

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES-OCTOBER 20, 2021

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 20, 2021. Mr. Ferguson stated this is a hybrid meeting and the public is welcome to come to the building or participate remotely. Information is on the Township Website as to how to access the meeting remotely. Ms. Blundi called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
 David Truelove, Township Solicitor
 Andrew Pock!, Township Engineer
 Kenneth Coluzzi, Chief of Police
 James Majewski, Director Planning & Zoning

APPROVE REMOVING ITEM 11 a. FROM THE AGENDA

Mr. McCartney moved and Mr. Grenier seconded removing Item 11 a. from the Agenda.

Ms. Blundi stated that Agenda item is listed as Reconsider Township Position Regarding Participation or Opposition for Jennings Zoning Hearing Board Appeal #21-1914. Ms. Blundi stated this Motion would remove that item from the Agenda meaning it will not be a topic of discussion tonight. Mr. Truelove stated if this Motion passes, that would mean that the Township's position, which is currently to oppose the Application, would still be in place.

Mr. Zachary Rubin, 1661 Covington Road, stated the Agenda was not posted on the Township Website; and he asked why it was not posted. He also stated this is the first time he has seen this Agenda item. Ms. Blundi stated the Motion relates to removing this item from the Agenda. Mr. Rubin stated this Agenda item was not publicized the way it should have been.

Mr. Ferguson stated there was an issue which he was not aware of until 5 p.m. today, and he contacted the individual who does the postings on the Website. He stated there were some sites where it could be seen, however, there were other sites where it could not be seen; but that issue has been resolved. Ms. Blundi stated she had seen this particular Agenda item noted on at least one post, but she apologized to anyone who was unable to see the Agenda.

Mr. Dave Rishel, 220 Meadow Drive, stated he is in support of this matter being removed from the Agenda. He stated he and other residents of the community would like to wait until the Zoning Hearing Board process is finished before any other action is considered.

Mr. Rishel thanked Mr. Ferguson and the Township staff for coming to their community after the flood adding that there has been some action taken which they very much appreciate.

Motion carried unanimously.

COMMUNITY ANNOUNCEMENTS

Mr. Ferguson stated during this portion of the Agenda residents and youth organizations may call in to make a special announcement or they can contact the Township to request a special announcement be added to the Agenda.

Mr. Ferguson stated information about Park & Recreation in-person recreation opportunities can be found on the Township Website.

Mr. Ferguson stated Election Ballot drop-off is available at the Yardley Branch of the Bucks County Free Library, 1080 Edgewood Road during regular hours of operation from October 18, 2021 through November 2, 2021.

Mr. Ferguson stated Prescription Medication take-back day is Saturday, October 23, 2021 from 10:00 a.m. to 2:00 p.m. at the Lower Makefield Township Police Department, 1100 Edgewood Road.

Mr. Ferguson stated the Lower Makefield Township EAC is seeking volunteers for the 2021 Tree Planting Project. This year we will be planting approximately 350 trees at Patterson Farm on October 23, 2021. Sign-up information is on the Township Website.

Mr. Ferguson stated Electronics Recycling Day will be at St. John the Evangelist Church, 752 Big Oak Road, Yardley on Saturday, November 6, 2021 from 9:00 a.m. to 1:00 p.m.

Mr. Ferguson stated November 6, 2021 is the Veterans Day Parade on Edgewood Road, and interested sponsors and participants should contact kathyh@imt.org.

Ms. Blundi stated on Sunday, October 24 Kol Emet will be hosting a blood drive.

APPROVAL OF MINUTES

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of October 6, 2021 as written.

TREASURER'S REPORT

Approval of September Interfund Transfers

Dr. Weiss moved, Mr. McCartney seconded and it was unanimously *carried* to approve the September Interfund Transfers in the amount of \$1,540,763.63 as attached to the Minutes.

Approval of Warrant Lists from September 20, 2021, October 4, 2021, and October 18L 2021

Dr. Weiss *moved*, Mr. Grenier seconded and it was unanimously carried to approve the Warrants Lists from September 20, 2021, October 4, 2021, and October 18, 2021 in the amount of \$2,124,333.50.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Engineer's Report in their packet.

Approval of Escrow Release #4 for the Regency North Development - Phase V in the Amount of \$20,954.50

Mr. Pockl stated this is for the pavement work that was done. He added that they are still holding \$97,622.62 in Escrow for punch list and landscaping items that have yet to be completed.

Dr. Weiss moved and Mr. McCartney seconded to approve Escrow Release #4 for the Regency North Development - Phase V in the amount of \$20,954.50.

Mr. Grenier asked if this is the same area which Mr. Pedowicz had expressed concern about at the prior meeting. He also asked if Mr. Pockl has looked into that area to see if there were any issues. Mr. Pockl stated this is within the area that Mr. Pedowicz expressed concern about as he had expressed concern about the entire paving done at the north side of the development. Mr. Pockl stated he did go out to the area and met with Mr. Pedowicz who showed him the areas he was concerned about. Mr. Pockl stated there are some areas the contractor needs to replace where there is ponding water and slippage cracking by the north entrance. Mr. Pockl stated he feels that these are minor items all of which should be addressed through the punch list phase, and enough Escrow is being held to address those items, which is why he is recommending Release of this Escrow.

Mr. Grenier asked if this is something that they should have been able to catch during the inspection recognizing that the engineer's cannot be on site the entire time. Mr. Pockl stated these are items which they see after the fact. He stated when they are putting down asphalt and compacting it, it is not evident that there will be an area holding water unless it is raining at that time. He stated with regard to the slippage cracking, that is mainly due to the fact that there was not enough tack coat put down between the base and the wearing course; and they cannot tell if that is sticking until the project is done.

Mr. Lee Pedowicz, 247 Truman Way, thanked Mr. Pockl for walking the area with him so that he could show him the deficiencies in the paving in the north side of the Regency Development. He stated he feels this was a very poor job; and besides the obvious deficiencies that he brought to the Board's attention at the last meeting, there are other evidences of poor workmanship and poor attention to quality. He stated the contractor should have been more diligent and more cognizant of what he was doing when he was putting down the paving.

Mr. Pedowicz asked if they are "rewarding" the contractor for an "inferior job" by releasing the Escrow. Mr. Pockl stated this is not a "reward," and it is payment for work that was completed. He added that there are minor punch list items that will be addressed, and Escrow is being held to make sure that happens. He stated the Township has no legal right not to release the money. Mr. Truelove stated under the Municipalities Planning Code, once a request for payment is made, the Township has forty-five days to do it; and they would have to have a very good reason not to do it. He added under these circumstances, he does not feel what has been noted are the type of deficiencies that would hold up an Escrow Release.

Mr. Pedowicz asked how much is left in Escrow for Toll Bros. Mr. Pockl stated for the total amount he would have to add up all of the Phases on the North side. He noted that Toll Bros. is also still doing work on the South side, and Escrow is being held for that as well. He stated there are seven Phases on the North side of the development; and for this one Phase, they are holding \$97,622.62.

Mr. Pedowicz stated he understands that there is an eighteen-month Warranty on the paving project. Mr. Pockl stated there is a Maintenance Bond that gets posted after the Development is completed. Mr. Pedowicz stated he understands the punch list is quite extensive so the developer may not complete that until next spring, and that would be when the clock would start; and Mr. Ferguson agreed.

Motion carried unanimously.

Approve Pay Application #3 for the Memorial Park Improvements - Phase II Project in the Amount of \$145,083.22

Mr. Pockl stated \$7,422.60 is being retained as the 2% retainage that is done on all Capital projects. He stated this work is the paving of the parking lot, paving of the trail, paving of the tennis and pickleball courts, and some fence work. He stated the work is complete and satisfactory so they are recommending payment.

Dr. Weiss moved and Mr. Lewis seconded to approve Pay Application #3 for the Memorial Park Improvements - Phase II Project in the amount of \$145,083.22.

Mr. Grenier stated pre-paving there were some drainage issues, and he asked Mr. Pockl if he is satisfied that all of that has been fixed. Mr. Pockl stated they did address those issues and added more stone before they put down the asphalt for the trail. Mr. Grenier asked where the paving is draining to. Mr. Pockl stated there are a number of basins. The north portion of the tennis courts and pickleball courts drain toward the parking lot where there are two inlets, and those inlets take the water to the existing basins. The north side of the courts are pitched north, and the south side of the courts are pitched south. Mr. Pockl stated they have had a few storm events and there was some ponding on the north side of the pickleball courts, so the contractor removed a section of that asphalt and put new asphalt down for a better pitch. Mr. Grenier asked if the Conservation District has been out, and Mr. Pockl stated the Township recently received a letter from the Conservation District that indicated that E & S measures were adequate.

Motion carried unanimously.

Woodside Road Bike Path Design Presentation

Mr. Pockl showed the location map for the Woodside Road bike path which had been provided for the Grant Application. He showed the existing bike path in the area shown in yellow, and the blue area is the proposed bike path that extends from Merrick Road east down Woodside Road, and down to Taylorsville Road.

Mr. Pockl showed the Exhibit Plan which had been provided to the Board in their packet. He stated there was a section of bike path on the south side of Woodside Road that extended beyond Merrick Road, and the decision was made to bring the crossing across Woodside Road back to the intersection of Merrick Road, which they believe would be more expected by drivers and users of the path rather than having a crossing in the middle of the block. He stated they are crossing Woodside Road and then making a right turn. To the north is the Makefield Highlands Golf Course. There is an existing fence that is shown inside the right-of-way that is along the frontage of the Golf Course. They are pushing the path up against that fence so that there is a softer, easier turn for cyclists as they are crossing Woodside Road and going down the path and it also allows for a larger area in between the roadway and the path to install a drainage swale within the area.

Mr. Pockl stated moving further east down Woodside Road, they are crossing over with ADA ramps across the Makefield Highlands Golf Course driveway. He showed the utility poles which they are trying to avoid as best they can so that they do not have to pay for relocating them and also to provide a gentle, meandering of the path instead of a straightaway. Mr. Pockl stated also in this area the existing roadway on Woodside Road has approximately a 7' wide shoulder, and he showed the white line which is the edge of the travel lane and is painted on the roadway. The existing shoulder extends beyond that, and they are proposing to saw cut that paving and eliminate that which will reduce their overall increased impervious impact for the trail and will provide an opportunity to bring the trail closer to the roadway and away from some steep slopes which are within the back portion of the right-of-way that could pose a problem with grading. Mr. Pockl stated the proposed trail is 8' wide, and in this area they are proposing to keep it 5' off the edge of the travel lane for a roadside drainage swale, and the edge of the roadway would be 2' from the edge of the travel lane.

Mr. Pockl stated moving further down Woodside Road, they are maintaining the 8' wide path and 5' wide greenspace in between the path and the edge of the paving, and the edge of the paving would also be 2' off of the edge of the travel lane. He showed an area where there are some steep slopes, and he stated it is possible they may need a curb or a cheek wall along the back of the path in this area. He stated he does not believe a curb or cheek wall would be extremely expensive to the point where it will have a significant impact on the budget of the overall project. He stated if the Board wishes they could move the path a little closer, but he would prefer to maintain the 5' distance from the edge of the paving for drainage purposes and the reasons indicated previously.

Mr. Pockl showed the area coming up to Hayfield Drive where there is an existing fire hydrant which they do not want to relocate so they are taking the path back behind the fire hydrant and crossing over Hayfield Drive a little further back from the intersection. He showed where the stop sign/ stop bar would be located. He stated the crosswalk is set along the curve of the intersection. Crossing over Hayfield Drive there will be a crosswalk and two ADA ramps on either side. They are relocating the path back behind an existing utility pole so as not to have to relocate it. In this section there will be an 8' wide path, a 5' wide drainage swale, and 2' from the edge of the road to the edge of the travel lane. He showed an area where it is taken down to 3' as there is an existing utility pole, and they are moving the path around the existing utility pole.

Mr. Pockl noted the path moving further east where they are approaching Clearview Drive. All of the grades are attainable when the path is put in so there will not be much adjustment of the existing grades. He stated they are avoiding utility poles and signs where needed. There is a crossing across Clearview Drive. Mr. Pockl stated as part of the Delaware River Joint Toll Bridge Commission project along Taylorsville and with the improvements that they made along Woodside Road, they installed curb at Clearview Drive so everything further east from Clearview Drive there is a curb along Woodside Road where there was not before. There is a crosswalk across Clearview Drive with a stop bar and a stop sign and ADA ramps on either side of the crosswalk. The path will be moved back behind a few utility poles. Because there is a curb and because further down there are some existing trees that they do not want to remove and grading that they do not want to disturb, they are moving the path 2' off the edge of the curb at a location he showed on the Plan.

Mr. Pockl stated further east from Clearview Drive, they are maintaining a 2' grass strip between the 8' wide path and the roadway. He showed the existing wooded area and the utility poles in the area that are located approximately 12' off of the edge of the curb; and since they do not want to relocate those utility poles, they are keeping a straight path between the utility poles and the curb line further east down Woodside Road.

Mr. Pockl stated moving further east there are two properties from which Easements were obtained, and he noted those areas on the Plan. He stated these are Access Easements to install the path and for the public to be able to use the path. There are at-grade driveway crossings that they are proposing to make with no curb on either side of the driveway. There will again be an 8' wide path, 2' off of the edge of the curb. Mr. Pockl noted an area where there is a 7% longitudinal slope heading down Woodside Road.

Mr. Pockl noted approximately 150' to the left approaching Taylorsville Road, they are proposing to meander the path. He stated further back at the top of the 7% slope, they will have advance warning signage letting cyclists know that they are approaching a steep slope. He stated they will be adding bollards that would be spaced wide enough to get a stroller through but still narrow enough to "make a cyclist think twice about moving there with their bicycle." He stated at the bottom toward Taylorsville Road, they are putting in "almost an S curve on the path." He noted the area

between the roadway intersection and the S curve where they would propose installation of small shrubs. These would not create sight distance issues; but if someone were to go off the path, it would break their fall.

Mr. Pockl stated they are proposing a crossing across Taylorsville Road with a small portion of the path going behind the existing guiderail that was put in place as part of the Delaware River Joint Toll Bridge Commission project. There will be two openings in the guiderail, one to go behind the guiderail and one to come back in front of the guiderail and cross over Woodside Road. There will be a crossing at Woodside Road with an ADA-compliant ramp to be installed as part of the project on the southeast corner of the intersection. That will ultimately tie into a path that is being constructed by the Delaware River Joint Toll Bridge Commission, and that path will then be taken down to the Canal Tow Path.

Mr. Pockl stated this is the concept design, and they have not yet gotten too deep into drainage or grading design because they wanted to first get direction on the location and position of the path before proceeding into those design items.

Ms. Blundi stated they have been waiting for this bike path since they built their home in Clearview Estates as they were led to believe that this was going to be built; but because the bike path goes through her back yard, she will continue with her recusal on this matter.

Mr. Grenier asked if 7% is the steepest slope, and Mr. Pockl agreed. Mr. Pockl added he is not sure how many feet long that slope *is*. He stated it is their intention to look into decreasing the slope the closer they get to Taylorsville Road so that there is a slope that is closer to 5% than 7%. Mr. Grenier stated that would be for safety and run-off purposes, and Mr. Pockl agreed. Mr. Grenier stated he is in favor of the bollards that Mr. Pockl discussed.

Mr. Grenier stated he assumes that generally they will work *in* drainage between Woodside Road and the path with a sheet flow through a swale. Mr. Pockl stated there are two components to stormwater management as there is water quality and infiltration into the ground, and it is their intention to get it into a roadside swale and if possible retain some of the water and allow it to infiltrate into the ground. He showed the area east of Clearview Drive where there is an existing stormwater management basin that was built for the Development; and while they have calculations they have not yet reviewed them in detail. He stated a cursory review of the calculations indicates that there is still some additional

volume that is within that basin. Mr. Pockl showed an inlet west of Clearview Drive which leads to the basin, and additional water that is directed to that inlet could be controlled by the basin on Clearview Drive; and that is a potential way to resolve the flooding component for stormwater management.

Mr. Grenier stated he likes the fact that they are generally keeping the 5' spacing for those on the trail as that will keep them separated from the traffic.

Mr. Grenier noted an area on the Plan in the area of the Zuczek property, and it appears that they are keeping the path to the north side of Woodside Road and are not going across the Zuczek property on the south side; and Mr. Pockl agreed. Mr. Pockl showed on the Plan where the existing path comes up to the Zuczek property and stops. Mr. Pockl stated while they had initially thought about making the crossing there, it was felt it made more sense to bring the crossing back to Merrick Road; and they will not be near the Zuczek property. Mr. Grenier asked if this will be a standard, striped pavement crossing or will they do something more noticeable given the speeds traveled in that area. Mr. Pockl stated that was something that they envisioned when they put together the budget for the project, and it would be something that is more visual. Mr. Pockl stated in this area there is the painted white stripe with the 7' shoulder, and there are design characteristics which could be incorporated to shorten the crosswalk. He stated they could install a bump out, shorten the crosswalk from the white line to the white line and eliminate the 7' shoulder in that location, and he would discuss that with the Township traffic engineer.

Mr. Grenier asked Mr. Pockl if he feels what has been presented will be within the budget that has been discussed. Mr. Pockl stated the line item pricing that they used in their initial budget is still consistent with what they have seen on large-scale asphalt projects.

Mr. Lewis noted a drainage issue outside of the Golf Course where the asphalt is cracked, and he asked how that will be handled. Mr. Pockl stated it is mostly in the shoulder area where the ponding is; and within the 5' grass strip between the path and the roadway, there will be a swale that has a two-to-one slope down and that will provide the low point that allows the relief for any water that is coming off the roadway to get into a drainage channel.

Mr. Lewis stated he feels the cross walk coming across Merrick could help with traffic-calming depending on how it is structured, and Mr. Pockl agreed.

Mr. Lewis noted the area between Clearview and where the stormwater feature that the Township owns is located, and he asked if there is an opportunity to plant trees there which could help soak up additional water. Mr. Pockl stated they would need to look into that adding that you typically do not want to plant trees within the berm of a basin since that could compromise the stability of the slope. Mr. Pockl stated he feels the best opportunity for tree planting would be back toward Merrick out in front of the Golf Course where there is long stretch which is fairly wide open. He stated he would suggest trees be planted east of the Golf Course driveway in front of the fence. Mr. Pockl stated he would not want to plant large trees with shallow roots close to the trail since the roots would cause the trail to upheave.

Ms. Blundi stated there could also be large shrubs or bushes if trees would not work, and Mr. Pockl agreed. He stated this would be a total landscape concept, and it would not just be trees.

Mr. Robert Zuczek, 65 Upper Hilltop Road, stated he is the owner of the six acre piece of ground off of Woodside Road. He asked with regard to the crossing at Merrick if there has been any discussion about putting something similar to a School crossing light or flashing lights in advance of the crossing to warn drivers that there is an upcoming pedestrian crossing. He stated that may help lower the speeds being traveled on Woodside Road as no one is going 35 miles per hour on that road. Mr. Pockl stated this is something that they will discuss with the Township traffic engineer.

Mr. Zuczek stated he and his wife would like to thank the Board especially Mr. Grenier and Mr. Lewis, the Township Manager, Mr. Pockl, members of past Boards of Supervisors, and Park & Recreation Boards for answering all of their questions and addressing all of their concerns as well as taking into consideration their suggestions in the development process for the bike path. He stated this project has been twenty-one years in the making. He stated they believe that the conceptual plan presented tonight achieves all of the objectives of the Township, the residents of Upper Hilltop Road and Clearview Estates, and interested parties over the years to link the bike path from Merrick Road to the Canal path and Scudders Falls Bridge, and they urge the Board to vote in favor of this plan.

Mr. Ferguson stated this project will be part of the 2022 Budget that will be before the Board. He stated probably early next year, the Board will make a separate Motion to re-affirm the design with any changes and to proceed with a Public Bid that would be advertised.

MANAGER'S REPORT

Mr. Ferguson stated the Manager's Recommended Budget presentation will be on November 3, 2021. He anticipated having the Final Draft to the Board next Monday, and he would be available to review any details with Board members prior to the meeting on November 3.

Approve Community Day Dates for 2022 and 2023

Mr. Ferguson stated the Park & Recreation Board met and recommended approval of the Community Day Dates for Saturday, August 27, 2022 and Saturday, August 26, 2023 which would be before Labor Day and still provide time for staff to prepare for 9/11 commemorations. The rain date for both dates would be Sunday.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to approve Community Day Dates of August 27, 2022 and August 26, 2023.

Mr. Grenier stated thanked the staff for meeting with residents of the Maplevale area and working on the road in that area about which he has heard a lot of positive feedback.

SOLICITOR'S REPORT

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

Approve Intermunicipal Paving Agreement with Falls Township for Elbow Lane and Walnut Lane

Mr. Truelove stated Elbow Lane is in the southern part of the Township, south of Big Oak Road off Stony Hill Road; and half of the road is in Falls Township and half is in Lower Makefield. He stated Walnut Lane is in the far southeast part of the Township off of Yardley-Morrisville Road, and part is in Falls Township and part is in Lower Makefield. Mr. Truelove stated these two streets were part of Falls Township's paving program this year. This Agreement allowed for

the two streets to be paved for the amounts set forth in the Agreement and these amounts would be payable no later than March 31. This would be a benefit to the residents of the Township who live in those areas.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to approve the Intermunicipal Paving Agreement with Falls Township for Elbow Lane and Walnut Lane.

ZONING HEARING BOARD MATTERS

With regard to Appeal #21-1935 -John & Kerry McClintock, 770 Sandy Run Road, Yardley, PA 19067, Tax Parcel #20-035-006-010, Variance requests in order to construct a 630 square foot detached garage with a Variance from Township Zoning Ordinance #200-23A which would increase the impervious surface from the existing 30.3% to 33.7% where 28% is the allowable amount, a Variance from Section #200-69(A)(14)(a) which would decrease the side yard setback to 5' 6" where 10' is otherwise required, a Variance to Section #200-69A(14) (a) for the accessory structure to be located in an area other than the fourth of the lot furthest from the road, and a Variance from Section #200-69A(14)(a) to allow a height of 16' 9" where 15' is otherwise required, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #21-1936 - Lance & Robyn Quinn, 808 Winthrop Drive, Yardley, PA 19067, Tax Parcel #20-025-237 Variance request from the Township Zoning Ordinance #200-23B in order to install a shed which would increase the impervious surface from the existing 21.2% to 22.7% where 18% is allowed, it was agreed to leave the matter to the Zoning Hearing Board.

ZONING, INSPECTIONS, AND PLANNING

Approve Resolution to Adopt the Bucks County 2021 Hazard Mitigation Plan UQdate

Mr. Majewski was present. He stated the Plan has been approved, pending adoption, by FEMA and PEMA; and the Township needs to pass a Resolution adopting the Plan. He stated this makes the Township eligible for Hazard Mitigation Grants, FEMA Disaster Grants, and allows the Township to gain points for the Community Rating System that allows the residents in flood-plains who have flood insurance to get a 15% discount. He stated the Hazard Mitigation Plan was originally developed in 2004, and it has been updated every five years with the last update in 2016.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve the Resolution to adopt the Bucks County 2021 Hazard Mitigation Plan Update.

PUBLIC COMMENT

Mr. Lee Pedowicz, 247 Truman Way, thanked Mr. Majewski for helping him get prints for the northern Regency Development.

Mr. Pedowicz stated he was previously told that the roads in Regency would be dedicated to the HOA. Mr. Truelove stated the discussion was that those roads would not be dedicated to the Township, and they will be privately owned by the HOA which will be responsible for maintenance. Mr. Pedowicz stated one of the small islands was taken out and was paved over. He stated the gates are presenting a hazard, and he asked if they wanted to take them out and have the area re-paved who would be responsible for that. Mr. Truelove stated if it was part of the Land Development, it may have to come back to the Township. Mr. Ferguson stated the Township would not do the re-paving, and if that was something he wanted done, Mr. Pedowicz would have to discuss this with Toll.

DISCUSSION ITEMS

Comcast Franchise Agreement

Mr. Ferguson stated the Board was provided details on a draft Agreement with Comcast which included an Executive Summary.

Mr. Ferguson stated there are two Cable companies for Lower Makefield - Verizon and Comcast. He stated Verizon's negotiation with the Bucks County Consortium has been going on for a number of years and has been quite contentious. He stated Verizon will only do a five-year Agreement, and that is what other communities are approving. He stated the remaining item with Verizon is with regard to PEG Grants, which has to do with the TV channel. He stated their proposal to the Township is unreasonably low. He stated one of the basis for that was the last Comcast Agreement for the PEG participation from ten years ago which was \$1,000 a year.

Mr. Ferguson stated the PEG Grant proposal that is in the draft Agreement with Comcast increases the PEG Grant from \$1,000 a year (paid in a lump sum up front) to \$28,661 or \$2,800 a year. Mr. Ferguson stated this was a joint negotiation with Newtown Township and the Cohen law group. Mr. Ferguson stated if there are technical questions which he cannot answer, Mr. Roberts, legal counsel, could participate in a future discussion.

Mr. Ferguson stated if the Board would pass the Comcast Agreement, they would then finalize the Verizon Agreement. He stated the passage of the Comcast Franchise Agreement has an Ordinance and Public Meeting Notice that would have to be advertised which could be done at a subsequent meeting. He stated the hope is that the PEG Grants from both of the Franchise Agreements would go toward updating antiquated equipment that the Township has from ten to twelve years ago.

Mr. Ferguson stated the Comcast Agreement would be for ten years. He stated Verizon is trying to retain maximum flexibility, and it appears that they are "trying to posture to get out of the cable business." He stated Comcast has no such inclination, and they are happy to do a ten-year deal.

Dr. Weiss asked if Verizon's current offer for the PEG Grant is \$1,000 a year, and Mr. Ferguson agreed. Dr. Weiss stated if they approve the Comcast Franchise Agreement, they should be able to negotiate further with Verizon. Mr. Ferguson stated even though it is a lump sum up front, as part of the negotiations, it is based upon an annual break-out. He stated if Verizon were to match the \$2,800 a year, it would only be a five-year deal which would be about \$15,000 although Mr. Ferguson stated he feels they could do better than that.

Mr. Grenier stated that although Verizon and Comcast offer combined services what is being discussed only relates to Cable, and Mr. Ferguson agreed. Mr. Ferguson stated the Franchise Fee is only specific to Cable-related items. Mr. Ferguson stated an audit was conducted for the last ten years to make sure that the revenues that were due to the Township were received, and it was deemed to be in compliance.

Mr. Lewis stated there is nothing in the Agreement that limits the regulatory rights that we have.

Mr. Zachary Rubin, 1661 Covington Road, stated he is the Chair of the Electronic Media Advisory Council, and it is part of their Mission Statement to review these types of Agreements.

Mr. Rubin stated with regard to the PEG Grant, in the 2006 Verizon Agreement, they gave the Township a PEG Grant of \$11,651. He stated that was a Grant directly to the Township; however in this new Comcast Agreement which talks about \$28,661.23 it says: "Comcast reserves the right as allowed by Law to pass the Grant through to subscribers and spread it out over the entire term of the Franchise." Mr. Rubin stated he feels this means that they are going to charge that money back to the subscribers of Comcast whereas Verizon's was a direct Grant from their profits. Mr. Rubin stated Comcast's is a direct pass through. He asked why it is \$28,000 and why could it not be \$38,000 or \$60,000 since it does not cost Comcast anything since they are putting it back on the subscribers. Mr. Rubin stated if we determine that we need new HD equipment, new cameras, etc. the Agreement states: "The total amount is identified by the Township in its PEG Needs Assessment." Mr. Ferguson stated that Assessment came in at \$57,000. Mr. Rubin asked why we did not negotiate for the \$57,000 since Comcast would not be paying for it, and it would be the ratepayers paying for it. Mr. Ferguson stated the precedent for that would be that the maximum that a Cable Company would participate is based upon what that evaluation would be when there are dual companies in a town which would be 50% of the estimate that was provided. Mr. Rubin asked where that 50% comes in, whether it was past practice or part of the FCC; and Mr. Ferguson stated he would have to defer to Cohen whether that is in legality or precedent.

Mr. Rubin stated we do not have a Public Access Channel although we have one reserved. He stated over the years the discussion was what type of content should be on there and whether there should be censorship, extreme political views, etc. and who would determine that. Mr. Rubin stated they do provide education and government services. He stated with regard to government, it states that they will provide free service to public buildings including the Municipal Building, Schools, Fire Companies, Public Works Buildings, and Water and Sewer Authorities. Mr. Rubin stated they enumerate which ones they are going to provide, and they have excluded the Community Center/ Senior Center and Makefield Highlands Golf Course. Mr. Rubin asked why those were not included since they are publicly-owned by the Township. Mr. Ferguson stated he would have to defer to the attorney on why those were not included. Mr. Rubin stated they are Municipal Buildings, and they should have the opportunity to avail themselves of that service. He stated he knows that Verizon provides service to the Golf Course.

Mr. Rubin stated the Electronic Media Advisory Council has never been consulted about this Agreement, and he did not know about this Agreement until tonight because he was not able to see the Agenda prior to coming to tonight's meeting. He stated he feels his Committee has been "marginalized." He stated their Committee meets on an ad hoc basis to discuss issues such as these Franchise Agreements. He stated he does not feel the Township is taking advantage of the expertise that they have on their Committee. He stated "a great injustice has been done to the hard-working members of his Committee."

Mr. Ferguson stated if the Board wishes, he could ask Mr. Roberts to attend a meeting to discuss this as he feels it is important to get clarification on some of the specific issues raised by Mr. Rubin including splitting the costs of the upgrades to the system as well as the distinction, if any, of the Community Center and the Golf Course. Mr. Grenier stated he would be especially interested in the Community Center since at some point that facility may need to be used for public meetings.

SUPERVISORS' REPORTS

Dr. Weiss stated the Disability Advisory Board met and there will be three openings in the near future. He asked those interested in serving on this Board to send a letter of interest to the Township Manager.

Mr. Lewis stated the Citizens Traffic Commission will be unable to meet on Thursday, because they will not have a quorum due to calendar conflicts and the fact that there are two vacancies. He asked those interested in serving on this Committee to send a letter of interest to the Township Manager.

Mr. Lewis stated the Trenton-Mercer Airport Review Board met, and they would like to request time to come before the Board of Supervisors to provide the Board and the community with an update on the status of the Airport expansion. Mr. Lewis stated there has been some discussion about the impact of PFAS. They would also like to discuss the review process, the Environmental Assessment and the actions that the community can take. He stated he asked them to send a letter to the Board Chair to request time to come before the Board of Supervisors. Mr. Lewis stated part of their work has been a lobbying effort over the last few months. He stated Lower Makefield is in a difficult spot as it relates to regulatory approval or authority on anything happening in Mercer County; however, we have made some progress with some elected officials.

Mr. Grenier stated the Electric Reliability Committee has asked him to make a Motion regarding having a PECO representative come before the Board of Supervisors as a follow-up to the presentation PECO made before the ERC.

Mr. Grenier moved and Mr. Lewis seconded to direct the Township Manager to coordinate with PECO representatives to attend a future Board of Supervisors meeting at a date mutually-agreeable to both parties.

Ms. Blundi asked if there was a quorum of the EAC and if this matter was on their Agenda, and Mr. Grenier agreed. Ms. Blundi stated she did not see this on their published Agenda. She asked if it was on the ERC's published Agenda and if a quorum was present and voted that Mr. Grenier should make this Motion. Mr. Grenier stated the ERC first asked him to do this in June. He stated he also brought this up at the last Board of Supervisors' meeting. He stated the ERC met with Ted Dorand from PECO, and Mr. Grenier stated he felt it was a positive meeting. Mr. Grenier stated as a follow-up to that the ERC made a Motion to put together a letter to send to the Township Manager with their recommendation to invite Mr. Dorand or some other PECO representative to a meeting with the Board of Supervisors for follow-up questions, and they also have recommendations as to the format; although that would generally be up to the Board of Supervisors. Mr. Grenier stated that letter was sent in June or July, and he feels he has mentioned this a few times during previous Liaison Reports although he did not make a Motion as he did this evening. He stated at the ERC meeting this week, they asked that there be a follow-up with the Township Manager and Mr. Dorand to facilitate such a meeting.

Mr. Grenier stated he believes Ms. Blundi may have been copied on one of the e-mails that went to Mr. Ferguson about a number of issue. He stated the main idea is to have a follow-up in a constructive way. He stated PECO has done a lot of work in the Township over the last few years including tree clearing and upgrades to the system which has resulted in fewer outages than historically. Mr. Grenier stated they also looked into how many whole-house generators have been installed over the last number of years, and he believes \$6 million to \$7 million has been spent by our residents to install whole-house generators due to their personal concerns, and that translates to 800 to 900 whole-house generators; and this does not include the number of smaller generators that residents have which are much less expensive. He stated they would like PECO to discuss what might be planned for the future to further improve the system and reliability as well as provide

feedback to PECO that they can take back with regard to areas of concern that the Township has. He stated it would generally be an open dialogue to make sure that we keep moving forward with PECO to make sure that our reliability stays on the top of their agenda. Mr. Grenier stated it is not meant to cause any conflict, and it would just be a conversation.

Ms. Blundi stated she is in favor of as much involvement as possible, but she likes process so that people can understand how the system works. She stated it would be helpful if Mr. Grenier could forward what the findings have been so far so that the Board can understand what the next steps would look like more clearly. Mr. Grenier asked Mr. Ferguson if he had distributed the letter to the Board of Supervisors. Mr. Ferguson stated while he is sure he has, he would need to look into that. Ms. Blundi stated if Mr. Grenier has the letter, he could forward it to the Board; and Mr. Grenier agreed to do so.

Ms. Blundi stated at the November 3 Board of Supervisors' meeting there will be a Budget presentation along with all the regular business that needs to be taken care of so she assumes that will be a busy night. She stated if it is the will of the Board to consider the requests made for groups to come before the Board, they will look to see when they could be considered.

Dr. Weiss stated while he knows that there has been a request, he is trying to understand the need for PECO to come before the Board of Supervisors once again to tell them the same things that they have heard over the years. He stated he knows that PECO has come to the Committee and made a presentation recently, but they have not heard about that presentation; and he asked Mr. Grenier what came out from that presentation.

Mr. Grenier stated that is the letter that Ms. Blundi referenced that was sent to Mr. Ferguson to send to the Board of Supervisors. Dr. Weiss asked if, other than having PECO come to the Board of Supervisors, were there any recommendations as to what would be the direction of that meeting. He asked if the ERC presentation precipitated more questions that the Committee wants to recommend to the Board of Supervisors. He asked if the Committee has any specific recommendations for the Board of Supervisors so that when they do hear from PECO, they have some kind of direction. Mr. Grenier stated while he believes that there were specific recommendations, he cannot enumerate them all at this time without having the letter in front of him. Mr. Grenier stated there are also Meeting Minutes that go into more detail; and once he pulls them all up, he will package them and forward them to the Board of Supervisors to review.

Dr. Weiss stated while he does not have an issue listening to another presentation from PECO, one of the reasons for having this Committee was so that they could provide direction to the Board of Supervisors after listening to PECO. He asked if there is the need to bury more cable, upgrade transformers, or improve a weakness in the grid in our area that the Township needs to address with PECO. He asked that the Committee provide some recommendations to the Board of Supervisors so that the Board can ask the right questions if PECO is going to come before the Board and make a presentation.

Mr. Ferguson stated in an e-mail he had asked the Chair of the Electric Reliability Committee what they would like the Board to ask of PECO if there was going to be a meeting; and the Chair sent him this week a detailed outline of some things he felt would be relevant, and he could forward that to the Board. Mr. Ferguson stated he was also provided details about some recent outages that have been forwarded to PECO for review.

Mr. Lewis stated this is a long-stranding issue as there are e-mails from December of 2020 where the Electric Reliability Committee is asking for information on PECO's ongoing, long-term infrastructure plans. Mr. Lewis stated this is really about uncovering the approach PECO has taken; and while there are some areas where PECO can be proud about, there are other areas where he feels we need to work together to see if we can find spots where there are still circuits where there are excessive outages. Mr. Lewis stated there were some circuits that were in the worst shape in PECO's service area that are now serviceable so there have been improvements; however, part of that improvement is the Township being proactive and aggressive with PECO and asking them to follow up and provide plans to the Township. He stated PECO has provided similar things where they have held open meetings and design sessions when they brought representatives to the community to talk about what they plan to do. Mr. Lewis stated it was his understanding that a PECO presentation before the Board of Supervisors was going to be scheduled.

Ms. Blundi stated she would like to get the information. She noted that there was a reference to Minutes, but at this time there are only two sets of Minutes from the ERC. She stated she understands that Mr. Grenier will provide the letter which he referenced, and Mr. Ferguson will provide the information from the Chair of the ERC. She stated she would like to know what we have, what the ask is, and then move forward from there.

Mr. Zachary Rubin, 1661 Covington Road, stated in the proposed Franchise Agreement with Comcast Section 3.12 talks about tree trimming and states: "Comcast or its agents, including contractors and sub-contractor, shall have the authority to trim trees upon the over-hanging public rights-of-way as to prevent the branches of such trees from coming in contact with wires, cables, or other equipment of Comcast. The tree trimming shall be performed in accordance with applicable law and regulations." Mr. Rubin asked if they have ever seen an Xfinity or Comcast tree-trimming truck trimming trees in the Township. Mr. Truelove stated he believes that they use contractors if that is done.

Ms. Blundi stated the Motion is about the request from the ERC to bring PECO before the Board of Supervisors. Mr. Rubin stated he feels the ERC should be advised that it is just not PECO and the cable company has agreed to cut down trees to help our electrical reliability.

Mr. Lee Pedowicz, 247 Truman Way, stated he is on the Electric Reliability Committee. He stated there was an outages about two weeks ago in Yardley Hunt, and the issue was that there was not good communication from PECO. He stated PECO initially indicated it was being investigated, then that the lights would be back on in two hours, and then nine hours later the electric service was finally back. He stated it was a cable failure, and the extent of the repair was that that they took a replacement cable and laid it in the street to by-pass the failed section. He stated he feels that is unsafe particularly in a Residential community where there are children. Mr. Pedowicz stated Mr. Dorand is a Public Relations person, and he feels there should be a technical person that comes out to discuss these issues and what PECO is doing to correct these issues. He stated PECO does not have a good communication system to its customers; and while at previous meetings Mr. Dorand stated that they were working on improving that, Mr. Pedowicz stated obviously they are not. Mr. Pedowicz stated the Electrical Reliability Committee "is at the end of their rope," as they have dealt with PECO, and they are trying to get them before the Board of Supervisors, "and they do not know where to go from here."

Mr. Lewis noted the area maintenance engineer for PECO could provide some additional technical information that would be helpful for the Board. He stated PECO could also run a separate community forum where they could talk about these issues, although he would prefer to have it before the Board of Supervisors.

Mr. Pedowicz stated while it may take contacting the PUC, he feels coming before the Board of Supervisors would be the best first step.

Mr. Grenier stated he found the e-mail that was sent from the ERC, and it can be seen what was requested. Dr. Weiss asked if there are specific requests to the Board from the Committee to address with PECO, and Mr. Grenier stated there are five primary bullet points enumerated. Ms. Blundi stated she will review what Mr. Grenier has indicated that he will forward as well as what Mr. Ferguson is providing, and then discuss next steps with the Board of Supervisors.

Motion did not carry as Mr. Grenier and Mr. Lewis were in favor and Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

OTHER BUSINESS

Police DeQartment Matters

Chief Coluzzi stated the Police Department recently completed a competitive promotion test for Police Corporal, and Officer Colin McTamany scored number one in the process.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to approve the promotion of Colin McTamany effective October 25, 2021.

Chief Coluzzi stated he will be restructuring the Command Staff and making promotions in keeping with the Police Reform Initiatives Statewide and Nationally to insure accountability and uphold Police integrity, determine misconduct, and enhance public trust. He asked the Board's approval to begin working on these changes, and he will announce the promotions at a future meeting of the Board of Supervisors for their consideration and approval.

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to approve Chief Coluzzi working on restructuring the Command Staff and making promotions in keeping with Police Reform Initiatives Statewide and Nationally.

Chief Coluzzi stated the Board approved the hiring of four individuals, and three are being presented to the Board this evening for their consideration and approval. He stated while these are new hires, they are not additions and are

part of retirements and to back fill positions. Chief Coluzzi stated the three individuals to be considered are Jevin Downs, Brendan Montemarano, and Kevin Riley; and he reviewed their backgrounds and experiences.

Mr. Grenier moved and Dr. Weiss seconded to approve hiring the following as Police Officers: Jevin Downs, Brendan Montemarano, and Kevin Riley.

Chief Coluzzi stated the hiring date will be within the next three weeks falling on the next pay period of the Township.

Mr. Truelove stated because of Act 65, the Sunshine Act, these are Conditional hires, and they will be put on an Agenda to officially hire at the next meeting as well. Chief Coluzzi stated they have completed their background checks. Mr. Truelove stated these will therefore be ratified at the next meeting as well as approving the Motion this evening.

Mr. Grenier asked about the overall numbers of Officers and staff to be fully staffed. Chief Coluzzi stated there is currently an Officer who is injured and is not available, and there is one more hire needed.

Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to appoint Jim Scott to the Ad Hoc Property Committee.

There being no further business the meeting was adjourned at 9:35 p.m.

Respectfully Submitted

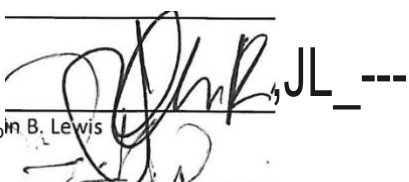
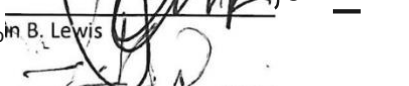


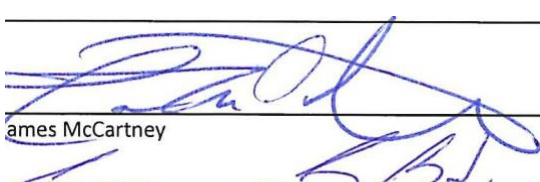
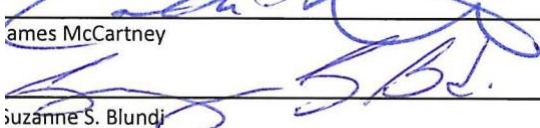
John B. Lewis, Secretary

**LOWER MAKEFIELD TOWNSHIP
BOS MEETING - 10/20/2021**

A/P WARRANT LISTS	9/20/2021		10/4/2021		10/18/2021		TOTAL
	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	PRINTED CHECKS	MANUAL CKS/WIRES	
Fund							
01- GENERAL FUND	73,519.02	2,036.00	155,078.74	952.87	191,226.40		422,813.03
02- STREET LIGHTS	394.61		254.47		2,792.62		3,441.70
03- FIRE SAFETY			255,640.79		648.50		256,289.29
04- HYDRANTS	12,500.35				12,318.76		24,819.11
05- PARK AND RECREATION	31,106.63		71,874.20	6,103.87	26,698.60	6,528.97	142,312.27
06- P & R FEE IN LIEU							-
07- RECREATION CAPITAL RESERVE		1,000.00	27,013.89				28,013.89
08- SEWER	24,423.60		127,390.19	12,223.61	114,746.44		278,783.84
09- POOL	12,607.45		29,273.23		12,268.97		54,149.65
11- TRAFFIC IMPACT							-
15- GOLF COURSE	228,190.00						228,190.00
18- SEWER CAPITAL PROJECTS	10,978.18				7,619.12	9,600.00	28,197.30
19- SPECIAL PROJECTS	1,325.25		1,419.25		19,692.61	548,726.90	571,164.01
20- DEBT SERVICE	1,000.00						1,000.00
21- REGENCY BRIDGE	4,873.13				796.00		5,669.13
30- CAPITAL RESERVE	507.50				178.50		686.00
31- POOL CAPITAL RESERVE FUND							-
32- TREE FUND							-
35- LIQUID FUELS			491.25		250.00		741.25
36- ROAD MACHINERY FUND			30,931.72			30,931.72	61,863.44
40- 9/11 MEMORIAL	3,932.33		6,297.84				10,230.17
45- PATTERSON FARM	1,054.35		4,016.13		898.94		5,969.42
SO- AMBULANCE/RESCUE SQUAD							-
84- DEVELOPER ESCROW							-
91- UNEMPLOYMENT							-
	406,412.40	3,036.00	709,681.70	19,280.35	390,135.46	595,787.59	2,124,333.50

SEPTEMBER 2021 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND OPERATING TO PAYROLL ACCOUNT	753,768.75
GENERAL FUND OPERATING TO 401A DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	8,022.22
GENERAL FUND OPERATING TO POLICE PENSION	350,536.92
GENERAL FUND OPERATING TO NON-UNIFORM PENSION	298,419.00
03- FIRE PROTECTION FUND TO DEBT SERVICE FUND	6,664.00
05- PARKS AND RECREATION FUND TO NON-UNIFORM PENSION	44,740.00
08- SEWER FUND TO NON-UNIFORM PENSION	59,700.00
09- POOL FUND TO NON-UNIFORM PENSION	14,030.00
60- POLICE PENSION FUND TO D.R.O.P. ACCOUNT	4,882.74
	1,540,763.63


 John B. Lewis

 Fredric K. Weiss


 James McCartney

 Suzanne S. Blundi

Daniel R. Grenier