

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 18, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 18, 2022. Mr. McCartney called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

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

Absent: John B. Lewis, Supervisor

PROCLAMATION HONORING ANTHONY ZAMPARELLI FOR HIS TIME AND DEDICATION
ON THE ZONING HEARING BOARD

Mr. McCartney read into the Record the Proclamation honoring Anthony Zamparelli for his time and dedication on the Zoning Hearing Board.

Mr. McCartney noted that he had the pleasure of serving on the Zoning Hearing Board with Mr. Zamparelli.

PROCLAMATION HONORING VIRGINIA TORBERT FOR HER TIME AND DEDICATION ON
THE CITIZENS TRAFFIC COMMISSION

Mr. McCartney read into the Record the Proclamation honoring Virginia Torbert for her time and dedication on the Citizens Traffic Commission.

Ms. Blundi stated it was a pleasure working with Ms. Torbert, and she is one of the reasons why she got involved with the Township showing how residents can make a difference.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated Ms. Torbert was the Chair of the Citizens Traffic Commission for many years and was on top of everything, and he thanked her for her service.

COMMUNITY ANNOUNCEMENTS

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

Mr. Ferguson stated 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, 1100 Edgewood Road. 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 a.m. 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. He stated on the Township Website there is information on how to schedule an appointment. Mr. Ferguson stated this was an idea that Ms. Blundi started to inquire about right before the Pandemic started, and unfortunately it got delayed until we could do it at the Township safely. He stated there are staff members who have already made appointments, and he feels it will be a great event.

Mr. Ferguson stated the Lower Makefield Township Pool is scheduled to open for the 2022 season on Saturday, May 28th at 10:00 a.m. He stated the Pool Schedule can be seen on-line. He stated Memberships are going well. He noted that the Board had passed a Budget that included a new means by which memberships can be given, and they are seeing increases especially for Seniors.

Mr. Ferguson stated Lower Makefield Township will be hosting a new Tween Camp called "Tween Adventures." Registration is now open, and more information can be found on the Township Website.

Ms. Blundi stated all the slots for the Blood Drive have been filled, and we have reached out to the Red Cross to see if we can schedule another Drive. She stated hopefully this will be a continuing event.

Ms. Blundi stated the Lower Makefield Farmers Market will start in June, and will be held every Thursday from 3:30 p.m. to 6:30 p.m.

Mr. Grenier stated a number of Township residents access the Canal Towpath by the Sommer's Bridge, which had been closed for the last several months due to wear and tear. He thanked the Friends of the Delaware Canal who paid \$30,000 for repairs to the bridge. He stated more information can be found about the Friends at FODC.org.

Mr. Grenier thanked those who reached out to him recently about some issues and illness in his family.

APPROVAL OF MINUTES FOR MAY 4, 2022

Dr. Weiss moved and Ms. Blundi seconded to approve the Minutes of May 4, 2022 as written. Motion carried with Mr. Grenier abstained.

NEXTERA ENERGY STREET LIGHT CONVERSION AND MAINTENANCE

Mr. McCartney stated this matter will not be discussed this evening, and they are giving Nextera additional time based on some additional data that was received late. This will be discussed at a later date.

PORTNOFF LAW ASSOCIATES – SEWAGE DELINQUENT COLLECTION PRESENTATION AND MOTION

Mr. Kevin Buraks, Portnoff Law Associates, was present. He stated Portnoff Law Associates is a Pennsylvania Law firm which has been doing collection work in Pennsylvania for over thirty years. He stated this is their entire practice, and they represent Municipal bodies and collect delinquent utility Fees such as sewer, trash, water, stormwater fees, and delinquent Real Estate taxes. He stated they currently represent over 190 different Municipal clients in 25 Pennsylvania Counties including eleven in Bucks County. He showed a slide listing some of the Municipalities that they currently represent in Bucks County.

Mr. Buraks stated Lower Makefield Township had reached out to them with regard specifically to collecting delinquent sewer fee accounts. He stated the key to collecting these types of accounts in Pennsylvania is to utilize the specific Pennsylvania law known as the Municipal Claims and Tax Liens Act (MCTLA). He stated the key to the Act is that it provides specific incentives – both positive and negative – to get people to help pay their bills and future bills on time. He stated using the MCTLA has a number of benefits, the main one being it allows the Township to shift all collection fees and costs to the delinquent property owner. He stated this allows the Township to utilize Portnoff, and have all the costs paid for by the people who owe the money. He stated that is fair in that most people pay their bills on time, and they would not want to hear that Township expenses and taxes were going to cover those bills. He stated there is always a sub-set of people who choose not to pay even if they have the ability to do so, and cost shifting creates an incentive for people to pay if they have not been doing so in the past. Mr. Buraks stated it also provides a high statutory interest rate during the collection process for those who are not paying on time and delaying payment, and there is some benefit for the Township during that period for the time value that is being lost when the money is not in the Township's account. Mr. Buraks stated their firm finds that collecting under the MCTLA, oftentimes future current bills are paid on time rather than delinquent. He stated that 89% of their School District clients at the end of last year had less delinquent accounts at the end of the year than when his firm was first hired.

Mr. Buraks stated under the MCTLA there is the ability to create some positive incentives which help people pay their bills who may want to. He showed a list of positive incentives his firm can help the Township to create by using this collection process. He stated these include flexible payment plans, and the terms and lengths of the plans can be set by the Township, although most of their clients tell them to do what they typically do since they have been successful. He stated typically the length of the payment plan depends on the amount that is owned; and they try to go up to about six months because if you go too long, people have difficulty becoming current. Mr. Buraks stated the Township may decide that they want to have more flexible payment plans. Mr. Buraks stated they also offer a hardship program where the typical length of a payment plan may be too short for certain property owners, and they could fill out an Application listing their assets, liabilities, special circumstances, and the amount they can pay; and typically they find that people who apply for this program meet the criteria as to what is a hardship.

Mr. Buraks stated they have excellent customer service with a staff of over 70 employees. He stated the staff who answer phone calls are trained for over a month to do so, and he listens in on a lot of the calls which are sometimes not easy calls to make since sometimes those calling are upset. He stated their staff listens and sympathizes, but they also set them up on a payment plan or advise them to fill out a hardship application. Mr. Buraks stated they offer the ability to pay on-line through the Website, and there is the ability to look up their balances 24/7. He stated his firm does as much as they can to facilitate payment. He stated at times they do get thank-you notes from people typically from people who have gone through a payment plan or hardship program who appreciated their service.

Mr. Buraks stated there are times when the positive incentives are not enough, and there are some people who choose not to pay; and that is where the negative incentives are sometimes necessary. He stated under the MCTLA they can shift the cost of collection onto the property owner; and if the Township were to hire his firm, one of the things that would be done would be the enactment of an Ordinance informing the public that they would be shifting the collection fees going forward. He stated in that Ordinance there is a list of what the fees could be. He stated they put those in their earliest letters, and when property owners see that, they recognize that the Township is serious about collecting. He stated by including that fee list in early correspondence, they find that people will do something. He stated their collection rates early on can be very strong. He stated the statutory interest rate is 10% which is a high interest rate, which is a good negative incentive that can be employed. He stated through their process they take incremental steps to do things if the property owner has failed to respond to the earlier steps. He stated the earliest steps come at little cost, and they give time between each step. He stated if the property owners ignore them, they take future steps such as filing a lien against the property. He stated under the MCTLA, when a lien is filed that is what starts the interest accruing. He stated they can also take a Judgment against the property. He stated the final step in the process would be to list the property for Sheriff's Sale, and that is a necessary step in the process, but they rarely have to sell property to collect.

Mr. Buraks showed a slide related to statistics with regard to Sheriff's Sale. He stated last year, they had about 80,000 delinquent accounts that came into their office for collection for all of their clients; and in the whole year, they only sold nineteen properties. He stated before they would ever sell a property, they would come to the Township with a list of properties for which they have obtained a Judgment; and they would first seek approval from the Township.

Mr. Buraks showed a slide showing the percentage of accounts where no attorney fees were charged. He stated for the average Municipality that they collect for, 59% of their delinquent property owners are not charged any attorney fees which means that they were able to do something early on in the collection process and did not get to the point where they were putting attorney fees on the file because the property owners were working with them in some way or paying in full.

Mr. Buraks stated his firm's goal is to get the Township their money as quick as possible. He stated when his firm collects the money, the Township gets their money transferred to their account. He stated they have been able to not only collect what is delinquent, but to also turn some of the constantly delinquent people into current payers which is easier for budgeting purposes.

Mr. Buraks stated in early 2020 when COVID happened, they reached out to their clients advising them that they felt they should stop active collections based on the Pandemic; and almost all their clients were in favor of that. He stated they were still able to collect a good percentage without actively collecting during that time period. He stated they did not want to do anything that would make the Township look bad, and they are very sensitive to the fact that they are involved with residents of the Township; and they will do everything that they can to treat them well.

Mr. Grenier asked Mr. Buraks to speak to the fee structure. Mr. Buraks stated the first notice sent out is a validation notice to show that the debt is valid. He stated that comes with a fee of \$25, and that is charged directly to the property owner – not to the Township. He stated the next step is a Notice of Delinquency and Fee Shifting, and that states that Fee Shifting will be going forward, and it lists what those fees are. He stated that is at a cost of \$40 plus Certified postage which is about \$6, and that is the only thing that they charge directly to the Township, but it is a pass-through to the property owners; and if the debt at that point was \$200, they would add that \$46. He stated when they collect that, the Township will get that back. He stated they will not invoice the Township to send out that second step notice until they have collected that much. He stated if it was \$2,000 to \$3,000 to send out all of the Notices in that step in the process, they would collect \$2,000 to \$3,000 before they invoice the Township so there is no financial risk for the Township. Mr. Buraks stated there are therefore two steps where the property owners are getting notices from the law firm at a cost of \$70. He stated going forward, it would add up, but it is incremental. He stated everything the firm does comes at a Fee, but the property owner still has

the ability to enter a payment plan; or if it is a hardship situation, enter the hardship program. He stated over time the number could add up depending on what a property owner does. Mr. Burkas stated not only does his firm front their fees for the Township, they also front hard costs. He stated the third step in the process is filing a lien which comes at a fee of \$250; and there are also hard costs involved in filing with the Court, and his firm pays those on behalf of the Township and collects them from the property owner. He stated the next step is akin to a Civil Complaint, and the Sheriff goes out and Serves the property owner. He stated before that would happen, the property would have had four notices. He stated his firm fronts the Fees for that as well. He stated the property owners see the list of fees from day one, and they can avoid that quickly by paying what is owed plus \$25 in the first step. He stated by the time the fees start adding up, they have had multiple notices to that point of time and have not taken advantage of the payment plans or the hardship programs.

Mr. Grenier asked if someone has a lien on the property does Portnoff get involved when the property owner sells it. Mr. Buraks stated a Title Company/ Mortgage Company will come to them and ask for Certification which the firm will provide to them on behalf of the Township. He added his firm deals with every part of the process since they know what the delinquent figure is, and the property owner can also go on their Website and see what is due. Mr. Grenier asked if there is a Fee associated with that Certification, and Mr. Buraks stated the Title Company will pay \$25 to get the Certification.

Mr. Grenier asked Mr. Buraks if the Board could be provided the Fee Structure, and Mr. Buraks stated he can provide that if they do not already have it. He stated it is also in the sample Ordinance that they provide.

Mr. Grenier stated he did some research and he recognizes that when you are dealing with people who are delinquent, there will be negative reviews; however, there were some items he saw including a time when Bethlehem opted to terminate their Contract with Portnoff in 2017/2018 although he is not sure that they have not renewed the Contract since then. Mr. Buraks asked what he is specifically referencing since they have represented City of Bethlehem and the City of Bethlehem School District for years. Mr. Grenier stated in 2017 the City of Bethlehem opted to withdraw the authorization to renew after there was a resident that put "something out there." He asked if that was put on pause to investigate and then they came back in since he did not see how that was reconciled. Mr. Buraks stated for the City of Bethlehem it indicates on their Website that they collected their taxes from 1991 to 2021, and their sewer fees

from 1991 to 2003, and 2006 to 2021. He stated they also have other Municipal billings from 2014. He stated he is not sure what Mr. Grenier is referring to. Mr. Grenier stated it was delinquent Real Estate taxes. Mr. Buraks stated the Website shows they collected from 1991 to 2021 so there was no gap there.

Mr. McCartney suggested they focus on the fact that they are representing Municipalities. Mr. Grenier stated there were also lawsuits against the firm for too many fees. He stated this is important to our residents, and there are items in the public realm that “paint this particular firm in certain cases not in a positive light.” He stated he wants to reconcile that since he knows that things that can be written that are not entirely the truth or do not have all the facts. He stated he just wants to make sure that we are doing our due diligence since this involves a lot of residents, a lot of money, and is a sensitive topic. He stated he would like to have a comfortable feeling voting to go this way. Mr. Buraks stated he understands this; and if there are any concerns with the City of Bethlehem, he suggested that they call them and ask them how they feel that his firm is doing. Mr. Buraks stated if there are questions about legal cases, he would recommend looking at the litigation history of each case since often they win if not in the main case, they win on Appeal. He stated they take care of their clients and the constituents. He stated while there are some people who will get upset, they do try to work with people. He stated he can provide contact information on their clients.

Dr. Weiss moved and Ms. Blundi seconded to consider an Agreement subject to review of the Contract.

Mr. Grenier asked what the Board is voting on, and Mr. Truelove stated they are considering entering into a relationship with Portnoff Law Associates subject to an Agreement that will be reviewed by his office and the Board. He stated the Board could then vote to enter into the Agreement at a future meeting. Mr. Ferguson stated if the Board wanted to approve this, the Board would need to pass an Ordinance so that there is empowerment as to the fees and charges that would be outlined. He stated we have a draft Ordinance that Portnoff has provided that other towns have used, and that would need to be reviewed by the Township solicitor and put on a future Agenda. Mr. Truelove stated if the Board agrees with the terms of the Agreement, they could make a Motion to approve the Agreement, and then Move to advertise an Ordinance. Mr. Truelove stated this would only require one advertisement, and enactment after that.

Mr. Grenier stated he would first like to see the fees that were discussed so we know what impact they may have on our residents and to conduct some due diligence on the firm. Mr. Truelove stated any Agreement would have those fees in it, and the Ordinance could set forth the manner in which that is done, and there could be a Resolution so that the Board would not have to amend the Ordinance if they had to change the fees in the future.

Mr. Buraks stated they put the fees in the Contract and the Ordinance so that the public can see it. He stated in this way the property owners know what the fees will be, and it can be an incentive because people would not want to pay extra if they did not have to. He stated if they need to do a payment plan, they will also know that there are ramifications if they wait too long so they contact the firm earlier. He stated this is why they typically get a good response to their first or second letter.

Motion carried with Mr. Grenier opposed.

Ms. Blundi advised residents who are delinquent on their Sewer bill to take this time to pay.

ARTISTS OF YARDLEY – DISCUSSION AND APPROVAL OF FUNDRAISING REQUEST

Mr. Ferguson stated after discussion with Ms. Alison Smith and Ms. Sovinee, member of the Ad Hoc Property Committee, from AOY, he encouraged them to come before the Board to discuss things that they would like to do at the property.

Ms. Alison Smith, President of AOY, was present with Ms. Maggy Robinson, past President. Ms. Smith stated AOY is Lower Makefield's local non-profit art center operating at Patterson Farm. Ms. Smith stated Ms. Robinson was involved in AOY obtaining use of the Janney House in 2010. Ms. Smith stated AOY has been very busy growing its programs, doubling the number of campers at camp, the number of art shows and events, and the number of students in their classes, all while growing the number of community members who belong to AOY. Ms. Smith stated they survived during COVID through innovation and attention to details that supported their expanding initiatives, and were able to do well and go forward without losing money.

Ms. Smith stated they are now ready to introduce a new fundraising event called Holiday Photos on Historic Patterson Farm. She stated they are creating six different festive sets on the Janney House property for families to choose from, and each will be staffed with a photographer and an assistant with each shoot scheduled for fifteen minutes. She stated five edited digital images will be provided from each session, and each session will cost from between \$175 and \$225. Ms. Smith provided images to the Board from their publicity shoot that took place recently which show the type of sets that they created which would be used in November. Ms. Smith stated they were very happy with what their Project Manager created.

Ms. Smith stated they plan on launching the Website to facilitate sign-ups on June 1, and the event will run over the last two weekends in November. She stated they are modeling the event on a very successful operation in Southampton which has proven over seven years of operation that the numbers shown on the spreadsheet provided to the Board are very real. She stated one of the managers involved in that operation is helping AOY design and run theirs.

Ms. Smith stated AOY would like to confirm their interest in helping the Township renovate additional buildings on the property to expand what they can offer the community. She stated adding the pack house space would allow AOY to provide handicap-accessible classes such as jewelry making, ceramics, sculpture, culinary arts, and stained glass. She stated “the dream” would be the barn for music, drama, dance, a permanent gallery, studios, and many more classes. Ms. Smith stated the model for this is the Wayne Art Center which has been doing this for eighty years, and they could emulate this over the next ten years. Ms. Smith stated a part of this investment would include elements to improve farming access for the farmers.

Ms. Smith stated they provided a spreadsheet of what could be expected of their gross and net profits for this year with only two weekends involved for the fundraiser and for following years if they expanded it for up to five weekends. Ms. Smith stated AOY as a non-profit would be in a position to provide substantial funds to the Township’s efforts to preserve the Farm through this fundraiser over the next ten years.

Ms. Smith stated they are putting together a safety plan for this event, and they would welcome the Township’s review and assistance. She stated the timing and mechanics of the operation would keep them from conflicting

with the farmer even if they do two of the shoots near the big barn. She stated the traffic at any one time would be about fifteen families arriving and departing, and there will be over twenty staff in place to manage and facilitate a safe and efficient operation.

Mr. McCartney stated he understands that the cost is \$40,000 which he assumes is for the photographer; and Ms. Smith stated it is for the photographer, the editor who is key, and people helping with the organization doing publicity, etc.

Ms. Blundi stated if they proceed with this, she would urge them to consider some other motifs so that all people who might have holiday celebrations in mind could be appropriately represented. Ms. Smith stated they felt that the “winter wonderland” theme would address that. Ms. Blundi noted Hanukah. Ms. Smith stated the advertising is not being directed at Christmas or Hanukah; and it would just be winter holidays. She stated one of the outdoor shoots would simply be outdoors in winter and not related to Christmas, and the other would be more of a Christmas motif. Ms. Smith stated the model they are following seemed to have wide appreciation from people of all religions and backgrounds.

Mr. Grenier stated he would like to make sure that they discuss this with the farmer to make sure that the farmer is comfortable with the operation recognizing that there is equipment that could be dangerous. Mr. Grenier stated he would like to make sure that there are not too many people in one area near these older buildings. Mr. Grenier stated there is a Lease Agreement in place with the Township; and because it will be a large event over a long period of time, he asked if the Township solicitor needs to see if there are any additional items needed to the Lease that they already have in terms of protections to the Township in case someone were to get hurt on Township property. He stated he would also agree with Ms. Blundi that they make sure that it is inclusive. Mr. Grenier stated he is in favor of the idea.

Ms. Smith stated she did not talk to Sam Stewart yet because she did not want to do that until she had discussed this with the Board. She stated she agrees that he has to be involved, and there will be a safety plan. She stated they do Art on the Farm which is an outdoor Art Show which was started during COVID that had thirty vendors; and they worked through the County Health Office which indicated how many people they could have on the property. She stated they carefully managed that, and they did a safety plan about how people and vehicles move so they have experience doing that type of detailed planning for a large event. She stated she feels it

would be best to have the Township with AOY making sure that their concerns are covered. She stated they do have insurance, but there may be more that the Township wants to see.

Mr. Truelove stated he would review the Lease Agreement; and if there is a question about the Insurance Certificate, he will review that if necessary.

Mr. McCartney asked if the idea is that the revenue that is being generated from this would be put back into the buildings. He stated the Township did go through a comprehensive assessment of what is at Patterson Farm, and the Ad Hoc Property Committee made a presentation. He asked Ms. Smith if AOY has talked to anyone on the Committee, and Ms. Smith stated they have. Mr. McCartney stated he feels that raising money and putting it back into the buildings is a great idea.

Mr. McCartney asked who would be in charge of monitoring this as funds come in. Mr. Ferguson stated these are AOY's funds. He stated the Ad Hoc Property Committee provided their Report, but the Board of Supervisors has not yet made a determination as to what the plan would be. He stated as a non-profit the funds from this fundraiser would go to AOY, and they would have to complete the annual report they are required to complete every year. He stated if the Board of Supervisors were to move forward with AOY in some fashion, and AOY was representing that they would provide a certain amount of money, that would have to be part of some Agreement. He stated if a determination were made by the Board of Supervisors that they did not want to go in that direction, AOY would keep the funds and use them for their purpose as a non-profit for programs, etc.

Mr. McCartney asked at some point if the Board decides to not proceed with the buildings, what would happen to those funds. Mr. Ferguson stated as a non-profit, AOY is under different obligations. He stated they raise money to serve the purpose of the non-profit. He stated in the past there have been groups and individuals wanting to take pictures at the Farm, and the Township had advised that people could not just go onto the property taking pictures. Mr. Ferguson stated AOY came in with the request to do a fundraiser, and that has to come before Board; however, AOY is not obligated to use that money for the buildings. He stated AOY is under obligation under their tax reporting to show how they are using the money consistent with their mission, and AOY would be obligated to provide that – not the Township.

Mr. McCartney stated this would be similar to YMS holding the EPIC Tournament at Macclesfield to raise money for the Club, and Mr. Ferguson agreed.

Dr. Weiss stated if the Board of Supervisors decided to allocate a certain amount of money toward restoring the buildings at Patterson Farm, including the barn, and AOY came to the Board indicating that if they were given a long-term Lease for the barn, they would give the Township a certain amount of money, that could be memorialized; and AOY would then be obligated to provide that money to the Township.

Mr. Grenier stated another example is the Garden of Reflection non-profit that has decided to collect a certain amount of money; and once it gets to a certain amount, he understands that there is an Agreement that it would then be turned over to the Township and provide funds directly to the Garden for upkeep, etc. over the long-term. Mr. Grenier stated there are a number of ways for AOY to “get the money,” and there are different ways for them to make a decision as to what to do with the money. Mr. Grenier stated he feels it is up to the Board to discuss this with AOY to decide what we are comfortable with so that if AOY is going to do this, the Township would “like its cut.” He stated he is open to discussing this.

Mr. Ferguson stated AOY wants to do a fundraiser, and that could either be applied to something in the future; or if that did not happen AOY that would be a subsequent discussion consistent with whatever the Board decides as to how they want to move forward on the properties.

Ms. Smith stated this is about growing a bigger Art Center for the community. She stated they would love to do that on the Farm. She stated they have passed their own Resolution in terms of wanting to do this and to commit it to the Farm. She stated if the Board decides they do not want AOY doing it there, they would still be looking for a property to expand the Art Center operations because it is the Art Center that is of most value to the community. She stated they would like to earn these funds to grow the Art Center on the Farm or elsewhere, and that benefits the community.

Mr. Ferguson stated the Board needs to decide if they will approve AOY holding this fundraiser at the Farm using Township property.

Dr. Weiss moved and Mr. Grenier seconded to grant permission to AOY for their fundraiser as requested provided they have an approved safety plan for the event.

Ms. Blundi stated while she is in favor of the idea, she is conflicted as the Board has not decided how they are going forward with the property. She stated she would not want anyone to be misled that this fundraiser would be for the Farm if in fact AOY chooses to use the funds elsewhere because “it does not work out here.” Ms. Blundi stated they are “giving a monopoly to AOY,” and they have not let anyone else take pictures on the Farm.

Mr. Grenier asked if there is time prior to the next meeting so that people from AOY can meet with Mr. Ferguson or Mr. Truelove to come up with a proposal that takes into consideration some of the questions that have been raised including the safety plan, discussion with the farmer, and looking at the potential for charging AOY a fee for this the first year; and then if it is successful, looking at something long-term where more funds would be raised specific for the Farm. Mr. McCartney stated this would be a separate Agreement prior to approval of the fundraiser that the proceeds from the fundraiser would be earmarked for preservation/improvements to buildings at the Farm. Mr. Grenier stated that may not be the case for the first year, and there could be a Fee for the first year. Mr. Grenier stated Mr. Ferguson and Mr. Truelove should look at the Agreements to make sure everything is in order from an insurance and safety perspective. Ms. Blundi stated she does not feel that is what is being considered at this point.

Mr. Grenier stated he is in favor of the idea, but is not sure that we have all the answers for formally approving it this evening.

Mr. McCartney asked if we have these types of Agreements with YMS, the 9/11 group, and other user groups that are non-profits that use Township assets to fundraise. Mr. Grenier stated we do with the Garden of Reflection as that was specifically set up over time as an endowment. Mr. McCartney stated he does not believe that is correct. Mr. Grenier stated that was what they were told. Mr. Ferguson stated while they may have been told that, there is no Agreement; and it was a commitment that the 9/11 group made that when they got to \$2 million, they would put that in an Irrevocable Trust and provide interest that would be available for reimbursements. Mr. Ferguson stated there is no official Agreement.

Mr. Ferguson stated with regard to review of insurance and a safety plan, if the Board approves the proposal tonight, those would be reviewed and they would make sure that everything is in place. He stated unless the Board wants a separate Agreement to charge them to be able to do this, it would be AOY's money, and AOY could decide to offer that to the Township as an incentive to do something at the property.

Mr. McCartney asked if the Township charges any Fees for events such as the Epic Tournament by YMS.

Dr. Weiss stated the question is whether the Board will allow the fundraiser at the Farm. He stated if the Board decides to allow this provided there is insurance and a safety plan, this would open the door to other groups who may wish to use the Farm for pictures as well. He stated he has no problem with that; but he feels if the Board agrees to this, he feels they should develop a Special Event Permit so that there would be a Fee to pay for over-time for Police for traffic control, etc. if needed. He stated he feels if this is allowed for AOY the Board may have to allow other groups as well to use the Farm provided the parameters are acceptable to the Township.

Mr. Ferguson stated he believes that someone who Leases the property would be given special consideration with the understanding that one of the things that the Ad Hoc Property Committee had talked about was the idea of creating a Patterson Master Plan that he believes would contemplate whether the property should be used beyond someone who is Leasing the property which is a non-profit. He stated the Township would need to consider what the terms and conditions would be for another Lower Makefield based non-profit if they want to consider that at all. Mr. Ferguson stated he asked AOY to come before the Board because it is a fundraiser for an established non-profit in Lower Makefield, and to make sure that we had it on the Record that it required Board approval.

Dr. Weiss stated if we can be assured that this is a safe event, he has no objection to it.

Ms. Kathleen Hirko, 1450 Dolington Road, thanked Ms. Blundi for bringing up the fact that there are other non-profit groups in the Township, one of which is Patterson Farm Preservation; and they have asked to do fundraising on the Farm, and they were turned down in the past. Ms. Hirko stated Patterson Farm Preservation may want to do the same thing as AOY and get the photographers at "Yardley Pictures" to come on the Farm and

take photos to raise money for their non-profit to fix up the buildings at Patterson Farm. She stated she does not feel it would be fair to the Township residents to allow AOY to take pictures solely for their non-profit group and not allow other residents to take pictures on the Farm. Ms. Hirko agreed that what AOY is proposing would be controlled, but there are other non-profit groups that could offer the Township a safety plan and have insurance that would like the same consideration. She stated she does not think it is fair to just give this opportunity to the Artists of Yardley group. Ms. Hirko stated if AOY is going to raise this kind of money there should be a stipulation that they would fix the garage, the house that they use or some other building that they use right now that needs work, and it should not just be to raise money for their non-profit and the Township not offer it to other non-profit groups. Ms. Hirko stated she feels that it is a conflict.

Mr. McCartney stated what Dr. Weiss had described was that if the Board did approve this type of Permit for AOY it would allow for the opportunity for other groups, including Ms. Hirko's non-profit, to be able to utilize the Farm as long as there is a plan in place under the Patterson Master Plan. Mr. McCartney stated this would be the "pilot of that program." Ms. Hirko stated while that would be "wonderful," the goal is to put money back into the Farm and not to put money into the non-profit. She stated we should be putting part of the proceeds of any fundraiser at the Farm on Township property back into the buildings that need work at Patterson Farm. Mr. McCartney stated he believes that AOY has the same passion Ms. Hirko has around the preservation of the buildings. Ms. Hirko stated she did not hear any reference to the fundraiser putting money back into the Farm which is what is important. Mr. McCartney stated he believes the success of Artists of Yardley are the buildings being in a condition where they can keep and expand their programs and be able to hold fundraisers and put money back into the infrastructure and the assets.

Mr. Ferguson stated that was the offer from AOY; however, at this time because there is not a finalized plan by the Township as to the intent of what the property would be, it would be premature for the Township to take their money. He stated AOY has established their willingness to earmark the money with that intent, but the Board of Supervisors has not made its final decision on how the properties will be used.

Ms. Hirko stated their offer is to put money into buildings that they want to use in the future, but there are buildings that AOY is using right now that they could put money into or they could put money aside for things at the buildings they are actually using. Mr. McCartney stated he feels it would be short-sighted for AOY to look to expand into other buildings and let the existing buildings fall apart.

Ms. Blundi stated she does not believe just because they are looking into “the opportunity of starting something, it does not mean suddenly we are having 10,000 things on the Farm.” Dr. Weiss stated they are just discussing opening the door and being fair. Mr. Grenier stated first and foremost this is a Farm, and it is not an event center, and we cannot impede the farming operation or damage the Farm itself. He stated it has to be managed to allow these groups to do what they want to do safely. Mr. McCartney stated while he agrees, allowing it to function as a farm for the last twenty years has gotten the Township to this point. Mr. Grenier stated this is creative mixed use to help the Farm, and we need a sustainable plan, and that is what they have been discussing for months.

Ms. Judy Curley, 551 River Road, stated she is a thirty-year resident and a former ten-year Board member of AOY. She stated the previous caller has “not put the sweat equity in that Maggy Robinson and others have.” She stated they are keeping the building alive; and because there is not a real plan in place, it is incumbent upon the Board of Supervisors to make a plan that is useful, and allow AOY to use it for this holiday photography session. She stated this is a Farm which we all own, and without AOY those buildings would be in disarray.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated she has been associated with Patterson Farm Preservation since its founding and associated with Patterson Farm for the last sixty years. She stated Patterson Farm Preservation is a 501C-3 that would like access to the Farm so that they can do fundraising, but they have not been permitted to have access. She stated they are more than ready, willing, and able to do work as sweat equity on the Farm, and they are insured. She stated they need the Board to okay them to get access to the Satterthwaite House so that they can restore it, and they have not been provided that access.

Mr. McCartney asked Ms. Doan what kind of fundraising she proposed to the Township, and Ms. Doan stated they provided a plan to the Township in three iterations to have programs on the Farm – educations programs,

programs that promote nature and agriculture, and especially the history of the Farm as it goes back to 1683. She stated they carry \$2 million of insurance to have access to the Farm, and they would like the Township to grant them access to the Satterthwaite House. She stated they have proposed photography projects to the Township Manager a number of times because they have been contacted by photographers who would like to have access to the Farm. She stated their intent is to provide a continuation of agriculture, history, and farming on Patterson Farm without the conversion of the buildings to a non-agricultural purpose. She stated they promote the preservation of the remaining thirty-eight acres that still remain vulnerable to conversion to non-agricultural purposes, and they would like to see the Conservation Easement expanded so that the entirety of the Farm could be preserved. She stated they believe agriculture is the highest and best use of the property.

Mr. McCartney asked Ms. Doan if she has financial evidence of such; and Ms. Doan stated they do have fundraisers, and they are willing to work and they need a footprint on the Farm. Mr. McCartney stated AOY provided a spreadsheet of what their expectation is, what their gross revenue will be, and their expenses; and he asked Ms. Doan if she has that for the individual projects she discussed. Ms. Doan stated they could provide that. Mr. McCartney asked that Ms. Doan send that to the Township so that the Board could analyze those numbers.

Ms. Doan reminded the Supervisors that this is an Agricultural Security area, so there are Right to Farm laws that are in place at Patterson Farm.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated the Artists of Yardley is an established presence and has an established relationship with the Township so he feels it would be very logical for the Township to work with them and allow them to do something that is a little different on the property. He stated they could do it this first year, and they could then see if this could be a long-term event. He stated while he likes the idea of Patterson Farm Preservation, it is not as established. He stated the Board of Supervisors is still trying to determine what is the long-term plan; and until the Township has a long-term plan for the other structures and the whole property, it is hard to bring in different entities at this time. He stated most of the people in the Township that he knows recognize Artists of Yardley as an established entity in the Township that is part of the Patterson Farm.

Mr. Costello stated he knows that Artists of Yardley is putting sweat equity into those buildings all of the time. He stated a number of years ago, he was there helping fixing screens and painting. He stated there is constant effort, resources, and time being put into keeping the buildings up by AOY.

Mr. Costello stated he did not know until tonight that people were not allowed to go on the property to take pictures. Ms. Blundi stated the property is not a park and it is posted that it is not for recreational use. She stated it is a farm, and there is farm equipment moving around on it. She stated while she is sure that many people who go there are careful not to tread on crops, climb on farming equipment, or pry open buildings, there are some people who are not so careful. She stated there are many other public spaces in the Township where people can go to take pictures, but the active farm is not one of them.

Motion carried unanimously.

SEWER ENGINEER

Approval of Change Order #1 for the Lower Makefield Township Silver Lake Pump Station Upgrade

Mr. Fred Ebert, Ebert Engineering, was present. He stated the Silver Lake Pump Station Upgrade is one of the last remaining Contracts we have an obligation for under the Sewer system. He stated this Change Order is a credit against the Contract, and they were able to work with the contractor to rearrange the piping so instead of them going out the front of the building, they went out the back of the building so that they did not have to do a 28' deep excavation. He stated the result is a credit to the Township of \$2,355.

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve Change Order #1 for the Lower Makefield Township Silver Lake Pump Station upgrade in the amount of \$2,355.

Approval of Change Order #2 for the Lower Makefield Township Silver Lake Pump Station Upgrade

Mr. Ebert stated while this Change Order is not a credit, it is less than the credit just approved so the Contract amount will still be less than what was approved, and the job is almost done.

Mr. Ebert stated this Change Order is to install a pump re-build. He stated when the pumps were taken out there was some additional damage inside the pump that could not have been seen. He stated the actual cost of the Change Order was \$4,171.12; however, because Aqua Pennsylvania now owns the pump, Aqua has agreed to pay half of the Change Order so the net Change Order to the Township is in the amount of \$2,085.66.

Ms. Blundi moved and Dr. Weiss seconded to approve Change Order #2 in the amount of \$2,085.66.

Mr. Ebert stated Aqua Pennsylvania has also done some additional upgrades to the pump station and additional work; and in lieu of there being a Change Order to the Township, Aqua just did the work and paid for it 100%. Mr. Grenier asked if the Township will be billed for that at some point, and Mr. Ebert stated the Township will not.

Motion carried unanimously.

ENGINEER'S REPORT

Mr. Pockl stated the Pool painting project has been completed, and the pools look good. They are currently filling the pools and getting the pools ready for the season.

Mr. Pockl stated the Community Park tennis courts and basketball court crack repair and resurfacing project was completed last Friday. He stated he saw no punch list items that would be required, and the courts are open for use.

Mr. Pockl stated the Road Program has started, and the contractor is in the Bluestone Drive neighborhood demolishing existing ADA ramps, taking out inlet tops, and repairing inlets. They are moving from the Bluestone Drive neighborhood to the Tanglewood Development and then further up toward the middle and northern parts of the Township. The schedule that was reviewed does not have any milling or paving operations beginning until the middle of July. He stated the first couple months of the project will be all ADA ramps and inlet repairs as there are that many that are required to be upgraded as part of the project so that will take a significant amount of time. They have requested to start working on Saturdays in order to get the work done faster.

Mr. Pockl stated the contractor for the Memorial Park project was out yesterday and today making repairs to the surface of the pickleball and tennis courts, and they anticipate resurfacing later this week. Mr. McCartney asked if they have the required number of days of good weather to get this project complete, and Mr. Pockl stated they hope that it will be done soon.

Mr. Grenier asked the status of the DEP Permit for the Woodside Road bike path. Mr. Pockl stated they reached out to DEP; and while they provided a review letter, they sent it to Remington & Vernick's old address. Mr. Pockl stated he requested an e-mail copy of the review letter, but they were not willing to send that. He stated they are mailing a hard copy to the new address, and they anticipate receiving that shortly.

PROJECT UPDATES

Mr. Ferguson stated with regard to the Multi-Use Trail, there will be a pre-construction meeting with the contractor, representatives from PennDOT, and the inspectors on June 3. He stated they expect that this project will be underway in 30 days after that. He stated they will be coordinating with Ms. Tierney to make sure that it has as minimal impact as possible on anything going on at the fields.

Mr. Ferguson stated the final inspection for the Route 332/Mirror Lake Signal Interconnection is scheduled for early next week.

MANAGER'S REPORT

Approval of the 2022 LMT Pool Snack Bar Menu

Ms. Tierney stated as part of Sicilia's Contract with the Township, they are required to review any changes to the menu with the Board of Supervisors. They propose to increase prices to cover their costs. The Board was provided the new menu with the new rates.

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the 2022 LMT Pool Snack Bar Menu.

Acceptance of the Resignation of the Public Works Director, Greg Hucklebridge
Effective June 20, 2022

Ms. Blundi moved and Dr. Weiss seconded to accept the resignation of the Public Works Director, Greg Hucklebridge, effective June 20, 2022 under the Condition that we enter into a Contract with him so that he can help on a part-time basis carry us through some of the projects in process.

Mr. Grenier stated “this is the worst loss we have had in a long time,” as he is an incredible resource for the Township and a hard worker, and this will be a big loss. He wished him well in his new position as a Public Works Director for another Township. Mr. Grenier stated he is uncomfortable with accepting someone’s resignation who has chosen to move onto another Township conditioning their resignation on them coming back as a consultant who works after hours only consulting on certain things. He stated he is not sure if that is even legal to condition his resignation on that. He stated he does not feel it is fair to Mr. Hucklebridge, fair to other Township employees who will not be able to talk with him after hours, and it does not allow the Township to move forward quickly enough. He stated he feels this “set-up is destined to fail and will be incredibly costly to the Township in the long term.”

Mr. McCartney asked if this is legal; and Mr. Truelove stated technically we cannot condition him leaving the Township, but they want to make sure that his services are available after he resigns, and it would ultimately be an Agreement. Ms. Blundi stated she has spoken to Mr. Hucklebridge, and he advised that he would be “willing and desirous” of making sure that he was able to complete some of the projects. She stated she wanted to make sure that people understood that with his resignation, he would be around to help the Township complete some projects which she feels is legal.

Mr. McCartney stated he understands that the transition piece of having Mr. Hucklebridge around is imperative for the Township to close out some of the projects as he has been the point person. Mr. Ferguson agreed adding that there are also items of active litigation where he is the only person who can speak to certain things as well so his ongoing involvement is critical for that to be finalized in such a way that would be favorable to the Township.

Mr. Truelove stated the resignation is not conditioned upon Mr. Hucklebridge having this Agreement, but it is with the understanding that he would continue to serve in some capacity as an advisor or consultant subject to an Agreement that would be entered into.

Ms. Blundi moved and Dr. Weiss agreed to accept the language offered by Mr. Truelove as an Amendment to the Motion. The Motion as amended carried unanimously.

Approve Hiring of Jersey Professional Management to Conduct a Township Manager Search at a Cost Not to Exceed \$25,000

Chief Coluzzi stated as was requested by the Board of Supervisors, he reached out to Dan Mason, President of Jersey Professional Management (JPM). He stated Mr. Mason provided a proposal for a Township Manager Search. He stated JPM has worked with the Township and conducted executive searches for the Township in the past going back more than twenty-one years.

Ms. Blundi moved and Dr. Weiss seconded to approve the hiring of Jersey Professional Manager to conduct a Township Manager Search.

Mr. Grenier stated he did not see this in the SharePoint. He asked if there is a schedule involved with how quickly they will begin to set up meetings and interviews. Chief Coluzzi stated he believes they will start immediately. Mr. Grenier asked if we have given them deadlines in that we have known about this for two and a half months, and we are just getting started; and with Mr. Ferguson leaving in a month and a half it is imperative that we get a new Manager immediately. Chief Coluzzi stated he does not know that we could put a deadline on it as it is determined by how many people apply, the vetting procedure, and the questionnaires that go out. He stated he is sure that they will act as quickly as possible.

Mr. Ferguson stated once they get word, he believes that they will develop the ad and get it out on ICMA and probably the Bucks County Consortium; and typically they would give thirty to forty-five days for interested applicants to respond. He stated they would then pare them down as they proceed and then present the Board a list of applicants.

Mr. Grenier asked the “size of the pool of their geography that they are looking out,” and he asked if it southeast PA, PA, Mid-Atlantic, or Nationwide; and Chief Coluzzi stated it is Nationwide. Ms. Blundi stated she recalls last time we used them, we did get Nationwide candidates.

Mr. Grenier asked if they also recruit Public Works Directors, and Chief Coluzzi stated he did not discuss that with them although he could do so. Mr. Ferguson stated he has an ad out for that position on the Bucks County Consortium, ICMA, and related sites as per the Board's comments at the last meeting.

Motion carried unanimously.

ELU DELUCA – Approval of Land Development, Financial Security, and Related Documents for Commercial Portion of Development at Prickett Preserve

Ms. Barbara Kirk stated these are the Agreements related to the development of the Commercial portion of the project by ELU DeLuca. She stated the Board was provided in their packet a Final Site Improvement Financial Security Agreement, and they are going to enter into a tri-Party Agreement with Princeton Bank to fund the development of this project. She stated they are in the process of doing all of the Closing documents through Princeton Bank for the project.

Ms. Kirk stated the second Agreement is the Final Land Development Agreement which outlines all of the terms and conditions of the Final Approval that the Board imposed at the time of review of the Plan.

Ms. Kirk stated there are also several Co-Op Agreements. She stated as the project proceeds there will be numerous public improvements involving stormwater management along Route 332 and I-95 and along Stony Hill Road. In order to proceed with securing the necessary PennDOT improvements, PennDOT requires that the Township apply as a co-Applicant so there are HOP Cooperation Agreements for the Township to enter into with DeLuca in order to proceed to secure the necessary HOP Permits. She stated along with those requests are also Post-Construction Maintenance Agreements for all of those facilities to be constructed. She stated ELU DeLuca, either itself or jointly with Shady Brook Investors who is developing the Residential component, will be responsible to maintain, repair, operate, and make any necessary upgrades to those facilities that are within the PennDOT right-of-way so that the Township does not bear any responsibility for those improvements nor any liability.

Ms. Kirk stated she has reviewed, upgraded, revised, and modified the Agreements to the point where they are appropriate for the Board's consideration. She stated they have all been processed through Mr. Harris,

Counsel for the developer, who has gotten the appropriate representatives from ELU DeLuca to sign and deliver the documents to her. Ms. Kirk stated once everything is fully signed by all Parties, they will be duly Recorded at the Court House so that everything will be listed on file and there is constructive notice to the public as to what the obligations are.

Mr. Grenier noted on Page 9 of the Land Development Agreement for ELU DeLuca there is some highlighted suggested language. Ms. Kirk stated the documents that the Board received as part of their packet were her last-minute attempts to undo redline revisions and get final forms to Mr. Ferguson by Friday afternoon to get to the Board for their meeting. She stated her computer system was freezing and she may have missed taking out that highlighted language. She stated the actual versions in their final form are in the Township building signed by DeLuca. Ms. Kirk stated that language was included. Ms. Blundi noted a typo above that on Page 9 where “threes” should probably be “trees.” Ms. Kirk stated she will review that. She added that all of the changes that she requested were accepted by Mr. Harris so there were no issues with anything she was proposing.

Mr. Grenier moved and Ms. Blundi seconded to approve the signing of the Land Development and Financial Security Agreements and related HOP Permit Agreements for the ELU DeLuca portion of the Prickett Preserve Development.

Mr. Grenier stated they have done most if not all of the tree clearing already prior to the Board signing the Agreement although that does not mean that they do not have other Permits in place that allow for that. He asked if they violated any Township Ordinances when they cleared the trees; and Ms. Kirk stated they did not as they submitted a separate Permit as required, and they entered into an Agreement that indemnifies the Township from any liability as a result of them clearing trees. She stated they know that they are not permitted to start any other work until such time as all the Financial Security is delivered and in place at the Township.

Mr. Grenier asked if they cleared any trees that they were not supposed to as there were several there that the Township was very specific about. Ms. Kirk stated to the best of her knowledge they did not. Mr. Grenier asked if they are in line with everything that has been discussed over the last several months about how the Site Plan “was going to go” and the Land Development process; and Ms. Kirk agreed adding that the Final Plan has already been submitted to the Township engineer who has reviewed it. She stated the Board of Supervisors approved and signed off on that, and that has been duly Recorded so it is clearly of Record what needs to be done for the development.

Mr. Grenier asked Mr. Pockl if they have all of their Erosion and Sediment Control Permits, and Mr. Pockl agreed.

Motion carried unanimously.

SHADY BROOK INVESTORS – Approval of Land Development, Financial Security, and Related Document for Residential Portion for Development at Prickett Preserve

Ms. Kirk stated this deals with the Residential Development of Prickett Preserve to be done by Shady Brook Investors via Bob Dwyer, who the Board is very familiar with. She stated the Board was provided with the Land Development Agreements for that portion of the project which includes a fully-signed Land Development Agreement setting forth all of the obligations of the developer under the Approved Plan. The Board was also provided their Site Improvement Financial Security Agreement. They will be posting a Performance Bond, and Ms. Kirk has reviewed a draft of that Bond which is being finalized by their lending institution, and Shady Brook knows that the Township will not issue Permits for beginning construction until all Financial Security is paid.

Ms. Kirk stated Shady Brook is also a Party to some of the HOP Permits and Post-Construction HOP Agreements as per DeLuca, but Shady Brook itself is also going to be responsible solely for the installation of the trail over that section of 295 that the Board approved including post-construction maintenance, repairs and any other operations for that trail over 295. She stated the Board has the Cooperation Agreement that the Township will enter into with Shady Brook to obtain the necessary HOP Permit for the installation of that trail as well as the signed Post-Construction Agreement by Shady Brook to maintain that trail in the future or for it to be maintained by an Association assigned by Shady Brook.

Ms. Kirk stated there will also be an Addendum Agreement for the payment of the otherwise required Park & Recreation Fee which the Township calculated to total \$125,000; and that check was delivered to the Township this morning.

Ms. Kirk stated the documents are in Final form acceptable for the Board's review and consideration for approval.

Ms. Blundi moved and Mr. Grenier seconded to approve and accept for signing the Final Land Development Agreement, Final Site Improvement Financial Security Agreement, and other related Land Development Agreements for Shady Brook Investors for the Residential Development of the property known as Prickett Preserve.

Mr. Grenier asked Ms. Kirk and Mr. Pockl the same questions he asked about the prior matter as they have the same stipulations regarding trees, etc. Ms. Kirk stated she does not know if trees were being cleared on this portion of the Lot. Mr. McCartney stated if they were it was minimal, and not the same impact as was seen on the other side. Mr. Grenier stated he was not being specific to any number of trees, but they have the same terms; and Ms. Kirk agreed. Ms. Kirk stated they had one Subdivision and Land Development Plan that was Approved and Recorded at the Court House so it clearly designates what is and is not permitted to be removed. Mr. Pockl stated they received a letter from the Bucks County Conservation District on May 9 that the Erosion and Sediment Control Plan was approved.

Mr. Grenier asked if there is a final number separate for each of them or in total what the in-lieu of Fee for trees will be and if they have paid it yet. Ms. Kirk stated she does not know the final number or if they have paid it yet. She stated Mr. Majewski was going through the final calculations, and she was not told of any difficulties in reaching that final figure.

Mr. Ferguson stated they have not paid yet. He stated in terms of the number, the tree requirement far exceeds what they are going to plant on the site; and early on they offered that if the Township wanted to ask them to do plantings in areas of the Township that we felt were beneficial, they would be willing to do that, and we would need to do a de-duct off of the total if the Township took them up on that offer. He stated if the Board wants to do that, that could be a discussion; but if not, there is a specific amount required. Mr. Majewski stated he believes the amount that was escrowed was approximately \$200,000 to \$230,000. Mr. Pockl stated he believes it was about \$280,000. Ms. Kirk stated that would be included in the Land Development Agreement. Mr. Ferguson stated that would be the aggregate. He added they did not request a Waiver from the tree requirement.

Mr. Alan Dresser, 1907 Lynbrooke Drive, stated he is a member of the Environmental Advisory Council. He commended the Board for requiring compliance with the Tree Replacement Ordinance, as he knows that this

developer tried several times to get a Waiver, and the Board was right in denying the request. Ms. Blundi stated they did not actually ask for a Waiver. Mr. Dresser stated they did; however, Ms. Blundi stated they never officially asked for it. Mr. Ferguson stated when they put the Plan in they floated the idea which was “shot down,” and they never officially requested it. Mr. Dresser again stated they tried to get it.

Mr. Dresser asked when they will have to meet the requirement to pay the \$280,000 either to the tree bank or in planting trees in the Township, and he asked if there is a time limit when they have to fill that requirement. Mr. Ferguson stated there is not a specific requirement per se, but they have offered that if the Township were interested in having them plant off-site they would look to do that to meet part of the compliance. He stated if the Township were interested, we would have to tell them where that would be and plant during the time of year which would be most appropriate. He stated if the Township does not want that, he feels the Township should ask for the check soon. He stated the Township needs to decide if they want to take them up on that offer of planting the trees. Mr. Dresser stated he does not want this to “drag on.” Mr. Dresser stated within the year we should either get the money or have a plan for them to plant trees in the various locations in the Township. Mr. Ferguson stated if the Township does not want them to plant off-site, we should have the check within ninety days. Mr. Dresser stated the Tree Bank Ordinance states that the contribution to the Tree Bank will be due at the time of final execution of the Development Agreement with the Township so “legally it is due tonight.” Mr. Dresser asked if they are “trying to be accommodating to them.” Mr. Ferguson stated he is trying to be accommodating to the Township. He stated he could have demanded a check from them and gotten it; however, if the Board decides they want them to do some off-site planting, he wants to give the Board a chance to consider that. He stated if he had just taken a check that discussion would have been off the table, and he wanted to give the Board the opportunity to consider the off-site planting.

Mr. Dresser stated on February 4 the EAC sent a letter to the Township on some suggested sites for planting trees. He stated he hopes some of these trees get planted as there is a lot in the Tree Bank now. He stated there was \$78,000 before this, and now it is over \$300,000. Ms. Blundi stated she does not believe there is a Board that has planted more trees than this Board of Supervisors thanks to the help of the EAC and the work that Mr. Ferguson has done in “collecting back.” She stated the

Supervisors and the staff have done a lot of hard work, and she is concerned to hear the “potential implication” that we are not planting trees or doing our due diligence. Mr. Dresser stated there is a lot of money in the tree bank, and it “does not do any good in the bank.” Mr. Dresser asked about the best time to plant a tree, and Ms. Blundi stated it is spring or fall depending on the tree. Mr. Dresser stated “the second best time to plant a tree is now.”

Mr. Grenier stated with regard to the alternative planting plan to be discussed, he asked that they put some key timelines on that so that if we are going to do it, we plant in the fall during what is typically the best planting period for most of the trees native to here. He stated it will take some planning and procurement to get the trees to do it on time. Mr. Grenier stated if we are going to do it off-site, it should be considered quickly so it can be done in the fall. Mr. Ferguson stated that is a discussion to be started with the Board of Supervisors; and if the Board decides that they are interested in pursuing that, we should provide those sites and what they are interested in.

Motion carried unanimously.

Mr. Grenier asked if a Motion could be made tonight to direct the Township Manager to talk to the developers about developing a potential Off-Site Plan for the trees, and Mr. McCartney stated he feels that this should be considered on a future Agenda. Ms. Kirk stated they have to have a pre-construction meeting at the Township before they can do anything under the terms of the Development Agreement at which point a Landscape Plan could be presented as a requirement before they proceed with getting Construction Permits.

SOLICITOR’S REPORT

Approve Resolution #22-11 Authorizing the Execution and Delivery of a Deed of Dedication of Right-of-Way Easements for Stony Hill Road to PennDOT

Ms. Kirk stated this would authorize the Township Manager to sign a Deed of Dedication of Right-of-Way Easements for Stony Hill Road to PennDOT. She stated that during the Prickett Preserve project engineer’s discussions with PennDOT for HOP Permits, it was learned that the Township acquired various Right-of-Way Easements on behalf of PennDOT as part of the Stony Hill Road Improvement Project in addition to the Township Line Road Extension Project. She stated those Easements were acquired during a nine-year period from 1990 to 1999 where the Township “stood in the

shoes” of PennDOT, and got the necessary Easements for the projects to be undertaken. She stated all of the construction was completed around 2000. She stated all of the improvements are done, and everything has been re-aligned in accordance with PennDOT specifications, but the last step to the entire process of the Township transferring ownership of the Right-of-Way Easement to PennDOT never occurred. She stated as part of the clean-up of that project, the Prickett Preserve traffic engineer through the assistance of PennDOT secured the otherwise required Deed of Dedication to present to the Township to sign so that the Township is no longer listed as the Title owner of those Easements, and it goes back to PennDOT which will relieve the Township of any obligations or liability.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve Resolution #22-11 Authorizing the execution and delivery of a Deed of Dedication of Right-of-Way Easements for Stony Hill Road to PennDOT.

Mr. Truelove noted that the Board met in Executive Session starting at 6:30 p.m. and items related to Contracts, litigation, and informational and security items were discussed.

ZONING, INSPECTIONS, AND PLANNING

Minor Subdivision for Giagnacova (Plan #686)

Mr. Majewski stated the engineer for the Applicants had a conflict tonight, and they have asked that this be deferred to the next meeting. He stated there is still time under the MPC for the Board to act upon it, and no Extension is needed this evening.

Approval of Amended Final Land Development Plan for the Charles Boehm Middle School Renovation (Plan #687)

Mr. Jamie Lynch, D’Huy Engineering, was present and stated he is the School District’s Project Manager for the Boehm Middle School project. He stated he also ran the Pennwood Middle School project, and he thanked the Township for everything they did for that project. He stated they are present to request Conditional Final Approval for the next project the District wishes to undertake which is Boehm Middle School. Mr. Lynch stated Dr. Thomas Smith, Superintendent of Schools for the Pennsbury School District, is present as well

as Travis Bloom, the Principal of the Middle School. Mark Marella from KCBA Architects, the Project Architect was also present as well as Mike Spadafora who will be handling the slide presentation.

Mr. Lynch stated they are asking the Board to grant Conditioned Approval of an Amended Land Development Plan. He stated the work at Boehm was included in the Pennwood Middle School Plan where they went through full Land Development, received approval, and the work at Boehm which was primarily site work at that time was Bid as an Alternate during the Pennwood project. Mr. Lynch stated due to the cost of the project, the Boehm section was not included in the project at that time. He stated it was also not included due to some programmatic issues that the District had at the time. He stated it was delayed, and it has now come back. He stated what the project is comprised of now is less impervious on the outside in the form of paving and other components, and now the Boehm project has turned to really what has been needed for the District, which is an interior renovation and an addition. Mr. Lynch stated the population of Boehm is not increasing, and will stay the same so they are not adding students to the building.

Mr. Lynch stated they will be re-locating the main secure entrance and office suite at the Boehm Middle School to the side of the building, and there will no longer be an entrance from the sidewalk off of Big Oak Road and the parking spaces on Big Oak Road. He stated what they are proposing will provide for a secure entrance for students and visitors and improves the office environment. Mr. Lynch stated there is also a small addition proposed that includes the music, choral, and drama classrooms which makes way for the new office area, cafeteria renovation, classroom refreshing, signs and STEM upgrades, media and security upgrades, new HVAC which includes an air conditioning system, the removal of hazardous materials in the building, a new roof and windows, and new technology and life safety systems. He stated this is an overdue refresher of the Boehm Middle School.

Mr. Lynch showed a slide comparing what is being proposed now compared to the 2016 Land Development submission. He stated in the 2016 Plan, there was to be additional parking and impervious, a re-arranged bus and visitor parking lot, and a new parent drop-off that was in the front of Boehm. He stated all of that has been eliminated, and the basic parking pattern on the site will remain the same. The impervious in the current Land Development submission is primarily for the new addition. He stated there is no

additional parking, and there is reduced impervious surface. He stated the parking on Big Oak Road remains intact, but the entrance to the building will be re-located.

A slide was shown of the Plan from the original submission highlighting the changes proposed at that time. A slide was shown of the new proposed Plan. Shown in yellow are the bus traffic patterns and shown in turquoise is the parent drop-off pattern. He noted the existing entrance for vehicles off of Big Oak Road which remains the same, and the parking lot will be the same other than it will be re-stripped with ADA spots placed in front of what will be the new entrance to the School. The new addition is shaded in gray. He showed the primary entrance to the building for all visitors. He stated the buses will travel in the same pattern that they travel now. He stated there are three Middle Schools on the site, and they come from William Penn, next to Boehm, and then to Pennwood. He stated they do not come all at once.

Mr. Lynch stated the parent traffic comes in off of Big Oak on the other end of the building, will loop around, and provisions have been made for slightly longer parent lines which has been the case in all of the Schools they work on as since the Pandemic, there are more parents driving their children to School. Mr. Lynch stated to accommodate that, they have added sidewalk on the U-side (turquoise) of the building and also a proposed canopy structure so that there is a larger parent pick-up area.

Mr. Lynch stated they have received letters from the Fire Marshall on traffic and the Township engineer, and they felt all of the comments were minor in nature and are a “will comply” from the School District’s perspective. He stated they will submit a cleaned-up Plan to be reviewed by the Township consultants prior to executing a Final Land Development Agreement.

Mr. Lynch stated ultimately the number of parking spaces will remain the same. He stated there are 201 on site, and the Plan that was submitted had 196, but they have since found 5 more spaces so that they will end up with 201.

Mr. Lynch stated with respect to setbacks, there were some errors on the Plan that was submitted, and they will correct them. He stated they have no issues with setback requirements. He stated their impervious on the newly-submitted Plan is less than the prior Approved Plan.

Mr. Lynch asked that Dr. Smith or Mr. Bloom speak to the need for the addition and the improvements to the School. Dr. Smith asked that Mr. Bloom comment, and Mr. Bloom stated they are very excited about the possible renovations that are going to take place at Charles Boehm. He stated the students and staff are very excited about the proposed air conditioning. He stated they will also be able to create some 21st Century STEM labs for the students, a new media center, and a new cafeteria. He stated the District has been working very hard on equity, and these improvements will bring Charles Boehm up to comparison with Pennwood and William Penn. He stated all classroom spaces will have new floor tiles, new HVAC, and new windows. He stated the existing view of the School from Big Oak Road with the window units makes it an eyesore.

Mr. Marella showed a view from the existing parking lot to the new addition where the secure entrance will take place. He stated there is a plaza where people can congregate safely without being in the parking lot, and to the left is where the buses stack. He stated there is a continuous canopy that covers students when it is raining and makes it more efficient loading and unloading the buses. He stated the music portion can also be seen which is a large volume which is good for music rooms acoustically, and it also helps the massing of the building which is largely low around the side but steps up for the auditorium and the gymnasium.

Mr. Marella showed a comparison of the existing condition with the top picture being the existing courtyard with the windows at Boehm, the existing window air conditioners, and the different window treatments which were used to try to keep the sun out. He stated the building is from 1956 and is relatively deficient as far as thermal resistance. He stated the bottom picture is what is proposed which will include new windows that are insulated. He stated there is also one louver per classroom which is a unit ventilator which will provide the air conditioning and the heating for each of those spaces.

Mr. Marella showed the front of the building facing Big Oak Road. It is currently the front entrance, but they will be moving the entrance to the side as seen previously, and this existing entrance will be closed off with classrooms to the left and the new media center to the right. He stated they will add more glass, and have electrically-controlled shades to help with the sun as this elevation faces south.

Mr. Marella showed a floor plan of the major areas that they are renovating in the building. He stated the whole building will get refreshed as they are putting in sprinklers, new lights, new ceilings, and new flooring. They are getting rid of all of the asbestos that is in the building. He stated the darker blue area on the bottom left is the addition and the new secured entryway. He stated also in that location is the Administration area so that they can see the parking lot which is the best way to secure Schools. He stated the music rooms can be seen as well as the media center. He stated where the old Administration area was, they have converted those back into classrooms. He stated toward the top right of the screen, the STEM areas are shown; and while they are basically staying in the same location that they are now, they are re-configuring some of the spaces in the middle as far as storage and a “clean room” to upgrade them into a more technologically-advanced area to upgrade that program. He stated the FCS room will also get an upgrade since everything in there is from 1956.

Mr. Marella noted the cafeteria to the left, and they have opened it up to make it a bigger, more generous space and allowed the windows that existed in that area to light the space. He stated they are able to put a number of “SGI” rooms that give Mr. Bloom flexibility to move students around in different sized groups for testing and other purposes that help accommodate what is needed to be done in Schools today.

Mr. Marella noted the sides of the gym. He stated there are locker rooms flanking both sides of the gym, and they will combine those with a divider in between the ones on the left, and those will be the locker rooms; and on the right they will have the fitness room and bring that down from upstairs, and create two other classrooms in that area – one a health classroom and the other a World language classroom.

Mr. Marella stated the nurse’s area will be better configured. He stated the entire building is getting improvements as far as ADA-accessibility. He stated all the bathrooms and water fountains will be accessible.

Mr. Marella noted an area which was raised “one foot two” to get it up and out of the floodplain area.

Mr. Marella showed an image of a typical classroom, and in the back corner can be seen a dark gray box which is the new vertical unit ventilator. He noted the amount of daylight coming in, the new ceilings and lighting. He stated there will also be a lot of upgrades to the technology, data, etc.

Mr. Marella showed an image of the media center which faces out onto Big Oak Road. He stated there is some clear glass and some frosted glass, and this is where they will have electronically-controlled shades so that they will all go up and down together. He stated there is new lighting, and they will put in new shelving to modernize the space and brighten it up.

Mr. Marella showed an image of the cafeteria. He stated where you see the columns to the right and all the way to the left is where there were previously walls and a corridor. He stated they are taking those away and going to re-face the walls within the room, and they opened it up and put in a lot more glass. He noted the SGIs which he spoke of earlier which give some other areas for students to eat, test, or accommodate whatever else needs to take place that day and provide flexibility in general. He stated there is other types of seating on the right and on the left.

Mr. Lynch stated they did have to deal with floodplain issues that are on the site, and with the location of the building, the addition is the only place where they could construct on the site. He stated they worked extensively with Mr. Pockl and Mr. Majewski with the Floodplain Ordinance in order to put this arrangement together and determine the best way to proceed. He showed a FEMA image and where the addition is proposed, and they are just outside of the floodplain. A slide was shown, and Mr. Lynch stated they have elevated the entire addition up above the floodplain elevation, and the architect came up with a creative ramp idea as shown in the slide so that everything that is new will be accessed by ramps in the hallway to get above the flood elevation. He stated there have not been many floods that have actually come into the building and resulted in damage, but this is an opportunity to make sure that does not happen in the future, and the team has done a lot of work in this area.

Mr. Lynch showed a slide outlining the project schedule. He stated this project was submitted to the Department of Education with the Pennwood project, and it was eligible for reimbursement funding from the State, and it is still eligible for that reimbursement and it will help the School District with their Debt Service. He stated they have to go back to the Department of Education after receiving at least a Conditional Approval from the Township to let them know that this will work, and the deadline for that is the end of the year. Mr. Lynch stated with respect to Bidding and construction, because of supply chain issues and dealing with students in the building during construction, their plan is to move one grade out of the building. He stated Sixth Grade will be leaving the building which will leave them with swing space in order to do construction. He stated they are also Bidding the project this fall for a

start next summer. He stated this summer they plan to abate and remove the asbestos floors, Bid the project in the fall, and give the contractors a procurement period so that they can start next summer. He stated in this way they should not have delays or cost increases.

Mr. Lynch stated while he can address the review comments if the Board wishes, they are all “will comply” and were relatively minor in nature. He stated they are asking for a Conditional Approval to submit all of those back to the Township engineer for review and then they will proceed forward with the Land Development Agreement.

Ms. Blundi moved and Dr. Weiss seconded to approve the Charles Boehm Middle School Plan, 866 Big Oak Road, Tax Parcel #20-034-090 Conditional Amended Final Land Development Plan for Plans consisting of 10 sheets dated March 17, 2022 prepared by Terraform Engineering, a cover letter dated March 17, 2022 as prepared by Terraform Engineering, and Township of Lower Makefield Subdivision and Land Development Application dated March 17, 2022 all aforementioned Plans as outlined collectively referred to as the Plan. Unless otherwise addressed during the Approval process, the Approval of the Plan is subject to all the terms and Conditions contained in the Motion. The Applicant is required to comply in all respects with each and every requirement of the Lower Makefield Township Subdivision and Land Development Ordinance, the Lower Makefield Township Zoning Ordinance, all other Municipal Ordinances and regulations, and with the laws and regulations of every other level of Government having jurisdiction over any aspect of the property. All references in the Motion to the Ordinance unless otherwise indicated, and all references shall mean without further explanation to the developer and/or Applicant of the project.

Approval is subject to:

- 1) If required, you must obtain beyond Appeal all necessary and/or required Variances from the Zoning Ordinance or in the alternative must revise the Plan so that it is fully compliant with the Zoning Ordinance;
- 2) Compliance with the requirements set forth in the April 21, 2022 letter prepared by the Township’s engineering consultant, Remington & Vernick Engineers incorporating therein as fully set forth;

- 3) Compliance with all requirements and determinations of the Township's traffic engineer including but not limited to all requirements and conditions as more fully set forth in the March 28, 2022 SAFE Highway Engineering review letter;
- 4) Compliance with all requirements and determinations of the Township's fire consultant, Timothy J. Chamberlain as reflected in his April 4, 2022 letter;
- 5) Compliance with all recommendations contained in the May 12, 2022 summary memorandum with the Lower Makefield Township Planning Commission from its May 9, 2022 meeting which they appeared at and supplied information to;
- 6) Pay all required Fees as applicable as set forth in the Ordinance unless noted otherwise and as determined by the Township prior to the Recording of the Final Plan;
- 7) If applicable, you must obtain any and all necessary Approvals from any and all other applicable Governmental entities having jurisdiction over this project including but not limited to the Bucks County Conservation District and the Pennsylvania Department of Environmental Protection.

Mr. McCartney stated he has witnessed the increase in student drop-off at this site which has caused some issues on Big Oak Road specifically eastbound traffic making left-hand turns or as parents are exiting making left-hand turns; and it does not appear that a lot of remediation was provided for that.

Mr. Bloom stated due to the COVID 19 Pandemic, there are less students taking the bus and more parents are dropping off. He stated hopefully more students will be taking the bus in the future; however, even if they are not, they have created a bigger loop that they have been using this year. He stated currently the students come out the southern exit when they leave which is the exit toward Big Oak Road because it is not safe for them to exit out of the doors toward the field and the doors towards Big Oak Road. He stated with the new walkway and new coverage area, they

will be able to move cars in and out much quicker than what they currently can do. He stated currently parents are pulling up to the single walk space, picking up their child, and then leaving. He stated by being able to spread the students all along the pathway on the new sidewalk area with the cover, it should go very quickly. He stated some of the parents get there very early so that they can be first in line, but typically they are done dismissing within ten minutes of the bell ringing at 2:55 p.m. He stated at this time, there is nowhere else to put cars, and there is a higher number of parents dropping off and picking their children up due to the Pandemic.

Mr. McCartney asked if there will be clearly-marked lanes in the loop since as it stands, he feels it is a “free-for-all.” He stated in the beginning of the year there were cones out and someone directing traffic to train the parents what they should do, and he asked if there will be any improvements on the pavement/parking lot to give direction to parents as to how they should move. Mr. Bloom stated he hopes that there will be directional arrows, and they do try to educate their families on how to do drop-offs and pick-ups. He feels that once the pathway is installed where all the students can line up, it will work more efficiently. He stated there are also more parents dropping off and picking up during inclement weather.

Mr. McCartney stated on Big Oak Road, passing Boehm on the right-hand side, as that traffic approaches, if there are cars allowing you to make the left-turn in front of them as you are going eastbound, there are other vehicles going westbound that will loop around those cars and come into the other side of the road. He stated maybe there could be road signage on the pavement indicating “yield” so that there is a way to advise drivers that once they get to this area, they know to slow down. Mr. Lynch stated there could be additional striping or arrows added.

Ms. Blundi stated while the creek that runs in the area is not part of this, it would be helpful if they could do anything to help along the banks with erosion with plantings. She stated this is an important tributary, and there is a lot that needs to be done there. She stated possibly it could be done during this project, and the Township may be able to help since there is tree money available. Mr. Lynch stated they have been working with Mr. Pockl and Mr. Majewski on the Pollution Control Plan, and there are some ideas about what to do along that creek. He stated if it helps the Township and the School District to work on the erosion that happens at the creek or beautify the site, they would be willing to partner on this.

Mr. Grenier stated generally speaking he is in favor of the upgrades and it will function better for the students so they will have a better learning environment. He stated Boehm would probably not have been built if they were starting from scratch today because the entire building except for a small corner is in the floodplain, and he appreciates the fact that they are managing it accordingly and raising the equipment outside of the floodplain elevation and raising parts of the building.

Mr. Grenier stated Rock Run is a tributary and is part of our Pollution Reduction Plan that we have with the State that we are mandated to do as part of our MS4 Program. He stated there are not too many trees on the property, and if they can add some native, riparian-zone trees there it would improve the potential water quality, the erosion, stabilize the banks, and the STEM teachers would appreciate it because they can learn about it as it is being planted and possibly participate in it. He stated once the trees are growing along the creek it would be a good area if there is the ability to have an outdoor classroom. Mr. Grenier stated he would be happy to help with this.

Mr. Grenier stated it looks like they are proposing a rain garden at the site, and he asked Mr. Pockl how they are in general with stormwater management overall at the site to prevent downstream flooding. Mr. Pockl stated all of this was approved with the submission of the previous development. He stated the Amendments that they are proposing will result in less impervious area. He stated the stormwater infrastructure has already been built to accommodate even more than these improvements.

Motion carried unanimously.

Mr. Lynch stated this is a big project, and they look forward to working with the Township over the next two years.

PUBLIC COMMENT

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

DISCUSSION ITEMS

Mr. Grenier stated this is the Board's last meeting before June 1, and June is Pride Month; and he asked if the Board would join him in asking the Township

to raise the Pride flag that was raised last year. There was no opposition by the Board to this being done, and no Motion was required.

Mr. Grenier stated in the past the Board passed an Equality Resolution stating the Board's stance on promoting inclusion, diversity, equality, etc. and he would like the Board to consider in the future the potential for establishing what other Townships are calling a Human Rights Commission adding that there are over one hundred towns in Pennsylvania that have them including several of our neighbors. Mr. McCartney agreed to work with Mr. Grenier to work out the details of the framework for this for consideration at a future Agenda.

SUPERVISORS REPORTS

Mr. Grenier stated there is a new lay-out for the Troilo Point property, and it should be going before the HARB soon. He stated the Historic Commission is coming up with ideas for the Township.

There being no further business, Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 10:36 p.m.

Respectfully Submitted,



Daniel Grenier, Secretary