland

Drive/Taylorsville area. Mr. Kessler stated at the last meeting they had

indicated that they were finalizing the plans for the lay-out of the additional

inlets and pipes and looking at the culvert structure that goes underneath

Highland Drive near Taylorsville. He stated those plans have been finalized

and presented to the Township staff, and they anticipate getting some

feedback. He stated they are scheduled to review that tomorrow morning

with the staff; and following that, they look toward packaging that together.

He stated they anticipate at the next or subsequent Board meeting to have

a request before the Board and eventually for it to go out to public Bid.

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Mr. Kessler stated with regard to the Permitting they had a meeting with the DEP

and the Army Corps on October 12 along with Township staff. He stated they

were provided direction as to what would be needed in the Applications, and it

will be a GP3 Permit for each of the stream segments that we are looking at to

do the additional gravel bar clearing, etc. He stated they want to see photos of

where the main clearing will be done, and they want to have a walk through to

identify if there are wetland boundaries associated with this. He stated he is

looking to submit what is required this month so that they can go through their

review process and get it back to the Township.

Mr. Grenier stated some of the properties we were looking at previously were

on private properties where the stream went through, and he asked if we are

still looking at doing work on the stream where it flows through the private

properties. He also asked if we are doing that do we need to get those land-

owners to be co-signers of the Permit Applications. Mr. Kratzer stated at this

point he believes that we are limited to publicly-owned lands although that is

not to suggest that we will not look at opportunities on private property.

He stated the areas that are currently being Permitted are the areas that we

own. Mr. Kessler agreed. Mr. Kessler stated it was clarified at the meeting

that for any areas that might involve private property, you would have to go

through Easements and get that agreed upon with the property owners before

going into those areas; so in order to be as prudent as possible, for these

Permits we are going to look at just the Township-owned areas. Mr. Grenier

asked if that would be where the basins are next to Prospect Farms and the

parcel across Taylorsville adjacent to the bridge just north of Maplevale, and

Mr. Kessler agreed. He stated the other one is the one that follows the

on-ramp to 295.

Mr. Kratzer stated related to the Permitting issue the Township and Land

Studies are looking at the potential of doing a watershed-wide Permit so that

we could get beyond these individual Permitting requirements. He stated the

Central Office in particular has engaged in those kinds of approaches, and they

have informally started conversations with the DEP Central Office in Harrisburg

about the potential of doing a broader Permit that would provide us with

some additional flexibilities as we move forward.

Mr. Grenier stated the listening event that was held on October 11 with Land

Studies and Township staff went really well, and there was a lot of good infor-

mation sharing. He stated he saw pictures and videos of major flooding and

flows that were coming down Dolington in areas that he was not aware of

personally. He stated they were even stronger flows than he saw on Highland.

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Mr. Grenier thanked all those who participated, and he asked the public to

provide any information, photos, videos, etc. that they have to the Township

at admin@lmt.org since we are using that information, and there will be

follow-up in the future.

Ms. Laurena Stoddard, 220 Meadow Drive, stated it was indicated that they

finished a design for Highland and Terrace with drainage. Mr. Kessler stated

it is specifically for where Highland comes down to Taylorsville. He stated

the design has been provided to the Township staff, and the next step is to

look at it with the Township tomorrow. He stated they will then follow up

with the neighborhood and discuss it with the Supervisors at the next meeting.

Ms. Stoddard stated “we would all love to see the design before you build it

like the other catastrophe we had.” Mr. Kessler stated it is their intent to have

additional feedback from residents prior to any official finalizing of the plans

to put them out to Bid.

MANAGER’S REPORT

Approval to Authorize Advertisement of Ordinance to Amend the Lower

Makefield Township Subdivision and Land Development Ordinance Relating to

Open Space Requirements

Mr. Kratzer stated the Ordinance is a companion Ordinance to the modifications

that were made earlier in the year to the Zoning Ordinance with regard to require-

ments related to open space management plans, etc. Mr. Kratzer stated this has

been reviewed by the Township Planning Commission, the Bucks County Planning

Commission, and the EAC.

Mr. Majewski stated the Planning Commission reviewed the amendments to the

SALDO portion of this Ordinance primarily for the definition of open space and a

few other miscellaneous items. He stated at their August 14 meeting, the Planning

Commission voted to recommend that the Board adopt the Ordinance provisions

provided that we comply with Comments #1 and #3 from the Bucks County

Planning Commission which related to the definition of unremediated landfills

and that we specify a Registered landscape architect should be looking at some

of the landscape provisions.

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Mr. Majewski stated the EAC also issued a review memo on October 12.

He stated their first comment was that they were concerned about the use of

any recreational facilities on designated open space. He stated they wanted

to make sure that the definition was revised so that any tree removal or imper-

vious surface should be kept to a minimum, and that there should be no

development on resource-protected land. Mr. Majewski added you would

not be allowed to develop on resource-protected land.

Mr. Majewski stated their other comment was about public access to the

designated open space, and the EAC stated that there may be situations where

limiting public access is justified such as when the designated open space is on

Farmland Preservation property, is environmentally-sensitive resource-protected

land, or there is no means by which the public could access the property without

trespassing. He stated the EAC felt that it should be a general rule that the public

should have access to designated open space. Mr. Majewski stated there was a

long discussion about this by the Planning Commission and the Board of Super-

visors when they did the Zoning Ordinance Amendment for Open Space; and

the result was provided that we have the proper mechanism in place whether

it be open space owned by the public (the Township), by an entity that is viable

such as a Homeowners’ Association, or some other form such as Farmland

Preservation that access would be dependent upon who owns it and what

type of land it is.

Mr. Majewski stated there is to be a consistency between the Zoning Ordinance

and the Subdivision and Land Development Ordinance with this Amendment.

Mr. Grenier stated the other item that the EAC mentioned in a different part

of their letter was that they would like us to consider that this apply to tracts

of less than ten acres in size, and they suggested tracts of three or four acres.

Mr. Grenier stated he does not know how viable that would be from a legal

perspective. Mr. Truelove stated that might be considered substantive which

means that it would have to go back and be reviewed. Mr. Kratzer stated

we would also have to amend the Zoning Ordinance to create consistency

between the two documents which currently limits the applicability to

parcels of ten acres or more. Mr. Coyle stated this was discussed extensively

at the Planning Commission level, and the opinion of Ms. Kirk was that was

a substantial limitation on the smaller parcels and would be subject to legal

challenge.

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Ms. Blundi asked if the recommendation of the EAC was that the public should

be allowed to access Farmland Preservation land; and Mr. Majewski stated their recommendation was that land should be accessible unless it was something

like environmentally-sensitive property or Farmland Preservation land.

Mr. Grenier stated generally they are recommending that the public should

have access to open space; however, in certain situations such as Farmland

Preservation land, it is okay that the public does not have access.

Mr. Coyle stated he feels the pertinent sentence in the EAC letter is: “Any

proposal to restrict public access to the designated open space, needs a

justification.” He stated that was discussed extensively for several months

by the Planning Commission, and ultimately it was decided that these were

not public lands, and we could not recommend that you require public

access to them.

Mr. McCartney asked if there were any particular properties that the EAC

was targeting as far as trying to get this verbiage put in. Mr. Grenier stated

the concept around it was that they wanted to make sure that open space,

to the extent that we can, is publicly-accessible so that it is not just an

amenity for an HOA, etc. and that open space remain public in nature

whether it is through a Conservation Easement or “something else that is

then given over to the County or whoever else may take ownership of it.”

Mr. McCartney stated specifically they were looking for future develop-

ment that dedicates open space to be accessible to the public in general,

and Mr. Grenier agreed.

Ms. Blundi asked if there is a need for a separate Motion since we are changing

it from approval to authorizing advertisement; and Mr. Truelove stated it is

not necessary to have a separate Motion since notice on the issue has already

been provided on the Agenda.

Mr. Coyle moved and Mr. Grenier seconded to approve advertisement of the

Amendments to Chapter 178 SALDO Standards in the Residential Zoning Districts

without modification.

Mr. Grenier stated he understands advertisement does not mean that we could

not change it if we wanted to although we may have to re-advertise, and

Mr. Truelove agreed. Mr. Grenier stated he appreciates all the work that has

been done by the staff, the Planning Commission, the EAC, and others that have

had input in this. He stated he shares the EAC’s perspective generally to make

sure that open space remains open to the public to the extent practical and safe.

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Mr. Grenier asked Mr. Majewski about the definition of open space, and he

asked if an HOA or a developer were to propose an area that had basketball

courts or turf fields, etc. that would be more of an area that is imperious

would that be considered open space. Mr. Majewski stated it would be

considered open space. He stated recreational facilities such as a pickleball

court would be considered part of open space. Mr. Grenier stated he has an

issue with that as he feels when we discuss the benefits of open space and

what we are trying to do relative to stormwater management, improve habitat,

etc. he does not agree with the concept that a swimming pool, basketball court,

or turf ballfields that are heavily managed should be considered open space.

He stated while they provide a recreational benefit, he would not personally

consider that to be open space that meets the goals of open space preserva-

tion, to reduce impacts through stormwater management, and to make sure

that we have better habitats throughout the Township. He stated he feels

putting more impervious areas and clearing more trees defeats the purpose

of the open space definition.

Mr. Grenier moved to Amend the Motion to remove impervious areas and

cleared areas from the definition of open space.

Ms. Blundi asked Mr. Grenier if he is suggesting changing the definition of

open space in this Ordinance but not for the Township as a whole.

Mr. Grenier stated he feels that we need to change it across the board.

Ms. Blundi stated we could not change the definition across the Township

in this particular Ordinance since this Ordinance does not own the

definition of open space. Mr. Grenier stated we can then go through

every Ordinance that we have and change the definition to be consistent.

Mr. Truelove stated if the Board wants to do that, they would want to list

all of the different Ordinances where open space is noted, and then have

an Ordinance to amend all of those at one time. Mr. Grenier stated it would

be more efficient if we could do that. Mr. Lewis stated we could do a quick

search on the “E Code” for that and find everything. Mr. Lewis added that the

challenge with open space is that as a term it is “two very general words.”

He stated we have had some flexibility as golf courses are considered open

space. He stated we could consider that anything that is pervious that is

recreational could count under that scenario as long as we agreed on what-

ever the standard was. He stated in years past there have been discussions

at the Board level as to what would count as open space.

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Ms. Blundi stated while she feels this is a great conversation, she does not feel

it is germane to this Ordinance; and she feels it requires a lot of work which she

would support doing but not at this time when we are considering this Motion.

Mr. Coyle stated in the Preamble to this, open space is defined; and he asked

if it would be germane to propose the amendment to modify the definition of

open space within this particular Ordinance. Mr. Kratzer stated this is a

companion to a recently-adopted Zoning Ordinance amendment, so at a

minimum they would have to create consistency of definition between those

two that govern land-use activities. Mr. Coyle asked if it would be more

appropriate to move this forward as it stands and then re-define open space;

and Mr. Truelove stated that would be his suggestion especially since there

have been conversations about stormwater management and other issues.

He added he feels that there should be a comprehensive approach to this

which would be an overview which everyone agrees needs to be looked at.

Mr. Truelove stated one way to do that would be that open space does not

include impervious surface regardless of whether or not it is for recreational

purposes.

Mr. Lewis stated in addition to Section 178, it also appears in Section 200;

and Mr. Kratzer stated that is the Zoning Ordinance. Mr. Lewis stated it is

also in Section 141 and 167. Mr. Truelove stated you may want to define it

in other spots as well. Mr. Coyle stated Mr. McLoone went through the

existing Code extensively as part of the effort and identified all of the

places where “these things” were referenced.

Mr. Grenier asked if there is a Definition Section in the Code that “every-

thing can go back to and just define it there and reference back to the

definition.” Mr. Truelove stated he feels every Chapter should have a

Definition Section, or if it is for everything in the entire Code, you would

want to refer back to a place with definitions. He stated that would be

the most efficient and consistent way if all of the Ordinances that relate

to open space refer back to the common place, and there would be no

question as to what was the intent.

Mr. Grenier stated if we can start that conversation quickly given “other

things that we are looking at,” he would be willing to rescind his request.

Mr. Truelove stated therefore the Motion as originally made still stands to

advertise it as is.

Motion carried unanimously.

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Approve Award of Leaf Collection Contractors

Mr. Fuller stated there are three contractors proposed for the 2023 leaf

collection season – Corcoran Landscaping at $184 an hour, Ken’s Lawn

Service at $184 an hour, and Marrazzo’s Manor Lane at $194 an hour.

He stated all of the contractors are returning contractors from last year,

and there were no new Bidders. The costs are slightly increased for two

of the contractors which was anticipated within the 2023 Budget for leaf

collection.

Mr. Lewis moved and Mr. Grenier seconded to approve the award of the

selection of leaf contractors subject to the recommendations of the

Director of Public Works.

Mr. Grenier asked what the overall number would be for leaf collection.

Mr. Fuller stated on these three contractors alone, we spend about

$155,000; and in addition to that there is the Township labor and services

including our equipment as well as labor services brought in to help rake

the leaves on the ground. He stated the estimate is $450,000 although

that does not include equipment and fuel costs. Mr. Grenier asked what is

brought in through the Leaf Assessment, and Mr. Fuller stated we bring in

approximately $600,000. He stated trucks and fuel are not included in the

$450,000 Budgeted for this expense, but it is less than $600,000.

Mr. Grenier stated a leaf collection schedule was published, but this is

subject to change based on weather, etc. Mr. Fuller stated collection

will start November 6. He stated as the week progresses another notice

will be published, and his goal is to do weekly updates to let the residents

know where we are in terms of the leaf collection. Mr. Grenier asked about

reminding the residents about the rules surrounding leaf collection; and

Mr. Fuller stated residents were reminded that the leaves are to be on

the grass strip and not in the street. He stated they are also to be kept

away from mailboxes, and they should not be put on top of storm drains.

Mr. Grenier stated if large piles of leaves are put in the road if there is a

two-lane road, one lane gets taken out. He stated there are also a lot of

leaves found in storm inlets, and there have been a lot of discussions

about stormwater. He stated the leaves quickly clog up the stormwater

pipes and create backflow and flooding issues.

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Mr. Lewis recommended that residents take note of when the leaves are to be

picked up in the Zone in which they reside so that their leaves are out before

they are scheduled to be picked up.

Mr. Coyle stated he has looked over the submissions including the Certificates

of Liability Insurance, and they all indicate coverage of scheduled autos, and

it indicates they are to list the year, vehicle model, and type of equipment.

He asked Mr. Truelove if just listing the year and model is sufficient to identify

a specific vehicle as a scheduled auto for liability purposes; and Mr. Truelove

stated generally he believes that would be the case, and they would have to

list those on their insurance anyway. Mr. Truelove stated if there is a concern

about that, we can ask for more detail. Mr. Fuller stated these are all historic

documents, and we require this to know what the contractors are showing

up with to make sure that they are not under sizing their equipment from

what our needs are. Mr. Coyle stated he was not seeing specific vehicles

listed on the “COIs” and he wants to make sure that we are covered.

Motion carried unanimously.

General Announcements

Mr. Kratzer stated the CellCo Zoning Hearing Board Application has been

Continued to the January 16, 2024 meeting.

Mr. Kratzer stated two Special Budget Meetings have been scheduled – one on

October 25 beginning at 7:30 p.m. and the second on November 8 beginning at

6:30 p.m. Both meetings will be held in the Municipal Building and residents

may also view and participate in those meetings on-line.

Mr. Kratzer stated we have received two separate requests from Township

residents requesting modifications to existing Ordinances in the Township.

One relates to amending regulations governing short-term rentals and the

other concerns amending the requirements governing vacant and/or fore-

closed properties. Mr. Kratzer stated we are starting to look at both of

those issues and will ultimately report back to the Board of Supervisors on

those with some suggested modifications where necessary provided that

the Board has no objection to looking at those Ordinances.

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Ms. Blundi stated with regard to short-term rentals, we were aggressive; and

she thanked Mr. Lewis for his leadership on that. She stated we have amended

it already, and it may be time not only to look at that area but to look more

broadly to see if there are other efforts that can be taken to insure that the

spirit of what we are trying to do is accomplished and not stay so narrow that

we are just looking at long-term rental issues.

Mr. Kratzer stated we have started to have those conversations internally within

the existing confines of the Ordinance. He stated the existing Ordinance

requires twice annual inspections, and historically we have been lax on that.

He stated the Board recently adopted a modification of the Ordinance that

provides that if there are three violations of the Ordinance within a rolling five-

year period there is the opportunity for permanent revocation of the short-

term rental license. He stated Mr. Kirk will be sending correspondence to

those who have registered short-term rentals in the community, and we will

also do some research using Airbnb and other sites to try to identify short-term

rentals within the community. He stated we intend to send notices to the

property owners making them aware of the recent change to the Ordinance

governing short-term rentals as it relates to the “three strikes and you are out

rule,” and also reminding them of their obligation to schedule twice annual

inspections. He stated there are certain requirements that are placed on those

who are operating short-term rentals.

Mr. Coyle asked if there is a Fee that the owner pays for the inspection.

Mr. Kratzer stated there is a License Fee, and we could look at the appropriate-

ness of the License Fee as we are going through updates to the Fee Schedule

and the associated Ordinance. Mr. Coyle stated if they are paying the License

Fee, he feels the owner would feel the inspection is something that he is owed

by the Township. Mr. Kratzer stated we need to consider whether the Fee is

sufficient to cover the cost associated with the time needed for the inspection.

Ms. Laurie Grey, resident, thanked Mr. Kratzer for clarifying the Special Budget

Meetings. She stated on the Township Website, it indicates that the meeting

on October 25 begins at 6:30 p.m., and Mr. Kratzer stated he will follow up on

that. Ms. Grey stated the November 8 Budget meeting is not listed although

other meetings in November are listed. Mr. Kratzer stated he will make sure

that is reflected on the Website.

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SOLICITOR’S REPORT

Mr. Truelove stated the Executive Session was held beginning at 6:30 p.m. and

items discussed included Real Estate, litigation, and informational items.

ZONING HEARING BOARD MATTERS

With regard to Zoning Hearing Board Appeal #Z-23-2033 Steve Mellett for the

property located at 1487 Merrick Road, Yardley, PA 19067, Tax Parcel #20-017-

104 Variance request from Township Zoning Ordinance #200-69A(14)(c) in order

to install a 5-foot high Aluminum fence in an Easement, it was agreed to leave

the matter to the Zoning Hearing Board.

With regard to Appeal #Z-23-2035 Joseph Menard for the property located at

917 Putnam Drive, Yardley, PA 19067, Tax Parcel #20-025-152 Variance from

Township Zoning Ordinance #200-23B in order to install a 390 square foot paver

patio which would increase the impervious surface from the existing 23.1% to

25.4% where 18% is the allowable amount it was noted that there was no

indication of any stormwater mitigation offset or efforts otherwise; and given

some of the circumstances in the Township over the last several months, the

Board of Supervisors has been taking a much more stringent view and opposition

is recommended at this point.

Mr. Coyle moved and Mr. McCartney seconded that given the recent stormwater

issues in the Township, we oppose the Appeal.

Mr. Grenier stated if the Zoning Hearing Board makes a recommendation for

stormwater mitigation that could be integrated in the patio design and the

Applicant agrees to that, it could cover what the Board of Supervisors is

looking for. Mr. Truelove stated Ms. Kirk would understand that the reason

for the opposition was stormwater mitigation; and if it appears that would

be satisfied, opposition would not be necessary.

Mr. Lewis stated the Zoning Hearing Board is an independent body of the

Board of Supervisors, it is quasi-Judicial, and they are free to make their

own decisions. He stated because of stormwater management concerns

the Board of Supervisors is going to be aggressive, but the Zoning Hearing

Board has been consistently working with people for years in terms of ways

to mitigate changes in impervious surface, and we have respect for their

work in that area.

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Mr. Lewis stated he believes that this Applicant “found a bug in OpenGov in

how they could enter their Variance request, and we need to look into that.”

Mr. Majewski stated while he is not aware of that, he will look into it.

Mr. Kratzer stated we had previously discussed requiring Applicants to submit

something with the Application as it relates to stormwater mitigation, and

failure to do so would deem the Application incomplete. He stated he believes

that by entering text in that field results in submission of the Application.

He stated the instruction to the Township staff from the Board of Supervisors

was that a required element of any Application seeking to increase impervious

surface is to provide stormwater mitigation, and the failure to provide that

information at the time of submitting the Application constitutes an incomplete

Application.

Mr. Majewski stated he looked at the Application, and the Applicant has

submitted stormwater management mitigation. He stated what they are

proposing is not what the Zoning Hearing Board prefers, and he knows that

the Zoning Hearing Board will let them know that they prefer something

more like a seepage bed or something more structural. He stated they did

submit stormwater management as part of their Application. Mr. Kratzer

stated it is all vegetation, and Mr. Majewski agreed. Mr. Majewski stated

the Zoning Hearing Board typically prefers an infiltration trench, a rain garden,

or something more permanent as opposed to just planting trees. He stated

unless it is a very minor increase in impervious surface, the Zoning Hearing

Board does not approve them without something more structural.

Mr. Grenier stated in this case the Applicant is going up 2.3% from what is

there, but it ultimately it is 7.4% higher than what is allowable so it is fairly

significant. Mr. Majewski stated typically for a property that is already

significantly over what is allowed, the Zoning Hearing Board requires that

they not only retain the water from what they are doing, but also to go back

a couple percent or to what is the allowable amount depending on the nature

of the Application. Mr. Grenier stated it is usually something that can be

reasonably integrated into the design. Mr. Majewski agreed adding that

while it is more money, once you start digging for a patio, etc. it is not an

exorbitant amount to add stormwater management.

Mr. Lewis suggested that we continue with opposition just as a general

principle given how the Board is having to deal with stormwater issues.

He stated he believes that the Zoning Hearing Board will work out a

solution that is effective for everyone. Mr. Grenier stated the Zoning

Hearing Board has a good history of working with Applicants.

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Mr. Truelove stated the opposition is for policy reasons and it is not targeted

to this property; and if anyone else were to come in before the Board with a

similar Application for their property and a lack of or minimal stormwater

mitigation proposal, the Board would take the same stance for the same

reasons.

Motion to oppose carried unanimously.

COMMUNITY DEVELOPMENT

Approve Pay Application #1 for the Regency Pedestrian Trail Project to

T. Schiefer Contractors, Inc. in the Amount of $200,483.10

Mr. Majewski stated this is for the work completed to date. He stated there

is a 10% retainage for the work that had been completed and that is how we

arrived at the $200,483.10.

Mr. Lewis moved and Mr. Grenier seconded to approve Pay Application #1

for the Regency Pedestrian Trail Project to T. Schiefer Contractors, Inc. in

the amount of $200,483.10.

Mr. Grenier stated there has been a lot of discussion about various changes,

and he asked if any work has been done relative to some of the changes

that are being considered that are included in this Pay Application. He asked

if not, do we have an understanding as to how much that will be relative to

what is left in the Budget. Mr. Kratzer stated there are probably elements of

this Pay Application that are subject to change based on modifications that

have been talked about at prior meetings, but the contractor has implemented

the improvements consistent with the drawings were released. Mr. Kratzer

stated there is in excess of $600,000 in the fund. Mr. Kratzer stated the Bid

was less than what was anticipated so from an overall project Budget

perspective, it is expected that it will come in Budget. Mr. Majewski stated

overall even with the extra work that they will be doing, he believes that we

will still be well within the Budget that has been outlined in 2023.

Motion carried unanimously.

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SUPERVISORS REPORTS

Mr. Lewis thanked all those who came out to the Slate Hill Cemetery Tour

on Sunday, adding they believe over 150 people attended. He stated the

performances were excellent and provided those who attended with a sense

of history. He thanked the Historical Commission for the work they did.

He stated we hope to have a similar event next year.

Mr. McCartney stated as noted earlier the Zoning Hearing Board met last night

and granted a Continuance to CellCo for the cell phone tower Application.

Mr. Grenier stated the EAC met and the landscape architect who is putting

together the Township-wide Tree Planting Plan was in attendance, and there

was a very productive discussion. Site walks will be held soon with the staff

and the EAC. Mr. Kratzer stated the site walk took place on Friday, and the

landscape architect visited the sites with Mr. Majewski and Ms. Dharmavaram.

Mr. Grenier stated the Trenton-Mercer Airport Review Board met and

reviewed the draft letter, but had no further comments; and the Township

Manager should be able to send that letter out soon. Mr. Grenier thanked

everyone who came out to the Listening Session on October 11 to discuss

stormwater management issues.

Mr. Coyle stated his Boards have not met since his appointment, and he looks

forward to meeting them very soon.

PUBLIC COMMENT

There was no one from the public wishing to make public comment at this time.

There being no further business, the meeting was adjourned at 9:12 p.m.

 Respectfully Submitted,

 John B. Lewis, Secretary