

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 4, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 4, 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
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

Absent: Daniel Grenier, Secretary, Board of Supervisors

COMMUNITY ANNOUNCEMENTS

Mr. Ferguson stated that 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 a future Agenda.

Mr. Ferguson stated that Lower Makefield Township will be holding a Styrofoam and Recycling Event on Saturday, May 21, 2022 from 10:00 a.m. to Noon outside of the Township Building. We are collecting clean, white Styrofoam, natural and synthetic corks, clean pill bottles with tops, and household batteries.

Mr. Ferguson stated the next Yard Waste Drop-Off Day will be held Saturday, May 21 from 7:00 am. to 3:00 p.m.

Mr. Ferguson stated Lower Makefield Township will be hosting a Blood Drive for the Red Cross on Thursday, May 26, 2022 from 1:00 p.m. to 6:00 p.m. in the main meeting room at the Township Building. There is a link on the Township Website to schedule an appointment.

APPROVAL OF MINUTES

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of April 20, 2022 as written.

ENGINEER'S REPORT

MS4 Presentation – Annual Update on the Township's Stormwater Management Program

Mr. Pockl stated the MS4 is the Municipal Separate Storm Sewer System, which is the collection and conveyance system collecting the run-off from all Township properties including Township roadways, parks, the Administration building and parking lot. The run-off is conveyed to the stream where it is discharged. He stated DEP has issued a Permit to a majority of Municipalities in Pennsylvania that have an MS4 system, and with that Permit comes several requirements which are generally stated as MCMs (Minimum Control Measures), including public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site run-off control, post-construction stormwater management, pollutant control prevention and good housekeeping. He added that most recently DEP has required a Pollution Reduction Plan and Pollution Control Measures.

Mr. Pockl stated in 2022 in order to maintain the Permit and make sure that the Township is in compliance with Minimum Control Measure #1, the Township continues to post stormwater-related information on social media; and a sample was shown of an item posted on the Lower Makefield Township Facebook page notifying residents of what they can do to be prepared for flooding. He stated this has become the primary way the Township disperses stormwater-related information to the residents through various social media posts, and that brings the Township into compliance with the DEP requirements for Minimum Control Measure #1. Mr. Pockl stated with regard to MCM #2, this presentation this evening brings the Township into compliance as the Township is required to make one presentation a year to the public. Mr. Pockl stated with regard to Minimum Control Measure #3, there is a model Stormwater Management Ordinance that DEP put out in 2022, and the Township is required to review that Ordinance, and make sure that the Township's Stormwater Management Ordinance is consistent with that. Mr. Pockl stated that has to be completed by September 30, and they are in the process of doing that. He stated they have reviewed the model Ordinance and completed a checklist that compares

the two Ordinances, and there are not a lot of major changes to the Township's Stormwater Management Ordinance that would be required; and it is generally consistent with the DEP model Ordinance. He stated they will make some minor changes in order to make it consistent with the Model Ordinance, and they will work with Township staff on the adjustments to the Ordinance. The Planning Commission will then review that in advance of making the changes before September 30.

Mr. Pockl stated with regard to Minimum Control Measure #6 there is an Operations and Maintenance Plan that needs to be updated annually for all of the Township-owned BMPs and the measures that the Township Public Works staff take to prevent pollutants from getting into the streams from the activities that they do.

Mr. Pockl stated the DEP MS4 Permit expires in 2023 because the Permit cycle was established in 2018. He stated DEP was delayed in getting the approval of the Township mapping of all of the storm sewer system including the outfalls, which are the discharge points from where the MS4 system discharges run-off onto the Waters of the Commonwealth/streams. Mr. Pockl stated because that process had taken so long, the Township was just approved in February, 2022, and he believes that an extension to the Permit is expected from DEP. He stated one of the requirements of DEP is that all of the outfalls/discharge points are inspected prior to the end of the Permit period. He stated there are about 100 outfalls that they have inspected, which is approximately 25% of the total outfalls within the Township; and he stated there will be an ongoing discussion with DEP to make sure that the extension will happen and to prevent a situation where we are not in compliance because we do not have all of the outfalls inspected. Mr. Pockl stated the purpose of inspecting the outfalls is to look at the discharge points to make sure that they are free and clear of debris, that they are not discharging pollutants into the stream, that there is no sheen on the water that gets discharged or bubbling that could be a potential indication of pollutants being discharged into the stream.

Mr. Pockl stated there are also pollutant control measures. He stated in 2017 DEP took samples of the streams and identified impairments within those streams. He stated that was the basis for DEP requiring a Pollution Reduction Plan and also identified other impairments within the streams. As a result of that, DEP is now requiring Municipalities to identify potential sources of those impairments. Mr. Pockl stated we need to deliver to DEP a map and spreadsheet/inventory/list of properties that have potential pollutants to the streams. He added this would not be for Residential properties, rather it would be for

Commercial or Industrial properties such as gas stations, dry cleaners, auto body repair shops, etc. He stated at this point all DEP is asking is that the Township identify those land uses so that if there is a potential pollutant that is observed on the waterways, we could potentially track it back to the source.

Mr. Pockl stated DEP is also requiring the Township to have an Animal Waste Protection Ordinance, and the Township is already in compliance with that as the Township has Sections 7910 and 7911 of the Township Ordinance that handles those concerns.

Mr. Pockl stated as noted earlier there is an approved Pollution Reduction Plan, and that is required to be executed by 2027. He stated DEP has indicated that because the General Permit expires in 2023, there may be additional reductions necessary after they complete their monitoring and sampling of the streams after 2023. He stated DEP is saying this to all of the Municipalities to incentivize them to get the Pollution Reduction Plan Best Management Practices implemented sooner rather than waiting until the last year.

Mr. Pockl stated the approved BMPs that are to be implemented as part of the Pollution Reduction Plan are the streambank restoration project at Charles Boehm Middle School, porous paving parking lot at Five Mile Woods, and nine regional stormwater management basins that would be retrofitted and adjusted so that they hold water on site for a longer period of time and *promote infiltration into the ground as opposed to just having a low-flow channel with water flowing immediately out from there after a storm event.* A map showing the location of the individual Best Management Practices throughout the Township was shown.

Mr. Pockl showed a slide of the DEP Permit schedule and the requirements and how the Township is doing to date meeting those requirements. He stated the Township has completed most of the items and is in progress on the outfall inspections as noted earlier and on updating the Stormwater Management Ordinance to match the DEP 2022 model Ordinance. He added the other item that needs to be completed this year is to develop an employee training for the Operations and Maintenance Plan for Public Works staff, and they are working with Township staff to get that implemented for this year.

Mr. Pockl showed a slide listing Grant opportunities that would be suitable for any of the potential BMPs in the Pollution Reduction Plan. He stated they would help the Township fund those Best Management Practices.

He stated the Growing Greener Grant is a 15% match, and that Application is due by the end of June. He stated there is a Watershed Restoration Grant available with a \$300,000 maximum with a 15% match, and that Application is due May 31. He stated there is also a Flood Mitigation Grant opportunity which would be for a streambank restoration project, and one requirement is for a hydraulic analysis on the stream both prior to and after the construction of the project. He stated that Application is due May 31. Mr. Pockl stated there are also other programs within the PennVEST system where they offer low-interest loans for getting the work completed. Mr. Pockl stated a lot of these Grants are on-going, yearly Grants that get opened up for Application generally around the spring. He stated these programs can assist the Township in funding these Best Management Practices that the Township will need to complete by 2027.

Mr. Pockl stated he had provided the Board with his Engineer's Report.

PROJECT UPDATES

Mr. Ferguson stated we are coordinating a date for a pre-construction meeting with PennDOT regarding the Multi-Use Trail, which is the trail that will be going around the ballfields and includes the crosswalk from Roelofs. He stated he will provide the Board with an update when there is a specific timeframe on when they are targeting to get started. Mr. Ferguson stated they will need to coordinate with Ms. Tierney so that they can try to have the least amount of impact regarding activities at the fields.

Mr. McCartney stated the Township is still receiving calls about pickleball at Memorial Park. Mr. Pockl stated to complete the project they need three straight days over 50 degrees with no rain, and they are still waiting for that to happen.

PLAY FOR ALL DISCUSSION

Ms. Tierney thanked all those who invested their time on this project including the Board of Supervisors, the Park & Recreation Board, the volunteers who helped with the focus groups, the organizations involved, the residents who participated, Dr. Smith from the Pennsbury School District, and the Township staff.

Ms. Ann Toole was present and thanked the Board of Supervisors, the Park & Recreation Board, and the public. She stated close to 3,000 people have been participants in this process. Ms. Toole stated the Plan is important because parks and recreation are an essential public service and it is an investment – not a cost. She stated research shows that for every dollar a Municipality invests in parks and recreation, trails, and open space, another \$1.42 gets spent in the economy. She stated homes that are near trails and parks have a higher value than houses farther away. She stated there are also statistics including support from the Chief of Police about how recreation deters crime and addiction.

Ms. Toole stated this is a ten-year Plan, and they will not be able to accomplish everything all at once. She stated some items are more urgent as they are time-sensitive. She stated Lower Makefield is remarkable in all that has been accomplished since the early 1990s in parks and recreation.

Ms. Toole stated this Plan was almost a year-long process, and the foundation was community engagement. She stated she was a facilitator and interpreter of what was heard from the Township community. She stated initially they collected all the data and did an analysis of the current scenario in the Township regarding parks, recreation, trails, bike paths, and open space. She stated in the next phase they brought forth their findings to do critical thinking to develop a framework for moving ahead. She stated in Phase 3 they constructed an Implementation Plan with the recommendations from the Board of Supervisors and the Park & Recreation Board to jump start Play for All in the next year.

Ms. Toole stated they are now in Phase 4 where the Plan has been drafted and is under review. She stated it is on-line and they hope people will read it and contribute their thoughts. She stated they anticipate adoption by the Board of Supervisors on June 4.

Ms. Toole stated in the foundation of community engagement, there were six different components. She stated there was a public opinion survey which generated about 1,936 responses which is high. She stated they also did interviews with key stakeholders and had focus groups with sports leagues, Seniors, the School District, and all of the Municipal offices. She stated questionnaires were answered by the Senior Citizens at the Community Center and the sports leagues. She stated the Park & Recreation Board held several meetings to discuss every step in the process, and the Board of Supervisors had several public meetings to present and discuss this. Ms. Toole stated she also had interviews with all of the related Boards including Park & Recreation, the Board of Supervisors, and the Environmental Advisory Council.

Ms. Toole showed a chart on the findings from the public opinion survey which shows why the Plan has to be implemented. She stated parks and recreation and trails were viewed as important/very important to the quality of life in the Township. Ms. Toole stated the green bar showed that very few people – possibly one or two – thought they were unimportant.

Ms. Toole stated they heard that the community wants safe places to walk and bicycle and of any improvement made, that is the one that will get used the most. She stated open space preservation is high on everyone's list, and there is a need for more athletic facilities; and they are building on previous studies that show that, including one done by the Bucks County Planning Commission about four to five years ago. Ms. Toole stated better restrooms at both the Pool and in the parks was also at the top of all of the lists. Ms. Toole stated a bigger Community Center is also needed for more programs. She stated the Community Center was built as a Senior Center, but has been seen during COVID, things have changed and people are very interested in programs for all ages year round; and the Community Center is vital to that. Ms. Toole stated people want "sports and more." She stated they heard from the public that more programs in the arts, music, nature, drama, fitness, STEM, and special events are all very important. Ms. Toole stated they found that despite the fact that there are over 3,500 kids involved in youth sports, the School District advised that fewer than 30% of their students are involved in after-school programs. She stated the most needed ones are the programs beyond sports. She stated we also need to provide recreational sports because when you get into High School in the large Pennsbury School District, it is very hard to make a team.

Ms. Toole showed a diagram with Play For All in the center since the Play For All theme incorporates the items that were just discussed. She stated the need for more athletic fields is compelling. She stated there is a desire by the community to have more open space, to protect the open space that we have, and to create the parkland that is needed. Ms. Toole stated there is a need for more diverse kinds of facilities and not just athletic facilities. She stated they need facilities where people can play at all ages, connect with nature, enjoy the arts, and the programs that she previously described for a broader range of community service. Ms. Toole stated parks and recreation is not just about sports; and while sports are a vital component, there is much more.

Ms. Toole stated the Play For All theme was adopted because they want the Plan to serve people of all ages engaged in active healthy living. She added that we learned during COVID, parks and recreation were the “refuge,” and we know that in Lower Makefield Township, the parks are the “main street” where neighbors meet and new friendships are formed. She stated Play For All is for all ages in a broad range of activities.

Ms. Toole stated the Township has about 35,000 residents and the Township has done a wonderful job in open space conservation. She stated the Township was forty years ahead of everyone else in the Delaware Valley in the planning and development of trails. Ms. Toole stated the Township spends about \$65 per capita on parks and recreation; and the State-wide average is about \$38, and the National average is about \$84. She stated the Township allocates about 12% of the Budget to parks and recreation. Ms. Toole stated in the last four years since the Township professionalized their Park & Recreation Department, they have captured 75% of the Park & Recreation Budget, including maintenance, from non-tax sources. She stated the National average is about 25%. She stated Lower Makefield has been very innovative in finding financial ways to sustain public services in Park & Recreation.

Ms. Toole showed a slide which shows how many people are involved in parks and recreation adding that what we do not have is the count of how many people are just using the parks and trails on their own. She stated the Township is serving a very significant population.

Ms. Toole stated they are building on successful planning as the Township has a history of planning going back to 1990 when the first Park & Recreation and Open Space Plan was done. She stated the Recreation Needs Assessment was done in 2018, and that was used heavily in this Plan because the 2018 Plan looked at one of the chief components – athletic facilities. That Plan was used as the basis for this new Plan, and they built on that to look at other services that are very important. Ms. Toole stated the Township has done “amazing things” in their history of planning and she noted the Golf Course, Patterson Farm, the Pool, all the open spaces that have been preserved, pickleball, and the Garden of Reflection. She stated a lot of “bold and audacious decisions” were made in response to what the community wanted.

Ms. Toole stated there are still some things that have not been able to be accomplished. She stated almost 30 years ago Macclesfield Park was identified as overused and with insufficient parking so that there are things that have been addressed in the Plan.

Ms. Toole stated parks and recreation are a Township priority and the community is involved. She stated there is a mix of public and private support. She stated the community values the rural agrarian character that is crucial and must be kept. She stated the community also values the connections and being able to get on a bike or walk safely to different places. She stated the “beauty of the community is front and center.” She stated the facilities that enable active recreation especially in athletics are a priority. She stated we have State Champions in soccer, Ultimate Frisbee, and volleyball. She stated there is also the Art Center at Patterson Farm, the Community Center, the Pool, and an award-winning Golf Course.

Ms. Toole stated there are challenges, the biggest one with the time urgency is that we have about 1,100 acres of open space remaining, and there is little left to preserve whatever the Township might want to preserve. She stated land is expensive. She stated there are not enough facilities for sports, and the Community Center is undersized. She stated maintenance is the most expensive part of a park and recreation system, and that responsibility is increasing.

Ms. Toole stated the Snipes property is a “polarizing community issue” with people who want to see it as an athletic complex and people who want to see it merely as open space. Ms. Toole stated filling in the gaps in the bike paths is hard. She stated facility overuse and limited parking is a challenge everywhere. She stated the solutions they have identified do require more land.

Ms. Toole stated there needs to be an integrated discussion about Snipes, Macclesfield, and open space. She stated these three topics have overlaps and need to be considered holistically. She stated the Plan recommendations help to meet the overall community interest in maintaining the Township’s beauty and rural charm while providing active recreation opportunities over the lifetime of the citizens. She stated this is a Plan for families, Seniors, active, healthy people, and people with special needs.

Ms. Toole stated she and Ms. Tierney had a work session with Dr. Smith of the Pennsbury School District, and there is an opportunity to collaborate with the School District and the neighboring Municipalities to deliver a higher level of programming at less cost for a huge community benefit. She stated there is Grant funding available for that. Ms. Toole stated we are also at a historical level with Federal and State funding for parks, recreation, and trails; and the Township has funding that could be used to leverage this historical level of Federal and State funding. She added that the Township has an excellent track record of pursuing and securing Grant money.

Ms. Toole stated the recommendations include to protect open space as much as possible and create a stewardship program which means how they will take care of Five Mile Woods and several other significant open spaces like that. She stated they should also work toward securing eighty to one hundred acres of land for a Community Park. She stated they should also carry out Master Plans for many of the parks, updating the existing Master Plans, and creating Stewardship Plans to take care of those. She stated tomorrow there will be a State-wide workshop on the maintenance of athletic fields. She stated natural resource management is a separate area of expertise that is valuable to the community.

Ms. Toole stated with regard athletic facilities, there is a need to provide additional capacity. She stated they need to update the Snipes Master Plan and develop it with a mix of active and passive facilities that are organized around the natural features of the site. She stated that would get at the Play For All theme for everything that they heard from the community, and it cannot just be an athletic facility or just open space; and it needs to be designed as a true nature-based, active recreation facility for the community. She stated they also need to analyze and provide solutions to improve Macclesfield Park. She stated it is known that the Park is overused and there is not enough parking with inherent unsafe conditions because of that. Ms. Toole stated they also need to light the ballfields at Caiola. She stated another suggestion was to look at other parks like Memorial Park to see if they could line practice areas.

Ms. Toole stated we know that we do not have the capacity to serve the existing sports, and we do not have athletic facilities for Ultimate Frisbee and volleyball. She stated the “winter swim teams” are swimming in New Jersey and north of the Township; and there is no facility in the Township that they can use. She stated the Township swim teams are extremely competitive and successful, and there is an opportunity there to collaborate

with the School District because they have to invest in updating their pool within the next three years. She stated they should look into how there could be some type of collaboration there. She stated they know that the School District lands are heavily used already, and there are limited choices as to where we could go to add facilities for field hockey, rugby, Ultimate Frisbee, and cricket. She stated cricket came out as a major need, and they received numerous requests in the survey for cricket. She stated cricket does require a lot of space.

Ms. Toole stated the trail system with sidewalks and the bike paths are critical since those are the facilities that are used by the most people at all ages.

Ms. Toole noted a slide related to programming. She stated they learned that there are a limited number of kids participating in after-school programs. She stated while they do not have the exact percentage for just Lower Makefield, their anecdotal interviews tended to agree that if kids are not participating in sports after school, they are “really not doing much,” and there is a demand by kids with other interests. She stated the Chief of Police indicated that they need to find activities for all the kids. She stated they would like to continue the partnership with all of the sports leagues which provide a tremendously-valuable service.

Ms. Toole stated they have learned that after-school programs are a high priority for the School Board. Ms. Toole stated the Plan recommends pursuing a \$10,000 Grant which has a \$1,000 match to be shared by all of the participants. She stated those participants can be Lower Makefield Township, the School District, and the neighboring Municipalities. She stated Ms. Tierney has already reached out and found interest in this. Ms. Toole stated the \$1,000 match would be divided by the number of participants. She stated this would give a year to determine how they will all offer programs together and how that would work in the future. Ms. Toole stated the Township would be sharing costs and benefits of the after-school programming to serve an important group in the community which are the teens and tweens. Ms. Toole stated if at the end of the year they find that they want to work together, there is another Grant which is a four-year Grant to fund the salary of the person who would manage the programs over four years. She stated over four years, that person would be working to make those programs financially sustainable. She stated the Township Recreation Department is already a model in recovering 75% of the costs.

Ms. Toole stated in Year 1, there are four different components they want to zero in on – open space, athletic facilities, programming, and continuing the park improvements that are already proposed and for which funding has been allocated.

Ms. Toole stated the recommendation is that there be a discussion about open space as this will have a big price tag. She stated while there is Grant money available, the emphasis is largely on Lower Makefield Township support. She stated they are advocating that the Township look for a potential partnership with a willing organization in the community with allied interest in health and wellness, parks, recreation, and open space to see where the Township may be able to join forces. She stated the discussion is important because Macclesfield is overdeveloped, overused, and there is insufficient parking. Ms. Toole stated there are approximately two and a half acres of parking when for a park that size, there should be at least six acres of parking up to sixteen acres of parking for safety and league turnover. She stated there too many facilities in Macclesfield. Ms. Toole stated even the addition of adding turf fields and more lights will not solve the problem.

Ms. Toole stated Snipes needs to be a combination natural-resource based park supporting a mix of active and passive facilities with athletic fields, pavilions, play areas, restrooms, pathways, landscaping, trees, and shading. She stated the thirty-eight acres at Snipes is not enough to provide the kinds of facilities that have been identified as gaps.

Ms. Toole stated in order to solve the Macclesfield and Snipes problems, the Township needs to look at more land. She stated there is no better time to look than now for the Township to get the land that they need, address Macclesfield and Snipes, and connect the trails all at the same time. She stated this also leaves the “door open” for the Community Center as they know that there is the need for more space. She stated there may be an opportunity on the additional land to create an indoor facility that would serve the community over the next “hundred years.” Ms. Toole stated the other opportunity is working with the School District especially on an indoor pool whether it is updating or expanding the one that the School District has or looking at a new pool.

Ms. Toole stated there is a list in the Plan of all of the improvements for the Memorial Park expansion, the trail projects that are underway, and lighting Caiola. She stated they would also recommend that in a unified, holistic approach they update the Snipe Master Plan to meet the criteria of Play for

All with natural resources, programming, athletic facilities and service to the community at large. She stated they should also look at the open space and Macclesfield, and those should really be discussed together.

Ms. Toole stated the Township has an excellent track record of being strategic in addressing the major conceptual issues and seizing the opportunities that they have in place.

Ms. Toole stated the Plan has a lot more detail, but with respect to the Public Hearing, they wanted to focus on what the public had to say, what was found given the resources they have, and the opportunities that can be seized right now.

Mr. Bill Gaboda, 1230 Ash Lane, stated he has read the survey and the Plan; and while he is sure that much work went into the planning process, the resulting Plan shows important flaws and contradictions. He noted Page 66 of the Plan Goal One reads: “protect green space,” but on Page 54, the Plan recommends improvement of Snipes with ballfields. Mr. Gaboda stated Page 12 expands on this “so-called improvement” listing the tract as “Snipes Athletic Fields” with four fields, a pavilion, 160 parking spots, and on Page 89 it says it will cost \$4 million to \$5 million. Mr. Gaboda noted Page 53 states: “Snipes alone is inadequate.” Mr. Gaboda stated if the proposed development goes forward, it would consume most of the Snipes Tract and many trees leaving very little green space. Mr. Gaboda reviewed the benefits of trees as opposed to turf fields. Mr. Gaboda stated the Budget for Macclesfield and its maintenance for 2022 is in excess of \$100,000 as noted on Page 40 of the Plan. Mr. Gaboda stated he feels the funds should be spent wisely and the Snipes Tract should be turned into a preserve protecting the green space for all to enjoy forever.

Mr. Gaboda stated he understands that there was a problem with the original presentation that went out regarding Snipes, and a Plan from five years ago was still part of the Plan, and that is not the actual proposed Plan for Snipes. Ms. Tierney stated on the Website this has been changed and updated, and the graphic on Page 11 that allocates how many fields, pavilions, etc. does not now show an allocation; and it just has the acreage. Ms. Tierney stated they recognized that there was confusion so they made the correction, and there is an explanation on the Website about the change.

Ms. Toole stated when they made their recommendation, it was to update the Master Plan which means taking a new look at that site, looking at the natural resources, community recreation needs, and developing a new draft all based on public involvement.

Mr. Lee Pedowicz, 247 Truman Way, stated he is an avid bicyclist and he understands they want to have 800 miles of continuous bike trails. Ms. Toole stated in Southeastern Pennsylvania and South Jersey, there is a program called the Circuit and there are 800 miles of connected bike paths which includes paths in Lower Makefield. Mr. Pedowicz stated it was mentioned that they want to fill in the gaps. He asked if all of the bike trails that are being talked about are Municipally owned. He stated along Oxford Valley Road there is a walk/bike path in front of 301 Oxford Valley Road and “310” that is in desperate need of repair, and he has brought this up many times. He stated he understands those trails are owned by the property owners; and he feels that if there is a trail or walkway that is accessible to the public, it should be properly maintained. He asked the status of that since there will be a lot of traffic on the trail.

Mr. Ferguson stated as he has advised Mr. Pedowicz in the past this is more complicated than just fixing the trail as it is a project that was built a number of years ago that was located in the PennDOT right-of-way, and PennDOT does not accept maintenance responsibility for a path in their right-of-way. He stated they have had discussions with the property owner; and this year when there was snow which needed to be removed, the property owner agreed to do that, and the Township did the removal on either side of that span that fronts that private property. Mr. Ferguson stated this is going to have to be discussed with the property who potentially has a strong argument that it is not their responsibility. He stated PennDOT advised that they do not ever accept responsibility for those paths. He stated there will have to be a discussion as to who will pay to bring it up to a better standard, and the Township solicitor has been in discussions with the property owner and their attorney, and that will eventually be brought before the Board once there is some resolution.

Mr. Pedowicz stated he does not like the use of the word “eventually.” He stated there was some repair made to it a couple of years ago, but it was inadequate. He stated he feels it should be addressed expeditiously so people can enjoy it.

Ms. Blundi stated as has been noted a number of times, this is something that is not easily solved. She stated the Township is doing their due diligence; but in the meantime, she would suggest that Mr. Pedowicz take an alternate route. Mr. Pedowicz stated the only alternate is to ride on Oxford Valley Road, and Ms. Blundi stated that is not the only alternate, and the bike could be taken across the street.

Ms. Maureen McGroarty, 314 Yardley-Langhorne Road, thanked the Township for the presentation and the attention that was given to youth sports in the Plan. She stated as a teacher, she is impressed with how comprehensive the Plan is including so many after-school activities, options for open space, and addressing the issues at Macclesfield Park. She stated her children play soccer at Macclesfield and the fields are “tired” despite best efforts, and she is concerned about the traffic. She stated the Plan is a good balance between play space and nature preserves. She stated she looks forward to seeing more of the Plan and working together to see how the Township will invest in it and work toward a balance. She stated the partnership with the School District is a “phenomenal idea.” She stated a lot of work went into the Plan and she appreciates being heard.

Mr. McCartney asked Ms. Toole how many acres the Pennsbury School District has; however, Ms. Toole stated she would have to find that information.

Ms. Elizabeth Luciano, 1229 Ash Lane, stated she read the report and appreciates the time and energy that went into it; however, she is concerned that the Plan relies heavily on an invalid survey. She stated this was an open access Web survey meaning it was available to anyone inside or outside of the Township. She stated it would have made more sense to mail a survey to each household in the Township so that only residents could respond and the Board would have an accurate representation of what residents really want. She stated she raised this with the Township during the survey period and was told that the Township could not afford to do a mail survey. She stated the Plans repeatedly point to the development of the Snipes Tract as a high priority, and she understands that Ms. Toole has pointed out that the written Plan that we have differs from what she sees moving forward.

Ms. Luciano stated she supports development of the Snipes Tract in a way that is neighborhood friendly and falls within the existing “Subdivision By-laws.” She stated she envisions a nature preserve with walking trails, biking trails, picnic pavilions, educational elements, and limited permeable parking.

She stated this would benefit the entire community. She asked that the Snipes Tract be assessed by professionals who can properly evaluate what is there in terms of wildlife and wetlands and speak to the impact of the parcel's potential development on wildlife, drainage, and traffic. She also asked that there be a study done that is "scientifically and statistically rigorous" so that there is "trust-worthy" data as they move forward making decisions for the future of the Township, and that they have information that genuinely reflects the desires of the constituents.

Ms. Beth Cauley, James Court, stated the report was comprehensive but she never received the survey and she has lived in the Township all of her life. She stated she would have liked to have received it. She stated someone sent it to her and asked if she had ever seen it, and she had responded that she had not. Ms. Cauley stated she feels to be fair to everyone it should go to every household, and that would be a "drop in the bucket moneywise compared to spending millions." She stated she saw that one person had indicated that they were a proponent of the sports fields but now "have turned the other way in wanting to preserve land because they thought the sports fields could run anywhere from \$6 million to \$8 million;" and she stated that is a lot of money for the Township to spend since "they were in such incredible debt," and some of the money should be invested and saved for the future. Ms. Cauley stated since this is very polarizing in the community, she asked if it would not be wise to have a Referendum in November asking how the tax dollars should be spent and if it should be spent on purchasing open space that would be open space or should it be spent on development of athletic fields. She stated that would be fair to everyone in the community. Ms. Cauley stated she feels the best idea is to send every household a survey so that the Township really gets an accurate count on what people want. She stated the Township is top heavy in Seniors, and they do not have "little kids playing sports." She stated a Referendum or a survey mailed to every household would be fair.

Mr. George Schlieben, 1035 Harvard Drive, stated he is the President of YMS, and he thanked Ms. Toole and Ms. Tierney for the time that they put in. He stated there was a lot of due diligence done with what is needed "from all angles" and all constituents involved. He stated he disagrees with the last speaker and he has seen soccer continue to grow in the community as well as other sports in the area, and he feels it is important to account for all the needs of the community and not just one or the other. He stated YMS looks forward to partnering with the Township moving forward.

Mr. Robert Davison, 995 Plowshare Road, stated he feels this is a comprehensive plan and feels it will satisfy the needs of everyone in the community. He stated he has been involved with YMS for fourteen years and Macclesfield has been challenging. He stated we need to find other facilities to spread sports out which will help Macclesfield. He thanked everyone for the effort put into this, and he looks forward to seeing the Plan rolled out.

Mr. Matt Curtin, 88 N. Main Street, stated he is Vice Commissioner of Pennsbury Athletic Association. He thanked Ms. Toole and Ms. Tierney for their work and this presentation. He stated in the presentation, Ms. Toole stated that 12% of the Budget was allocated toward Park & Recreation which was a healthy allocation. He stated the Township also has a Golf Course, and he asked “if they were to normalize relative to some of the benchmarking by taking the Golf Course out of it, what would the numbers suggest.” Ms. Toole stated the 12% does not include the Golf Course. She added that in addition to what the Township allocates, the Township also has five or six Enterprise Funds which include the Golf Course, the Pool, the Garden of Reflection, and a few others. She stated those are set up as Enterprise Funds and are revenue-generating accounts, and that is not counted in the 75% cost recovery, the 12% ratio of the Township Budget, or the \$65 per capita investment. She stated the Pool is profitable, and in most places in Pennsylvania pools are closing. She stated the Township operates its Enterprise Funds extremely professionally as a business operation.

Mr. Curtin asked Ms. Toole with regard to the cost of land acquisition and land development, are lights typically a cost-effective way to get more use out of the land you already have. Ms. Toole stated they need the right basis to work from, and they found that the Township does not have enough land to do that. She stated once there is enough land, and they use lights to expand the use, it does greatly expand the use but also mandates more maintenance which must be planned for as well. She stated they also have to plan for scheduling field use so that there is proper turn over so that traffic is safe and manageable for the participants in the park. She stated lights always help.

Mr. Pat Vesay, 926 Pickering Drive, stated he is the father of three who all play soccer. He stated they moved here six years ago because they liked the mix of what you get in the Township. He stated he is one of the people who helps take care of Macclesfield for the Club, and it is obvious that work is needed. He stated he believes that 24% of the 33,000 people in the Township are under the age of 20 so there are a significant number of people who are currently effected by not having a field that they can play on; but he can always find a place to go for a walk. He stated while he is an advocate of

green space, there is an existing problem which is how to get the kids on fields so that in five years they are not a “problem.” He stated with 95 running right next to Snipes, he does not know how quiet a preserve would be there. He stated he understands there was originally supposed to be a Fire Department on that property as well.

Ms. Laurie Grey, 895 Slate Hill Road, stated she appreciates all of the work that has gone into creating the Play For All Plan. She stated her property is adjacent to the very over-used Macclesfield Park, and she is very interested in hearing what the future plans are for that Park, and would like to be involved in that; and she has been in touch with Ms. Tierney about that. Ms. Grey stated we need to insure that it is neighborhood friendly, and they need to make sure that lights are respectful of the properties that are adjacent to the parks and the fields.

Mr. Cyril Tuohy, 3 Tudor Lane, stated he appreciates all the work that has been done and he is in support of the Play For All concept. He stated he would like to see the Township work more closely with Pennsbury since he believes that there are a number of fields at the schools that could be used or reconfigured to be used a little more efficiently.

Ms. Tierney stated she looked up the acreage, and Pennsbury has 143 acres of property within Lower Makefield. Mr. McCartney asked Ms. Toole if that changes any of her analysis; and Ms. Toole stated it does not, and that is why they are strongly recommending the partnership with Pennsbury because they are going to be doing capital improvements particularly as noted with the pool as there is a need for an indoor pool throughout the year. Ms. Toole stated they are recommending that the partnership look at grounds as well. She stated it is important to note that when they look at level of service, they look at Municipal-owned property because School District property changes in use, and it is not guaranteed that it is always available. She stated the other aspect of School District facilities is that School Districts have priority on the use of those facilities. She stated the next element of concern is maintenance; and with tight budgets, the maintenance of athletic facilities is “low on the totem pole” except for the primary facilities used for football, soccer, and High School inter-scholastic sports, and the general athletic facilities that are on grounds such as elementary or middle schools are often not maintained at the level that you want to have athletic fields maintained. She stated that

is another area with partnerships that they could collaborate on to see what could be done together to optimize the use of School District grounds for public recreation.

Mr. McCartney asked Ms. Toole if she did any analysis of the School District's recovery costs like she did for the Township as far as how much of that they recover through User Fees, and Ms. Toole stated she did not. Mr. McCartney stated the School District fields may be suffering from lack of maintenance because of not recovering those costs through User Fees. Ms. Toole stated that would be a study unto itself. She stated she would not characterize it as lack of maintenance, but the input they got from the Leagues and users of those facilities indicated that they would like the maintenance to be better. Ms. Toole stated this is a common issue Statewide with School Districts hampered by increasing costs and having to make tough decisions about what they are going to fund, and public recreation facilities are not their mission. Mr. McCartney stated as part of the partnership with the School District, perhaps Ms. Tierney could share some best practices on how to help recover some of those costs.

Ms. Janet Bryant, 1753 Horseshoe Bend, thanked everyone for all the work that was put into this presentation. She stated she lives approximately a half mile from Snipes field, and she and others in the area did not receive the survey, and she feels this needs to be looked into further. She stated they are the ones who will be most impacted by the fields if they were to go in. She stated she feels the area should be kept as a nature preserve as there is a wonderful eco-system there, and she would not want to see trees uprooted for the "sake of ballfields, lights, and a concession stand." She stated she does not feel this is in keeping with that area. She stated if they were to go with a nature preserve, that would benefit Seniors as well as adults and children. She stated the survey should be looked at again because a lot of people were not involved with the survey.

Ms. Tierney stated the development of Snipes would be a public process. She stated everyone who lives in the area can participate if they want to. She stated it will be on the Township social media sites and will be very public. She stated there is no Snipes Plan with a specific number of fields in the Plan being presented this evening; and the Plan is just recommending that they should move forward.

Ms. Blundi stated at the bottom of the Agenda and on the Website it includes all of the different ways that the public can be kept aware.

Mr. Richard May, 1270 Creamery Road, stated he lives directly across the road from Snipes. He stated on Page 12 of the Plan it discusses the four ballfields and the 160 parking spaces, and these Plans are not in line with the Lower Makefield Township Zoning Ordinance, Chapter 200, the Lower Makefield Township Stormwater Management Ordinance Chapter 173, and Section 178-20.G of the SALDO regulations. Mr. May stated the first time Ms. Toole spoke, she had indicated that the Snipes field was not large enough for the ballfields that are being contemplated. He stated this was originally contemplated four or five years ago; and at that time, there were sixteen separate “variations” that the Township was looking to waive in the area of environmental, traffic, and flood issues.

Mr. McCartney again noted that there is no definitive Plan for Snipes at this point; and the Plan that Mr. May is speaking of was an old Plan, and that Plan is no longer on the table. Mr. May stated he is quoting from something that was just recently produced. Mr. McCartney stated he understands that there was a revision to that, and Ms. Tierney agreed that there was a revised Report that did not include those Plans. Ms. Tierney stated it no longer says four fields, the number of pavilions, etc.; and all of that was removed from the graphic that Mr. May is referring to. Mr. May stated they are still looking at putting fields there, and Ms. Tierney stated they are looking at a holistic plan. Mr. May asked what holistic means in terms of what they are going to do there, and Ms. Tierney stated they do not know until they go through the community process.

Mr. May stated he expects to be informed as this goes on and to get an opportunity to participate in surveys as described especially since it effects his property and his lifestyle more than anyone else in Lower Makefield Township.

Mr. Jonathan Azofeifa, 1543 Quarry Road, stated he just moved in a couple of months ago; and when he purchased the house he “had no clue about this being brought up.” He stated no one ever told him anything about it. He stated he has five children and the plan is to build this directly in front of his house “in front of his front door,” and he feels that it is going to affect him 100%. He stated while they have indicated that they will discuss this, he feels that “they want to put in fields.” Mr. McCartney stated he feels that the intent of the Board is to look at the Plan from a grand scale

of parks and recreation throughout the entire Township, and Snipes is one component of it. Mr. Azofeifa asked if they are not considering putting fields in, and Mr. McCartney stated they are considering everything, but it has not gone through the process of discussing what the development will be on that site.

Mr. Azofeifa stated if they do put in fields, "it is going to attract a lot of attention directly in front of his house." He stated he assumes that they are going to put in fields, and they will probably install lights; and stadium lights are very bright, and he feels they will affect him directly in front of his house and his neighbors on either side. He stated it was mentioned earlier that the value of the homes would go up if something like that was installed there, and Ms. Toole stated there is research that shows that parks helps to increase property values. Mr. Azofeifa stated he just purchased this home, and he is concerned that if this goes in, it will actually decrease the value of his home.

Mr. Azofeifa asked how many fields Lower Makefield has that they use for sports, and Ms. Tierney stated there is a graphic that shows all of the fields we currently have. She noted specifically 7 sand volleyball, 4 basketball, 5 softball, 8 baseball, 3 football, and 14 soccer. Mr. Azofeifa asked if any of those fields need upgrading or maintenance and asked if some are not being used because of "faulty equipment." He noted Quarry Hill is across from his house where there are basketball courts without rims or a backboard. Ms. Blundi stated that is School District property - not Township property. Ms. Blundi stated we are exploring whether there is a way to work with the School District to increase access.

Mr. Azofeifa stated he understands that there is a Snipes Master Plan but there are no drawings up yet. Ms. Tierney stated there are old drawings on the Township Website, and all the Snipes historical documents can be seen that are from seventeen years of discussion. Mr. Azofeifa asked if the traffic were to increase in front of his house as a result of additional fields, is there any thought to a traffic signal being installed. Mr. McCartney stated since they do not know definitively what the development will be, it would be premature to state how they will set up ingress and egress. He stated if it were developed, they would appropriately address that to make sure that it does not interfere with current traffic patterns.

Mr. Ferguson stated anything that is done in the Township whether it is a project that is developed by a private developer or the Township would actively involve the Township traffic engineer who would do traffic counts, look at speeds and safety; and any project that would increase traffic, change traffic, or have safety issues, would have to have as a component traffic-calming measures such as traffic lights, restrictive turns, etc. He stated this would be for any development even if it was passive use.

Mr. Azoifeifa stated he is in favor of fields for the kids, but he is concerned that it is directly in front of his house, and he feels it would “upset his family,” since they moved here to enjoy “the wilderness.” He stated he moved from an area where it was close with neighbors right next to each other, and now the woods in front of them will possibly get taken away. He stated he would like to “keep track of everything.” He stated he understands that the survey will possibly be done again later on. Ms. Tierney stated there will be a public process with public meetings and focus groups. She stated there was a survey for the whole Township, but with regard to Snipes there will be a public process and the community will be invited to come and provide their feedback throughout the process.

Ms. Beth Cauley, James Court, stated before COVID Mr. Majewski had stated that when the Township does a project they would put signage out saying that something was proposed for the area. Mr. Ferguson stated if there was a *Zoning Hearing Board Application or someone was requesting relief from the Ordinance*, there is a publication requirement, and people near the property are notified. He stated at this point there is no project proposed, but if the Township were to develop something on its own property, he believes that there would be some notification that would be followed similar to that.

Ms. Cauley stated she felt that Mr. Majewski stated four to five years ago that they would always post something that was 5' by 3'. Mr. Lewis stated at that time there was litigation; and as a result of that the Township revised how it handles Notice related to land use development. He stated we now have probably the most rigorous notification process as a result of that in terms of notifying people in the general area prior to the beginning of the approval process for any land development. He stated he believes that those within 1,500' would be notified. He stated as Mr. Ferguson stated there would probably be signs if there was an open proposal before the Board, the Zoning Hearing Board, or the Planning Commission for review or approval. He stated at this time we are some distance from that.

Ms. Cauley stated Ms. Tierney had indicated that there would be focus groups, and she asked how you would get in a focus group. Mr. Lewis stated he has not been given any suggestions as to a start time for any particular Land Development process. He stated what they are reviewing is a report of general strategy for Parks and Recreation and outlines some potential alternatives, but the Board of Supervisors has not affirmatively decided to start implementing any of the recommendations in the report. He stated anyone in the community can provide input on the report. He stated going forward he assumes that the Board of Supervisors will consider the recommendations in the report as they will with the recommendations from the Ad Hoc Property Committee which was recently presented.

Ms. Cauley asked Ms. Tierney how to get on a focus group. Ms. Tierney stated they will have to come up with a strategy as to how they are going to do that, and information will be put out on social media. Ms. Tierney stated with this particular project since we know that there is a big neighborhood constituency that wants to be involved, we will have to discuss how we are going to do that. She stated at this point this is just an overall strategy as noted by Mr. Lewis, and moving forward with Snipes as a comprehensive Play For All Plan is the recommendation as well as going through the public process. Ms. Cauley asked if she will get notification if she is signed up on the Park & Rec Website, and Ms. Tierney stated those signed up for e-mails will get notice. Ms. Tierney stated there are also other ways to follow including Instagram, Facebook, and Twitter.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she lives near the Charles Boehm school, and they have a lot of field availability especially on the weekends when School is not in session. She stated she feels Pennsbury School District fields should be used since our taxes also go to the School, and that would be a way to expand field usage. She stated she is concerned that there is an aging population entering the Township as seen by the recent developments, and the Township does not accommodate for them like they do for those under ten. She stated the demographics do not support soccer. She stated there are less children and more older adults. She stated she feels they should make the Snipes Tract available especially to those over fifty, and make it a place which we do not have which is a nature preserve like Churchville Nature Center and "Bowman's Center" in Upper Makefield. She stated we have fields and "pools" which she hopes to improve with our tax dollars. She stated we do not have bike paths that can connect from one neighborhood to another. She stated we are making more bike paths but we have not fixed the ones we have and we have not connected them from her neighborhood, Yardley Crest, to N. Esther Lane, Kings,

and Queens Lane. She stated in the LMT Master Plan the demographics of the community are changing, and she does not know that is represented in the current plan “although from what she has heard it is going in the right direction.’

Mr. McCartney stated we do have the Five Mile Woods located on Big Oak Road. Ms. Tenney stated she knows that and she lives close by, but she has never been to it because she cannot walk her dog, and it not a place where she would want to go to and sit. She stated it is a nature preserve but it is not the same as “the Churchville.” She stated she appreciates that any time they preserve land it is a good thing for now and going forward because plants provide a way to remove carbon dioxide from the atmosphere.

Mr. McCarney thanked everyone for their input and added this is an on-going process. Ms. Tierney thanked Ms. Toole for all her time.

MANAGER’S REPORT

Mr. Ferguson announced that we got word today that our Public Works Director, Greg Hucklebridge, will be resigning; and his last day of work will be by June 17. Mr. Ferguson stated Mr. Hucklebridge has done a phenomenal job, and he will be sorely missed. Mr. Lewis stated he is sad to hear that Mr. Hucklebridge will be leaving us adding that he did a tremendous job during the time he was with the Township and has been a wonderful asset to the community. Ms. Blundi stated she agrees with Mr. Lewis adding they had the benefit of a Public Works employee who was an engineer and was working 24/7 observing and taking care of our community. She stated his resignation is a loss to the Township.

Approve the 2022/2023 Bucks County Consortium Road Materials Bids

Dr. Weiss moved and Ms. Blundi seconded to approve the 2022/2023 Bucks County Consortium Road Materials Bids as provided by Mr. Hucklebridge.

Mr. Lee Pedowicz, 247 Truman Way, stated Mr. Hucklebridge did a very fine job, and he asked how long it will take to find a replacement for him if it is going to take six or seven months to find a replacement for Mr. Ferguson. Mr. McCartney stated he spoke to Mr. Ferguson earlier today about this, and he is working on Mr. Hucklebridge’s replacement. Mr. Pedowicz stated he understands that Mr. Ferguson’s replacement is still slated for six to seven months from now

which is why he is being kept on as a consultant, and Ms. Blundi agreed. Mr. Pedowicz asked if the search is in progress for Mr. Ferguson's replacement, and Mr. McCartney stated it is.

Motion carried unanimously.

Sewage Delinquent Collection Overview

Mr. Ferguson stated at the last meeting he raised the issue of delinquent sewage account collection, and he and Mr. Hucklebridge have reached out about various alternatives for handling those delinquent account as noted in the Manager's Report. Mr. Ferguson stated the Township could hire a straight collection agency where the charge that would be incurred would be directly to the Township; and of the two quotes received for that service, the lower one would be that they would take 20% off of any collection that would be netted out of the total. Mr. Ferguson stated the other option presented was using Portnoff Law Associates which is a collections company as well as a law firm that handles all aspects of the collections including accepting the payments; and if it got to that point, putting liens on the property or other legal actions. He stated with that option the Township would have to pass an Ordinance that would set the fees and the charges which would go directly to the delinquent account holder as part of the process. Mr. Ferguson stated *in Bucks County Portnoff provides services to Bristol Borough, Bristol Township, Morrisville Borough and School District, Council Rock School District, New Hope-Solebury, Sellersville Borough, Warminster, and Warrington*; and the client list provided to the Board was quite extensive. Mr. Ferguson stated they have had discussions with other Towns, and Portnoff is the primary company that is doing this. He stated they also reached out to three collection companies including one that the Township used to deal with but would fall short of what is needed, and two others which were noted in his report.

Mr. Ferguson stated the last bill went out in March, and it is getting to the point where we will have a good idea of how many delinquent accounts we have that need to be addressed.

Mr. McCartney asked if feedback was received from any of the Municipalities as to Portnoff's success rate. Mr. Ferguson stated those they reached out to were satisfied with the service. He stated he would not be able to comment on their collection rate, but the Board could have them make a presentation. He stated he understands they have about 180 clients, and the majority of

feedback was that they were happy with their service. Mr. Truelove stated they have been working with Morrisville School District for five to six years, and Morrisville School District has been very happy with their work.

Mr. Lewis asked if this would be all uncollected debts prior to the sale of the Sewer system or ongoing; and Mr. Ferguson stated the last bill went out March 1, and everything after that would be in Aqua's hands. Mr. Ferguson stated this will be for anything from Lower Makefield from the last March bill prior. Mr. Lewis stated Ms. Kirk had done some significant collections work and got the Township a large portion of money, and he asked if it is currently under a couple hundred thousand or more; and Mr. Ferguson stated while he does not have a final number, he believes it would be between 1,000 and 1,100 accounts that are delinquent. Mr. Lewis stated that is 10%, and Mr. Ferguson agreed.

Mr. Lewis asked if we still retain the right to lien properties and perform execution sales to recover the funds. Mr. Ferguson stated over the last few years working with Ms. Kirk, we started liening properties on unpaid balances. He stated he does not believe we have taken any action beyond liening a property over an unpaid Sewer bill. Mr. Truelove stated the bills are normally paid at a certain point whether they re-finance or just decide to pay. Mr. Ferguson stated at the time a property sells, Lower Makefield would be listed as a lien holder. Mr. Lewis stated other Municipalities actually do execution sales where they will secure assets from the property owners to offset the cost of what is owed.

Mr. Lewis stated he understands it is about 1,100 accounts that are delinquent, and Mr. Ferguson stated that is a lot lower than it used to be. Mr. Lewis asked if the Fee that would be paid out to the provider could be charged to those who are delinquent so that the cost to the Township is net zero. Mr. Ferguson stated Portnoff as an example would have a set-up charge of approximately \$2,000 to \$2,500. He stated they have also provided the Township with a draft Ordinance that would have to be passed; and with the passage of that Ordinance it would put all of the other fees onto the property owner, and the Township would be part of helping set what the fees would be. He stated some of them would be the law firm itself having an amount to recapture their costs, and that would all be on the property owner and not the Township having that netted out as a cost to collect.

Mr. Lewis asked if the company would have the right to perform execution sales or just liens. Mr. Truelove stated he believes that if they had to, they would go ahead and execute. Mr. Ferguson stated they did not discuss that in their conversation, but if this is something that the Board is interested in, they could

discuss that with them if they wanted to bring them in before the Board. Mr. Ferguson stated he believes it would be up to the will of the Board how far they wanted to go with that. Mr. Lewis stated he feels these are reasonable suggestions, and aside from asking Ms. Kirk to go against the delinquent accounts as she has in the past, he feels execution sales “might give people pause as it relates to unpaid debts to the Township.” He added a little bit of “initial aggressiveness might help us collect the rest of the money quickly.” Mr. Ferguson stated Ms. Kirk has done a great job; however, the one thing that Portnoff does beyond that is that they are a collection agency so they can work with someone to pay off their bill over time and collect the money making payment arrangements and being the point of contact. He stated according to the individual they spoke to from Portnoff once word is out that there is a collection agency involved, the collection on that tends to be fairly healthy. Mr. Lewis stated he is open to considering this further.

Dr. Weiss stated he has extensively used collection agencies and attorney offices for collections over the years, and he would agree that hiring a law firm/collection agency with the fees borne by the delinquent account instead of the Township would be the only way to go. He stated having an attorney and collection agency combined would result in the Township not having to pay any fees other than the set-up fee in order to get the money owed. He stated from what he has heard, this firm is one of the largest in the County, and he has no problems engaging them today if the Board agrees.

Dr. Weiss moved to engage the Portnoff law firm to handle these delinquent accounts.

Mr. Lewis stated he did not receive the actual proposal in his packet, and Mr. Ferguson stated he had e-mailed the proposal directly four days in advance that included a number of firms including Portnoff. Mr. Ferguson stated if the Board prefers, Portnoff could provide a short overview of their services at a future meeting. He added that we are still in the process of paring down the final list of delinquent accounts, and there are still a few payments coming in. Mr. McCartney stated he feels that would give the Board more time to consider what Portnoff does and possibly answer some specific questions.

Dr. Weiss withdrew his Motion.

Mr. Ferguson stated he will resend all of the Portnoff information directly to the Board members tomorrow. Mr. Lewis stated he did find that information, and it was sent out April 26 at 11:43 a.m.

Mr. Ferguson asked Mr. McCartney if Portnoff should be invited to the next Board of Supervisors meeting, and Mr. McCartney agreed adding that it seems that the Board is moving in the direction of Portnoff but there are some details they would need to work out.

Mr. Ferguson stated he discussed with the Portnoff representative that if there was someone who had missed their last one or two quarterly bills will they be charged a large amount just because it has been turned over to this firm; and he was advised that they would not. He stated they might be given a \$20 or \$25 charge to deal with the processing and notification, and their bill would not double or triple. He stated when COVID started, the Township took the position that was reported to the Board that late fees and interest charges would be waived so there was a period of time when if people were having trouble making their payments they would not have accumulated fees over the last year or so. He stated the representative from Portnoff had suggested that the goal is to get payment and to work out a reasonable payment plan; and even with charges and fees, if someone starts on a payment plan, it locks whatever that charge is, and it would not compound. He stated Portnoff can review all of this with the Board. Mr. Ferguson stated the goal is not to be “outrageous especially with well-intentioned people who want to pay their bill off.”

SOLICITOR’S REPORT

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

Approve Participation in the Trenton Mercer Airport FAA Appeal Litigation/Petition for Review

Mr. Truelove stated for years there has been an on-going concern about expansion at the Trenton Mercer Airport, and more recently there has been another expansion proposed with a lot of public comment and participation. Recently the FAA issued a Finding of No Significant Impact (FONSI), and as a lot of individuals in the area are concerned that the FAA did not do a good

due-diligence job of investigating a lot of the impacts that this expansion may have primarily with air, noise, and PFAS related to the potential for pollution in the watershed and the environment adjacent to the River.

Mr. Truelove stated the group Trenton Threatened Skies is a grass roots group that has gotten together with several members from Lower Makefield, and have retained a seasoned attorney in this particular area who actually worked for the FAA years ago. The Decision made by the FAA was on March 19, and there is 60 days to file a Petition for Review which is essentially an Appeal from the FAA Decision, and that due date is May 20. What has been requested of the Township by Trenton Threatened Skies and others who are interested in the litigation is that the Township, at no cost to the Township in terms of fees, agree to allow its name to be included as a co-Petitioner with the thought being that having a public entity, especially an entity as large as Lower Makefield listed on the Petition as a Party, lends heft to the Petition and for the process going forward which would potentially involve mediation, a briefing, and an argument. He stated one of the major concerns is to make sure the Third Circuit Court sends the matter back to the FAA for a more thorough environmental review.

Mr. Lewis moved and Dr. Weiss seconded to participate as a co-Petitioner in the Petition for Review to be filed on or before May 20 at no cost to the Township with respect to legal fees incurred.

Mr. Richard Preston, 1522 Stapler Drive, stated he is Co-Chair of the Airport Review Panel. He thanked the Board on behalf of the Panel and all of the citizens in the area concerned with the Airport's growth for giving consideration to this topic, and for the decision to support the Appeal as a co-Petitioner. He stated this will benefit the Township citizens, who, if the Airport expansion goes as they are planning, will experience a significant degradation in their quality of life. He stated people come here because of the beauty, the quiet, and the "whole ambience" which will be effected if the Airport expands the way they plan to. Mr. Preston stated the point of the Appeal is to force the Airport and the FAA to do an honest analysis of the Airport expansion effects.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to Appeal #22-1961 Christopher Levins for the property located at 867 Dukes Drive, Yardley, PA 19067, Tax Parcel #20-037-206 Variance request from Township Zoning Ordinance #200-23.B in order to construct a swimming pool which would increase the impervious surface from the existing 22.7% to 25% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1962 – Daniel Magno and Daniel Karlberg for the property located at 215 Morris Lane, Washington Crossing, PA 18977, Tax Parcel #20-011-013 Variance request from Township Zoning Ordinance #200-14 to construct a 505 square foot addition with a vegetative green roof which would increase the impervious surface from the existing 9.0% to 14.2% where 13% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1963 – Chetan and Anjali Savkur for the property located at 708 Wynnewood Drive, Yardley, PA 19067, Tax Parcel #20-042-342 Variance request from Township Zoning Ordinance #200-23.B in order to construct an in-law addition, driveway extension, and paver patio which would increase the impervious surface from the existing 14.8% to 19.2% where 18% is the allowable amount and Township Zoning Ordinance #200-68.A.(9) to permit the installation of cooking facilities in the in-law suite where a dwelling unit for a family as defined by Section #20-7 only allows a common household with single cooking facilities, 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.

DISCUSSION ITEM

Approve Scheduling Special Meetings on May 31, 2022 and June 9, 2022 at 7:00 p.m. Regarding Sewer Sale Proceeds

Mr. McCartney stated the Board wants to start the process of deciding what to do with the Sewer funds.

Mr. Ferguson stated there is a robust meeting schedule with the Township Boards and Committees and these are the two dates that would be available.

Ms. Blundi moved and Dr. Weiss seconded to schedule Special Meetings on May 31, 2022 and June 9, 2022 at 7:00 p.m.

Mr. Lewis asked if anyone checked with Mr. Grenier to see if he is available. Mr. McCartney stated the reason they came up with these two dates was because these were available dates as the calendar was filled with other meetings. Mr. Lewis stated this is the first time he has heard of these dates; and while he is available for both dates, he is not sure that Mr. Grenier would be available. He asked if they could tentatively set these dates and then confirm them. Ms. Blundi stated the dates were listed on the draft Agenda. Mr. McCartney stated he wants to start having these meetings, and he is concerned that if they put this off there will be fewer dates available during the summer, and he would not want to postpone this until the fall. He stated there will be two meetings, and hopefully Mr. Grenier will be available for at least one of the meetings.

Mr. Lewis stated they need to explore the fund proposals that would allow the Township to make sure the funds are not immediately spent and invested in what we are allowed to keep them in similar to what Middletown has done. Mr. McCartney stated they need to work out the details of how to do that and what vehicle is used. Ms. Blundi stated she would want a portion of the funds to be used on a project like Patterson Farm. She stated she is not committed to just one path of action, and she would like to consider working on Patterson Farm and other issues. Mr. McCartney stated he feels they will consider some type of Trust in addition to money set aside for infrastructure which is what the Board discussed in the past.

Mr. Lewis stated we could create a fund which could be borrowed against, and there is also general borrowing as well. He stated this is a one-time cash receipt and once the money is gone, it is gone. He stated he leans more toward protecting all of the remaining funds, and when projects are available if something has been created that pays interest that could be borrowed against, and that is something that he would consider. He stated his general approach is to make sure that we protect as much of the funds as possible and that new requests for spending are not taken immediately out of that fund.

Dr. Weiss stated he is in favor of the two Special Meetings, and the Board can also use discussion time during the regular meetings for this topic as well. He stated he is looking to have a healthy debate with the public on how to allocate this money. He stated whatever is decided will be after a good, healthy debate.

Mr. Lewis asked if the Board members were comfortable with the Hill Wallack memo in terms of options for trust funds; and he asked if there is a question of structure and amounts, and if those are the items which the Board members believe more discussion is warranted.

Dr. Weiss stated Mr. Truelove provided the options, and the Board needs to decide on an option and how that option will be handled; and with help from the public, the Board will decide how much money will be protected, and if money is going to be spent on projects, they need to decide to which projects funds will be allocated. He stated they can also discuss Grants. Dr. Weiss stated he feels protecting a significant portion of the money is very important, but there are also some other very important projects that have been stagnating for decades that need to be addressed. He noted the properties at the Patterson Farm, what to do with the Slack House, the athletic program, and open space; and he feels all of these topics should be discussed with a resolution hopefully in the near future after discussion and debate.

Mr. Lewis stated he shares Dr. Weiss' desire to protect as much of the money as possible, and he is hopeful that they can do that. He stated as it relates to future spending, we will be getting some interest from this money that could be dedicated to either the General Fund or projects as it accrues interest over time. Mr. Lewis stated he urges the Supervisors to think very long term about this money.

Motion carried unanimously.

SUPERVISORS REPORTS

Mr. Lewis stated on Monday, May 23 the Citizens Traffic Commission will meet at the Township Building at 7:30 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Art Cohn to the Citizens Traffic Commission.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Michael Blank to Farmland Preservation, Inc.

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There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully Submitted,

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

James McCartney, Chair

