

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 5, 2025

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 5, 2025. Mr. Grenier called the meeting to order at 7:50 p.m. and called the Roll.

Those present:

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

Others: David W. Kratzer, Jr., Township Manager
 Maureen Burke-Carlton, Township Solicitor

COMMUNITY ANNOUNCEMENTS

Mr. Grenier 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. Grenier stated the Yardley Farmers Market will be at the Community Center, 1550 Oxford Valley Road, the first and third Saturdays of every month until April, 2025 from 10:00 a.m. to 12:00 p.m.

Mr. Grenier stated Lower Makefield Township will be hosting another Blood Drive for the Red Cross on Friday, March 28, 2025 from Noon to 5:00 p.m. in the meeting room at the Township Building. To sign up or get more information log onto RedCrossBlood.org and enter Sponsor Code: LowerMakefield. Ms. Blundi stated if you donate blood this month you will get a free A1C testing.

Mr. Lewis stated the Artists of Yardley has a New Member Show, and the opening reception will be held on Friday, March 7 at the Patterson Farm.

Mr. Grenier stated the Pennsbury Elementary School Honors Band and Honors Chorus had their concerts last weekend and did an amazing job.

PUBLIC COMMENT ON NON-AGENDA ITEMS

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

APPROVAL OF CONSENT AGENDA ITEMS

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve the following Consent Agenda Items:

Approved the Minutes for the February 19, 2025 Meeting
Approved the Warrant List dated March 5, 2025 in the amount of \$721,273.71 (as attached to the Minutes)
Approved authorizing the Township Manager to execute Agreements for Perpetual Easement & Right-of-Way Installation of Traffic Signal for the Big Oak Road and Pine Grove Road Traffic Signal Improvement Project
Approved adopting Resolution #25-08 Lessee Resolution for Lease/Purchase Financing through Santander Bank NA, which was accepted at the BOS meeting on February 19, 2025 relating to the Lease/Purchase of a 2024 Chevrolet 3500 Pickup with upfitting and the purchase of a 2024 Kubota L47TLB-LC Tractor/Loader
Regretfully accepting the resignation of Jill Laurinaitis from the Electronic Media Advisory Committee

ENGINEER'S REPORT

Mr. Grenier stated the Engineer's Report was included in the Board's packet. There were no questions or comments by the Board regarding the Engineer's Report.

FINANCE

2024 Financial Presentation

Ms. Mega Bhandary, Chief Finance Officer, was present. Mr. Grenier stated Ms. Bhandary started with the Township on December 3 and has taken great steps getting into the Township finances and coming up with new standard operating procedures to make everything flow better.

Ms. Bhandary stated the 2024 Financial Presentation is unaudited at this point, and the figures are subject to review and adjustment until the final Audit is completed. She stated she will be presenting quarterly to the Board with a Financial Update moving forward to provide a clear picture and transparency of the financials for the Board and the residents.

Ms. Bhandary stated overall the Township achieved 94% of its Revenue Budget and 79% of its Expense Budget. She stated while Revenue came in 6% below the Budgeted amount, the Township successfully controlled Expenses which allowed the Township to keep spending below Budget and ultimately exceed the Revenue expectations. Comparing 2024 to 2023, the Township showed progress with Revenue increasing by 6% while spending was reduced by 9%. She stated this is after factoring in recognition of the American Rescue dollars that were received in 2023. She stated the Township also increased millage for the Road Improvement Fund in 2024 and the additional Revenue is inclusive of that. Ms. Bhandary stated on the Expense side, some projects were delayed which helped keep spending lower in 2024 than in 2023.

Ms. Bhandary stated the General Fund is the Township's primary operating fund for day-to-day Revenue and Expenditures. She stated it is the key focus during the annual budgeting and planning process. She stated in 2024, the Township met its Revenue target by achieving 100% of the Budgeted amount. She stated most Revenue sources either met or exceeded expectations with the exception of Interest Earnings which did not decrease as much as we anticipated in 2024, and the Township's strategy of diversifying its investment helped lock in the higher rates which helped us gain more Revenue. She stated the Township also secured higher than expected Revenues from Grants, fines, and forfeiture Revenues along with Police Services and local Act 511 Revenues. Ms. Bhandary stated on the Expense side, the Township came in at 101%, which is slightly above what was Budgeted; and this was due to some higher Expenses in engineering, legal, benefits, salaries, and wages. She stated the primary reasons for this were underbudgeting for some unforeseen project changes and staffing updates. She stated these adjustments were necessary for some emergencies that came up on stormwater projects and to accommodate higher than expected salaries and benefits for new and existing employees in the competitive labor market.

Ms. Bhandary stated comparing 2024 to 2023, the Township saw a 7% increase in Revenue in the General Fund, and a significant portion of that came from a planned Interfund Transfer related to the newly-sold Sewer system. She stated the Township had Budgeted to transfer over \$1 million from the sale to help

balance the Budget in 2024. She stated before the transfer the Township exceeded the Revenue expectations in a few areas including Interest Earnings, which benefitted from stable interest rates and the Township diversified investments as well as Revenue from Grants, Police Services, and a slight increase in leaf assessment and Real Estate Taxes. She stated on the Expense side there was a 2% year-over-year increase which is higher than the Budgeted .5% increase, and lot of this was due to unanticipated staffing changes, updates, and unforeseen projects due to emergencies.

Ms. Bhandary stated the Parks & Recreation Department has several different funds including the Park & Rec Fund which covers the Township's recreational activities, the Park & Recreation Fee-In-Lieu Fund which utilizes payments made by developers in lieu of dedicating land for public recreational facilities, and the Park & Rec Capital Fund which is used for Capital projects. She stated the Park & Rec Fund and the Park & Recreation Capital Fund are interchangeable funds and money is transferred from the Park & Rec Fund to the Capital Fund to pay for maintenance and projects. She stated in 2024 the Parks & Rec Department secured 75% of its Budgeted Revenue, and the shortfall is primarily due to delays in Grant-related projects since Grant Revenue is reimbursed upon completion, so the delay in completing projects pushed the Revenue and associated Expenses to later periods. She stated the Department exceeded its Budget in Program Fees and the Light Cost Recovery Fee. She stated Interest Earnings which are allocated by Department also exceeded expectations which is seen throughout all of the Funds. Ms. Bhandary stated on the Expense side, the Department performed favorably spending only 60% of its Budget, but a significant portion of this was due to the delay in the projects.

Ms. Bhandary stated comparing 2024 to 2023, the Park & Recreation Department saw a 6% increase in Revenue including the newly-created Light Cost Recovery Fee that was put in place. She stated they exceeded Budget by over 3% on the Revenue side so there was an increase on year-over-year. She stated much of this was driven by the Department's ability to raise Program Fees and secure additional State Grants year-over-year. She stated there was also a slight increase in the Real Estate Taxes which is consistent in all of the Funds. On the Expense side the Department achieved a 4% year-over-year savings, and they effectively controlled costs and were able to support the Pool through an Inter-fund Transfer all while staying under the prior year's expenses and the Budget amounts.

Ms. Bhandary stated the Park & Recreation Department is responsible for managing the Township Pool. She stated over the past few years Pool membership has been impacted by COVID and many people installing pools at their homes. She stated there was no Discount Period last year which was a previous selling point, but it was necessary to eliminate that due to rising costs. She stated in 2024 the Pool Revenue came in at 79% of Budget with 48% of that coming from the Interfund Transfer from the Park & Rec Department to cover expenses. She stated despite the effort to boost membership with different strategies, membership still fell short of the Budgeted target. She stated Interest Earnings also came in below Budget as the allocation for interest is based on the Fund Cash Balance which was lower than expected due to reduced Revenues. She stated on the Expense side, the Pool came in at 75% of Budget; and some of that savings was related to not having a Pool Manager on site.

Ms. Bhandary stated comparing 2024 to 2023, the Pool had a 2% increase in Revenue overall despite memberships going down year-over-year. She stated she has heard that for 2025, they are seeing an increase. She stated the Department worked diligently to increase membership fees and sales. She stated they also had intentional cost-cutting measures in 2024 to align Expenses with lower Revenue.

Ms. Bhandary stated the Golf Course is managed by Spirit Golf, an experienced management company. She stated the Golf Course primarily operates out of the Golf Fund, but it also has two separate Funds that were established a few years ago for savings – the Golf Bond Repayment Fund and the Golf Capital Projects Fund. Ms. Bhandary stated in 2024 the Golf Course exceeded its Revenue Budget by 15%. Golf participation and food and beverage sales performed well and interest also exceeded expectations similar to the other Funds. Ms. Bhandary stated on the Expense side overall spending was higher in some areas, but remained in line with Revenue. She stated \$755,000 of the expenses were related to Interfund Transfers; and \$755,000 was Budgeted, one in the amount of \$455,000 to pay off a Bond Loan to the General Fund where the General Fund replenished the Golf Fund over the COVID years, \$225,000 to future Capital Golf Projects, and \$75,000 to the Golf Bond Repayment Fund. Ms. Bhandary stated inclusive of all of these transfers, the Golf Course generated a profit of \$847,241 in 2024. She stated in Revenues in 2024 exceeded 2023 while costs came in approximately 10% higher year-over-year. She stated as a result profits decreased by \$36,656 compared to the previous year due to higher costs. She stated she spoke to the Management Company, and salary and wages had an increase due to cost-of-living increases; and in

addition much of the Salary and Wages lines for the Golf Course are tied to Revenue. She stated if there is an event, and there is Revenue from the event additional hires are needed to satisfy the requirements for the event, so there is additional pay; and as Revenue goes up, some of the Expenses will go up in line with that. Ms. Bhandary stated Utilities also went up in 2024 primarily because there was a record dry spell, and the Course had to purchase significant amounts of water; and the stress on the Course also required labor for Course maintenance.

Ms. Bhandary stated the financial health of local Government is typically assessed by examining ending Fund Balances for Governmental Funds which are used to account for activities primarily supported by taxes, Grants, and similar Revenue sources. She stated there is also the Ending Net Position for Proprietary Funds which are the Sewer Fund, the Community Pool Fund, and the Golf Course Fund. She stated while the Sewer system has been sold, there is cash there that will be moved, and there is no Asset left; but it has to be called a Net Position because that is how the Fund is allocated at this time. She stated eventually it will be moved to a Fund Balance.

Ms. Bhandary stated overall the Township's Preliminary Ending Balances and Net Positions in 2024 are higher than in 2023 as well as the 2024 Budget. She stated some of these increases are due to Interfund Transfers discussed previously while others are due to higher than expected Revenues such as interest earnings exceeding Budget. Ms. Bhandary stated Funds like the Bond Fund also saw an increase because we delayed some projects for which we were to use the Bond Funds money.

Ms. Bhandary showed a slide of the Ending Cash Balances and Allocations as of January 31, 2025. She stated we have diversified our Cash which has helped to earn more Interest Revenue; and while overall the Cash Balances remain stable, it is important to note that a significant portion of the Cash is tied to the Sewer sale and the 2016 Bond Proceeds. She stated the Bond Proceeds have to be spent sooner rather than later in order to avoid exceeding the arbitration restriction period, so that will have to be looked at this year to determine what will be done with this additional funding that we have.

Ms. Bhandary stated 2024 was a stable year compared to both the Budget and 2023, and the Township worked diligently to secure Revenue and manage costs overall effectively. She stated we need to look ahead and strategize ways to increase Revenues to sustain the services that we provide. She stated eventually we may reach a point where we can no longer contain our Expenses and will

require additional Revenue sources to maintain operations. She stated many of the Revenue streams are stabilizing or even declining; and without the Sewer sale funds that we have that are helping us keep in balance and which we intend to hold as investment, and the Bond Funds that are sitting but need to be spent, our Revenue base is shrinking so we need to consider what we need to do in the future.

Mr. McCartney asked the amount of the Bond that needs to be considered this year because of the arbitration, and Ms. Bhandary stated it is about \$4,109,000. She added that there are some allocated projects in the Special Fund that were Budgeted to use some of that funding for, but there will still be some left.

Mr. McCartney asked the total net gain for the Golf Course in 2024, and Ms. Bhandary stated it was about the same as the prior year or about \$800,000. It was noted that amount is pre-transfer which is about \$755,000. She stated after the transfer it was \$92,241.00 in 2024, and in 2023 it was \$126,897. Mr. McCartney noted the utilities, and he asked the cost due to the leaking pond liners and water being brought in every month, and Ms. Bhandary agreed to provide that amount.

Mr. Grenier stated each of the Funds in terms of Revenue have Interfund Transfers, and he asked where the Interfund Transfers are coming from that are booked as Revenue to each of the Funds. He asked if we were to reduce Interfund Transfers and just rely on the Funds to Fund themselves, how would this impact the financial picture. Ms. Bhandary stated the Interfund Transfers were Budgeted in order to make sure we made our numbers, and most of the Interfund Transfers were to the General Fund. She stated for the Park & Rec Fund there were two Interfund Transfers for the Capital Reserve and Pool Capital. She stated there is also Bond money moving from the Bond Fund to the Special Project Fund when we need to spend it. She stated the other piece is to the General Fund which is the extra Sewer money that we have from Interest last year that was utilized to help the General Fund.

Mr. Grenier stated there are also funds coming from the General Fund to the other Funds such as Park & Rec and the Pool; however, it was noted that is not correct. Ms. Bhandary stated Park & Rec transferred funds to the Pool to help out, and we are going to have to watch this moving forward adding a lot of this happened prior to her coming to the Township. She stated the Pool could have probably sustained itself for the year but would have had very little left over without the transfer. She stated on the Golf side, the \$455,000 is to repay ourselves from transfers out of the General Fund in previous years. She stated

the biggest transfer to the General Fund was from the Sewer Fund. Mr. Grenier stated he feels that we need to look for ways to increase Revenue at the Pool and decrease Expenses to make it sustainable moving forward.

Mr. Peter Solor stated he is a Township resident. He asked if there was zero spent on Capital and equipment at the Pool which would be indicate that we are deferring maintenance and projects at the Pool which will potentially lead to increased costs in the future that would need to be Budgeted. Mr. Grenier stated over the last few meetings the Board has voted on multiple Pool projects. Mr. Kratzer stated some of that is the consequence of deferring maintenance over time that was not reflective of the current Board. He stated the Pool was built in the 1980's and items are coming to the end of their respective useful lives.

Ms. Laurie Grey stated she is a Township resident. She thanked Ms. Bhandary for the presentation which was informative and needed in the Township. She asked if the presentation will be available on the Township Website, and Ms. Bhandary agreed that it will be posted. She also advised Ms. Grey that if she has any questions, she can contact her directly.

GOLF

Update on Bar Renovation Project at Makefield Highlands Golf Course

Mr. Kratzer stated Mr. Kevin Beirne is present to provide an update on a potential Capital project/upgrade at the Golf Course.

Mr. Beirne stated they would like to renovation the bar at the Golf Course. He stated the Board of Health has been cooperative and lenient as we were flagged the last two inspections for bad plumbing. He stated they were notified that it would not pass again this year, and we would have to fix or close down until it was fixed. He stated the Board of Health issue is about three years old where there have been issues related to the plumbing leading to no hot water behind the sink which is not up to Code, and the way it was plumbed 20 years ago made it impossible to fix by itself without undoing the rest of the plumbing around it.

Mr. Beirne stated the Golf Course is 20 years old, and there are a number of infrastructure items they are trying to take care of. He stated this includes the bar which services a lot of user groups as it is the turn window for the Golf

Course, the ala carte service bar, and the banquet event bar. He stated they have made some small upgrades and changes over time; however, they feel that what they are proposing needs to be done at this time.

Mr. Beirne showed an overhead view of the bar. He stated they are not proposing to change the footprint and want to keep all of the available room in the banquet room as it is today. He stated the numbered pieces on the Plan reflect the quote in the packet. He stated going in from the door on the left they need to insure that there is a 4' opening for deliveries and food coming out. He stated while 3' is mandatory, they are looking for 4' since this is the most crowded area as it is where the turn occurs where people come to the bar. He stated the rest of the bar is proposed to be similar to what is there now. He stated the back bar will be re-built with two tall refrigerators on each side, a low refrigerator and some cabinetry. This will enable them to remove all of the existing refrigerators and other snack stands in the room, and put them behind the bar so that they can have four more tables. He stated they also propose to double the seating currently at the bar. He stated it is ADA-compliant. He stated on the right side there is an access for the wait staff and bartender to get out of the bar on each side which will lead to better service.

Mr. Beirne stated they are not looking to make any drastic changes but this will upgrade the plumbing to Code and put a new bar in place with new equipment, a new bar top, and more seating. A picture of the back bar was shown. He stated while the mirror was taken down, it will go back up. He stated the beer taps will move from the left side to the center of the bar with seven taps being increased to ten taps of beer on draft. He stated currently there are two TVs, and they are proposing to have four across the top. He stated this was a request made so that people could see more TVs for games. He stated there would be "tall boys" on each side of the refrigerators. A low beer frig would be left of center, and cabinetry as shown. There will be plywood faux columns that will hide the wiring needed for the TVs/cable. Mr. Beirne stated the area will be updated to match the storage and buffet unit that was done last year on the right side of the room and create symmetry in the room.

Mr. Grenier stated he was not aware that there was a Board of Health issue, and he asked if the Township was aware of that at any point. Mr. Beirne stated there is paperwork on file that the Golf Course was flagged that it was to be repaired. He stated they were considering the type of improvements that he discussed this evening in prior years including last year. He stated they were

given lead time to see if we were going to be able to do these improvements or not. Mr. Grenier asked while it was indicated it was on file, was it every provided to the Township; however, Mr. Beirne stated he would have to check on that because the first time was before he arrived. Mr. Grenier stated he is concerned when the Board of Health gets involved with a Township asset.

Mr. Grenier stated this is the first time the Board is seeing a design for the bar. He stated whenever the Board looks at projects, they look at design alternatives and the cost benefit associated with the project as well as who did the design. He stated the Board was not aware that a design was going on. Mr. Grenier asked how the person was picked to do the design, the parameters they were given, what the alternatives could be to this design, and what type of revenue generation this might lead to.

Mr. Beirne apologized for this advancing without the Board's knowledge, adding that was not the intent; and they felt that they were able to start the work. He stated they had letters of Permit from the Board of Health, and they had discussions with Township staff; however, he realizes now that they did not have approval from the Board. Mr. Grenier stated he understands that the bar has since removed. Mr. Beirne stated while it has, there is a temporary bar. Mr. Beirne stated they have curtained off the area where the existing bar was for construction purposes and to hide it off from the customers. He stated directly across the room, they created a temporary bar. Mr. Grenier stated the Board did not know that demo had occurred, and Mr. Beirne again apologized. He added that because of the timing and the belief that they were in a different place approval-wise, they went ahead and started the work to beat the season. He stated since they then realized that was a mistake, and since then no work has been done.

Mr. Beirne stated Mr. John Goeke who did the design has been an employee of Spirit Golf for the last twenty years, and he also has own business, Distinct Hospitality. He is a Johnson & Wales-trained executive chef, and he has had different roles at the Club over the years and has had this business on the side as well. Mr. Beirne stated Mr. Goeke has done hundreds of jobs in the last twenty years. He is a contractor with his own design group as well as being a trained chef. Mr. Beirne stated Mr. Goeke did the work on the storage unit and the buffet on the right side. Mr. Beirne stated they were looking to replace what was there, upgrade the twenty-year old wood, and replace the plumbing, moving forward with the same footprint.

Mr. Grenier stated the Board often talks about ways to increase Food and Beverage Revenue, and he asked what they anticipate in terms of Revenue with this upgrade or is there an alternative that might expand the footprint and provide potentially more Revenue. Mr. Beirne stated there has been a discussion over the years, and they had discussed with the Board “dream projects” in the future. He stated in the Budget process, they did put together an ROI for several projects they would like to do, and that was their process to come up with this project. He stated the ROI comes in by doubling the seating at the bar which can currently only seat seven people. He stated to be able to remove the equipment and refrigerators in the room would also allow them to have more seats in the restaurant as well. He stated what they are proposing is keeping the footprint the same but being able to store and merchandise the bar properly.

Mr. Grenier stated they are handling everything in-house with Spirit rather than seeing what others could provide. Mr. Beirne stated there was some discussion, but it would have taken months or years to get the work done by others; and it is important for this work to be done before the start of the season. He stated Mr. Goeke was available to do the work in the winter. Mr. Grenier asked if the Golf Course is required to go through the same process that the Township does with regard to work like this. Mr. Kratzer stated he understands that they are self-performing the work under the Management Company that the Board has hired. Ms. Carlton stated she would agree. Mr. Kratzer stated a lot of the more recent work working with Mr. Fuller has been on the procurement side largely related to the equipment which includes some of the items in the packet that was provided to the Board.

Mr. Grenier asked if the Golf Course is paying for the work to Distinct Hospitality or is Mr. Goeke being paid as an employee; and Mr. Beirne stated he is an employee, and he is on payroll. Mr. Grenier stated it seems that while Mr. Goeke is on the payroll, he is doing the contracting work through his company. Ms. Carlton stated he is doing the work through his own LLC, and from liability/responsibility purposes, we would look to the LLC; and the Golf Course should not be paying him as an employee of Spirit. Mr. Beirne stated they have not done so yet. Mr. Beirne stated Mr. Goeke will be doing the bulk of the work himself.

Mr. Grenier asked the schedule for the work being done, and Mr. Beirne stated it would depend on when they can acquire the equipment. He stated it would then take eight weeks from that time to accomplish the work. He stated most of the equipment shows a three to four week lead time although some of the

refrigeration is longer at seven to eight weeks. He stated they are hoping to get ahead of most of the scheduled events at the Course. Mr. Beirne stated Golf Outings start the second half of April, and their target to be mostly done by that time. Mr. Grenier stated they do have the back-up bar as well as the outside bar at some point, and Mr. Beirne agreed. Mr. Grenier asked if they have access to the kitchen, and Mr. Beirne stated they do. This project does not involve any updates to the kitchen.

Mr. Lewis stated when the Board found out about the demolition, one of the Supervisors reminded him that it was agreed in November that every Capital project would come to the Board before anything was done. He asked for Mr. Beirne's assurance that this will never happen again, and Mr. Beirne agreed and again apologized. He added there was approved Capital money, and they misunderstood.

Mr. Lewis stated he was also not aware of the health violation that is causing the re-working of the bar. He stated he looks at the health inspections of restaurants throughout Bucks County; and he looked through the last three years for the Golf Course, and there was no mention of anything that would indicate that the bar needed to be fixed. He asked why the Board or the Golf Committee was not advised of this. Mr. Beirne stated he just started this past year, and was trying to do some historical work to get caught up, and he felt that it was on file with the Township; but it clearly was not.

Mr. Lewis asked if this design will improve food and drink delivery speeds, and Mr. Beirne stated it will since there will be more taps, access from both sides of the bar, more room for the bartenders to work, and two active POS systems at the bar. Mr. Lewis asked how many speed racks are envisioned for this bar, and Mr. Beirne stated they will have two while currently there is one. Mr. Lewis asked the planned merchandising to improve the average revenue per guest. He asked if the larger refrigerators will obscure both the view of the TVs and high-value product. Mr. Beirne stated both refrigerators are on the floor and the TVs are above so there is no obstruction of the view. He stated the tall boys on the right and the left are the merchandising refrigerators. Mr. Lewis asked the size of the two existing TVs, and Mr. Beirne stated they are not quite 60". Mr. Beirne stated they are proposing to have 4 60" TVs, but that will be trial and error to see how they fit. Mr. Lewis stated the larger the set size, the more people can see it from a distance.

Ms. Blundi stated this was very disappointing to her particularly since she is at Makefield Highlands every Friday night, and no one told her anything about this. She stated it has been made clear tonight that this is not how we operate; and she does not understand how this happened since the Board is so accessible. She stated it cannot happen again. She stated people have commented that it is difficult to watch sporting events over the bar, and she feels that it would have been good for the Board to have provided input. She stated this is a Township asset and the decision around it should be made in the best interest of the Township. She stated she appreciates that more seating will be provided at the bar although she is not sure how that is being achieved since they are not changing the footprint. She stated she also appreciates that there will be more tables which will help with banquets. She stated she feels more details are needed to understand how this will work, but they need to try to find a balance moving forward with the project since winter is almost over, and an eight-week timeframe puts us into spring.

Mr. Beirne again apologized for what was done ahead of time. He stated currently the bar has an awkward angle where you are not able to sit at the front bar and straightening out the bar ledge allows for more seating there and more seating around the right side as well. Ms. Blundi noted the location of the door in that area.

Mr. Grenier stated he would also like more information about the LLC given what is being proposed for this Township asset since it is not Spirit doing the work. He stated he would also like to see some options to see what can be done with the design since whatever changes are made will be there for a long time. He stated he would not vote for this proposal tonight, and he would like to see options with numbers tied to them and get clarity as to design construction on the LLC and what may need to be done from a contractual perspective.

Ms. Blundi stated her concern is that we are now in this position and we do not want to be losing money. She asked how we can keep this moving in a way that meets the needs of the Township. Mr. Grenier stated it seems that there is a set-up now that may work for a period of time, but we still want to move ahead quickly. He asked if options could be put together for different lay-outs. Mr. Beirne stated all of the TVs are tilted down like they are in all sports bars. Mr. Grenier stated they could look into whether there are other options around the interior of the building for TVs in the general area. He stated they should also look into the concern about the location of the door noted by Ms. Blundi.

Mr. McCartney asked if the Board can be provided with information on similar projects that Distinct Hospitality has done that could be looked at, and Mr. Beirne stated he could provide that information. He added that Mr. Goeke did the work on the right side of the building in a short period of time, and aesthetically they are looking to match that. Mr. McCartney stated time is of the essence; and while he agrees with the Board that there was an issue with the process, if we do not execute what is needed, there is going to be an impact on profitability at the Course. Mr. Grenier stated while he agrees, he is asking if something a little better could be done since this will be in place for fifteen to twenty years.

Mr. McCartney stated they have projected the ROI from the bar renovations to be potentially \$81,000 a year, and Mr. Beirne agreed. Mr. McCartney asked the total cost of the project, and Mr. Kratzer stated they were estimating it to be \$120,000 to \$125,000. Mr. Lewis stated most of the expenses are in the equipment, and they had to re-work the bar in the off-season next year, it might be a loss of \$40,000 and not \$120,000. Mr. Grenier stated he does not know how much of the equipment would have to change if there was a different lay-out. Mr. McCartney stated the biggest lead time is the ordering of the equipment, and Mr. Beirne agreed. Mr. Beirne stated if there is a re-design, they may need different pieces of equipment from different vendors that have different sizing that would match the new lay-out. Mr. McCartney stated they would need the approval of the lay-out first in order to confirm the equipment that they need for that specific plan, and Mr. Beirne agreed.

Mr. Grenier asked Mr. Beirne if he would be able to come back to the Board's next meeting with some different options as to the lay-out and aesthetics, and Mr. Beirne stated they could get that back to the Board as soon as possible. It was noted that the Board's next meeting is in two weeks. Mr. Beirne asked if there is anything the Board would specifically like to see in the options, and Mr. Grenier stated he would be interested in something that would provide more seats and more flow even if it is a little more expensive to see what the ROI would be on that. Ms. Blundi stated she feels it would be helpful if a picture of the work that was done on the other side was brought so that the other Supervisors can understand what the vision is for the proposal that was discussed this evening.

Mr. Lewis stated we have a Contract with Spirit, and perhaps an Addendum may be required so that we do not have something like this happen again.

Ms. Carlton asked that Mr. Beirne forward to her as soon as possible documentation with regard to Distinct Hospitality LLC.

MANAGER'S REPORT

Approve Appointment of Morison Cogen, LLP to Serve as Calculation Agent for Lower Makefield Township Trust

Mr. Kratzer stated within the Trust Agreement there is a requirement for the appointment of a calculation agent with the definition of a calculation agent in the Agreement being an "accountant, accounting firm, or other individual or entity appointed by the Township to make certain calculations and give certain directions under the Agreement relating to distributions and loans." He stated 2025 is the first year in which a potential interest distribution is permissible from the Trust; and in order to calculate what a potential distribution would look like, we would have to engage a calculation agent.

Mr. Kratzer stated while he attempted to reach out to multiple firms, this involves a relatively small amount of work and is not overly complex or time consuming; and the only response was from Morison Cogen with a time and materials proposal. Mr. Kratzer stated not much time is anticipated in terms of doing the calculation.

Ms. Blundi moved and Mr. Lewis seconded to appoint Morison Cogen, LLP to serve as Calculation Agent for Lower Makefield Township Trust.

Mr. Grenier stated there is no not-to-exceed amount included, and he asked if there is an estimate provided. Mr. Kratzer stated they did not provide that, but he believes they think it would be one or two hours at most. He stated what they are doing is noted on the Exhibit which was attached to the proposal. Mr. Lewis stated they do not anticipate that it will be more than a few thousand dollars, and Mr. Kratzer agreed.

Mr. McCartney asked if there is language in the Trust Agreement that this has to be done within 90 days of approval of the Budget, and Mr. Kratzer stated he believes that is correct.

Ms. Blundi moved, and Mr. Lewis seconded to amend the Motion to approve the Agreement with a \$3,000 not-to-exceed cap without prior authorization from the Board, and the Motion as amended carried with Mr. McCartney opposed.

Approve the Proposal from Bowman Consulting Group in the Amount of \$41,400 for Engineering Services Relating to the ARLE Intersection Improvements at Makefield Road and Big Oak Road (SR 2024)

Mr. Kratzer stated this is a time and material quote with a not-to-exceed amount of \$41,400. He stated this relates to the automatic red-light enforcement Grant that the Township received in 2017 to effectuate intersection improvements. He stated the Grant has been extended multiple times; and last year we made a request to extend this one last time, and the current completion deadline is December 21, 2026.

Mr. Lewis moved, Mr. Ross seconded and it was unanimously carried to approve the proposal from Bowman Consulting Group in the amount of \$41,400 for engineering services relating to the ARLE Intersection Improvements at Makefield Road and Big Oak Road.

Approve Adoption of a Township Vehicle Use Policy

Mr. Kratzer stated there a number of vehicles in the fleet that are not marked vehicles, and there were no policy parameters governing the use of those vehicles. He stated the Vehicle Use Policy establishes certain parameters associated with use as to who is authorized to use Township vehicles, elements relative to vehicle maintenance and care, fueling, and expenses, some safety and compliance measures, and some provisions in the event that there are violations of the Policy. Mr. Kratzer stated all of those who are assigned to use a Township vehicle would be expected to execute an acknowledgement form indicating that they have read, understood, and agreed to comply with the Policy.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve the adoption of a Township Vehicle Use Policy.

PUBLIC WORKS DEPARTMENT

Approve Authorizing the Purchase of 2-John Deere 960M Zero Turn Mowers (1-Parks & Rec and 1-Public Works) at a Net Cost of \$19,734.08 (PA Ag and Grounds Power Equip 4400028317 (PG 61 CG 22)) and Authorize Trade-In of an Existing Zero Turn Mower from Public Works and an Existing Mower from the Golf Course

Mr. Fuller stated one of these vehicles would be used by the Parks & Rec Department and the other would be for the Public Works crews. He stated this is through a COSTARS Contract. Both of these were Budgeted items.

Mr. Ross moved, Ms. Blundi seconded and it was unanimously carried to authorize the purchase of 2 John Deere 960M zero turn mowers one for Parks & Rec and one for Public Works at a net cost of \$19,734.08 (PA Ag and Ground Power Equip 4400028317 (PG 61 CG 22)) and authorize trade-in of an existing zero turn mower from Public Works and an existing mower from the Golf Course.

Approve Authorizing the Purchase of a 2025 Morbark 1000 Tub Grinder at a Cost of \$659,750.00 (Sourcewell Contract #030923-MBI) and a 2025 Volvo EC140EL Excavator at a Cost of \$167,640 (Sourcewell Contract #011723-VCE) for a Total Combined Cost of \$827,390.00; Purchase is Funded in Full Through an Awarded Statewide Local Share Account Grant Award in the Amount of \$827,392.00

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve authorizing the purchase of a 2025 Morbark 1000 Tub Grinder at a cost of \$659,750. (Sourcewell Contract #03923-MBI) and a 2025 Volvo EC140EL Excavator at a cost of \$167,640 (Sourcewell Contract #011723-VCE) for a total combined cost of \$827,390; Purchase is funded in full through an awarded Statewide Local Share Account Grant Award in the amount of \$827,92.

It was noted that Mr. Fuller wrote the Grant, and the Board thanked him for his work on this.

Approve Proposal from PR Painting for Painting at Patterson Farm

Mr. Solor from the Patterson Farm Master Plan Implementation Committee was present. Mr. Fuller stated he worked with the Patterson Farm Implementation Committee on this. He stated three different scenarios were considered, and the Implementation Committee recommended what they felt would be best suited for the funds. He stated Priority Group 1 is the Patterson side which is the AOY side and would be the main barn, the small cottage, the main house, one of the smaller sheds on that side, and the main barn on the Satterthwaite side. The total cost for Priority Group 1 including materials and labor would be \$138,670 including the lift rental and about \$15,340 as a repair allowance.

Mr. Fuller stated once there is a Contract PR Painting will go through each structure and itemize a quick repair list to make sure that we are within the \$15,000 or we can decide if we want to spend a little more.

Mr. Fuller stated Priority Group 2 would be on the Patterson side and would include the pack house shed, one of the two garages on the Patterson side, and the small barn on the Satterthwaite side. He stated the cost for Priority Group 2 would be \$39,250. Mr. Fuller stated the only two buildings that would be left would be Priority Group 3 which be the small barn on the Patterson side and the Satterthwaite main house. He stated the cost for Priority Group 3 would be \$62,260.

Mr. Solor stated the Committee is recommending Priority Groups 1 and 2. He stated it was in the Ad Hoc Committee's Report to prioritize stabilizing the exterior of the buildings. He stated it was discovered that all of these buildings have lead paint on them, and additional investigation since the Ad Hoc Committee Report has shown that many of these buildings have significantly more structural and carpenter repairs that are needed than what was anticipated during the Ad Hoc period and the Seiler+Drury Report. He stated the Committee is looking at Groups 1 and 2 as an attempt to stabilize the buildings, prevent the buildings from deteriorating further, improve the appearance of the buildings, which has been a major concern of many of the residents, and to allow us to start moving forward on other items. Mr. Fuller stated they are not recommending Group 3 which includes the Satterthwaite farmhouse as there is a significant amount of structural and other work needed; and they are considering, if Patterson Farm Preservation is involved, getting the full envelope done as a whole rather than painting it and then six months later stripping it off again.

Mr. Solor stated with regard to the carpentry repairs noted by Mr. Fuller, they will be more minor and will not involve repairing windows or wholesale re-siding; and it is stabilizing immediate things that have been recognized as rot, and some detail of that has been provided in the PR Painting proposal. Mr. Solor stated structural items, windows, etc. would be part of future packages. He stated the process here is to stabilize the buildings and prevent further deterioration and to allow us to proceed with soil remediation as a potential next step around some of these buildings which was another Ad Hoc Committee priority.

Ms. Blundi moved and Mr. Ross seconded to approve the proposal from PR Painting for the Patterson Farm 1 and 2 as recommended by the Patterson Farm Master Plan Implementation Committee.

Mr. Solor was asked to provide information about his professional background. Mr. Solor stated his professional experience relative to the work proposed at Patterson Farm and his involvement with the Committee is that he has decades of experience as a construction project manager with specialization in historic projects. He stated he has managed projects at Pennsbury Manor, Washington Crossing State Park, and currently at Independence National Historic Park for the Park Service as a construction manager. He stated the projects at Pennsbury Manor and Washington Crossing were primarily exterior restoration projects. He stated he has gone through the buildings at Patterson Farm and has provided his own analysis and additional reporting which the Committee is using to help with discussions on Budgeting. Mr. Grenier stated Mr. Solor's reports were quite detailed.

Mr. Grenier asked if any of the painting companies that submitted proposals did a walk-through; and Mr. Fuller stated this is a COSTARS contractor, and a few people from the company walked the site with him a couple of times. He stated they did provide a first iteration quote which was extensive, and that can be forwarded to the Board; but the intent at this point is just to stabilize the structures and not to do historic preservation. Mr. Grenier stated he wanted to make sure that they understood the potential for the repair contingencies that have been provided. Mr. Fuller stated they are pretty confident in them; and once they are under Contract, they would then look at each building and show where they would be with the allowance and the Township can then decide if they want to do more. Mr. Solor stated they had scoping meetings with them, and that is why there was a revised proposal.

Mr. Grenier stated they have learned that there is a lot of lead paint present, and he asked if this company has all the requisite experience, knowledge, etc. to deal with lead paint and lead abatement; and Mr. Fuller agreed they do. Mr. Fuller stated Mr. Solor had a number of comments, and PR Painting agreed with them and changed their scope of work. Mr. Grenier asked about the schedule, and Mr. Fuller stated they are ready to proceed once there is an executed Contract and the weather breaks. He stated if we were to proceed with 1 and 2, the intent was a 4 to 6 week turnaround barring weather. Mr. Grenier stated in addition to Mr. Solor specifically, the Committee as a whole did a great job putting these recommendations together so that we can make progress on these important assets. He thanked everyone who is pushing this forward.

Mr. Lewis thanked Mr. Solor for the work he has done. He asked how quickly thereafter we could get to Priority Group 3 elements. Mr. Solor stated at the next Committee meeting, they will be discussing re-prioritizing the tasks. He stated environmental concerns are a major issue, and a lot of that has been discovered since the Ad Hoc Committee. He stated he believes that Mr. Kratzer will soon be discussing the Phase 2 Survey. Mr. Solor stated the Committee will be prioritizing the remaining Budget. He stated the Satterthwaite House is dependent on whether it will be sub-Leased to Patterson Farm Preservation. Mr. Lewis stated there was a 102-page report on soil samples done by Gilmore. Mr. Solor stated there is soil contamination at every building. He stated the Committee will be talking about whether they want to break the environmental up. He added that there is also asbestos that has been discovered in buildings, and there is an underground storage tank. He stated there are also unlabeled drums.

Mr. Grenier stated Gilmore & Associates completed a Phase 1 Environmental Site Assessment which includes a site visit and desktop file reviews, etc.; and as a result of that, there was an indication of what is likely there and that there may be spots where additional investigation is needed. He stated they are now completing a Phase 2 Environmental Site Assessment, which is where actual sampling is done. He stated we have known for some time that there is lead contamination in the base of some of the buildings, and they are establishing the limits of that contamination so that we can come up with a plan to address that and other things that they are finding in the buildings.

Ms. Blundi stated the entire Committee has done great work, and we need to make sure that we keep the project moving forward.

Motion carried unanimously.

Woodside Road Discussion

Ms. Blundi noted an area on Woodside Road which was in need of fixing, and asked how to get that scheduled. Mr. Fuller stated he had discussions with the Joint Toll Bridge Commission, and they will provide an update to him once they know the plan for making the special mix needed. He stated they will get it done in the spring, and he will provide an update. Ms. Blundi stated she is concerned that it is getting worse, and she is hoping that they are not going to say that they have to re-scope it again.

SOLICITOR'S REPORT

Ms. Carlton stated the Board met in Executive Session prior to the meeting and discussed an employment matter and a litigation matter.

Approval of Conditional Use Application – MRG Stony Hill, LP, 748 Stony Hill Road

Ms. Carlton stated this Applicant was before the Board on February 5 to present their Conditional Use Application. She stated as the Township's solicitor, she must issue a written decision to the Applicant on or before March 21. She stated the Board must therefore make a decision this evening or at the next meeting on March 19. She stated if the Board waits until March 19 to make a decision, that would give her a very short timeframe in which to write a decision.

Ms. Carlton stated a Conditional Use Application involves the use of the land only; and if the Board approves the Conditional Use, the Applicant will still have to go before the Zoning Hearing Board as there were Zoning issues. She stated if the Board denies the Conditional Use, the matter goes no further.

Ms. Carlton stated the Board of Supervisors shall grant a Conditional Use only if it finds adequate evidence that the proposed development submitted will meet all of the following General Requirements as well as any Specific Requirements and Standards listed herein (within the Ordinance) for the proposed use. The Board of Supervisors shall require that any proposed use and location among other things be:

- 1) In accordance with the Township's Comprehensive Plan and consistent with the spirit, purposes, and intent of the Applicable Zoning District (the District in which this property is located is the Historic/Commercial District)
- 2) An improvement shall not be detrimental to the properties in the immediate vicinity;
- 3) It shall be suitable for the property in question and designed to be constructed, operated, and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity;

- 4) It shall be in conformance with all applicable requirements of this Chapter and all Township Ordinances;
- 5) It shall be suitable in terms of effects on highway traffic and safety with arrangements for access adequate to protect streets from undue congestion and hazard.

Ms. Carlton stated they did not order the transcript from the Hearing because of the expense involved, but she can answer any questions.

Mr. Grenier stated Section 200-36 of the Zoning Code discusses the Historic/ Commercial District and the Permitted and Conditional Uses specific to that District. Ms. Carlton agreed adding this was not a by-right use, and it was a Conditional Use.

Mr. McCartney moved and Ms. Blundi seconded to Deny the Conditional Use Application based on the spirit of the Historical District.

Mr. Grenier asked Ms. Carlton if other than a vote does she need any further direction; and Ms. Carlton stated she does not, and based on the Motion she can draft the Decision accordingly.

Motion carried unanimously.

SUPERVISORS' REPORTS

Mr. Lewis stated there will be a Disability Resource Fair on Thursday, April 10 at the New Hope-Solebury High School that is being sponsored by State Representative Tim Brennan and State Senator Steve Santarsiero.

Ms. Blundi stated there are vacancies on the Electronic Media Advisory Commission adding that under the Consent Agenda, the Board accepted the resignation of Jill Laurinaitis. She stated there are also vacancies on other Boards and Commissions. Ms. Blundi stated the Trenton-Mercer Airport Review Panel met and discussed the presentation that was shared at the last Board of Supervisors meeting. She noted an article in the Herald about what is going on at the Airport and how Mercer County has ignored our concerns. Ms. Blundi noted that there was an issue before the Zoning Hearing with regard to a fence, and that matter has been Continued to April 15, which is the next meeting of the Zoning Hearing Board.

DISCUSSION ITEMS

Stormwater Management Ordinance Discussion

Mr. Grenier stated over the last several months the Board has been working on updating, revising, and modernizing our Stormwater Management Ordinance. A Sub-Committee was put together which Mr. Grenier sits on along with members of the EAC, the Planning Commission, and Township staff. Mr. Grenier stated they met multiple times with HRG (Herbert, Rowland & Grubic, Inc.) who are making a presentation this evening. Mr. Grenier stated the goal would be to vote on authorizing advertisement of an Ordinance at the next meeting, and between now and that time, both the EAC and the Planning Commission will have meetings when they can put it on their Agendas so that their full Boards can review the Ordinance and provide direction and comments to the Board of Supervisors.

Mr. Jonathan “JJ” Robinson, Professional Engineer specializing in Municipal and Water Resources, was present with Ms. Juni Alam, a Senior Water Resources Engineer.

Ms. Alam stated early in the process they met with Township staff and various Township Committees to agree on the goals that would drive the direction and updates of the Stormwater Management Ordinance. She stated the goals included having a comprehensive and modernized Ordinance, address stormwater quality and quantity, construction standards, and promoting innovative BMPs (Best Management Practices) while minimizing impacts of unmanaged stormwater, increasing the quality of life, and enhancing resiliency of the more frequent and intense storm events. Ms. Alam noted the resources used in the process including in-house and outside resources.

Mr. Robinson stated one of the goals of the Ordinance was to be forward thinking and innovative, and to do that they reviewed two draft documents from PADEP (Pennsylvania Department of Environmental Protection,) which will be future standards that are going to be implemented in the near future once the documents are finalized; and they are incorporated in this proposed Ordinance.

Mr. Robinson stated the project was started early last year, and they came before the Board of Supervisors with an initial Stormwater Management Ordinance revision addressing some of the easier changes that could be made to increase the requirements for stormwater management within the Township. He stated they then developed a plan to work with Township staff

and some of the Township Committees to update the Ordinance, creating a Recommendations Document that was presented to the Board previously. He stated from that Recommendation Document, they created the Draft Ordinance which was first reviewed with the Township and additional Drafts were prepared. He stated they then reviewed it with the Stormwater Management Sub-Committee, and are present before the Board with the latest Draft.

Mr. Robinson stated in Article I they added two new Sections – The Erroneous Permit Section and the Waiver Section. In Article II – Definitions they added, expanded, and deleted some of the definitions for consistency throughout the Ordinance. He stated the biggest area of improvement within the Definition Section is the Impervious Area definition. He stated this has been discussed previously; and in general it has now been solidified that all rock, crushed stone, and aggregate shall be considered impervious area as well as pools, ponds, and other permanent water-storage areas are now considered to be 100% impervious. He stated elevated surfaces with vegetation below them such as decks and awnings will not be considered impervious. He stated they also have the recommendation for pervious pavement to be partially impervious in accordance with the Township's Zoning Ordinance.

Mr. Robinson stated the definition of impervious area can be different between the Stormwater Management Ordinance and the Zoning Ordinance and the Subdivision and Land Development Ordinance. He stated this is mainly for capturing additional credit on stormwater regulations and not changing any Zoning regulations for how much land cover there can be on a lot.

Mr. Robinson noted Article III – Stormwater Management Standards, which is where they have the most updates. He stated the first Section is Section 303 – Riparian Buffers. He stated this now requires all new development and re-development that comes into the Township to have Easements in place for the greater extent of a riparian buffer. He stated this not only includes riparian buffers from streams but also from ponds, wetlands, and other water bodies. He stated it also includes minimum management requirements for these riparian buffers including weeding, removing of invasive species, and replanting any dead plants that may be within the riparian buffer.

Mr. Robinson noted Section 304 – Stormwater Management Facilities Standards. He stated this is a new Section adding construction standards for BMPs and stormwater facilities within the Township and also includes a preference for

surface and open-air BMPs to increase infiltration and evapotranspiration from those BMPs. He stated they also put a strong emphasis on non-structural and green infrastructure BMPs using them to the maximum extent practical.

Mr. Robinson noted Section 305 – Conveyance Facilities Standards and Methodologies. He stated these are additional design and construction standards for conveyance facilities of stormwater including storm sewers, gutters, and swales.

Mr. Robinson noted Section 306 – General Calculation Methodologies. He stated these are general updates to add more requirements including updating the design storm information to current day standards and time of concentration calculation guidance. He stated with regard to the threshold for existing impervious area, after discussions with the Sub-Committee, it has been recommended to increase the requirement to 100% for all major Stormwater Management Permits which would be development with greater than 5,000 square feet of impervious area and all re-development activities, 100% of the existing impervious area on a lot with the limit of disturbance will be considered meadow.

Mr. Grenier stated when you are doing stormwater management, you have to compare your pre versus post-condition; and when they model the pre-condition, they are modeling it as if it was a green site so in that way they would be managing all of the stormwater that previously had not been managed.

Mr. Robinson stated in comparison, the minimum requirement is to consider 20% of existing impervious area as meadow so this is a big increase which he believes is what was discussed with the Committee as the desires of the Township. Mr. Lewis stated this will be a significant issue for re-development. Mr. Grenier stated a lot of the existing development, where any re-development would occur, occurred prior to any Stormwater Regulations so it was never managed for quality or quantity which is a major issue; and this addresses that.

Ms. Blundi asked if they are just referring to Commercial re-development or is it also for Residential if it is over the 5,000 square feet; and Mr. Robinson stated it would be for both. Ms. Blundi asked how re-development is defined in the Residential space, and Mr. Robinson stated he will have to look at the definition. He stated it is considered within the limit of disturbance which typically knocking down a house would be disturbance to the existing ground so it would be considered re-development.

Mr. Robinson noted Section 307 – Volume Control Standards. He stated they increased the amount of stormwater that is captured on the lot by 20%, and this will increase the amount of stormwater that can be reused, evapo-transpired, and infiltrated into the ground.

Mr. Robinson noted Section 308 – Peak Rate Control Standards and Methodologies. He stated as we are increasing the requirement to hold more water on site and infiltrate it into the ground, we are also reducing the amount of stormwater leaving the site by implementing a measure to not exceed 80% of the peak rate. He stated when you model stormwater, you model how fast the water is going off in pre-development conditions, and you model it in post-development after the site is built. He stated after the site is built it should be holding more water on site compared to pre-development, and it should be releasing it slower compared to pre-development conditions.

Mr. Robinson noted Section 309 – Water Quality Standards and Methodologies. He stated in addition to increasing the volume and rate control requirements, we added water quality standards were added so the stormwater that leaves the site should meet the standards set by the Pennsylvania Department of Environmental Protection.

Mr. Robinson stated they also added new Sections – Stream Channel Protection Requirements and Erosion and Sediment Control and Grading Requirements. He stated those are consistent with model Ordinances. He stated an additional provision was also added within the Hot Spot Use to write a Stormwater Pollution Prevention Plan to be implemented on sites that are hot spot uses such as gas stations where there could be chemicals that are held on site.

Mr. Robinson noted Article IV – Stormwater Management Site Plans and Reports Submission. He stated these are to be submitted to the Township and Township engineer for review. He stated they increased what is required to be shown on Plans which helps ease of review and aligns with the other Provisions that were previously stated. He stated they also added standards for Stormwater Management Reports that will be submitted with the Plans for calculation purposes as well as a few Special Submission requirements including Sub-surface Investigation and Infiltration Testing requirements consistent with the PADEP standards, a Wetland Delineation Report, and a Geo-Technical Report.

Mr. Robinson stated all of the submission requirements are summarized in Section 404 – Submission Section. A Summary Table was created so that Applicants can see all the requirements needed.

Mr. Robinson stated the Sections for Submission Review Procedures were enhanced, and they also added a few Project Close-Out Requirements including As-Built Plans for all of the Minor and Major Stormwater Management Plans and also post-construction infiltration testing for major Stormwater Management Plans.

Mr. Grenier noted Section 410 and asked if those additions are consistent with DEP's latest NPDES requirements, and Mr. Robinson agreed. Mr. Grenier stated as of December there are new post-construction requirements, and that is what we are being consistent with here.

Mr. Robinson noted Article V – Operations and Maintenance. He stated they have added a few new Sections and enhanced the Operations and Maintenance Plans and Agreements requirements. He stated they also updated the Stormwater Management Facility Operations & Maintenance Fund which allows for a Maintenance Fee to be charged to Applicants based on the acreage of Stormwater Management Conservation Easements on the lot. Mr. Robinson stated each BMP or stormwater management facility that is implemented whether it is a Minor or Major Stormwater Management Permit will be required to have a Stormwater Management Conservation Easement, and the Fee is based on the acreage of that Easement.

Mr. Robinson stated in Article VI they expanded the definition of what expenses are covered by Fees or paid by Applicants.

Mr. Robinson noted Article VII – Prohibitions. He stated this Section was updated to include information about illicit discharges, prohibited dumping of pollutants into the waterways and the storm sewers, prohibiting open storage of pollutants; and also adding a Notification Section that if there are pollutants that enter the waterways, the person responsible for that pollutant must contact the Township and DEP.

Mr. Robison noted Article VII – Enforcement and Penalties. He stated they increased the inspection requirements, and there are additional PAG-02/NPDES requirements for these inspections which have been written into the Ordinance so that Applicants are aware of those. He stated those reports may be requested by the Township in the future.

Mr. Robinson stated Sections 803 and 804 have additional information about violations and what the Township's procedure is for violations.

Mr. Robinson stated in the Appendices Section, many came from the previous Ordinance, but there were some updates to the Stormwater Management Site Plan Application, the Site Design Worksheet, and the Post-Construction BMP Investigation Report to be consistent with the new Ordinance. He noted the Site Design Worksheet which is for Minor Stormwater Management Permits for residents who want to implement a project such as a small addition, a patio, etc. He stated if they are implementing less than 5,000 square feet of area on site, they can submit the Site Design Worksheet and do not have to have an engineer provide a Plan for them. He stated the residents can fill out the worksheet themselves using the instructions and the table to calculate the size of the stormwater management controls for their site. He stated this is for structural and non-structural BMPs.

Mr. Robinson stated they believe that the proposed Stormwater Management Ordinance is regulatory compliant with the Act 167 Ordinances, the PADEP model Ordinance, and future forward-thinking regulations to be implemented by PADEP. He stated they also believe that this Ordinance is consistent with other Ordinances within the Township including the Subdivision and Land Development Ordinance and the Zoning Ordinance. He stated they believe that it is modernized and looking forward to the new regulations that are being implemented, and they believe it is resilient and sustainable. He stated they have received approval and concurrence from various Township staff members and Committees.

Mr. Lewis asked how this Ordinance compares to other Pennsylvania Municipalities and asked if it would be one of the strongest, and Mr. Robinson stated he believes that this would be one of the most stringent Ordinances. Mr. Lewis asked how it would compare to Ordinances in New Jersey; and Mr. Robinson stated while he does not have as much experience in New Jersey, he believes that it is consistent if not more stringent.

Mr. Lewis asked if there are ways that someone who is renovating or building can increase the evapotranspiration of their stormwater management. Mr. Robinson stated when he mentions non-structural BMPs, that is typically plantings, woodlands, and meadows; and that is a provision that was included in the Small Site Design Worksheet. He stated residents could incorporate a rain garden or sub-surface infiltration bed as well as plantings, trees, and meadows to manage stormwater. Mr. Lewis stated while it would not have

to be in this Ordinance, it would be helpful for the staff to give guidance to Applicants that if they were to plant certain native plants, they would get a certain amount of return that would help with the short form sheet. He stated if we are able to give someone ideas that are relatively lower cost but have higher utility, that should make their experience better. He stated we are trying to balance being very stringent because of what we have experienced with a good resident experience. Mr. Robinson stated they could provide something to the Township like that. He added that the Ordinance does state that all plantings shall be native plants to Pennsylvania. Ms. Alam stated they have in-house landscape architects that they work with, and they could provide a list which would highlight which plants are more wet tolerant and which plants have a higher percentage of evapotranspiration. Mr. Grenier stated the EAC may also be able to provide input on this.

Mr. McCartney asked if there is a reason we are taking the steps recommended with the requirements above and beyond what others require. Mr. Robinson stated the Township staff and the Committee indicated that was the intent of the Ordinance. He stated going above and beyond regulations can help reduce localized flooding within the areas that are being developed. He stated on a larger scale as the Ordinance is implemented, it can hopefully reduce flooding on a Township-wide scale and improve water quality as it leaves properties. Mr. McCartney asked if there is an example of a Municipality that has done something like this and it has proven to offset flooding. Mr. Robinson stated to this extent he does not have an example since as he noted earlier this is the most stringent Ordinance he is aware of. Mr. Kratzer noted Silver Springs in Cumberland County.

Mr. Grenier stated during the course of writing the Ordinance, the Pennsylvania DEP put out their new draft Ordinance that will go live in the near future and other Townships would not have had that when writing their Ordinance. Mr. McCartney asked if what we are proposing for the Township Ordinance will be above the DEP Ordinance; and Mr. Robinson stated we are similar in a lot of the areas, but with the stormwater calculations area we are going above that. Mr. Robinson stated specifically for volume controls within the new MS4 Permit there is a stress on volume management. He stated the Pollution Reduction Plan of the current MS4 Permit is going to be replaced by a Volume Management Plan; and by increasing the amount that development is capturing volume on site, the Township can take credit for that additional volume that Applicants are capturing on site to meet the Volume Management Plan requirement. Mr. Robinson stated there may be a little bit more of a burden on the Applicant, but the Township is receiving that benefit for their MS4 requirement.

Mr. McCartney asked if that is also an initiative of the new PADEP Plan; and Mr. Robinson stated it is not the additional 20%, and that is an additional standard that we are implementing in this Ordinance to hopefully achieve the flood mitigation, water quality, and MS4 Permit requirements. Mr. McCartney asked the downside to having such a stringent Ordinance, and Mr. Robinson stated developers will say that it results in increased costs for implementing BMPs. Mr. McCartney asked what would developers typically do to offset the cost as he feels it would be an increase to the housing cost that will be paid for by the consumer. Mr. Robinson stated he cannot speak to that. Ms. Alam stated relative to the cost of the development and what a developer will get, the cost of stormwater management is not that large of an increase. She stated Bucks County is currently doing an Act 167 update so the Township's timing is convenient, and it will be seen that as the Phase 2 Study is currently underway, other Municipalities will be required to update their Ordinances as well. Ms. Alam stated by using the 100% impervious criteria, Lower Makefield is taking into account much larger weather events in the future and is becoming a flood-resilient community.

Mr. Grenier stated this Ordinance would apply for large re-development projects. Mr. McCartney asked what percentage of a development would make it count as a re-development, and Mr. Robinson stated it was an area requirement which would be 5,000 square of impervious area or greater than one acre of disturbance in general regardless of impervious area.

Mr. Robinson stated with regard to the cost of stormwater management facilities, this Ordinance is stressing low-impact development and green infrastructure and providing methods for that to be calculated into the stormwater management practices. He stated if developers choose to utilize that method they can reduce costs by including forested areas and calculate that into their stormwater controls or meadow activities within a development rather than have one large basin in the corner of a lot. Mr. McCartney stated it creates lower density as well from a Residential standpoint which also increases prices. Mr. Grenier disagreed and stated this can do the opposite and there can sometimes be greater density in developments with more open space around it, and that open space is where they would do the stormwater management.

Mr. McCartney stated while he is not opposed to what is being proposed, he wanted to know why we are going above and beyond what Bucks or Pennsylvania are going to be doing; and he asked what drove that.

Mr. Robinson stated that would be for flood mitigation, additional credits taken through the Ordinance for the new MS4 cycle, and improving water quality leaving the site. Mr. Grenier stated if there is a unique site or if a developer wants to do something different than what the general guidance would be in the Ordinance, there is still the opportunity for Waivers that would come before the Board of Supervisors for consideration.

Mr. Grenier stated no vote will be taken tonight, and this will next go to the EAC and the Planning Commission; and the matter will be back before the Board of Supervisors on March 19 to vote on advertisement.

Discussion of Taylorsville Road Improvement Project – DCED Multimodal Transportation Fund Grant Award

Mr. Grenier stated the Township was successful in getting a DCED Multimodal Transportation Fund Grant for the Taylorsville Road Improvement Project (sidewalk and stormwater management). He stated the Application was for about \$2.5 million, and the Award was for about \$550,000. Mr. Grenier stated there will need to be discussion with staff and others as to what we could implement with the Award that was granted. He stated the sidewalk portion was going to provide pedestrian connectivity between the northern part of the Township through the Borough as they are completing their sidewalk as well. Mr. Grenier stated even though Taylorsville Road has very limited if any stormwater management facilities on the road as it predates the rules, stormwater management is required to be put in when sidewalks are put in. He stated if they put in an 8" or 9" sidewalk in front of Maplevale, that will help to direct potential future floodwaters from the stream to the stormwater management system and hopefully mitigate future flooding that could occur during major storm events. Mr. Grenier stated he would like to see some examples of what can be done with the funds received.

Mr. Kratzer stated there is also the pending Fiscal Year 2025 General Appropriations Community Project Funding request which is the \$8 million request that was submitted through Congressman Fitzpatrick's office. He stated he understands that Congress may be considering adopting a Budget in March with the potential for this funding request to go before the President in April. Mr. Kratzer stated while our request is included in the Budget at this time, it does have to go through the Congressional Review process; but there is the potential of an award in the relatively near future. He stated several of the projects being considered as part of the project Mr. Grenier has discussed would likely be

eligible for using that Federal funding. Mr. Kratzer stated there are some significant improvements that are contemplated on the two parcels that are adjacent to the Maplevale neighborhood. He stated the Township owns both north and south of the neighborhood. He stated those would be examples of what would fall within the general parameters that were submitted as part of the funding request. Mr. Kratzer stated while they can start to look at what could be done with the \$550,000 awarded, it should also be remembered that there is the potential of the more significant amount of funding coming relatively quickly; and if that money were made available, that would create additional flexibility that relates to use of the \$550,000. Mr. Kratzer stated the \$8 million could not just be used for sidewalk, but there are elements of the project that would be eligible.

Mr. Lewis stated we may start north to south with the sidewalk to get the stormwater management in, and it may be some time before everything is joined together. Mr. Kratzer stated there have been discussions by staff about this with the Yardley Borough staff.

Mr. Grenier asked how long we have to use the \$550,000; however, Mr. Kratzer was not certain as we have not yet received the actual Grant Agreement. Mr. Grenier stated the Board will consider this further over the next few meeting to discuss the options given the amount of money that we have, and hopefully we will hear something positive at the Federal level. He stated we also heard that there are 2016 Bond Funds that need to be spent, and this project would need be prioritized against other major Township projects.

Ms. Blundi stated while she understands that we may have to go north to south, we should also consider that in July there was a lot of water coming down the road, and an unintended consequence of the Borough finishing their sidewalk may push some of the water this way. Mr. Grenier stated Yardley Borough was awarded funding for sidewalks at Dolington.

Ms. April Bollwage-Cloer stated she is a Township resident. She asked for an update on Highland Drive. Mr. Fuller stated there was a meeting today with RVE and Township staff to review RVE's drawings which are almost completed for the culvert project. He stated he feels by the April meeting of the Board they will requesting authorization to Bid the project for construction.

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Christian Schwartz to the Zoning Hearing Board.

Mr. Grenier stated a number of interviews will be scheduled for vacancies on various Boards and Commissions.

ADDITIONAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Ms. Larissa Lizeckyj stated she is a Lower Makefield resident. She stated at the previous meeting there was discussion about the possibility of jet fuel in the Delaware River, and she asked for an update. Mr. Grenier stated we have been in touch with Energy Transfer, the DEP, and Upper Makefield Township. Mr. Grenier stated he attended the Energy Transfer meeting last week in Upper Makefield, and all the information we have is on the Lower Makefield Township Website. Mr. Grenier stated Energy Transfer has continued to test wells in both Upper and Lower Makefield, and they have tested about 360 wells. Mr. Grenier stated we are also looking at testing the Golf Course wells, and PA American Water has been testing their intake and so far has not found anything. Mr. Kratzer stated PA American Water should be sending out a notice to their customers shortly as it relates to the Delaware. He stated they have indicated that their samples have come back clear so there was no apparent impact as it relates to the drinking water that is being pulled from the Delaware.

Ms. Lizeckyj asked how long they will test since the impact may not be immediate. Mr. Grenier stated Energy Transfer has received a Notice of Violation from the DEP, and he believes that today was the deadline for them to respond which would start the Act 2 program which is remediation. He stated Energy Transfer has applied for Permits to put in additional wells to do soil and groundwater testing to determine where the plume is if there is one. He stated they are also testing certain creeks in the area. Mr. Grenier stated both Upper and Lower Makefield asked the Federal Government that the pipeline be shut down until a determination is made as to what is going on as it is currently operating at 80% of maximum capacity. Mr. Grenier stated he believes that every level of Government that has jurisdiction over Upper and Lower Makefield has asked the Federal Government to shut down that


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pipeline. Mr. Greiner stated the next meeting will be at the Crossings Church on Tuesday, March 11 at 7:30 p.m., and this information is also on the Township Website. Mr. Grenier stated we will continue to be engaged in this matter.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'James McCartney', with a large, stylized flourish extending from the end of the signature.

James McCartney, Secretary