

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – SEPTEMBER 5, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 5, 2018. Mr. Lewis called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:                    John B. Lewis, Chairman  
    Frederic K. Weiss, Vice Chairman  
    Kristin Tyler, Secretary  
    Daniel Grenier, Treasurer (joined meeting in  
    progress)  
    Suzanne S. Blundi, Supervisor

Others:                                        Kurt Ferguson, Township Manager  
    David Truelove, Township Solicitor  
    Andrew Pockl, Township Engineer  
    Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, expressed concern with the state of the Country. He stated he will be back with his Writ on September 19, and his lawsuit in October adding the Supervisors will be named in the lawsuit for “reasons that they will see when he files the lawsuit.”

Mr. Robert Abrams, 652 Teich Drive, expressed concerns with the amount he has to pay to Verizon. Mr. Lewis made some suggestions as to how Mr. Abrams could possibly save some money. He also advised that the Township’s Electronic Media Advisory Committee may be able to help him. Mr. Abrams stated he could not find information on the Township Website about the Patterson Farm lead paint results. Mr. Ferguson stated testing was done today, and the engineer will provide a preliminary update on what was found. He stated it will be available for public consumption once they get a report. Mr. Ferguson stated he will check to see if there is a report on the Satterthwaite House. He stated the Janney-Brown House was tested today. Mr. Lewis stated he believes there is the original Remington-Vernick report from July that covered the Satterthwaite House, and that could be provided to Mr. Abrams. Mr. Abrams provided his contact information this evening.

Ms. Claire Ricosta, 864 Oakhill Lane, stated her house is the last house that goes into the side entrance of Macclesfield Park. She stated she has been there over fifty years, and every few years Jim Coyne would come in and cut down the barrier from her house into the Park. She stated it had been a cornfield, and when it became a Park she was told it was just going to be a “utility field never used for anything;” but now it is constantly used. She stated they now park in front of her house, sometimes in her driveway, and at the fire hydrant. She stated there is a sign that says “No Parking,” but they ignore it. She stated her main complaint is that alongside her house is the path that goes into the Canal, and no one ever cuts it anymore; and her husband has to cut it from front to back, and he is eighty-seven years old. She stated they have called the Township “time after time;” and finally “Monica” came out looked at it and advised that they could not do anything because it was a buffer. Ms. Ricosta stated she advised Monica that the Township used to cut it every second year. She stated it is no longer a “green fence – it is a green wall” and she cannot see into the Park anymore because it is that deep. She stated deer are in there and eat her plants. Ms. Ricosta stated she does not want the Township to cut down the trees, but she wants them to trim them so she has air and light. She asked if the Township can do something about this.

Mr. Lewis asked that Mr. Ferguson send someone from Public Works to look at this. Mr. Ferguson asked Ms. Ricosta when she had spoken to Ms. Tierney, and Ms. Ricosta stated it was approximately two weeks ago.

Ms. Tyler asked Ms. Ricosta when her husband started having to care for the area and the Township stopped doing the maintenance; and Ms. Ricosta stated the Township never really cut the path, and her husband always cut it but now he is getting older.

Mr. Ferguson agreed to look into this.

Mr. Zachary Rubin, 1661 Covington Road stated he is the Chair of the Electronic Media Advisory Committee. He stated they are meeting on the fourth Thursday of the month this month, and Mr. Abrams could contact him about his issues. Mr. Rubin stated since 1996 the Township has no regulatory powers with regard to pricing or content. Mr. Rubin discussed his personal history dealing with Verizon.

Mr. Rubin asked Mr. Truelove for an update on the progress of the negotiation with the Consortium for the renewal of the Verizon Contract. Mr. Truelove stated he will reach out to Mr. Cohen, and Mr. Rubin asked that he be copied on this. Mr. Ferguson stated he is on the Executive Bargaining Committee with several other Managers for that Agreement, and he hopes to have more specific information for the Board and the public soon regarding those discussions. Mr. Rubin stated the Franchise Agreement expires in November, and he asked that his Committee and Mr. Truelove be kept apprised of what is happening.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne stated on Thursday, September 20 at 7:00 p.m. at Friends Village, 331 Lower Dolington Road, Newtown, there will be presentation on the underground railroad. She stated while the event is free, you can RSVP at 215-968-9222. Ms. Doan also stated on Saturday, October 6 Patterson Farm Preservation will have a fall fundraiser flea market at Veterans Square from 8:00 a.m. to 2 p.m. She stated vendors are wanted for that event and you can sign up by calling 267-566-2165, leave a message at the Patterson Farm Preservation Facebook page, or e-mail the admin at pattersonfarmpreservation. Ms. Doan stated this Sunday, September 9 at Snipes Farm, Bridge Street in Morrisville, they will have the Healthy Living Festival from 11:00 a.m. to 4 p.m.

Ms. Lisa Baxter, 208 Arborlea Avenue, asked for an update on the EAC review of the Elcon Application. Mr. Lewis stated while Mr. Grenier is not present at this time, he knows the Application was over 800 pages, and the EAC has been breaking it up but he does not know how far they are on their review. Ms. Baxter stated they have a new Resolution which has been changed to include the changes in the Phase II Application as the previous one that the Board of Supervisors was provided a few years ago was based upon the Phase I Application. Ms. Baxter stated the Application is available on-line at the Pennsylvania Department of Environmental Protection's Elcon page. Ms. Baxter stated her group is a group of residents calling themselves POWA which stands for Protect our Water and Air, and they include residents from Lower Makefield, Falls, and surrounding Townships that are concerned about this issue and other issues. She stated they are on Facebook.

Ms. Blundi stated she was just advised by Mr. Grenier, who is watching the meeting, that the EAC has just started their review; and while they have no comments yet, more information will be available at the next Board of Supervisors meeting.

#### APPROVAL OF MINUTES

Ms. Tyler moved and Ms. Blundi seconded to approve the Minutes of August 15, 2018 as written. Motion carried with Ms. Tyler abstained.

#### UPDATE AND MOTION ON DOG PARK REMEDIATION

Mr. Pockl stated there was an issue with the fencing within the DEP-defined floodplain of the stream adjacent to the Dog Park. He stated he reached out to DEP with a plan of action to remove the portion of the fence that is within the floodplain and relocate it outside of the floodplain. Mr. Pockl stated he received confirmation from DEP that no Permit was required to do that work, and they gave the Township authorization to proceed with the work. Mr. Pockl stated he issued a Removal and Relocation Plan to Public Works.

Mr. Pockl stated he understands that the Township had contracted with a soils scientist to document the wetlands that are located on the property, and he understands the wetlands are to be flagged in the field this Friday; and there will be survey crews on site on Monday, September 10 to locate the shed that was installed at the Dog Park but is not on the Plan, and it will be located and shown on the Plan. He stated they will also measure the sight distance from the driveway to make sure that it is safe and up to PennDOT standards and also provide wood stakes for the relocated fence line so that the fencing company that is going to relocate the fence can do it accurately without running into trees and making sure that they maintain the appropriate setback distance from both the wetlands and the stream.

Mr. Pockl stated he is also reviewing the Contract with the initial contractor and trying to close the project out. He stated they will check the status of payments, the status of the work that is completed, and check to see if there is any other outstanding work that the contractor needs to come back and do. Mr. Pockl stated he anticipates providing the Township with a memo of those findings by the end of this week.

Ms. Blundi moved and Ms. Tyler seconded to have Conflict Counsel investigate the Dog Park and the engineer who helped us with the Dog Park to see if there are some issues there based on the engineer's report just received.

Mr. Zachary Rubin stated he is the Vice President of Makefield Glen Homeowners Association. He stated up until eighteen months ago, the Homeowners Association had owned that 3.1 acre property and they ceded it "basically free of charge" to the Township to support the Dog Park. He stated when they still owned the property before they ceded it, he walked the property with Jim Bray, who at the time was Chair of the EAC, Dave Fritchey who was on the Board and active with Parks & Rec, and Dave Kelliher, a resident; and they established that because of Brock Creek, there was a fifty foot setback for wetlands. Mr. Rubin stated if the Board needs their testimony in the lawsuit, they would be available to indicate that there was no question where it had been delineated.

Motion carried unanimously.

#### DISCUSSION OF LEAD PAINT TESTING ON PATTERSON FARM PROPERTIES

Mr. Pockl stated samples were taken today at the Janney-Brown House, and they anticipate lab results back Monday or Tuesday of next week; and a full report of their findings will be provided before the next Board of Supervisors meeting. Mr. Pockl stated he had a conversation with the expert who was on site, and he was very complimentary of the people who were maintaining the property; and it was

very clear to him that they were doing a very good job maintaining the property including the paint and the overall structure itself. Mr. Pockl stated assuming that it is lead paint found in the Janney-Brown House, the only thing that would be required would be scraping off loose or chipped areas with either a vacuum or a wet scraper. He stated there are regulations in place to protect the workers who would be doing that work. Mr. Pockl stated the expert who was there felt that there was minimal risk to any occupants within the building; and once chipped paint is noticed, it should be scraped off and painted over which would be sufficient remediation of the paint within the property.

Ms. Tyler stated the Artists of Yardley are maintaining that building.

Mr. Ferguson stated as soon as they have the report, they will make it available to the Board and present the results at the next Supervisors' meeting.

Mr. Lewis asked if they are going to put up a sign that they are doing testing there; and Mr. Ferguson stated they tested it today and are done testing, and they notified the Executive Director that they would be there today. Ms. Blundi stated they could put up a sign that indicates they are waiting for results of the testing.

#### ROAD PROGRAM UPDATE

Mr. Pockl stated the Road Program is ongoing, and currently the contractor is ahead of schedule and within the Budget established for the projects. Mr. Pockl reviewed the work that has been done and what they still need to do. He stated the focus over the next week will be addressing concrete work on handicap ramps. He stated they will begin work on Makefield Road tomorrow with the concrete ramps, and they hope to have all improvements in the Makefield Road area installed on Monday and Tuesday of next week when there is no school in session. Mr. Pockl stated he specifically made that request within their schedule, and the contractor was able to accommodate it. Mr. Pockl stated within the next few weeks they anticipate all the roads will be milled and paved, and then they will move on with the reconstruction of Oxford Valley Road which they anticipate being completed toward the last week in September.

Mr. Ferguson stated he appreciates the work done by Mr. Pockl working with the contractor to get the work done on a very tight timeframe and coordinating with them to get it done early in the School year which was a concern and that the work will be done in the next few days.

**MANAGER'S REPORT**

Mr. Ferguson stated he had an initial meeting with a representative from Mr. Truelove's office regarding the creation of a Policies and Procedures Manual for the Township. He stated this will come before the Board for ultimate approval of the full document; however, his plan is that as they formulate the policies, the first of which will be a sexual harassment policy, he will bring those individually to the Board as they get them in rough draft form for input, questions, changes, etc. He stated they will also have a drug and alcohol policy, disciplinary policy, and other policies; and he will bring each of them to the Board as they proceed. Mr. Ferguson stated he is meeting with Department Heads who will be impacted by the implementation and enforcement as well as lower level employees particularly with the formation of the sexual harassment policy and an EOE policy. Mr. Ferguson stated he hopes to have the entire document completed by mid to late April.

Mr. Ferguson stated he will start having monthly reports of the Code Department and Public Works and moving forward the Board will get the report the second meeting of every month showing the activities from the previous month. He stated while it will not include all the details of every complaint they have, they will keep a year-to-date tally of activity that went on during the month and anything of note that they know may be issues that are currently being discussed.

Mr. Ferguson stated he has also started putting together the Budget for 2019, and his goal is to simplify the document and have various attachments to the Budget that will be for the current year and projections as to where we stand over several years. He stated he wants to include in the Budget a Bond page that will outline all the various Bonds, when the payments change, and how that plays out over time. He stated he hopes to have the full scope with all the pages if someone wants to review it, but he also wants to have a streamlined Budget that they will discuss. Mr. Ferguson stated he hopes to have this to the Board by mid to late-October. He stated he proposes to have a Manager's Recommended Budget, and he will have worked with all the Department Heads to streamline it and present to the Board the Budget that they have and the recommendations they are making. He stated this would go on-line and any changes going forward would be done the same way.

**ADOPTION OF RESOLUTION NO. 2372 AMENDING ICMA 457 DEFERRED COMPENSATION PLAN**

Mr. Ferguson stated he wants to work with the Township staff to help them understand the value of their retirement plans, the importance of savings, and helping them understand the benefits they have. He stated there are two 457 Plans. He stated these are not Pension Plans, and we do not get State Aid for them.

He stated they are deferred compensation plans – not retirement plans. He stated both Plans offer a loan provision, although currently the Township has not implemented it. He stated if an employee has a “difficult life situation,” they could loan themselves money that would be paid back to their Plan as part of a payroll deduction. He stated this would include a counseling portion prior to the employee taking the loan, and they would have the ability to do it for five years; and he will set up the provisions for that. He stated he is asking for the Board’s approval to amend both of our Plans to allow that.

Ms. Tyler moved and Ms. Blundi seconded to adopt Resolution No. 2372 Amending ICMA 457 Deferred Compensation Plan as described by the Township Manager.

Mr. Kupersmit stated it is his understanding that the Township Manager will be giving counseling on these savings programs which may include the stock market. Mr. Ferguson stated he would not be providing counseling on the stock market; however, he is capable of discussing loan amortizations, the value of money, the option of paying off debt versus not paying it off, and the impact on their retirement plan if they do take a loan. He stated on the other Plan that we have there is a financial professional who would do that as well. Mr. Kupersmit discussed his concern with the stock market and capitalism being “under attack.”

Mr. Ferguson stated the individual employees chose their own investment portfolio in the 457 Plans.

Motion carried unanimously.

#### APPROVAL OF AMENDED 457 DEFERRED COMPENSATION PLAN WITH BEIRNE WEALTH AND ADOPTION OF RESOLUTION NO. 2373

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Amended 457 Deferred Compensation Plan with Beirne Wealth and adoption of Resolution No. 2373.

#### STATEMENT BY THE TOWNSHIP MANAGER

Mr. Ferguson stated he has been here approximately six weeks, and he feels the staff is “tremendous.” He stated he feels they have the good fortune to have leadership and highly qualified people, and he feels that Chief Coluzzi sets the tone.

Mr. Ferguson stated everyone is responsive and respectful and tries their best to answer questions and give tremendous service to the Township residents.

## SOLICITOR'S REPORT

Mr. Truelove stated they have met with the Township Manager and staff regarding various issues including personnel, litigation, and general operations of the Township. He stated they have researched and drafted Ordinances and Resolutions. He stated they have engaged with professionals regarding various issues and reviewed and helped prepare responses to Right-To-Know Requests. He stated they drafted the PBA Collective Bargaining Agreement. He stated they reviewed Zoning Hearing Board Appeals and made recommendations to the Board. He stated they engaged in various Sewer Authority issues and reviews.

## APPROVE ADVERTISING ORDINANCE AMENDING CHAPTER 178 SUBDIVISION AND LAND DEVELOPMENT SECTIONS 11, 12, 19, AND 23

Mr. Majewski stated this would amend the Subdivision and Land Development Ordinance particularly with regard to public notice which was discussed by the Board at a prior meeting. He stated the matter was then reviewed by the Planning Commission which made some comments and suggested changes, and the Board reviewed it again on May 2, 2018. Mr. Majewski stated Mr. Truelove's office has turned this into a final draft for advertisement. Mr. Majewski stated the draft was sent to the Bucks County Planning Commission which provided a report today, and their recommendation was that the Board of Supervisors adopt the proposal since it appears to be consistent with the Ordinance requirements as presented by the Pennsylvania Municipalities Planning Code.

Mr. Grenier joined the meeting at this time.

Mr. Ferguson stated because of the advertising requirements and the need to have it advertised twice, this could not be on the Agenda for consideration for approval until the first meeting in October. Mr. Truelove stated this and the following item to be considered would be under the Municipalities Planning Code which has different advertising requirements.

Ms. Tyler moved and Mr. Grenier seconded to authorize advertisement of Ordinance amending Chapter 178 Subdivision and Land Development, Sections 11, 12, 19, and 23.

Mr. Lewis stated Lower Makefield has one of the most rigorous notification policies in Bucks County.

Motion carried unanimously.

APPROVE ADVERTISING ORDINANCE AMENDING TOWNSHIP CODE CHAPTER 200, SECTIONS 69.A (14), 70, 78.E, AND 105

Mr. Majewski stated this deals with a variety of items that have come out of discussion with the Planning Commission. He stated this came before the Board of Supervisors the end of last year, and the Board at that time had voted to authorize advertisement. He stated there were some issues they were looking into over the last several months, and they worked out all of those issues.

Mr. Majewski stated one of the items in the Township Ordinance pertaining to fences is that fences are prohibited in Easements. He stated the Subdivision and Land Development Ordinance contemplates that a fence be put within a Buffer Easement so there is a conflict. He stated this has been the subject of numerous Zoning Hearing Board Applications over the years, and they are routinely granted by the Zoning Hearing Board. Mr. Grenier stated this would just be a Buffer Easement, and Mr. Majewski agreed. Mr. Majewski stated the Zoning Hearing Board also often allows fences within other types of Easements subject to certain restrictions, but that is on a case-by-case basis and may be the subject of a future Amendment.

Mr. Majewski stated there is also currently a maximum height requirement for fences, and the section is entitled “Fences and Walls;” but they do not mention the word “walls,” so they need to add in the word “walls” so that the maximum height applies to walls as well as fences.

Mr. Majewski stated another issue relates to corner lots, and currently corner lots are considered to have two front yards for the purposes of Zoning so that the building is set back an appropriate distance from each roadway. Mr. Majewski stated a fence is only allowed to be 3’ feet high in a front yard, and there is a conflict since the Solicitor in 1996 indicated in a memo that the front yard would not be applicable to a corner lot fence. Mr. Majewski stated there has been inconsistency over the years between the height of a fence within a portion of a corner lot to the rear and the side of the house. Mr. Majewski stated the Zoning Hearing Board has granted Variances for dozens of fences within corner lots because they would be cutting off a significant part of a property owner’s rear yard by having that requirement. Mr. Majewski stated there have also been numerous Variances approved under the interpretation done in 1996 and there are also dozens that have been put in without benefit of a Permit which currently exceed the 3’ height requirement. Mr. Majewski stated it was discussed at the Zoning Hearing Board and the Planning Commission that a higher fence is not necessarily “bad” as long as it is not up against the sidewalk. He stated they came up with the proposal that if you are going to increase the height of the fence above 3’ that for every foot in feet that you go above it, you push the fence back away from the sidewalk so that you do not get a tunnel effect when you are walking along the sidewalk.

Ms. Tyler moved and Mr. Grenier seconded to authorize advertising Ordinance amending Township Code Chapter 200, Sections 69.A.(14), 70, 78.e, and 105.

Mr. Grenier asked if the right-of-way line is defined in the Code; and Mr. Majewski stated it is, and he read the definition.

Mr. Majewski stated another Section has to do with the swimming pool Code, and the current 5' height requirement which was enacted approximately twenty-five years ago. He stated at the time this was discussed it was noted they should follow the recommendations that were promulgated for swimming pools and other recommendations which are close to what is in place now in the International Building Codes. He stated that however was ignored, and they went to 5' even though that additional foot in height does not increase safety and increases the cost of the fence because it is a special order fence. He stated along with that the Township currently has an "odd" spacing requirement that does not meet the Building Codes and also increases the cost of the fence by 30% to 100% for no discernible safety issue. Ms. Tyler stated the proposal is to reduce the height to 4' and allow the gap to be 4". Mr. Majewski stated it depends on the type of fence, but added that the International Building Code for the last twenty-five years has had consistent standards for the height and spacing of a fence, and everyone else uses that. He stated that is what the Township would be using if this Amendment passes.

Mr. Majewski stated the other two items have to do with the Americans with Disabilities Act and the handicap accessible parking spaces. Mr. Majewski stated the current Ordinance mandates a 8' space with a 5' aisle that must be on the passenger side, and ADA requires van accessible spaces to have an 8' aisle so we do not comply with that. He stated requiring it on the passenger side does not make sense. Mr. Majewski stated the second item has to do with the number of spaces; and the ADA requires for the first 100 parking spaces, you need four handicap spaces and then one for every fifty after that. He stated what they are proposing will make the number of spaces conform with the Americans with Disabilities Act. Mr. Grenier stated he would like the Disabilities Advisory Board to have an opportunity to comment, and Mr. Majewski stated he could forward it to them for their comments.

Mr. Majewski stated the last item deals with the expiration date of Special Exceptions and Variances as they currently expire within six months, and sometimes it takes longer for the project to begin. He stated a two-year expiration instead of six months would provide more flexibility.

Mr. Majewski stated the Bucks County Planning Commission reviewed these Ordinance Amendments and recommended that the Township adopt the proposal as submitted.

Mr. Lewis stated parts of these Amendments are designed to reduce the number of times that property owners have to come before the Zoning Board for what are relatively routine items and give them more flexibility so this should reduce the number of Zoning Hearing Board Hearings. Mr. Ferguson stated this also relates to the cost as the Application Fee is \$750, and there is a need for a Court Reporter and advertising requirements so that it results in an increased costs to the residents.

Motion carried unanimously.

APPROVE ADVERTISING ORDINANCE AMENDING CHAPTER 84A BAMBOO,  
SECTIONS 2 AND 4

Mr. Majewski stated this matter was brought to the Board of Supervisors on May 2, and the solicitor's office has turned this into the form of an Ordinance. He reviewed the changes in wording.

Mr. Gruen asked who will determine whether someone is qualified to remove/eradicate the bamboo. Ms. Tyler stated if the Township is determining the skill of the contractor, the Township will be taking on the liability if they do a "bad job."

Ms. Blundi stated the farmers have been waiting for the Board to finalize what they are going to do about the bamboo as there has been encroachment into the preserved farmland.

Mr. Grenier stated bamboo is difficult to deal with once it takes hold, and it takes a lot of work to get rid of; and he is in favor of the Ordinance but he wants to make sure it is clear with regard to the expert's qualifications. Ms. Tyler stated she agrees bamboo is a problem but she is concerned about who is doing the certification. She feels the Ordinance creates a lot of uncontrollable situations.

Dr. Weiss moved and Ms. Blundi seconded to authorize advertising Ordinance amending Chapter 84A Bamboo, Sections 2 and 4.

Mr. Lewis stated there is a term called "plant expert," which is a registered landscape architect or Pennsylvania certified horticulturalist, registered under the laws of the Commonwealth of Pennsylvania from Ordinance 368 enacted in 2007 which is in a different area of the Code. Mr. Majewski stated he believes that was in the Native Plant Ordinance. Mr. Majewski stated they were looking at that wording but the research they did indicated that there is no real certification for a bamboo removal expert. He stated they would need to have some experience and be familiar with the growth of bamboo and how to control it so they can come up with a Plan that makes sense. Mr. Grenier stated this could be verifiable through a resume.

Mr. Majewski stated this came about from an action that was heading toward Court, and the two attorneys worked together and came up with this wording.

Mr. Truelove stated while this may not be perfect and may require some changes in the future, he feels this is a step that will provide some clarification.

Mr. Lewis stated he is support of the Ordinance as drafted recognizing that they may need to make some changes in the future so that they can meet legal challenges.

Motion carried with Ms. Tyler opposed.

#### DISCUSSION ON ADOPTING 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND SUPPORTING PA 2010 ACT 90 ORDINANCE TO ADDRESS VACANT PROPERTIES

Mr. Majewski stated earlier this year he had brought to the Board's attention that there were a number of Code Sections that were outdated, antiquated, or have been replaced by the Uniform Construction Code which the State of Pennsylvania had adopted. Mr. Majewski stated they looked at the Property Maintenance Code Chapter 153. He stated the Township's Code references the BOCA National Property Maintenance Code from 1993 which is twenty-five years old. Mr. Majewski stated they are recommending that the Township go to the 2018 International Property Maintenance Code which is a more modern, updated standard. He stated they have determined that it would be more appropriate to adopt the more current Code which has been updated and improved over the years.

Mr. Majewski stated it also provides leeway in dealing with historic properties and also has a Section dealing with modifications to the Code in that if there is a Section that cannot be done for practical reasons, the Township has the flexibility to work with the property owner and be flexible to achieve the goal of maintaining properties. He stated it also gives definitions for what are unsafe conditions more clearly and has a definition for dangerous structures. Mr. Majewski stated it provides for issues such as stop work orders and prescribes how those are to be issued.

Mr. Majewski stated it also makes a change to the Notice requirement as the current 1993 Code requires that all notices be sent by Certified Mail. He stated after that is delivered or your get back the Certification that it had not been delivered, you can start the clock on enforcement action. He stated unfortunately if the property is abandoned, you sometimes do not get the Notice back for twenty days. He stated the newer Code states it can be sent by regular mail or Certified mail so that the clock can start sooner. Mr. Majewski stated they would still use both Certified and regular mail so that they would have the Certified mail if they have to go to Court

as well as the regular mail so that the property owners can get faster notice and the Township can move along some of the enforcement actions when they are appropriate.

Mr. Majewski stated it also has some Sections on serviceability of structures so that they make sure that the equipment such as heat and air conditioning works. He stated last year they had to deal with an issue where someone was without heat for a week and a half in an apartment complex in the middle of winter; and having to go through the steps they needed took longer than if they had this to enforce.

Mr. Majewski stated another new item that is included is carbon monoxide which was not addressed under the old Code and should be required.

Mr. Ferguson stated this is not up for a Motion to advertise at this time, but prior to the next meeting Mr. Majewski or Mr. Kirk, the Code Officer, would prepare a list of the changes. Mr. Ferguson stated he wants the Board to have the opportunity to understand what would be enforced under this that is not currently being enforced. He stated they could then consider a Motion to advertise at the next meeting. Mr. Ferguson stated with regard to how they are going to address vacant properties, the idea was to get a copy of the 2018 Property Maintenance Code to Mr. Truelove's office to see where there are gaps in being able to take on problem properties that are vacant; and before the meeting on September 19 they hope to have talking points on this. He stated possibly by the first meeting in October they would have a draft Ordinance prepared to be voted on to be advertised.

Mr. Truelove stated Pennsylvania Statute, Act 90, provides a framework since the State Legislature has recognized that despite the fact that Municipalities have Property Maintenance Code enforcement powers, there are still issues that have to be addressed from time to time where the Property Maintenance Code does not seem to be able to meet in terms of time, scope, etc. He stated the purpose here would be to essentially mimic Act 90 and incorporate those terms. He stated they need to discuss what the need is and how the gaps might be filled. He stated from time to time his office is asked to see what enforcement powers the Township has when properties are vacant for various reasons such as foreclosure, tax sale, etc. and certain issues arise. He stated the Property Maintenance Code does provide some enforcement tools, but they may not be adequate within the time frame that some neighbors and others are concerned about which is why this effort has been undertaken.

Mr. Lewis stated since the International Codes are updated every three years, are they proposing that they would keep incorporating it so that the Township does not always have to keep updating it; and Mr. Truelove stated they would, similar to what was done with LEED.

Mr. Majewski stated there are a number of Sections of the Township Code that need to be repealed because they have been replaced in their entirety by the Uniform Construction Code and the International Building Codes; and those include electrical, mechanical, and building construction standards.

Mr. Ferguson stated with regard to bamboo which was discussed earlier, he had received information from an individual who deals with bamboo; and his opinion was that there are two groups of professionals that would be qualified to remove bamboo, and they would be a landscape architect or a certified arborist.

Mr. Ferguson stated he received this information from someone who has removed bamboo. Ms. Tyler stated they could include those but also provide language that would give some leeway to the office staff as well. Mr. Grenier stated that would essentially be the definition of plant expert that they had discussed previously.

Mr. Grenier stated an arborist is a tree expert whereas bamboo is a grass.

Mr. Lewis stated possibly the staff could put together a list of people who meet the criteria that had prior bamboo experience if someone were to ask who they could use, and they could have a list of five or six choices to consider. Mr. Grenier stated they need to be careful about the Township making a recommendation.

Mr. Majewski stated they try not to recommend people; although he feels they could provide a list of people who have removed bamboo in the past.

#### DISCUSSION OF COMPREHENSIVE PLAN

Mr. Majewski stated the Comprehensive Plan will be sent to the Bucks County Planning Commission shortly so that they can compile it into final form.

Mr. Majewski stated he will then post it on the Township Website for public review, and they will then go through the formalized process of having it reviewed by the public and advertising for a Public Hearing.

Ms. Tyler asked if the Board will be provided with what is being replaced so that they can see what has been changed. She stated she would like the marked up copy since some time has passed since they have seen this. Mr. Grenier stated this is what they saw at the Planning Commission meeting several months ago.

Mr. Grenier asked the length of time for the public review period, and Mr. Truelove stated he believes that it is forty-five days.

Mr. Lewis asked if the ten-year clock starts from when it is approved so that they do not have to do this again in seven or five years. Mr. Truelove advised that Middletown Township's Comprehensive Plan is dated 1994. Ms. Tyler stated while this has been pending for some time, they initially worked on the basics and then changes were considered so it was not a "lack of motion." She stated it was a very contemplative period so it should be a good final document.

Mr. Ferguson stated in his next Manager's report he will have an outline of the various timeframes and advertising with the goal of when it will be approved if they follow that process.

Mr. Truelove stated the Board met in Executive Session beginning at 6:45 p.m. and items of litigation and Real Estate were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the Robin and Bill Pearson Variance request for the property located at 807 Princess Drive in order to permit construction of an in ground pool and patio resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Phillip D. and Laura E. Cooper Variance request for the property located at 1214 Linden Avenue in order to permit expansion of attached garage resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Raya Constable and Randall J. Grubb Variance request for the property located at 311 Tall Meadow Lane in order to permit a presently existing fence to be greater than the permitted height and presently existing shed to be located within the required setbacks, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Mike and Karen Burke Variance request for the property located at 115 W. College Avenue in order to permit covering of an existing patio located within the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

Ms. Tyler asked if the property at 115 W. College Avenue is in the flood zone. Mr. Truelove stated while he is not sure, there is no additional impervious surface being installed. Mr. Majewski stated it is not.

#### SUPERVISORS REPORTS

Mr. Lewis stated they had an excellent Community Pride Day this weekend, and he thanked all the staff, particularly Ms. Tierney, for the work done. He stated the fireworks were impressive and the food vendors were excellent.

Mr. Lewis stated the Zoning Hearing Board met and tabled a particular case to give time for the Applicant and the neighbor to try to work together to address concerns and try to find a compromise. He stated the Zoning Hearing Board was helpful in facilitating that. Mr. Lewis stated the Golf Committee met and reviewed the financials. He stated the weather has had an impact on revenue as the amount of rain has reduced the number of rounds. He stated they continue to work on a renewal agreement with the management company associated with the Golf Course. Mr. Lewis stated they are doing a bench mark study of the performance of Makefield Highlands versus peer public courses in the area. Mr. Lewis stated the feeling is that they are doing very well on the golf side of the business in terms of generating significant revenue; however, they feel there is opportunity on the food and beverage side, and this report will help them understand whether their assumption is correct or not.

Mr. Grenier thanked everyone for the work they did on Community Pride Day. He stated YMS has installed the new turf at Macclesfield. Mr. Grenier stated the Sewer Sub Committee had their first meeting to discuss options. He stated the Sub Committee will continue to meet prior to the regular Sewer Authority meeting the fourth Thursday of every month. He stated the Sub Committee will meet at 6:30 p.m. and the regular Sewer Authority meeting will be at 7:30 p.m.

Ms. Tyler stated on Saturday, September 29 beginning at 10:00 a.m. at Memorial Park, the Disabilities Advisory Board will have their Roll and Stroll for people of all abilities. She thanked the Disabilities Advisory Board, the Historic Commission, and all the other Boards and Commissions that participated at Community Pride Day educating the community about what the volunteers do.

Ms. Blundi stated everyone did a great job at Community Pride Day.

#### CHANGE SEPTEMBER 19, 2018 MEETING TO SEPTEMBER 20, 2018

Mr. Grenier moved and Ms. Tyler seconded to change the September 19, 2018 Board of Supervisors meeting to September 20, 2018.

Mr. Lewis stated the reason for the move is because Yom Kippur is on September 19.

Motion carried unanimously.

Ms. Tyler asked that the Board be sent a reminder of the change of date. Mr. Ferguson agreed and also noted that it will be advertised and put on the Township Website.

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APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to re-appoint Richard Davino to the Citizens Traffic Commission.

There being no further business, Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary