

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 21, 2024

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 21, 2024. Mr. Lewis called the meeting to order at 7:45 p.m. and called the Roll.

Those present:

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

Others: David W. Kratzer, Jr., Township Manager
 David Truelove, Township Solicitor
 Paul DeFiore, Township Engineer
 Derek Fuller, Public Works Director
 Robert Lewis, Deputy Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Lewis stated during this portion of the Agenda residents and youth organizations may call in to make a special announcement or may contact the Township at admin@lmt.org to request a special announcement be added to the Agenda. There was no one wishing to make a special announcement at this time.

Mr. Lewis stated the Yardley Farmers' Market will be held at the Lower Makefield Community Center at 850 Oxford Valley Road, Yardley, PA from 10:00 a.m. to 12 p.m. the first and third Saturdays from December, 2023 to April, 2024. He stated there is a selection of products including meats and agricultural items. He stated more information is available about the Yardley Farmers' Market on their Facebook page.

Mr. Lewis stated the Parks and Recreation Department is hiring for all seasonal summer positions including the Pool, Summer Camp, and field maintenance. To apply visit www.lmt.org.

Mr. Lewis stated Registration for the Pool at LMT opened on January 29th. To register, visit www.lmt.org.

Mr. Lewis stated Lower Makefield Township will be hosting a Blood Drive for the Red Cross on Friday, February 23, 2024 from 12:00 p.m. to 5:00 p.m. in the meeting room at the Township Building, 1100 Edgewood Road, Yardley, PA 19067. To sign up or get more information log onto RedCrossBlood.org and enter Sponsor Code: LowerMakefield. He stated if you have used the Red Cross Website, you can create a sign-in, and they will remind you when it is time to give blood again.

Mr. Lewis stated the Parks and Recreation Department and the Macclesfield Park Steering Committee will host a Macclesfield Park Open House on March 26, 2024 from 6:30 p.m. to 8:30 p.m. at the Community Center. The format will be a presentation style followed by the opportunity to visit themed stations. After the presentation, a video will be posted to the Zencity project page where residents can watch the video and engage with different parts of the proposal. Mr. Lewis stated this is a great opportunity to get information on what is being considered in future years for Macclesfield Park.

Mr. Lewis stated on February 24 and February 25 the Yardley Makefield Fire Company will be training at 1101 Big Oak Road from 9:00 a.m. to approximately 3:00 p.m. The Fire Police will be on location to assist with traffic control.

Mr. Lewis stated Pennsylvania American Water is continuing their efforts from February 26 through March 8 finding out whether there is lead in your water pipes. He stated lead pipes are a risk and water quality is important, and Pennsylvania American Water wants to make sure that they know if you have lead in your pipes so that they can be addressed appropriately. Mr. Lewis stated if you have not received a survey from them, you can go to their Website at amwater.com.

Ms. Blundi stated on March 3 from 2:00 p.m. to 4:00 p.m. at the Gather Place in Yardley Borough, there will be a presentation on Women History Makers of Bucks County and Beyond. The Gather Place is at 180 S Canal.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Art Cohn, 7906 Spruce Mill Drive, stated he is the Chair of the Citizens Traffic Commission. He stated Mr. Richard Kirk is present this evening who was to be interviewed this evening for the Citizens Traffic Commission. Mr. Lewis apologized as the Executive Session went long. Mr. Kirk was interviewed at this time.

Ms. Sue Fawcett stated she lives on Sandy Run Road. She stated she is one of the Pickleball Club volunteer organizers, and she plays every day at Cardinal Court weather permitting. She stated she manages the players and addresses their concerns. She stated when the Fee increase was announced, the players expressed their frustrations to her. She stated it was not the amount which is \$10 per month, but it was the principal that it was a four-times increase for no additional benefits. She stated Ms. Gannon is doing a great job providing services, but that does not address the basic problem of having a decent court to play on. She stated she discussed this at the February Park & Rec Board February meeting during Public Comment. She stated her goal is to improve the facilities.

Ms. Fawcett stated at the Park & Rec Board November 14, 2023 meeting it was stated that the User Fee was based on staff costs, Memorial Park repairs, sound-proofing, and supplies. Ms. Fawcett stated even though the pickleball courts are shared with tennis there is no mention of tennis in any Budget, which is a concern. She stated the courts are actually multi-purpose facilities. She stated she would like to see a detailed, line-item breakdown for the \$120 User Fee as court repairs and soundproofing impact both tennis and pickleball equally. She stated Capital improvements should be funded by both activities.

Ms. Fawcett stated at the February Park & Rec Board meeting, she proposed using the tennis courts on Schuyler Drive for pickleball. She stated she did some brief research, and adding court lines would cost around \$2,400, and they could play pickleball there instead of at Cardinal Drive or Revere Road; and this would give them a good facility and eliminate the complaints from neighbors as she heard there were complaints about the noise from neighbors near Cardinal Court and Revere.

Ms. Fawcett stated complicating the picture is that YM Tennis plays exclusively on the Schuyler Drive courts. She stated she would like to know the Township Revenue from that Contract as there is nothing in the Budget that shows a Revenue stream from tennis. She stated the Fee Schedule from December indicates that the Township Budget is a 30% cut from contractors and is a 70/30 split.

Ms. Fawcett stated she understands that Fees have not increased for quite some time, but inflation only accounts for about \$10 or less of the new Fees according to a Government calculation that she did. She stated she would like to find some room for Capital improvements and itemizing the Fee justification would be a good start. She asked that they formally provide a

breakdown of the Pickleball User Fee justification and documentation as to where the tennis revenue is coming from. She stated pickleball is her passion and is a year-round sport, and she is offering to help. She stated she plays every day unless there is active snow. She stated tennis is seasonal. She stated she could fill Schuyler every day. She stated we are losing people, and today there was a drop in attendance in her session because people were over at Middletown playing on very nice courts.

Ms. Fawcett stated she would like to formally address the Capital improvements, which is infrastructure, and see how we could formally follow through on this process. She stated she is hoping to re-allocate some funds from somewhere or find some other funds. She stated she discussed this with Ms. Tierney, and they discussed Grants and private funding. Ms. Fawcett stated there are 460 members in the Pickleball Club.

Mr. McCartney asked how many of the members are Lower Makefield residents, and it was noted approximately 85% are residents. Mr. McCartney asked where the members are going to play at different courts. Ms. Fawcett stated they are going to Middletown which charges about \$50 a year; but what was expressed to her other than the “initial outrage,” was “what do we get for our money?” She stated they were willing to play at Cardinal for \$27 a year because it was not that much money and the facilities “are not that great;” however, when it went to \$120, they were expecting lit courts with a really nice surface, and good quality, permanent nets which they are not getting. Ms. Fawcett stated it is more the principal than the cost, and she would like to help.

Mr. McCartney stated he believes what the Park & Rec Board did when they were considering the increase to Fees was to go across all recreational activities.

Ms. Fawcett asked if people are playing tennis for free as she does not see a revenue stream documented in any of the Budgets. She stated there may be a way to change priorities a bit to free up some funds. Mr. McCartney stated he feels the idea of Grants is the best option from a funding standpoint noting that the Township is running at a significant deficit. Ms. Fawcett stated she did watch some of the meetings and is reviewing the Meeting Minutes. She stated she understands that they will be awarding the Contract for the Pool painting; and on the Agenda it indicates that \$140,000 was allocated, and it is coming in under that at \$95,000, and she asked if they could pull some of the money from that. She stated these are the types of things that she is looking at.

Ms. Evelyn Patterson, 2222 Yardley Road, stated she spoke at a prior Board of Supervisors meeting about the speeding issue on Yardley-Morrisville Road, which has been addressed over a number of years through different entities including the office of Senator Santarsiero and Perry Warren. Ms. Patterson stated she met with the Traffic Commission which was very helpful, and she believes that there was a request to allow signage through the DOT; and the neighbors in the area wanted to know whether that request to the DOT has been accomplished.

Deputy Chief Lewis stated that request was submitted to PennDOT, and a Form 160 was submitted and tentatively approved. He stated they are waiting for a response from PennDOT for final approval. He stated they are solar-powered, flashing speed signs. Ms. Patterson asked how long does receipt of the final approval normally take; and Deputy Chief Lewis stated that would be difficult to say, and they are waiting on PennDOT. He added that once PennDOT does issue a final approval, Chief Coluzzi will come before the Board to get funding approval for the signs. Ms. Patterson asked how the neighbors will be notified that the DOT has approved it. Deputy Chief Lewis stated it would be discussed at a meeting regarding the allocation of the spending. He stated they have also been in contact with one of the neighbors, Ms. Finney, via e-mail advising her of the status of the project.

Mr. Kratzer stated Ms. Patterson could contact the Township for an update.

Mr. Grenier asked if the signs will be just south of the Borough or will they be north and south. Chief Deputy Chief stated they will be in both directions between Black Rock and the Borough.

Ms. Sue Fawcett stated she was reviewing the finances for the Township on the Website, and it is missing the 2022 and 2023 Financial Statements which are the Audit Reports. She stated there were also no 2023 Treasurer Reports. Mr. Kratzer stated the 2022 Audit is in the process of being finalized. He stated the typically the 2023 Audit would not be done until spring/summer of 2024.

TREASURER'S REPORTS – JANUARY, 2024

Approval of January, 2024 Interfund Transfers

Mr. Ross moved, Mr. Grenier seconded and it was unanimously carried to approve the January 2024 Interfund Transfers in the amount of \$915,022.90 as attached to the Minutes.

Approval of Warrant Lists for January 2, 2024, January 16, 2024, and February 5, 2024

Mr. Ross moved, Ms. Blundi seconded and it was unanimously carried to approve the Warrant List for January 2, 2024 in the amount of \$2,734,566.91, January 16, 2024 in the amount of \$537,934.08, and February 5, 2024 in the amount of \$607,913.59 for a total amount of \$3,880,414.58 as attached to the Minutes

APPROVAL OF MINUTES FOR FEBRUARY 7, 2024

Mr. Grenier moved, Mr. Ross seconded and it was unanimously carried to approve the Minutes of February 7, 2024 as written.

PARKS AND RECREATION

Approve Awarding the 2024 Pool Painting Project Bid to American Pools in the Amount of \$94,795.99 (2024 Budget Allocation - \$140,000)

Ms. Blundi moved and Mr. Ross seconded to approve awarding the 2024 Pool Painting Project Bid to American Pools in the amount of \$94,795.99.

Mr. Grenier asked the frequency of pool painting. Ms. Monica Tierney was present and stated we are going through a rotation right now and doing pool sandblasting and painting which is not something that is done every year. She stated sandblasting would be done around every ten years. She stated we did the Olympic pool last year. She stated this year we are doing the lap pool and will touch-up anything that needs to be done in the Olympic pool, and will touch-up the intermediate and baby pools. Ms. Tierney stated next year the baby and intermediate pools will be full sandblast and paint with minor touch-ups to the other two pools. Ms. Tierney stated they will then just be on the annual regular paint cycle. Mr. Grenier stated we have a couple years at a higher price, and then moving forward we will see it lower. Ms. Tierney noted that when you are painting four pools, it will still be around the same.

Mr. Kratzer stated the low Bid was the provider who did the work last year, and they did a great job last year so we are comfortable with them being awarded this Bid.

Mr. Grenier asked if there is a warranty or a service program that they might have; and if we were to sign up for longer, it might be less expensive. He stated while we would not be doing that this year, it might be something to look into. Ms. Tierney stated she could look into this. Mr. Lewis stated with the slides there was a situation where we had not been giving them proper maintenance, and we had to increase our spend for a couple of years so that we could be in a better position so that maintenance costs would be lower over time. He stated we should consider how we could structure this as it could pay dividends.

Motion carried unanimously.

PUBLIC WORKS

Authorize the Release of a Bid for Line Painting (Budgeted Maintenance Item in the 2024 Budget)

Ms. Blundi moved and Mr. McCartney seconded to authorize the release of a Bid for line painting.

Ms. Blundi asked about the possibility of including the reflectors. Mr. Derek Fuller was present and stated he did look into this. He stated we are going to paint approximately 9 miles of roadway; and while the roads would benefit from the reflectors, he would not recommend doing them at this time, but would recommend doing them when the roads are paved. He stated we may get two to three years out of the line paint, and some of these roads need to be paved in the next five years. He stated the reflectors are very expensive, and we would need about 550 of them at almost \$20 to \$25 each. He would recommend deferring that until we pave the roads and include that as a road project.

Motion carried unanimously.

Approval of Resolution #24-04 Approving the Commercial Driver's License Drug and Alcohol Testing Policy

Mr. Fuller stated this will update our existing Policy that dates back to 1996, and it will bring us into compliance with the latest regulations from the Federal DOT.

Mr. Ross moved, Mr. McCartney seconded and it was unanimously carried to approve Resolution #24-04 approving the Commercial Driver's License Drug and Alcohol Testing Policy.

ENGINEER'S REPORT

Authorize the Release of a Bid for the 2024 Road Program (Consistent With the 2024 Budget)

Mr. Ross moved and Ms. Blundi seconded to authorize the Release of a Bid for the 2024 Road Program.

Mr. DeFiore showed a slide presentation including the Base Bid and Alternate Roads for the 2024 Road Program. He stated the Base Bid includes roads in the Yardley Hunt neighborhood and the Quarry Commons neighborhood. Alternate Bid #1 consists of Susan Circle, Alternate Bid #2 includes roads in the Penn Valley Terrace neighborhood, and Alternate Bid #3 is for the pedestrian path on Oxford Valley Road from Heacock Road to Dobry Road. Mr. DeFiore stated the Bid package completion date is anticipated by the end of February; and the proposal is to allow for the most work that can be completed within the Township's Budget.

Ms. Blundi stated she recalls that with regard to the section of the bike path that we are looking at there was some question as to whose obligation it was to maintain it, and she is not sure that we got resolution on that as to whether it is the Township's to maintain. Mr. Truelove stated he will check with Ms. Kirk on that as she was in discussion with some people about that. Ms. Blundi asked if that could be answered quickly so that the Bid Alternate can be put out, and if it is not the Township's responsibility, to substitute something else in.

Mr. Grenier asked Mr. DeFiore if there is something else that could be substituted. Mr. Fuller stated in working with Ms. Tierney he knows that there would be another one although he is not sure it is the same length. He stated that could be provided as an Alternate as a back-up plan.

Mr. Truelove suggested modifying the Motion, and Ms. Blundi and Mr. McCartney agreed to amend the Motion that the solicitor will validate whether Alternate Bid #3 meets the criteria for the 2024 Road Program; and should it be determined that it does not, the Director of Public Works will provide a new Bid Alternate #3 in concert with our Parks & Rec Director.

Mr. Grenier stated we have some other infrastructure projects planned with separate Budgets this year, and he believes that includes pavement in the Highland Drive area. He asked if we would get any savings if we tried to combine that. Mr. Fuller stated he would not tie ourselves to that because we could see unnecessary costs if the timing did not line up, and he would not want to hold up one contractor who may have to re-mobilize if we are not ready on Highland Drive or vice versa.

Ms. Laurie Grey stated she is a Lower Makefield Township resident. She asked where she could find this on the Township Website. Mr. Kratzer stated they could post it on the Website. Mr. Fuller stated in the 2024 Budget these roads are in the Budget.

Motion as amended carried unanimously.

General Project Updates

Mr. DeFiore stated the Engineer's Report dated February 12, 2024 had been provided to the Board of Supervisors.

Mr. DeFiore stated following the last meeting, they have been able to provide an updated chart showing the draining projects within the Township. He noted specifically Highland Drive and stated they have scheduled the final meeting with PA American Water for tomorrow and will look to have a Permit package ready by the end of the month.

Mr. DeFiore stated for Prickett Preserve/Wegmans the final punch list items are being addressed for their planned March request for Certificate of Occupancy. Mr. McCartney asked if the target date for the Wegmans opening is March 20, and others agreed. Mr. Kratzer stated they have a Temporary CO at this point, and he does not feel there is an issue with them fulfilling the obligations of the Temporary CO in order to open on March 20.

Mr. Grenier asked for an update on the stream clearing at Taylorsville. Mr. DeFiore stated they re-visited the Taylorsville site on Monday to get some additional wetlands information. He stated their team is compiling those reports now and will be presenting a Wetland Report for each site to the Township. There will be a wetland map displaying wetlands on each site plus the gravel bars. Next steps will then be discussed with the Township.

Mr. DeFiore stated he believes that they will potentially be working with LandStudies on some future projects as well so this will be key information to have.

Mr. Grenier asked that they include in the report the 50' regulated floodway since that will affect how we do Permitting. He stated he also does not know if the threatened and endangered species review has been done to see how that effects tree clearing. Mr. DeFiore stated he will check if the 50' regulated floodway has been included; and if not, they will add that. He stated he believes that PNDIs have been run for both sites. He stated there were potential hits, and they followed up on those already.

Ms. Larissa Luzeckyj, Maplevale Drive, stated at the last meeting there was a LandStudies recommendation about a second phase, and she asked when that work will start. Mr. Kratzer stated we received correspondence from LandStudies today that they will be on Site March 5, March 6, and March 7. March 5 will largely be field stake-out, and March 6 and 7 they will be doing the Geoprobes that were contemplated under the Change Order that was approved at the Board's meeting. He had provided to the Board the sub-contractor's Health and Safety Plan, and they indicated that there will not be probing done within wetland areas and that tree impacts will be minimal associated with the work. He stated they are coordinating with internal Public Works staff to address any other issues that may come up.

Ms. Luzeckyj asked when the Highland construction will start. Mr. DeFiore stated as he noted earlier the plan is to have the Permit package ready by the end of the month. He stated they will submit to DEP and the Conservation District at the same time, and those reviews typically take about one month. Mr. DeFiore stated if we do not get approval on the first round, there will be comments which will be addressed, and we will re-submit. He stated it could then take up to a month for approval, and we would then go out to Bid.

Mr. Kratzer stated there is also utility coordination that needs to go on as well given the location of existing utilities in that area. He stated there are external parties that have involvement. Mr. DeFiore stated the project is fairly complex and PA American Water needs to re-locate a water line. A sketch has been provided from them, and his office will be talking to them tomorrow to finalize their plans. He stated PECO has also provided their initial sketch which his office has some comments on, and his office is also coordinating with PECO electric as a utility pole needs to re-located.

Comcast and Verizon are also on that pole so there is communication with them as well. He stated PA American Water indicated that they want to come in first before we do the drainage, and we are looking at timing for gas and electric.

Ms. Luzeckyj stated there has been a lot of work done in the area and along I-95, and she asked if LandStudies has been assessing how it has been working. She stated the water is flowing out during a rainstorm. She asked if the Township is being given input as far as what has been done. Mr. Kratzer stated there is ongoing work that they are doing; and in terms of assessment, there were discussions about evaluating proposed approaches moving forward that do not relate to the work that LandStudies was doing but work that was contemplated that RVE was doing.

Mr. Kratzer stated Public Works has been doing a fair amount of monitoring and assessment. Mr. Fuller stated they watch forecasts, and they have a crew that goes there during potential heavy rainstorm events with the goal of getting on a monthly/bi-monthly cycle for inspections of that section of the creek along with all of the creeks on our Township parcels. Mr. Kratzer stated Mr. Fuller has issued a Departmental directive on that issue to make sure that there is frequency in terms of inspections and also addressing circumstances prior to forecasted weather events.

Ms. Sue Fawcett asked about leaf collection services, and was advised that this part of the meeting is for discussion of Agenda items, and that there will be another opportunity to make public comment at the end of the meeting.

MANAGER'S REPORT

Authorize Acceptance of the Scope of Services from RVE Relating to the 2024 MS4 Program (Consistent with the 2024 Budget)

Mr. Kratzer stated as noted on the Agenda the cost is consistent with the funds that were allocated for this purpose. He stated this is an annual obligation from a reporting standpoint, and the proposal is broken into phases. Meeting our public education and outreach obligation is Phase 1, the outfall inspection and field review is Phase 2, there is some stormwater mapping that is done including updates to the GIS system, and updates to the MCMs (minimum control measure requirements) and continued conversation as it relates to planning and

implementation of our Pollution Reduction Plan. He stated that is all in an Annual Report to the Pennsylvania Department of Environmental Protection. He stated the cost is a not-to-exceed amount of \$35,000, and it is consistent with 2024 funds allocated in the Budget for this purpose.

Mr. DeFiore stated the proposal describes the scope of each phase of the engineering services for completing the 2024 Municipal Separate Storm Sewer System, (MS4 Program) per the approved Township Budget and as required for the Individual National Pollutant Discharge Elimination System, (NPDES) Permit for the Township, Pollution Reduction Plan, also known as PRP, which is a five-year Permit that will expire in 2027. Mr. DeFiore stated DEP will look to see as much progress on the PRP projects, and his office can identify Grants to fund these project. He stated for Phase 3, Stormwater Mapping, we will be displaying outfall locations and pipe network system leading to the outfalls. He stated the task of mapping this year is to update any information that is gathered. He stated the Phase 4 Minimum Control Measures, also known as MCMs, are in the proposal; and they will be addressing all six MCMs as follows: Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Sites Stormwater Run-Off Control and Post-Construction Stormwater Management, and Pollution Prevention and Good Housekeeping.

Mr. Ross moved and Mr. McCartney seconded to authorize acceptance of the scope of services from RVE relating to the 2024 MS4 Program.

Mr. Grenier stated the Township in general is trying to update our GIS information for roads, basins, etc.; and he assumes that one of the deliverables they will be sharing with the Township are the GIS files so that they can be integrated into our overall GIS Program. Mr. DeFiore agreed that any of the mapping will be shared with the Township. Mr. Grenier stated it is important to know where the outfalls are, what they are, and what is going on. He stated a big part of the MS4 Program is to analyze and evaluate all of the outfalls. He stated it is also important to map the whole system so that we know what we have and then look for improvements. He stated we are going above and beyond that as a Township separately, but this is for the five-year DEP Permit.

Mr. Grenier encouraged the engineer as part of this process to continue to work with the EAC who are always looking at stormwater basin retrofits and things of that nature and basin naturalization wherever possible as those are relatively inexpensive items that can pay for themselves and then some that help us in

this program. Mr. Grenier stated the process that the Board is being asked to approve tonight is relatively inexpensive but pays huge dividends when it comes to overall stormwater infrastructure.

Ms. Blundi stated since she has been on the Board she has heard a lot about basin retrofitting and naturalization, but she is not sure how much we have actually accomplished. She stated she would like to see progress on that. Mr. Grenier stated he agrees. He stated basin naturalization is often looked at as just letting things grow; and sometimes that works, and sometimes it does not. He stated we have to move forward with the analysis and invest time and money to do those evaluations. He stated that would be one of the steps in this Program. Ms. Blundi stated she likes what was done at Scudders Falls Bridge.

Mr. Kratzer stated there are a number of basin retrofits that are contemplated as part of the Pollution Reduction Plan, and funds have been allocated in the 2024 Budget to start implementation of those projects as we are on a timeframe for compliance purposes. Mr. Fuller stated there are fourteen basins that are necessary for PRP improvements and that would include naturalization for pollution reduction; and he believes that for this year there are possibly three that could potentially be constructed if Grants were awarded.

Mr. Grenier stated at the Zoning Hearing Board when there are impervious surface issues a very common approach is to create rain gardens or something akin to rain gardens for individual homeowners, and they are smaller versions of what is near Scudders Falls Bridge. He stated at the Zoning Hearing Board last evening an Applicant was an engineer and he was creating two rain gardens on his property to offset impervious surface. Mr. Grenier stated another part of the program is education, and we could work with the EAC to educate the public as to what they could do themselves at their homes. Mr. DeFiore stated they will look to work with the EAC.

Motion carried with Ms. Blundi opposed.

Approval of Resolution #24-5 Approving the Disposition of Records Consistent With the Requirements of PHMC's Municipal Records Manual

Mr. Ross moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution #24-5 approving the disposition of records consistent with the requirements of the Pennsylvania Historic and Museum Commission's Municipal Records Manual.

Authorize Advertisement of an Ordinance Relating to the Registration and Maintenance of Vacant and/or Foreclosed Properties

Mr. Kratzer stated there is an Ordinance governing the registration of vacant properties, and this will expand the scope to look at foreclosed properties requiring banks to provide information to the Township relative to who will maintain the property during periods of foreclosure. He stated we are looking at a third-party provider to manage that service which would be data-based and could be accessed by Code Enforcement. He stated they would also monitor foreclosure actions and would actively pursue foreclosures and communicate with financial institutions and banks to make them aware of this reporting requirement. Mr. Kratzer stated the Ordinance also establishes some enhanced standards relating to the boarding of properties during periods of vacancy and it references the standards within the International Property Maintenance Code. He stated there is an Appendix that governs how properties are to boarded during periods of vacancy. He stated we are trying to address the circumstances where property owners have vacated the property and left it in a condition that causes a detriment to the overall health and welfare of our neighborhoods.

Mr. Kratzer stated since there are costs to the Township associated with monitoring and making sure properties are being maintained, the Ordinance provides for a semi-annual registration. He stated once every six months, they would be required to update their registration and pay a fee, which is currently in the Fee Schedule. He stated the draft Ordinance also contemplates a Fee for boarding trying to encourage property owners to address this issue.

Mr. Kratzer stated there was a neighborhood that had an interest in this, and there was some communication going back and forth assuming that the Board would authorize the advertisement; and he will make sure to communicate with those individuals that the Board is addressing this issue within the confines of what is permissible.

Mr. McCartney moved, and Ms. Blundi seconded to authorize advertisement of an Ordinance relating to the registration and maintenance of vacant and/or foreclosed properties.

Mr. Grenier stated the Ordinance references specific editions of the IPC, and Building Codes get updated every few years. He asked if there is a way to write this in such a way that we would not have to update this Ordinance so often. Mr. Kratzer stated there could be language referring to the most recent version of the International Property Code/Maintenance Code. Mr. Grenier stated some Townships/jurisdictions do not always go with the latest version. Mr. Kratzer stated there is language that could be used so that it is fluid as the Board is making decisions to adopt subsequent versions; and “then adopted” may be the appropriate wording.

Mr. Grenier stated there is a related Ordinance that was advertised previously, and he would like to make sure that it is consistent. He stated he believes that it was an Ordinance with regard to fire-damaged properties. Mr. Kratzer stated there was some consideration as to how they would work together. Mr. Truelove stated the remedy would be cumulative if they do not conflict, and that is something that we would be able to coordinate.

Mr. Lewis stated generally he is very supportive of these types of Ordinances. He stated he has worked in communities that have had a number of boarded-up properties; and when you do not have Code Enforcement, there are some very bad consequences. He stated there are not a lot of these types of properties in Lower Makefield, but we want to make sure that Code Enforcement has the tools to help resolve these issues quickly so that they do not become long-term issues.

Motion carried unanimously.

Authorize Advertisement of an Ordinance Governing Certain Special Events

Mr. Kratzer stated the Ordinance as drafted itemizes those events that would be subject to the Permitting process. He stated they are largely events of a certain scale that require special services such as demands that are placed on our Police Department, the Public Works Department, or Parks & Rec. He stated currently we have a limited Permitting process in terms of these events, and limited mechanisms to recover costs associated with services provided in the circumstances where there are these larger events.

Mr. McCartney moved and Mr. Grenier seconded to authorize advertisement of an Ordinance governing certain special events.

Mr. Lewis stated this is a Presidential Election year; and in years past, candidates for President have come to Lower Makefield, and it has cost the Township a significant amount of money. He stated we do not want to subsidize large-scale events, and we would like to collect the money from prior events because there was a lot of Police support required. He stated there are other kinds of events that can cause a similar circumstance, and we want to make sure that we are not inadvertently subsidizing events.

Motion carried unanimously.

Information Items – Commercial Signs Ordinance, Bucks County Planning Commission’s Model Sustainable and Renewable Energy Ordinance, and LGBTQ+ Anti-Discrimination Ordinance

Mr. Kratzer stated we are currently looking at the Commercial Sign regulations which is an item that Ms. Blundi had raised. He stated there are some deficiencies where the Ordinance has not kept pace with current standards. He stated Mr. Majewski and his staff are currently looking at that.

Mr. Kratzer stated the Township Planning Commission looked at the Bucks County Planning Commission’s Model Sustainable and Renewable Energy Ordinance which outlines proposed regulations governing different forms of renewable energy systems. He stated our current Ordinance does not have specific standards governing those types of uses.

Mr. Grenier stated generally renewable energy covers a lot of bases, and what is mostly seen right now in Lower Makefield are solar panels on homes, and we do not really have an Ordinance that governs that. He stated alternative energy sources are more than just rooftop solar, and there are wind turbines of various types that may be large-scale or rooftop depending on the technology, and there are technologies that we have not yet seen that may evolve. He stated there are also larger-scale solar farms, wind farms, and battery storage coming out. He stated while it is good to see the model Ordinance, he feels that it needs a lot of work for application in Lower Makefield. He stated it does not really consider things like sub-stations, collection of energy, or transmission, etc. He stated he believes that it also includes the burning of waste wood which he would argue is not really renewable energy. He stated he would encourage the EAC to look at this model Ordinance, and he will review it as well to make sure that it is written for Lower Makefield and we can make the best use of it and provide guidance to our residents.

Mr. Lewis stated the Planning Commission had their initial review of this, and they were generally positive, but had some minor comments. He stated there was a discussion about different types of renewable-energy sources including directed wind turbines. He stated the EAC and others will want to look at this.

Mr. Lewis stated there has also been discussion about having a comprehensive anti-discrimination Ordinance for the LGBTQ+ community including a potential HRC. He stated this was looked at in the past collectively, and we were hoping that the Pennsylvania State House and State Senate would pass something; but that has not happened yet. He stated there are over 90 Municipalities which have similar Ordinances on the books, and that provides an extra level of protection where Pennsylvania State Law does not cover discrimination in housing and job opportunities. He stated while we do not yet have a draft, we could direct the Township solicitor to draft one. Mr. Truelove stated they drafted one for another Municipality in Bucks County which was enacted last year.

Mr. Grenier stated in 2019 the Board passed a Resolution; and while it did not create an HRC, it encouraged the State and Federal Government to do something, but that has not happened. He stated he feels it would be good to leverage how the County has implemented this. Mr. Truelove stated it could be a referral to the other Agencies. Mr. Kratzer stated where he previously worked there was a local Human Relations Commission which was jurisdictionally limited in terms of the adjudication of complaints, and its primary purpose was to provide coverage for the items that were not covered by the Pennsylvania Human Relations Law. He stated they would adjudicate on one form of discrimination, but it was largely a referral agency on other types and forms of discrimination that would occur. He stated that Municipality set it up with the intent that if the State Law was modified to be comprehensive, at that point it would either dissolve or just function as a referral agency. He stated it would also provide general community education on issues surrounding discrimination.

Mr. Grenier asked if it would be appropriate to make a Motion and provide direction to the solicitor or should it be put on an Agenda. Ms. Blundi stated we have a process, and Mr. Truelove suggested that it would be best to put this on a future Agenda. Ms. Blundi stated she would agree. She stated she is not up to date with what the County has. She stated she believes that the Board wants to make sure that no one who lives in Lower Makefield feels that they have been inappropriately treated; but if the County is doing something, she feels we should support the

County since this is bigger than just Lower Makefield, and we would not want there to be pockets where people could be treated differently depending on where they live. She stated if something is being drafted, the Board will need to know what is already out there. She stated the House has changed in the State, and there may be an opportunity to work with them as well. Mr. Truelove stated he can contact the County solicitor. He stated as he noted earlier, his office has already drafted one Ordinance for a Municipality that in part drew on Yardley Borough, Doylestown Borough, and Newtown Borough Ordinances.

Mr. Grenier asked if there is a group that we should reach out to who would make a presentation to the Board and the public about these issues.

Mr. Kratzer stated in his past experience there were people who came from the PHRC who provided general education and discussed best practice as well; and if the Board is interested in that, he could make arrangements with the PHRC staff to do that.

Mr. Kratzer stated the Board selected a consulting firm to provide services with regard to the Stormwater Management Ordinance, and the initial kick-off meeting with staff is scheduled for February 28.

SOLICITOR'S REPORT

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

Approval of Resolution #24-06 Creating a Patterson Farm Master Plan Implementation Committee

Mr. Truelove stated the Board had previously passed a Resolution to establish the Ad Hoc Property Committee which met diligently and worked hard over two years, and that resulted in a Patterson Farm Master Plan which was approved by the Board of Supervisors earlier this year. He stated it is the sense of the Board of Supervisors to establish a Committee to help implement the Master Plan which is the purpose of this Resolution. He stated it lays out some of the specifics including that the Committee be no fewer than five and no more than seven members, and specifically designated four people who are currently serving on the Ad Hoc Property Committee to serve on this Committee as well. He stated they would also address some of the issues

related to the findings of the soil investigation report, although the Committee itself would not have to deal with that issue, but would work with the Board of Supervisors on some of the implementation that relates to all of these issues.

Ms. Blundi moved, and Mr. Ross seconded to approve Resolution #24-06 creating a Patterson Farm Master Plan Implementation Committee.

Ms. Blundi asked with regard to the remediation that needs to take place because of the lead paint, if it would be cleaner to make that a separate paragraph. She stated she is very concerned that those on this Committee would feel that they were responsible for getting that done, when that is clearly something that the Township needs to get done.

Mr. Truelove noted Paragraph 4 which states, “The Committee’s mandate is to take steps to recommend all necessary measures to implement Phase 1 of the Patterson Farm Master Plan,” and goes on to say, “and to address the findings of the soil investigation report prepared by Remington & Vernick Engineers, Inc. dated January 24, 2024.” He stated they could re-word the last phrase or do whatever is the sense of the Board. He stated he understands that this Committee’s charge is not to implement the actual work that is being recommended as a result of the report.

Mr. Kratzer stated the paragraph does state, “take steps to recommend,” and the intent was not to delegate to the Committee the responsibility to remediate, but that as certain Phase 1 improvements are being advanced, there should be some recognition of this issue as part of the recommendations. He stated there could be alternative language to make it more clear.

Ms. Blundi stated she would take it out completely and just have the Board of Supervisors commit to moving forward on remediation so that the Committee members do not get tied down with that.

Mr. Grenier stated this would be an Advisory Board, and the Board of Supervisors will be making the decision. He stated in the report there were some options to consider that the Committee could review and make recommendations on, although he personally feels that the only option is to clean up and remove. He stated he believes that the Committee will be looking at how to implement the Plan, and remediation is part of the Plan, and we want to recognize that they understand that is part of the overall Plan. He stated he does not have an issue with the language proposed but

agrees with Ms. Blundi that it is not the responsibility of the Implementation Committee to make those decisions. Mr. Truelove stated as Mr. Kratzer has indicated it does say, “recommend all necessary measures.” Ms. Blundi stated we have the recommendations from the engineer already, and the Board of Supervisors needs to make a decision on that, and not delay the other work that can go forward. She stated she is asking to have this as an Agenda item so that the Board of Supervisors can discuss how we are going to deal with the lead. Mr. Truelove stated that would need to be a separate stand-alone Agenda item regardless of whether there is this Committee or not since the Board will have to deal with that issue.

Mr. Grenier stated he feels the Committee, outside of the soil remediation issue, will probably have good insight on fixing up the buildings although the lead and other environmental issues are part of that. He stated just recognizing the single report from January 24, 2024, might be too narrow as there were other evaluations that were done.

Mr. Grenier stated he did not see anything about a Supervisor Liaison for the Implementation Committee. Mr. Truelove stated that would be up to the Board to do that, and a Resolution is not needed to do that. He stated the Supervisor Liaison was not designated in the Resolution for the Ad Hoc Property Committee. Ms. Blundi stated the Chair would appoint someone as Liaison. Mr. Grenier stated he was asking if we had to do that as part of the Resolution; and Mr. Truelove stated while you do not have to do that, it could be added to the Resolution.

Mr. Truelove stated the Board needs to decide if they want to delete the verbiage starting with “and to address the findings ...” or keep it in. Mr. Lewis stated regardless of whether it is in this Resolution or not, the Implementation Committee could help with sequencing of certain things; and that would be where the recommendations would be coming from, and not that they have to do the soil remediation a certain way. He stated even if the language being discuss were removed, that would still be within their bounds.

Mr. Grenier suggested that where it states, “and to address the findings...” that it be made broader and state, “and to address the findings of the Township engineer.” Mr. Lewis stated it could state “address the environmental findings of the Township engineer.” Mr. Kratzer stated they are aware of the prior findings, and the report will be provided to the Implementation Committee so that even if the language is struck,

they would still be aware of the issues and would contemplate those issues as part of sequencing and implementation of Phase 1. He stated he feels they will consider those issues and make recommendations on that irrespective of whether it is explicitly stated in the Resolution. Mr. Truelove suggested using the word “consider” rather than “address” if the Board decides to keep it in the Resolution. Mr. Grenier stated he agrees that it should be kept in and use the word “consider” so that it is clear that it is a fundamental issue to be addressed.

Mr. DeFiore stated in their Engineer’s Report they talked about lead contamination being present in the soil, but it is on the buildings as well.

Ms. Blundi and Mr. Ross agreed to amend the Motion changing the language to “consider the environmental issues identified by Remington & Vernick Engineers.”

The Motion as amended carried unanimously.

Approval of Resolution #24-07 Memorializing the Action Taken by the Board of Supervisors on March 1, 2006 to Add an Alternate Member to the Environmental Advisory Council

Mr. Truelove stated it has been determined from reviewing the Minutes that at the Board of Supervisors meeting held on March 1, 2006, the Board voted to add an Alternate Member to the Environmental Advisory Council; however, the Resolution which was signed did not conform to the Meeting Minutes. He stated the purpose of the Resolution tonight will conform what is believed was the intent that night and the intent of the current Board to have the EAC include seven Regular Members and an Alternate Member. He stated one of the rationales for this is to insure that there is a quorum.

Mr. Ross moved and Mr. Grenier seconded to approve Resolution #24-07 memorializing the action taken by the Board of Supervisors on March 1, 2006 to add an Alternate Member to the Environmental Advisory Council. Motion carried with Ms. Blundi opposed.

ZONING HEARING BOARD MATTER

With regard to Appeal #Z-24-3 Fenningham/MRG Stony Hill LP for the property located at 748 Stony Hill Road, Yardley, PA 19067, Tax Parcel #20-016-036-001 Variance requests from the Township Zoning Ordinance for the following: Dual Uses: existing Use 20-68.A(10): day care center per Zoning Hearing Board Order dated 1/7/1986 utilizing 2.905 acres (126,551 square feet) of 7.057 acres and proposed second Use utilizing 4.152 acres (180,842 square feet), as either: Use 20-68.A(20) kennel to allow for up to 125 dogs vs. no more than 5 dogs per acre, or by interpretation, Use 20-68.A(19)(a) dog care luxury hotel, per Section #200-7 and Section #200-36; with Retail by-right Use. Parking Space Variance/ Special Exception: Use 20-68.A(20) or 20-68.A(19): twenty proposed additional spaces vs. 25.62 spaces required per Section #200-79.A(22) or Section #200-79.AA(21); and Retail Use: 14 proposed spaces vs. 22.67 required. The newly-proposed parking lot will provide spaces for the combined joint use, so relief in the form of a Special Exception will be requested pursuant to Section #200-78.E.(3). Signage Variance for 12 square foot freestanding sign and 1 exterior wall-mounted sign on proposed new structure of dog care luxury hotel vs. 1 sign per Section #200-83.F(4); and Variance to allow rear yard exercise area per Section #200-38.B for kennel/dog care luxury hotel. Loading Berth Variance to forego a required loading berth per Section #200-80, Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried that the Township oppose.

COMMUNITY DEVELOPMENT

Acknowledge and Accept a Grant of Extension of Time Regarding the Torbert Farm Subdivision

It was unanimously carried to acknowledge and accept a Grant of Extension of time regarding the Torbert Farm Subdivision to May 1, 2024.

Acknowledge and Accept a Grant of Extension of Time Regarding the Cleary & Timko-Noyes Minor Subdivision

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to acknowledge and accept a Grant of Extension of time regarding the Timko-Noyes Minor Subdivision to March 20, 2024.

Acknowledge and Accept a Grant of Extension of Time Regarding the 1511
Lindenhurst Road Minor Subdivision

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to acknowledge and accept a Grant of Extension of time regarding the 1511 Lindenhurst Road Minor Subdivision to 5/15/24.

SUPERVISORS REPORTS

Mr. Grenier stated Farmland met and discussed Lease updates. He stated those who live near Farmland properties should have received their bi-annual letter reminding them of what it means to be living adjacent to Farmland and what you can and cannot do in the buffer. He stated a copy of that letter can be seen on the Township Website as well as all of the things that Farmland Preservation Inc. does. Mr. Grenier stated the Zoning Hearing Board met and approved the Appeal of a resident who was very pro-active in terms of addressing impervious surface issues. He stated there was also a Continuance for an expansion of a property which included several Variance requests, and the Board asked the Applicant to consider their request further after hearing the Board's comments, and that was well received by the Applicant.

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved, Mr. Ross seconded and it was unanimously carried to re-appoint the following:

Disability Advisory Board	– Cynthia Lang
Electronic Media Advisory Committee	– Jill Laurinaitis
Historical Commission	– Joe Camaratta, Thomas Argentieri, Christopher Greeley, Helen Heinz, and Victor Fiori
Park & Recreation	– Dennis Wysocki

and to appoint Richard Kirk to the Citizens Traffic Commission.

ADDITIONAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ms. Sue Fawcett stated she has no need for the leaf pick-up service as she lives in a wooded area, and she does not use the service. She stated she e-mailed Rebecca Cecchine this afternoon advising her that she would like to not pay for that; and Ms. Cecchine stated it is an Ordinance that everyone who has frontage on a street pays for that. Ms. Fawcett asked if there is any consideration to have individuals not pay for the leaf collection service. She stated if she is the only one who has asked for this, they “can drop it.” Mr. Lewis stated she is the only one who has asked in a very long period of time.

There being no further business, Mr. McCartney moved, Mr. Ross seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,

Suzanne Blundi, Secretary

LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 02-21-2024
INTERFUND TRANSFERS

January 2024 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	904,799.21
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	7,009.25
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	499.44
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	1,858.06
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	856.94
	915,022.90



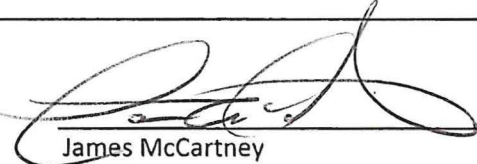
John B. Lewis



Matthew Ross



Daniel R. Grenier



James McCartney

Suzanne S. Blundi