

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 7, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 7, 2022. Mr. McCartney called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: Kenneth Coluzzi, Interim Township Manager
Barbara Kirk, Township Solicitor
Andrew Pockl, Township Engineer

COMMUNITY ANNOUNCEMENTS

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

Mr. McCartney stated Cub Scout Pack 95 will be collecting broken string Christmas lights from December 1, 2022 to January 10, 2023. Drop off at Big Oak Citgo, 812 Big Oak Road, Yardley, PA 19067. For more information contact Joanie Layden at joaniesl20@gmail.com.

Mr. McCartney stated the Styrofoam Recycling event will be held at the Township Building, 1100 Edgewood Road, Yardley, PA on Saturday, January 14, 2023 from 10:00 a.m. to noon. Bring your Styrofoam, wine corks, amber/white plastic pill containers, and alkaline household batteries.

APPROVAL OF MINUTES FOR NOVEMBER 10, 2022 BUDGET MEETING

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of November 10, 2022 as written.

APPROVAL OF MINUTES FOR NOVEMBER 16, 2022 MEETING

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of November 16, 2022 as written.

ENGINEER'S REPORT

Approval of Pay Application #2 for the Schuyler Drive Tennis Courts Project to Keystone Sports Construction in the Amount of \$88,463.23

Mr. Grenier asked how far along they are, and Mr. Pockl stated this Pay Application represents 50% of the project construction amount, and they are at about 85%. Mr. Pockl stated they are paving the parking lot tomorrow, and after that they will have to surface the tennis courts which will be done in the spring. Mr. Grenier asked if they have the appropriate erosion control measures in place, and Mr. Pockl stated the site has been stabilized.

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve Pay Application #2 for the Schuyler Drive Tennis Courts Project to Keystone Sports Construction in the amount of \$88,463.23.

Approval of Change Order #5 for the 2022 Road Program Project to James D Morrissey in the Amount of \$1,940.00

Mr. Lewis moved and Ms. Blundi seconded to approve Change Order #5 for the 2022 Road Program Project to James D Morrissey in the amount of \$1,940.00.

Mr. Grenier asked what this covers, and Mr. Pockl stated this is a Change Order for line striping within the Memorial Park parking lot which has been completed.

Mr. Grenier stated he has concerns with Morrissey, and we need to “keep our eyes on them.” He stated when they were “mostly completing” the Maplevale repaving, he observed that their non-potable water tank was draining at least twelve to sixteen hours into the road and directly into our storm sewer system and our streams. He also stated one of the large pieces of equipment that they had was the paving equipment which left small piles of asphalt on the ground. He stated they did remove it before 6 a.m. the next morning, which is its own issue. He stated there was a very steady stream of non-potable water flowing

from their tanker truck through the asphalt that was on the ground with a sheen that went directly into our streams and sewer system. He stated we need to keep a very close eye on them. Mr. Grenier stated he made the Township aware of this around 3 p.m. in the afternoon, and the next morning it was still going so they did not come out quickly to remedy the situation. He stated “if that would have been something else, it could have had a major impact to our streams and would have been a DEP violation.”

Mr. Pockl stated they have demobilized and completed the paving. He stated they are addressing concerns from residents and punch list items. He stated he will continue to monitor them.

Mr. Grenier stated he understands that they are not finishing the last stretch in the Maplevale neighborhood, and that will be another contractor. Mr. Pockl stated that is to be determined.

Mr. Lewis stated there is still remaining work to be completed on the Road Program, and Mr. Pockl stated there are some minor punch list items including repairing mail boxes. He stated the milling and paving has been completed. Mr. Lewis asked if there is still Escrow, and Mr. Pockl stated there is.

Motion carried unanimously.

PROJECT UPDATES

Memorial Park Project – Mr. McCartney stated DCNR conducted final inspection, and punch list items are being completed.

Mr. Grenier asked if the punch list items are still the same, and Mr. Pockl stated they are. Mr. Pockl stated they had talked about making this a Discussion Item at this meeting. He stated in order for us to get our Grant reimbursement from DCNR there needs to be a letter from the contractor that they have been paid in full for the work that is completed. Mr. Pockl stated he would recommend closing out the project. He stated with regard to the punch list item for topsoil, there is a line item of \$5,000 that they would have to be paid to the contractor in order for the contractor to bring in topsoil and complete that job. Mr. Pockl stated he believes it is in the Township’s best interest not to pay them that \$5,000 line item and only pay them for the amount that they have completed. He stated we would then complete the topsoil in-house which would be less expensive. He added we

would have quality control over the work that is done, and then we could close out the project. Mr. Grenier asked if that would still meet the stipulations of the Grant, and Mr. Pockl agreed.

Multi-Use Trail – Mr. McCartney stated work on ADA ramps and traffic signal has started, and they anticipate to be completed by the end of the year.

Woodside Bike Path – Mr. McCartney stated the Contracts are signed, and the pre-construction meeting was held November 2nd. Mr. Pockl stated the contractor is still in the process of providing submittals for materials to be used on the project. He stated they are working on re-locating utilities in advance of doing the actual earth work.

Mr. Lewis asked if there is a timeline for when the utility/earth work may start. Mr. Pockl stated he believes the timeline would be in the spring although it is shallow earth work so that theoretically they could do it over the winter, but they have not given an indication that they are going to start. Mr. Lewis stated they are waiting for the utilities to be moved first, and Mr. Pockl agreed.

Mr. Grenier stated that is a highly-traveled road, and he would like to see them give as much notice as they can when they are going to start so that the people in the neighborhood who use that road will be aware.

2022 Road Program – Mr. McCartney stated the paving and ADA ramps are estimated to be completed, weather permitting, by this week.

PA SMALL WATER AND SEWER GRANT PROGRAM DISCUSSION AND MOTION

Mr. Grenier stated we received an e-mail from Senator Santarsiero about a Grant Program that we might be able to apply to some of our stormwater projects and “other things.” Mr. Pockl asked if that is the PA Small Water and Sewer Grant, and Mr. Grenier agreed. Mr. Pockl stated that Grant is for water infrastructure projects, sanitary sewer construction projects, and storm sewer projects. He stated there are a number of projects for next year that would qualify for that including the Maplevale Drainage Phase II and the South Drive

culvert replacement project. He stated there is a 15% match for that Grant which would be required of the Township. Mr. Grenier stated the Application is due on December 21, and Mr. Pockl stated he would double check that.

Mr. Grenier asked Mr. Pockl if he would recommend that we put in an Application for either of those projects he mentioned. Mr. Pockl stated he does not know that he would make that recommendation at this point because even though they are eligible and are small projects which are shovel ready, they are the type of projects that do not get awarded for Grants because there is not a green component to them. He stated they are willing to do this if the Board desires. Mr. Grenier asked the level of effort needed and the cost to put in for the Grant, and Mr. Pockl stated it usually costs \$3,500 to \$5,000.

Mr. Grenier stated he would be in favor of doing this adding he feels the Board would have to approve it tonight so that Mr. Pockl could start working on it. Ms. Kirk stated under the new requirements anything that is to be considered at a Board meeting is to be advertised and published. She stated she would recommend that the Board approve a Resolution to authorize the submission of the Grant subject to having it advertised for the next meeting and ratified.

Ms. Blundi asked Ms. Kirk if that is just limited to the expenditure of money, adding that as Mr. Pockl described them the projects are already shovel ready and the money was voted on already. Ms. Kirk stated she does not believe it is necessarily a matter of money, rather it is allowing the public to be aware of the authorization to submit an Application for the Grant. She stated because of the limitation of time, she would suggest that the Board make the Motion tonight, but make it subject to ratification and have it advertised for the December 21 meeting so that if there are public comments or concerns, they can be addressed at that meeting.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve a Resolution to authorize the submission of the Grant subject to having it advertised for the next meeting and ratified per the Solicitor's guidance.

Ms. Kirk asked Mr. Grenier to forward a copy of the e-mail so that she can make sure that it is on the next meeting's Agenda for ratification.

MS4/POLLUTION REDUCTION PLAN DISCUSSION

Mr. Grenier asked for an update on the MS4/Pollution Reduction Plan. Mr. Pockl stated he submitted the Annual Report in September, and there has been no updates since then.

PARKS & RECREATION

Acceptance of the Natural Lands Proposal Not To Exceed \$5,240 for an Assessment of the Snipes Tract Per Contract. Natural Lands Proposal Received 11/15/22

Ms. Tierney was present and stated she is asking the Board for acceptance of the Natural Lands Proposal to do an assessment of the Snipes property not to exceed the amount of \$5,240. She stated this would consist of two assessments one in the winter and one in the spring and then a final report about all the environmental impacts.

Dr. Weiss moved and Ms. Blundi seconded to accept the Natural Lands Proposal not to exceed \$5,240 for an assessment of the Snipes Tract per Contract.

Mr. McCartney asked if there is anything late summer/early fall that we would miss out on. Ms. Tierney stated it was discussed that a winter and a spring assessment would be sufficient to get us what we need.

Mr. Grenier stated he is not in favor of approving this proposal mostly because the work we want to have done in terms of the natural habitat assessment at the site is related to going and doing field work to understand natural resources that are present including tree surveys, woodland surveys, potentially wetland surveys, ecological habitat surveys, threatened and endangered species surveys, etc. that are conducted by ecologists and biologists per certain protocols that are required and other reviews that occur using specific data bases. He stated the proposal that we have been provided does not cover any of that. He stated there is no mention of trees, habitat, wetlands, woodlands, “or anything like that” or the staff that they provide; and it is more of a “walk-through just to see what is there and then there is a GIS desktop study” that would talk about what might be developable and what might not be from their perspective. He stated it is not giving us the information we need to make the types of assessments that will ultimately be required per our Code to develop any type of development plan.

Mr. Grenier stated he believes that Remington Vernick has people on staff who do this type of work, and Mr. Pockl stated they have landscape architects on staff and environmental personnel. Mr. Grenier stated he would recommend having Remington Vernick provide us with a proposal or at least write an RFP that covers the work and put that out to other entities. He stated he feels Remington Vernick's staff could cover what we actually need that would go into a future land development plan "if anything," and at the same time it is data and information that we need. He stated he does not feel what has been provided will give us anything that is useful, and we will have to do "all the other stuff anyway."

Mr. Richard May, 1270 Creamery Road, stated they are talking about assessing the Snipes property for the purpose of putting in ball fields; however, Dr. Weiss and Mr. Grenier stated that is incorrect. Mr. Grenier stated the public, including Mr. Gaboda, and the Board had requested a natural resources assessment of the property "just to know what is there." Mr. Grenier stated this is not specifically to push forward any type of design or Site Plan, and it is strictly an assessment of the property to understand what is there ecologically, environmentally, etc. He stated he had previously indicated that he felt we were doing this prematurely; however, if we are going to do it, this is not specifically to develop the site, but it is to understand what is there so that the Steering Committee, the Board, and others can see that information.

Mr. May stated earlier they were looking at Macclesfield to see what needed to be done in order to be able to have enough fields for playing soccer. He stated he had not heard if any work was done on that yet, and he asked for an update. Ms. Tierney stated we have a Committee of residents, participants, and League heads; and it is a very diverse group. She stated they had their first meeting to discuss findings on the first study. She stated there was a questionnaire that went out to that same group of people; and they are going to fill out current usage and all of the data required to do the study, and that is being done now. She stated there will be a second meeting of the Committee, and we will start determining what the public process will be, and when we will start having the public workshop-type meetings. Ms. Tierney stated it is simultaneous with information-finding at Snipes and information-finding at Macclesfield. She stated at this time there is no actual planning for either.

Mr. Grenier asked if the Steering Committee meetings are public, and Ms. Tierney stated they are not. Mr. Grenier stated he does not know who is on the Committee. Ms. Tierney stated it is a mixture of neighbors, and people who have expressed interest in the project. She stated there are seven to nine participants on the Committee.

She stated on the Committee is a member of the EAC, a member of the Disability Advisory Board, a member from the Park & Recreation Board, representation by the three active Leagues who use the facilities, a neighbor, a person who calls themselves a naturalist/environmentalist, and someone who does not use the Park at all but does have interest in potentially using it in the future.

Mr. May asked if they are thinking of “getting rid of the property or something like that,” and Ms. Tierney stated they have to look at everything. She stated the idea was to use the Play For All model and develop a park that would be useful by everyone in the Township and not just one group or another.

Mr. May noted that his street was paved, and he feels the Morrissey people did a very nice job including fixing a bump that had been in the street. He stated he is concerned that they just showed up, and he feels there needs to be more notice to residents when their street/sidewalk is going to be torn up. Mr. Pockl stated the contractor is required to provide a schedule at the beginning of the project, and that gets updated on a bi-weekly basis, and that is generally put out on the Township Web page. He stated the schedule can change due to weather. Mr. McCartney asked if there is any on-site notification. Mr. Pockl stated they do put up signage when they are closing a road, but they generally do not close the roads when they are milling and paving and they do one lane at a time to allow access. He stated it is a requirement of the Contract that they provide residents with access to their driveways at all times and for emergency vehicles.

Mr. Grenier stated the Leaf Program has a good precedent for notification, and is subject to similar weather events where we have to make updates to the schedule. He stated that could serve as a model moving forward for the paving program. Mr. May stated they did put up signs that the road would be milled be, but they put up the sign after they were already tearing things up.

Mr. Jaan Pesti, 1367 Brentwood Road, asked if the Natural Lands report goes ahead, is it known when it would be done. Ms. Tierney stated they would be done by May. Mr. Pesti asked that no decisions be made until the report conclusions go in, and Mr. McCartney agreed.

Ms. Elizabeth Luciano, 1229 Ash Lane, thanked Mr. Grenier for his suggestion to get as much information as possible on the Snipes Tract before moving forward with any development plans. She stated she is interested in the

woodlands, the wetlands, the wildlife, and the environmental impact. She asked that no decisions be made until the report is finished and public. She stated the Board wants to make a good decision, and a good decision is a well-informed decision.

Ms. Tierney stated that an Environmental Impact Study will be required, and what she is proposing is something that would be extra to the Environmental Impact Study. She stated what Natural Lands will be giving is a base line for initial discussions.

Mr. Grenier stated he does not feel there is any value added to what they are providing, and it is a basic, desktop study that does not provide any truly useful information. He stated he feels that the work that Remington Vernick or someone like them could do would be in the same timeframe or maybe even shorter and would be much more beneficial to our decision-making process.

Mr. Grenier stated he is also concerned that there was a Steering Committee set up for Macclesfield without Board or Supervisor input. He stated the Board has set up other Steering Committees for large Township properties, one of them being the Patterson Farm, where the Board was very deliberate in the process and interviewed candidates; and in this case the Board did not do that. He stated he feels for many people this is of similar importance, and he would have liked to have had some input on that so the Board would have understood who was being appointed to that Committee. He stated they are not public meetings, and they are making very big decisions/ recommendations that impact a lot of people; and the Board did not have much say in that which he feels is concerning.

Ms. Blundi stated Ms. Tierney has been very transparent with what the process would look like. She stated the Board heard from many of the residents who asked to be included and invited. She stated when Ms. Tierney provides Mr. Grenier with the names on that Committee, she feels he may be “pleasantly surprised.” Dr. Weiss stated Ms. Tierney already published the names of the people on the Steering Committee. He added Ms. Tierney did discuss this, and the Board approved the process.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approval to Proceed with the Pathway to Zero Waste Plan as Proposed
Updated Pathway to Zero Waste with Park & Recreation Recommendations
(This Plan is recommended to the Board of Supervisors by both the Park &
Recreation Board and the Environmental Advisory Board)

Ms. Blundi stated it was the EAC that brought this program forward, and they should be given credit for this. Ms. Blundi stated she understands the idea of improving our environment, but she is not sure that this is not just a cost shifting. She stated most of the people who use our parks are our residents so we will be adding an additional burden on residents since anything that they bring into the park, they will have to take back out and throw in their garbage/recycle bin as opposed to the Township garbage/recycle bin. She stated this will not produce less waste.

Mr. Lewis moved and Mr. Grenier seconded to approve proceeding with the Pathway to Zero Waste Plan as proposed by the updated Pathway to Zero Waste with recommendations from Park & Recreation and the EAC.

Ms. Tierney stated this started as a Recycle Plan with CAPRA, and we were trying to implement a Recycle Plan in the parks as we recognized that we hardly had any recycle bins. She stated as they were going through that Plan, she and members of the EAC could not come to an agreement on a good concept. She stated it was going to cost about \$200,000 to add all of the recycle bins. She stated it was also going to involve a lot of extra manpower for her staff to be able to sort through bins because bins that had contamination would not go to the recycle plant, and they would just end up in waste.

Ms. Tierney stated the EAC then came to her with the idea of carry in/carry out, and initially she was not in favor as she had pre-conceived ideas of what could go wrong. She stated she started calling people who do carry in/carry out, and she was pleasantly surprised. She particularly noted the foreman at Plumstead and learned how it impacted the maintenance staff. Ms. Tierney stated currently on Monday our staff can spend up to twenty hours just removing waste; and if they added recycle bins to that, it would take even more time. She stated every day they go to every park and remove all the waste bins during our busier season. Ms. Tierney stated the foreman at Plumstead initially had the same fears that she did; however, his maintenance staff love it. She stated people who litter are still going

to litter, but the amount of litter at Plumstead did not increase. She stated people who would look for a trash can are willing to take it home with them. Ms. Tierney noted other places she contacted who have Zero Waste programs and have done it very successfully. Ms. Tierney stated one negative feedback she heard was that upon initial implementation, there were a lot of phone calls. She stated another negative she heard about was that when they provided waste bags for dog waste they found them in the park; but if they were not provided, they did not find them in the park; and people would bring in their own dog waste bags and take them with them.

Ms. Tierney stated while it is called a Zero Waste Plan, there is much more they can do; and this is just a pathway and not a true Zero Waste Plan at this point. She stated there will be evolution along the way. Ms. Tierney stated currently the Plan identifies opportunities for waste reduction within the parks, creates a plan that will empower park users to participate in social responsibility through personal waste reduction, provides a schedule for taking steps necessary to achieve compliance, provides opportunities for re-allocation of Township resources, and provides a Marketing and Education Plan for implementation.

Ms. Tierney stated the biggest component is an education push, and we would have to spend time on education and marketing. She stated there will be a cost associated with that, and there is a Grant in our Community Fund that can be used for sustainable projects; and this education project would be perfect to use with that Grant. She stated there will be annual community-engagement opportunities and more volunteer opportunities in the parks. She stated partnership and more community outreach will be key to the carry in/carry out concept.

Ms. Tierney stated there will still be waste stations in certain areas, and every trash receptacle will be paired with a recycle receptacle; but we will reuse old waste receptacles and repurpose them by painting them a different color, etc. rather than purchasing a new supply. Ms. Tierney stated we will go from 111 trash receptacles and 20 recycle receptacles to 36 waste stations total throughout all of the park system.

Ms. Tierney stated there will be an annual review of the Plan for the first three years, and a full decision on whether we continue to implement in three years. She stated it might take some time to see what the impact of the Plan is.

Ms. Tierney stated the potential positive outcomes are engaging the community on waste reduction, reducing staff time spent on waste removal, reducing pests in the park, reducing overall waste removal costs, providing education to the community, increasing volunteerism and volunteer opportunities, and lessening the overall cost of potential recycle implementation.

Ms. Tierney stated there is a Plan of how waste reduction will happen. She stated the original Plan suggested a full implementation; but upon discussion with the Park Board they felt more comfortable saying that implementation would be in small parks the first year, and then phasing in the athletic groups after that. She stated she spoke with a representative from YMS who felt it would be better to just do a first-year implementation. Ms. Tierney stated this works at Edgewood where there are no trash cans or a lot of litter. She stated the far end of Macclesfield does not have any trash cans at this point, and we do not have litter at that end of the Park. Ms. Tierney stated while the Plan is not written that way, Mr. Schlieben, the President of YMS, stated YMS would be willing to do the implementation the first year.

Ms. Tierney stated long-term we can talk about other things to add to the Pathway to Zero Waste and reducing the waste within our landfill including educating people on how to do that. Ms. Tierney stated we could also add hydration stations throughout the park so that people can use their reusable bottles rather than plastic bottles.

Mr. Lewis stated Ms. Tierney indicated that there were 118 trash cans throughout the park system; and while we will consolidate to 36, each of those will have a recycle bin. Mr. Lewis asked if there will be signs in the parks saying that “if you brought it, you should take it home.” Ms. Tierney stated people coming to the park will see some education with very strategic signage throughout the parks. She stated there will be signage and information on social media to explain why we are doing this. Mr. Lewis stated there will be trash cans in the restrooms, and Ms. Tierney agreed. Mr. Lewis stated people will understand that they cannot unload trash from their car when they come to the parks, and Ms. Tierney agreed.

Mr. Lewis stated from the Township perspective we will reduce our costs to serve patrons of the parks because we will be spending less time emptying multiple trash cans. He stated Ms. Tierney has indicated that there should not be an increase in litter in the parks. He stated potentially there could be a decrease in total waste because people may decide that they do not want to use single-use plastic water bottles.

Mr. McCartney stated they are trying to change behaviors, and Ms. Tierney agreed. Ms. Tierney stated there will also be an education component of how to have less waste, compost, etc.; and those are things that the EAC would like to see happen with time.

Mr. Grenier asked if there is a thought about composting at specific locations in the future. Ms. Tierney stated they did discuss potentially implementing composting by the Pool concession to test that. Mr. Grenier stated they would have to find an end user if the Township were to do this; and Ms. Tierney stated there are organizations that can remove it, and she had a discussion about that with a local resident. Ms. Tierney stated there would need to be education as to how this would work recognizing that the Township staff would not be sorting through the compost. Ms. Tierney stated they could provide education as to how residents could do composting at their homes.

Mr. Grenier stated there is a program called Sustainable PA, and there are a lot of communities throughout the Commonwealth that are members; and they have a lot of resources.

Mr. Lewis stated we have community gardens at Memorial Park, but we have not talked about a community compost pile; and he is wondering if there is an opportunity for that or not. Mr. Grenier stated it is similar to what we do with our leaf program, but we would have to discuss how to implement that. Ms. Tierney stated she does feel that is worth considering for the future. She stated this Plan is just an opening to the pathway, and there will be an annual review of things to consider with the EAC and the Park Board with time.

Motion carried unanimously.

SOLICITOR'S REPORT

Ms. Kirk noted that the Board met in Executive Session for an hour prior to tonight's meeting to discuss personnel and pending/potential litigation issues. She stated personnel issues will be continued for further discussion after tonight's meeting.

Approval of Amendments to the Fire Prevention Code Ordinance Regarding Adoption of the 2018 International Fire Code with Amendments

Ms. Kirk stated this Ordinance was duly advertised with a copy provided to the Bucks County Law Library. She stated this is an Ordinance which has been recommended by the Township Fire Marshall to bring the current Fire Code in line with the 2018 International Fire Code with Amendments.

Mr. Lewis moved and Mr. Grenier seconded to approve the Amendments to the Fire Prevention Code Ordinance regarding adoption of the 2018 International Fire Code with Amendments.

Mr. Lewis stated he is generally very supportive of keeping us on the latest Building Codes and Fire Codes adding there were situations where we were multiple years behind, and he would like to make sure that we are always using the latest in technology in terms of what is accepted for practices.

Motion carried unanimously.

Approval of Amendments to the Fire Prevention Code Ordinance Regarding Fire Safety Registrations for Businesses

Ms. Kirk stated this Ordinance has also been recommended by the Township Fire Marshall requesting an implementation of Fire Safety Registrations for businesses. She stated this would enact a process for all businesses within the Township to submit a Registration Form to contain information as to occupant, business owner, emergency contact, etc. in the event of a fire or similar type of disaster effecting a business. She stated this Ordinance was advertised as required, and a copy was provided to the Bucks County Law Library. She stated the Ordinance has been vetted by Administration and is in a form appropriate for the Board's consideration.

Mr. Lewis moved and Mr. Grenier seconded to approve the Amendments to the Fire Prevention Code Ordinance regarding Fire Safety Registrations for businesses.

Mr. Grenier asked if there was any feedback from any local businesses, and Ms. Kirk stated she is not aware of any.

Mr. Lewis stated in general he is very supportive of this because of our ability to understand and track businesses. He stated the data the Township has on businesses operating in the community is not up-to-date in the way that we would like it to be. He stated many years ago the Economic Development group updated the data around businesses. Mr. Lewis asked how this impacts “small, one person, work-at-home people,” and asked if there are provisions such that they would not have to register. Ms. Kirk stated they would not have to register. Mr. Lewis stated this would not apply to them, and Ms. Kirk stated it would not that she is aware of.

Motion carried unanimously.

Cluster Ordinance/Mandatory Open Space Ordinance Update

Ms. Kirk stated the Board had previously approved the advertisement of an Ordinance that originally started out as a Cluster Ordinance but then was drafted into an Ordinance providing for mandatory open space in certain Districts within the Township under the Zoning Code. She stated it was advertised for a Hearing for tonight; however, it was not placed on the Agenda because we were waiting for comments from the Bucks County Planning Commission as to that Ordinance. She stated the Township’s Planning Commission also made a recommendation that the Board not move forward with a Hearing on it until further review and edits were made to the proposed Ordinance.

Mr. Grenier asked if we received any comments from the Bucks County Planning Commission; and Ms. Kirk stated they were just received late this afternoon, but she has not had a chance to review them.

CHIEF’S REPORT

Approval of Pay Application #2 for the Silver Lake Pump Station Upgrade in the Amount of \$91,783.65

Ms. Blundi moved and Dr. Weiss seconded to approve Pay Application #2 for the Silver Lake Pump Station upgrade in the amount of \$91,783.65.

Mr. Jonathan Vito, Ebert Engineering, stated this is the final payment request for the Silver Lake Pump Station. He stated the work has been completed, and the punch list items have been addressed.

Mr. Grenier asked how this was funded, and he asked if it was through the Sewer fees through the Seven-Year Plan; and Chief Coluzzi agreed. Mr. Grenier asked if any Grants were applied to this, and Mr. Vito stated there were not. Mr. Grenier asked when the project was finished; and Mr. Vito stated the maintenance phase started in July of this year, and it took until now to get the Maintenance Bond provided to us and to make sure that the punch list items were addressed which included restoration and a few other items that were done in the pump station. Mr. Grenier asked if it was completed after the Sewer sale, and Mr. Vito agreed.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approval of Resolution No. 22-19 Fixing the Tax Rates and Special Levies and Adopting the 2023 Budget

Chief Coluzzi stated the tax millage is the same as last year: Tax rate for General Purposes is 13.88 mills, Debt Purposes is 2.09 mills, Fire Protection is 1.10 mills, Fire Hydrant Purposes is .33 mills, Park & Recreation is 2.43 mills, Ambulance and Rescue is .38 mills, and Road Machinery is .30 mills.

Ms. Kirk stated the way it is written in the Resolution, because there are “dots going all the way across, she would suggest putting 0.38 mills for Ambulance and Rescue so it is clear. Mr. McCartney stated it should also be 0.33 mills for Fire Hydrant Purposes and 0.30 for Road Machinery. Chief Coluzzi stated he will change that tomorrow.

Dr. Weiss moved and Ms. Blundi seconded to approve Resolution No. 22-19 fixing the tax rates and special levies and adopting the 2023 Budget.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approval of Resolution No. 22-23 Providing for Non-Uniformed Defined Benefit Employee Contribution to the Pension Fund for 2023

Chief Coluzzi stated this is a 3% contribution.

Mr. Lewis moved and Mr. Grenier seconded to approve Resolution No. 22-23 providing for Non-Uniformed Defined Benefit Employee Contribution to the Pension Fund for 2023.

Mr. Grenier asked if there is any change from before; and Chief Coluzzi stated there is not, and this is the last year of the Non-Uniform Contract.

Motion carried unanimously.

COMMUNITY DEVELOPMENT

Approval of Resolution No. 22-22 Establishing the 2023 Traffic Impact Fee

Mr. Majewski stated the Off-Site Road Improvement Fee is pursuant to Township Code 121-14 and 121-15 for the coming year. He stated that Fee is adjusted annually based on the Engineering News Record Cost Index for Construction Costs in the Philadelphia area. He stated the Index for this year is that inflationary increase is 5.7% which would make the Service Area 1 cost for afternoon peak hour trip \$2,484, the cost for afternoon peak hour trip for Service Area 2 would be \$3,409, and for Service Area 3 it would be \$1,226.

Mr. Majewski stated these Fees are assessed for Subdivision/Land Developments when they come in for the anticipated traffic that will be generated by a development.

Mr. Lewis moved and Ms. Blundi seconded to approve Resolution No. 22-22 establishing the 2023 Traffic Impact Fee.

Mr. Grenier asked when these Fees are addressed, they are going through various data resources that inform what the potential Fee should be and comparing it to Lower Makefield activity so “it is based on something.” Mr. Majewski stated the Township did a Township-wide Traffic Study in 1991 where they looked at current and projected traffic for the build-out of the Township. He stated based on that and the improvements that they

felt would be needed in various areas, they established the Service Areas for various improvements and assessed the Fee based on that. He stated every year since that time, it is adjusted annually based on the Index. Mr. Grenier asked Mr. Majewski if he feels that is still appropriate since they started it in 1991, and he asked if it is still the best method. Mr. Majewski stated we may want to look at updating that going forward. He added we are almost built out, and it has worked out well; and a number of projects in the Township over the last thirty years have been funded with monies from Fee-In-Lieu which helps offset the cost of these improvements.

Motion carried unanimously.

Approval of Resolution No. 22-21 Establishing the 2023 Park & Recreation Fee-In-Lieu

Mr. Majewski stated this is similar to the Traffic Fee-In-Lieu, and the Township did a study in 1994 and established a Fee adjusted annually based on the Consumer Price Index for costs in the Philadelphia area. He stated this year that Index increased by 7.8%. He stated the Fee-In-Lieu of Recreation is broken out in two parts – core recreation land which will be in the amount of \$2,688 per Residential unit and passive recreation land in the amount of \$3,409 per Residential unit for a total Fee of \$5,164. He stated that is assessed for all developments that do not provide recreation land as part of their development.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to approve Resolution No. 22-21 establishing the 2023 Park & Recreation Fee-In-Lieu.

Approval of Resolution No. 22-20 Adopting the 2023 Fee Schedule

Mr. Majewski stated the Township staff annually reviews the fees and charges for services provided, and those services should reflect the costs to provide those services. He stated he outlined in a memo to the Board the fees that have been changed or updated this past year. He stated there is a new category which is the Ordinance adopted for small wireless facilities, and in the Fee Schedule there are a number of new line items for that. He stated we also raised some of the fees for streets and sidewalks for road opening Permits to cover the cost to have our Township engineer and Public Works staff inspect roads that are done by utility companies such as PECO, Aqua, and Pennsylvania American Water.

Mr. Majewski stated we also increased the contribution to the Tree Bank per replacement tree based on the Consumer Price Index, and that went up to \$374. He stated for the sanitary sewer lateral inspection program it was brought to our attention that there was a huge jump when you went from fifty units to five-one units, so that was made more on a sliding scale to be more fair and accurately reflect the costs that are required to conduct those inspections. He stated those would primarily be for townhouse/condominium developments.

Mr. Majewski stated we eliminated the fees for sewers and a Building Code Fee we had for elevators and one for boilers as those inspections are done by the State and not done by the Township. Mr. Majewski stated the Fire Protection Fees were also revamped, and our new Fire Services Director looked at all the fees and costs for the amount of work that needed to be done; and these were modified slightly to cover the true costs of establishing that program and adequately running it. Mr. Majewski stated we have also increased the fee for Police Services reimbursement from \$75 an hour to \$80 an hour to cover those costs.

Mr. Majewski stated under Park & Recreation fees there are a number of minor changes to fees including adding a few new fee categories – one for the Tween Camp as opposed to the regular camp and another for Summer Camp extended care.

Mr. Lewis moved, and Ms. Blundi seconded to approve Resolution No. 22-20 adopting the 2023 Fee Schedule.

Mr. Lewis thanked Mr. Majewski for the work he has done re-setting our Fee Structure since when he started we were below peer Townships. He asked if he is comfortable that the fees assessed are within plus or minus 10% to 15% of actual costs on each of these items, and Mr. Majewski stated that would be difficult to tell because of the way you account for time, etc.; however, he stated he is confident that our fees adequately cover the costs without being overly burdensome. Mr. Lewis asked if our fees are now on par compared to other Townships, since he knows we were previously below on many fees. Mr. Majewski stated he feels there are some Townships that are higher than us and a few that are lower, and it varies on the fee. He stated our fee schedule has been adopted in a few other Townships as they liked the way ours was modeled, and they have adopted what we came up with.

Ms. Blundi asked Mr. Majewski if this is where we would make the annual adjustment for the Fee-In-Lieu fees including for the trees; and Mr. Majewski agreed adding that the other Resolutions that were approved this evening are incorporated into this Fee Schedule as well.

Mr. Grenier stated the other Fee-In-Lieu that was established a few years ago was for sidewalks; however, Mr. Majewski stated we do not have that as a set fee. He added that if we have a development where it would be a better use of money to have a sidewalk put in elsewhere, we would calculate what that would be and come up with an arrangement with the developer to contribute that money to a nearby sidewalk that would benefit that community.

Mr. Grenier asked if we need to codify that; and Mr. Majewski stated he did not believe so. Ms. Kirk stated she felt the sidewalk fee was included roughly in the estimate of construction costs which could then be donated in lieu of as opposed to doing the actual construction, and she believes that is part of Land Development. Mr. Grenier stated we have formal Fees-In-Lieu that we are voting on, and he wanted to make sure we did not need to do that for the sidewalks as well.

Mr. Grenier stated it does not appear that the User Fees were changed, and he feels we should re-evaluate that at some point since we are paying a lot of money for the upkeep of the various fields. Mr. Majewski stated for many years the user groups have felt that the fees were “exorbitant,” and the Township justifies that our fees are actually adequate. He added that he is sure that Ms. Tierney is looking at that every year and will continue to do so until it gets to a point where it needs to be adjusted. Mr. Grenier stated he feels they are “quite low for what is there.” He stated he has also heard certain user groups claim that they cover our entire Park & Rec Budget which is not true. He stated he feels these should be re-evaluated in the future. Mr. Grenier noted the fee for field reservation for special event athletic field usage is \$20 an hour which he feels is “incredibly low” for being able to rent an athletic field. He stated he feels we should re-evaluate that given how much we are spending on the athletic fields.

Mr. Grenier asked if there were any changes to the Pool Fees compared to last year when there was a big change. Mr. Majewski stated there is no change to the Pool Fees. Mr. Grenier stated we are “sticking with not giving any special consideration” to Yardley Borough residents, which he feels is unfortunate. Mr. Grenier stated hopefully the Fees are not too high for too many people so that we can have an increase in usership given the massive expenses we have at the Pool both this year and probably next

year. He stated the Pool is no longer self-sustaining, and the Pool Fees are not covering expenses by a couple hundred thousand dollars or more lately, and we need to look into that.

Motion carried with Mr. Grenier opposed.

Approval of Pay Application #4 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc, in the Amount of \$67,059.25

Mr. Majewski stated this is for the walking/biking multi-use trail that goes along Edgewood Road in front of the Township Building, past the Community Center, and to the Fred Allan fields where Roelofs Road comes in.

Dr. Weiss moved and Mr. Grenier seconded to approve Pay Application #4 for the Lower Makefield Community Trail Project to Richard E. Pierson Construction Co., Inc. in the amount of \$67,059.25.

Mr. Lewis asked if this is the last Pay Application, and Mr. Majewski stated there may be several more. He added that they do this as they complete segments of work. He stated there is a large sum of money for the traffic signal installation as they are putting in a rapid-flashing beacon for pedestrian crossing at Roelofs Road which is motion activity so that motorists are warned that someone is crossing the road which is good for safety. He stated they also have the ADA ramps that they are currently putting in which will be another large pay item.

Mr. Lewis asked about the reimbursement from the State, and he asked if that would be in 2023. Mr. Majewski stated we get reimbursed as the project goes along. He stated it has worked out that we are giving the contractor the check as the money is coming into our account.

Ms. Blundi asked about the trees that had to be removed for the path, and she asked who will pay for the replacement. Mr. Majewski stated the plan was to develop a plan sometime next year to replace those trees and have it paid for out of the Tree Bank fund. He stated replacement trees were not part of the Grant. Ms. Blundi stated she understood the trees had to be removed because they were in the way of the path or that there were issues with the trees. Mr. Majewski stated some of the trees needed to be removed for line of sight reasons, some were too close to the path so that the roots could damage the path, and some of them were underneath utility lines and

could have imperiled the power lines. He stated in some cases it was less expensive to remove some of the trees rather than trim them. He stated many of the trees that were removed were non-native trees.

Mr. Grenier asked Mr. Majewski if he is generally happy with the way the work is going; and Mr. Majewski stated he would have liked it to be finished already, but he hopes the bulk of the work will be completed by the end of the year if the weather cooperates. Mr. Grenier asked who is doing the inspections, and Mr. Majewski stated it is TPD. Mr. Grenier asked who they are reporting to with any information, and Mr. Majewski stated they report to us and to PennDOT.

Motion carried unanimously.

PUBLIC COMMENT

Mr. Alan Dresser, 1907 Lynbrooke Drive, stated he tried to call in when the Board was discussing the 2023 Budget. He noted Page 61 of the Budget which is entitled, "Tree Bank Fund Revenues," and in the row of developers' contribution it shows zero revenue for this year, and zero revenue for 2023. He stated the Prickett Preserve development is well under construction; and when the project was approved in spring, 2021 it was calculated that they owe about \$280,000 to the Tree Bank. He stated the Final Development Agreement was approved seven months ago which means that the money is overdue. He asked why their contribution to the Tree Bank is not listed in the Budget. Mr. Majewski stated we had spoken to Mr. DeLuca about possibly planting trees and/or paying us the money, and we have been working on coming up with a proposal to plant trees in many areas throughout the Township in lieu of paying us the money. Mr. Majewski stated that saves the Township from a lot of the administrative overhead. He stated they did give the Township an idea of what they were thinking of recently, but he has not had a chance to really evaluate that or go over it with the EAC and other groups such as the Park & Rec Board about where they feel the priority should be to plant those trees. Mr. Majewski stated that will be finalized, and DeLuca will pay us the balance of what is owed for what they do not plant. Mr. Dresser asked when the EAC may be seeing the Plan, and Mr. Majewski stated he would like to come to the next EAC meeting to talk about it.

Mr. Grenier asked if we have not had any other projects that would have paid into the Tree Bank this year or last year. Mr. Majewski stated he does not believe there were any. Mr. Grenier stated he believes Dogwood Drive may “have a fee and there are a couple other ones.”

Ms. Kirk asked how they could project what would be paid as part of tree replacement if there is no project in front of the Board, and if there has not been a discussion as to whether trees will be replaced “or somebody is paying ahead.” Mr. Grenier stated his point was that in the Budget document it goes back a couple years, and there are zeros there too. Mr. Majewski stated it would be difficult to project this out. Mr. Grenier stated he agrees with regard to the projections, but looking back a couple years, he is surprised that there are zeros. Mr. Majewski stated Troilo owed us trees, but they planted trees in a number of locations including those along Edgewood Road in front of Veterans Square and at Flowers Field. He stated they preferred to plant the trees as opposed to giving the Township money. Mr. Majewski stated he prefers that as well, and they did a very nice job and it did not require a lot of work by the Township.

Mr. Grenier asked that it be double checked to make sure that we did not get any fees, and if we did that they are in the right spot.

Mr. Lewis stated there must be a Government Accounting Practice related to how we handle something like this whether we make some sort of assessment of what percentage we think will be planted by developers versus Fee-In-Lieu. He asked if there is anyone who has not paid their Tree Fee or any other Fee that they owe the Township, adding we should make sure that we are not owed anything. He stated he does not believe there are any large amounts owed to the Tree Bank, and Mr. Majewski stated he believes that we are all up to date. He added that the only ones who owe us money are ones where we are still finalizing details to determine how much is owed the Township versus what they are going to plant. Mr. Majewski stated for a number of years we were behind on that, and he worked with Mr. Dresser of the EAC and several developers to get it up to date.

SUPERVISORS REPORTS

Mr. McCartney stated Makefield Highlands Golf Course had a record-breaking year, and it was the best year they have had since it was built in 2004. He stated they had over 46,000 rounds played which is 1,000 rounds greater

than 2021. The Public House had their best year yet doing \$900,000 in food and beverage. He stated the Golf Course has an on-going bunker project. They have installed six Top Tracers. They have a Junior Golf Academy. Mr. McCartney stated it is projected the Course will net \$900,000 in the coming year. He thanked those managing the Course which he considers the “gem” of our Park & Rec system. Mr. McCartney commended the Park & Recreation Board for the Pathway to Zero Waste Plan.

Dr. Weiss stated the Electronic Media Advisory Council recently met, and would like to make a presentation with recommendations to the Board at the Board’s next meeting regarding the Website and the possibility of a mobile app for resident notification. Mr. McCartney asked that Dr. Weiss e-mail him so that it is put on the Agenda.

Mr. Lewis stated the Citizens Traffic Commission met on November 21 and they approved a traffic stop sign at Bluestone. Chief Coluzzi stated we are going to install four-ways at that location. He stated we surveyed the area, and our Traffic Safety Officer recommended it to the official Traffic Commission, and they will be up soon. Mr. Lewis stated for enforcement purposes, there will probably be a request of the Board of Supervisors to approve this. Chief Coluzzi stated that while we can install them, we cannot enforce them until the Board approves a Resolution which is entered into our Traffic Code book. Mr. Lewis stated a new member of the Citizens Traffic Commission who lives in the area had recognized that this was a problem and brought it to the Board, and the process worked. Mr. Lewis stated there are openings on the Citizens Traffic Commission, and he asked those interested to apply.

Mr. Grenier stated the Township has several openings for various Boards and Commissions; and he asked residents to check the Township Website and Facebook page, and submit a resume if interested.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. McCartney stated he received an e-mail from Sarah Daubert who was serving on the Ad Hoc Property Committee, but has resigned so there is a vacancy. Mr. Grenier asked what role she filled as there were assigned positions, although other Board members indicated that there were not assigned positions. Dr. Weiss stated there is someone who is skilled and experienced in historic preservation, who he feels we will be hearing from

at the next meeting. Mr. McCartney asked if anyone else has an interest in preserving historic properties or a Real Estate background, they should consider applying.

Mr. Grenier stated we never put on someone with an environmental background; however, Ms. Blundi stated there is someone with a scientific background that fits that definition. She added there are some people on the Committee that have multiple skill sets, and we did not want to lose someone because someone was slotted in a particular space when they could fit both. Mr. Grenier stated he does not recall anyone with an environmental science background ever applying.

There being no further business, Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,



Daniel Grenier, Secretary