

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 2, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 2, 2022. Mr. McCartney called the meeting to order 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: Kurt Ferguson, Township Manager
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer
 Kenneth Coluzzi, Chief of Police

2021 ENVIRONMENTAL STEWARDSHIP AWARD

Mr. Jim Bray, Environmental Advisory Council member, stated the award is given to an individual, business, or organization that has made a substantial contribution to the environment and citizens of Lower Makefield. He stated the 2021 Award has been given to Heather Guidice, owner of Kona Composting, a small business located in Lower Makefield. He stated since Kona Composting is a for-profit business, that precludes them from receiving the \$1,000 cash stipend; and Ms. Guidice has stipulated that she would like the Bowman's Hill Wildflower Preserve to receive the \$1,000. Mr. Bray stated the EAC is thankful that they receive a high enough Budget from the Board of Supervisors to be able to make this Award possible.

Mr. McCartney stated Kona Composting is a local business owned by LMT resident, Heather Guidice; and the vote by the EAC to award Kona Composting the 2021 LMT EAC Environmental Stewardship Award was unanimous. In less than the two years that Kona Composting has been in business, Ms. Guidice has amassed approximately 150 local customers; and her goal is to reduce food waste in Bucks County. She is involved in all aspects of food composting from picking up the compost, insuring all materials are compostable, and then returning composted soil to her clients.

Ms. Guidice stated she is trying to give people an easy opportunity to make a difference in the community. She thanked the Township for the recognition.

Ms. Pam Newitt, Trustee and Chair of the Education Committee Bowman's Hill Wildflower Preserve, thanked Ms. Guidice for her generous donation. She stated Bowman's Hill is a conservation organization dedicated to the preservation of and education about native plants of the Delaware Valley.

The Award was presented to Ms. Guidice by the Board.

COMMUNITY ANNOUNCEMENT

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

APPROVAL OF MINUTES

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of December 1, 2021 as written.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of January 19, 2022 as written.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Report in their packet. He stated today he received an e-mail from DEP indicating that they have approved our Pollution Reduction Plan, and they will be sending over the formal approval with a list of requirements of the Township as part of that Plan for the next five years of the Permit cycle.

Mr. Pockl stated the Pool Painting Bid is on PennBid as well as the tennis court repairs project as of today. Within the tennis court repairs project, he has incorporated repairs to the basketball court at Community Park and painting the basketball court as an Ad Alternate based on Mr. Lewis' suggestion at the last meeting. He stated those Bids are scheduled to be opened on February 23, and to be considered by the Board at their first meeting in March.

Approve Escrow Release #12 for the Flowers Field at Edgewood Development

Mr. Pockl stated this is largely for the paving of the roads and landscaping that was planted in the development. He stated they are substantially complete with the Residential portion of this development. There are some minor punch list items that need to be corrected, and we are withholding \$75,000 which exceeds the amount of the punch list items.

Ms. Blundi moved and Mr. Grenier seconded to approve Escrow Release #12 for the Flowers Field at Edgewood Development in the amount of \$146,828.

Mr. Grenier asked if they have received their Notice of Termination from the Conservation District, and Mr. Pockl stated he has not received that. Mr. Grenier asked Mr. Pockl if he has been there to do an inspection with the Conservation District, and Mr. Pockl stated he has not. Mr. Grenier asked when that might occur, and Mr. Pockl stated the inspections are based on the schedule of the Conservation District. He stated he will be contacted when they will be there, and his office will then meet them at the development. Mr. Grenier asked if the stormwater BMPs have gone from construction to post-construction, and Mr. Pockl stated there are underground basins and a surface basin which have been converted.

Motion carried unanimously.

Approve Change Order #4 for the Memorial Park Project

Mr. Pockl stated this is for the balancing of quantities of what was installed in the field versus what was included in the initial Bid. He stated there was an additional 240 linear feet of 10' high chain link fence. The initial Bid had the fence around the perimeter of the tennis courts, and the additional 240 linear feet is for fence interior to the tennis courts that separates each tennis court from the others. Mr. Pockl stated there were also other items that they installed less quantities of that were measured in the fields which was a reduction of approximately \$8,719.12 so the amount of change Order #4 is in the amount of \$15,760.88. Mr. Pockl reminded the Board that there were previous Change Orders on this project, and the sum total impact to the Contract amount is approximately \$2,500 over what was initially awarded, which is an increase of less than half of a percent of the Contract amount.

Mr. Lewis moved and Mr. Grenier seconded to approve Change Order #4 for the Memorial Park Project in the amount of \$15,760.88.

Mr. McCartney stated he has received feedback from pickleball players about water issues, and he asked Mr. Pockl if he is aware of that. Mr. Pockl stated he is, and that is on the punch list to be completed. He stated there is surface water that is accumulating on the tennis courts that is coming from outside of the tennis court area, and they will need to adjust that grade so that water drains off of the tennis courts and gets into the two inlets that were installed as part of the project. Mr. McCartney asked if there is an urgency to correct this given the season with water freezing, getting inside the surface, and creating cracks. Mr. Pockl stated he believes the issues with that are minimal compared to the amount of disturbance that would be needed to be done in order to make those repairs. He stated he does not want the repairs to be done at this time, and they should wait for the spring or dry weather to do that work. Mr. McCartney stated in the spring there would be soft ground and a lot of rain. Mr. Pockl stated he would not want them to be doing this work when there is snow melt or weekly rain. He believes that there will be a time in March when this work could be achieved.

Mr. Grenier asked how much is left to cover the work that needs to be done. Mr. Pockl stated there is approximately \$25,000 left that is outstanding. He stated they have to address some punch list items and install the benches, and he is withholding enough to incentivize them to come back out and make the changes.

Mr. Lewis asked if the courts are being used now, and he asked if there is a formal opening plan. Mr. Ferguson stated there has not been a formal opening, and he does not believe people are using them at this point as he believes they still need another level of paint. He stated once that is done, they would have an official opening and start scheduling use of the courts. Mr. Lewis asked if this could be in April, and Mr. Ferguson stated he assumes it would be sometime in the spring. Mr. Pockl stated as noted by Mr. Ferguson there is a small area within the pickleball courts that needs to be painted, and that should be able to be done within one day, and for that they would need two days above 50 degrees.

Motion carried unanimously.

Approval of Pay Application #5 for the Memorial Park Project

Mr. Lewis moved and Dr. Weiss seconded to approve Pay Application #5 for the Memorial Park Project in the amount of \$24,382.38.

Mr. Grenier noted the letter indicates the amount should be \$24,757.72, and Mr. Pockl stated that is the correct amount as opposed to the amount that was shown on the Agenda.

Mr. Lewis moved and Dr. Weiss seconded to amend the amount to \$24,757.72. Motion as amended carried unanimously.

PROJECT UPDATES

Mr. Grenier asked that at some point the Board be updated by counsel either at a future meeting or an Executive Session as to the status of the litigation associated with Sandy Run and the Quiet Zone.

PARK & RECREATION COMMUNITY NEEDS ASSESSMENT UPDATE AND DISCUSSION

Ms. Ann Toole was present and stated they have done significant public outreach, and they are close to 2,000 responses on the public opinion survey. She stated there have also been focus groups and interviews with different people and organizations in the community. She stated they also did the “trolley tour” looking at most of the parks and have been gathering materials to support their foundation for developing the Plan, and have been conducting research. She stated they have met with the Park & Recreation Board and assembled a Citizen Advisory Committee.

Ms. Toole stated to date what they have found is very positive, and the Plan will build on the great success that the Township has already achieved in parks, recreation, open space, and trails. Ms. Toole stated they need to find balance, and they want to optimize all of the resources in the community to serve the most people possible. She stated maintenance is key, and it is always hard to get staff and funding to take care of what we have. She stated they are getting a strong message on the importance of taking care of what we have.

Ms. Toole stated because of the limited window of time available to conserve open space, the remaining open space needs to come into play, and to determine what the Township wants to do about the remaining approximately 1,000 acres of vulnerable open space.

Ms. Toole stated they will be working on establishing Vision and Goals with a very specific set of action steps. She stated they will be addressing the Snipes Tract because the Township has been working on it for about eighteen years. She stated they recognize that everything cannot be achieved at once, but the Township does have a very successful track record to build upon.

Ms. Toole stated tomorrow night there will be a public meeting about the Plan, and next week they will meet with the Advisory Committee. After that they will start to draft the recommendations with the goal being to deliver a blueprint to the Board of Supervisors in February so that the Board can see what has been put together based upon their research and public input. A draft Plan will be provided to the Board of Supervisors, and in March, they will be looking to the Board for review and adoption of the Plan including public review and comments on the Plan.

Mr. McCartney thanked Ms. Toole for her time and effort in this undertaking. He stated he is hopeful that there can be closure with Snipes given that it has been an eighteen-year project.

Ms. Tierney stated it has been great working with Ms. Toole. She invited everyone to participate in the meeting tomorrow evening which will be a hybrid meeting just like the Board of Supervisor meetings. She also asked that people continue to complete the survey which is open until the end of the day tomorrow.

Mr. Grenier stated the meeting tomorrow evening will be at the Township Building, and Ms. Tierney agreed. Mr. Grenier stated he appreciates what they are doing tracking the information being provided so that the Board has a clear understanding of what the residents want across the Township and not just a few focus groups. Mr. Grenier stated we need to consider from a parks and rec perspective how to address diversity of park and rec opportunities and events and making sure people have access.

MANAGER'S REPORT

Set Special Board of Supervisors Meeting Date of February 21, 2022 at 7:30 p.m.

Mr. Ferguson stated this meeting is for the Act 537 Special Study. It will be a hybrid meeting with the meeting room open to the public.

Ms. Blundi moved and Dr. Weiss seconded to set a Special Board of Supervisors meeting date of February 21, 2022 at 7:30 p.m. for the purpose of considering the Act 537 Special Study and any other lawful business that comes before the Board.

Mr. Grenier stated as he had noted previously, he is unable to attend a meeting that evening, and he asked if it could be held any other day that week. He stated he recognizes that they need to have a Public Hearing before the Closing on March 4.

Mr. McCartney asked if changing the date would impact the Closing, and Mr. Ferguson stated changing the date could affect the date the ad could run and having the Hearing within the time constraint of thirty days from when the ad appears. Mr. Ferguson stated the Public Hearing date is invoked by DEP and requires a thirty-day provision period and requires a special separate report from the Sewer engineer, and that report must be to the DEP before the 4th.

Mr. Grenier asked if the meeting could be held on Tuesday, February 22, 2022, and Mr. Ferguson stated they could not then run the ad until next Tuesday. Ms. Blundi stated she could not attend on February 22. There was discussion whether it could be held on February 23, and Mr. Ferguson stated he would need to contact the Sewer engineer about his schedule as he will have to address all comments at the public meeting and in the report. Mr. Ferguson stated this would be a Public Hearing, and the Sewer engineer would be making a presentation regarding the process, an overview of the 537 Plan, relevant information, and an opportunity for public comment. Mr. Ferguson stated they have also opened the thirty-day public comment period on the Township Website. He stated they have also run that advertisement as that required a separate advertisement. He stated we need to give the Sewer engineer enough time to respond to the thirty-day public comment period and the public comments made at the public meeting. Mr. Ferguson stated we need to submit the report before the Closing on the 4th.

Mr. McCartney stated he is concerned about pushing this off until February 23 as it may be getting too close. Mr. McCartney asked Mr. Lewis about his availability on February 21. Mr. Lewis stated he did make arrangements to be able to attend the meeting on February 21; however, February 22 or February 23 would be easier. Mr. McCartney stated while he wants to respect both Mr. Grenier and Ms. Blundi's ability to attend, he does not want to jeopardize the Closing.

Mr. Grenier stated the Agenda indicates that in addition to the 537 Special Study, there could be consideration of "any other lawful business that comes before the Board," and he asked what that could entail. Mr. Ferguson stated we would typically run that language in the event that something would come up last minute so that it would not preclude the Board from taking action, and that is standard legal language that the solicitor suggests. Mr. Truelove stated the language is included in case there is some kind of emergency that would require Board action.

Mr. Ferguson stated because of the timing, an ad was sent in already that will appear in the paper tomorrow for the meeting on February 21; and if the Board decides to change the meeting date, they would have to make a reference to the previously-run ad to rescind that.

Mr. McCartney asked that the Board act on the Motion, and the Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approve Resolution No. 22-3 Authorizing Destruction of Certain Specific Records

Mr. Ferguson stated the Resolution before the Board outlines what the items are.

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to approve Resolution No. 22-3 Authorizing Destruction of Certain Specific Records.

Approve Advertisement for Proposals to Finance the Highway Improvement Loan

Mr. Ferguson stated he had previously outlined the steps that would take place regarding the Road Program this year, and there has been an update to that. He stated tonight he is asking the Board to consider advertising for proposals to finance the Road Program. He stated the date will be such that when the Ordinance is introduced, it will have the specific information as to the institution and the interest rate. Mr. Ferguson stated he has already been in contact with

various banks regarding the details in order for them to be able to give an official quote, and an ad is being run which will also be made available on the Township Website for the financing of the Highway Improvement Loan in the amount of \$1,650,000.

Dr. Weiss moved and Ms. Blundi seconded to approve advertising for proposals to finance the Highway Improvement Loan in the amount of \$1,650,000.

Mr. Grenier stated people are posting on-line that this is taking money from the prior Bond Fund for open space purchases, etc. and moving it to road paving. Mr. Ferguson stated the Bond payment in the General Fund this year went down considerably, and there was a certain amount of millage that was dedicated to that Debt. He stated the Debt Service Fund does not just service Bonds although that is traditionally how we have used it, but it also services Debt. He stated that Debt Service Fund also includes Police radios that were purchased several years ago when all the Departments in the County updated their banding system for radios. Mr. Ferguson stated as the Debt for the Bond went down, that millage was no longer needed because the Bond payment had gone down; and during the Budget discussion it was presented that that millage could be applied for a short-term loan for paving. Mr. Ferguson stated the Bond millage that was set that was done as part of a Bond Issue for open space, that millage is still appropriate for the corresponding \$865,000 payment that is still due on those Bonds. He stated no money has been re-directed. He stated the millage that was no longer needed for that Bond has just been re-constituted in such a way that allows us to apply that to another Debt which is the purpose of the Debt Service Fund for this road paving.

Mr. Grenier asked Mr. Ferguson with regard to recent rates and inflation and recognizing that we will be going to a Closing soon and getting a large amount of money, are there any concerns with when we get a loan into the Township that the rates may be higher than what they are right now compared to what return we might be able to get on using monies that we get from the Sewer sale. Mr. Ferguson stated he does not have a concern since this would be going out now, and we would be locking in rates in the next few weeks. He stated when the Budget was being passed, he assumed the rate would be 3.5%; and he still feels we will fall within that threshold. He stated we will be doing three years upfront with the loan which will still offset and be a lower rate than what we have seen with regard to the inflationary impact of paving over the next three years.

Motion carried with Mr. Lewis opposed.

Authorize the Purchase of a 2022 Chevrolet Silverado 3500HD Truck for the Park & Recreation Department

Mr. Ferguson stated this was part of the approved 2022 Budget, and will be financed so he will come back to the Board with a proposal fairly soon to finance this vehicle through Park & Rec where it has been assigned. He stated the budgeted cost was \$54,000, even though it is being financed, but the final price came in at \$51,543.00. He stated beyond being a utility vehicle for the Park & Rec Department, we will also be able to put lights and a plow on it so that it can be used during the snow season.

Mr. Lewis moved and Dr. Weiss seconded to authorize the purchase of a 2022 Chevrolet Silverado 3500HD truck for \$51,543 for the Park & Recreation Department.

Mr. McCartney asked if the amber LED lighting package is for the use for snow removal, and Mr. Ferguson agreed.

Mr. Grenier asked if we will be financing this or paying cash, and Mr. Ferguson stated it is being financed. He stated he will get proposals out to banks, and three-year financing was budgeted for this out of Park & Rec. He added that there is another Park & Rec truck that was financed a few years ago, and we are in the last two quarterly payments for that truck so we will be rotating one payment off for Park & Rec and adding a new one in so the expenses are level on a year-over-year basis.

Motion carried unanimously.

SOLICITOR’S REPORT

Mr. Truelove stated that the Board met in Executive Session this evening starting at 6:30 p.m. and litigation and informational items were discussed.

ZONING HEARING BOARD MATTER

With regard to Appeal #22-1949 – Eric Rudolph for the property location at 46 W. Crown Terrace, Yardley, PA 19067, Tax Parcel #20-050-089 Variance request from Township Zoning Ordinance #200-22 in order to construct a 322 square foot addition which would decrease the side yard setback to 6 feet where 9 feet currently exists and 15 feet is otherwise required, it was agreed to leave the matter to the Zoning Hearing Board.

PUBLIC COMMENT

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

SUPERVISORS REPORTS

Dr. Weiss stated the Ad Hoc Property Committee met and are hoping to present their initial thoughts and recommendations to the Board of Supervisors on March 2.

Mr. Grenier stated the Electric Reliability Committee would like to get PECO outage-related links on the Township Website to make it easier for residents to report an outage or see the status of an outage, and those links were provided to Mr. Ferguson who is looking into that. Mr. Grenier stated they are also looking at items related to electric reliability in the Township and efficiencies where they may be able to provide guidance or recommendations to the Township. He stated some of those may overlap with the EAC, and it may be a good opportunity for those groups to interact. He stated they are again recommending that PECO come in before the Board of Supervisors for a public discussion to address many of the items that they provided in their memo last year. He stated they also have some additional constructive items that they would like the Board of Supervisors to address with PECO. He stated when he gets those additional items, he will pass them onto the Board and the Township Manager for consideration asking PECO to attend a future Board meeting which he would promote.

Mr. McCartney asked Mr. Grenier if he would be able to steer the Committee to put together a punch list in a document so that it could be communicated to PECO. Mr. Grenier stated the last memo they provided the Township included many of those items, and there are a few new ones which they will add. He stated the Electric Reliability Committee did have a meeting with PECO on some of the issues which was a positive meeting. Mr. Grenier noted that there was a recent outage in Yardley Hunt and the ERC made some observations about what happened and how there were communication break-downs from the PECO perspective; and after that information was provided to them by Mr. Ferguson, PECO came back and provided a minute-by-minute breakdown of how their communications operated and where there were breakdowns, and certain improvements they plan on making.

Ms. Blundi noted that the Board of Auditors met and welcomed the newest elected Auditor, Mr. James Driscoll.

Mr. Lewis stated the Citizens Traffic Commission met, but due to the number of vacancies, they were unable to have a quorum. He asked those interested in serving on the Citizens Traffic Commission to send in an Application to the Township Manager.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Lewis moved, Dr. Weiss seconded and it was unanimously carried to appoint Judi Reiss as a Full Member of the Zoning Hearing Board.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to appoint Michael McVan as an Alternate Member of the Zoning Hearing Board.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to appoint Cynthia Knox Lang to the Disability Advisory Board.

There being no further business, Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'D. Grenier', is written over the typed name.

Daniel Grenier, Secretary