

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 16, 2022

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 16, 2022. Mr. McCartney called the meeting to order at 7:33 p.m. and called the Roll.

Those present:

Board of Supervisors:

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

Others:

Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police
James Majewski, Community Development Director

COMMUNITY ANNOUNCEMENTS

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

Mr. Ferguson stated that the Pool registration is now open. The discount period ends on March 4, 2022 at 4:00 p.m.

TREASURER'S REPORT

Mr. Grenier moved and Mr. Lewis seconded to approve the December, 2021 Interfund Transfers in the amount of \$2,778,829.87 as attached to the Minutes.

Mr. Ferguson stated we are in the midst of preparing to close the books for 2021.

Motion carried unanimously.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to approve the January, 2022 Interfund Transfers in the amount of \$789,484.22 as attached to the Minutes.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve the Warrant Lists from February 7, 2022 and February 14, 2022 in the amount of \$2,081,828.73 as attached to the Minutes.

ENGINEER'S REPORT

Mr. Pockl stated his Report was provided to the Board of Supervisors in their packet.

Mr. Grenier asked when Prickett Preserve may start breaking ground. Mr. Ferguson stated Township staff met today with the developer and their staff, and the developer hopes to break ground in May.

PROJECT UPDATES

Mr. Ferguson stated we will begin to add to the list of project updates as other projects get underway including the Road Program and the Pool painting project. He noted there are also some stormwater issues that we have been looking into, and there will be presentations on this at a future meeting.

Mr. Ferguson stated with regard to Sandy Run Road, the Traffic engineer is prepared to make a presentation regarding additional signage and an anti-skid material as an additional safety measure. Mr. Pockl is being asked to review this, and the hope is to make a presentation on March 2 if that is acceptable to the Board.

Mr. Grenier asked if the new Quiet Zone work will be initiated soon. Mr. Ferguson stated he has reached out to the inspector and his boss for an update on the final letter, and he hopes to report to the Board on this soon.

PARKS AND RECREATION

Approval of Parks and Recreation Risk Management Policy Statement as Required as Part of the CAPRA Accreditation Requirement

Ms. Tierney was present and stated through the CAPRA process, we have been reviewing our Policies. She stated the Risk Management Policy has to be approved separately by the Board of Supervisors as opposed to the other Policies which are to be approved by the Board under the Township Code but are not required by CAPRA to be approved by the Board of Supervisors. She stated with CAPRA, Policies will be reviewed annually; and whenever there are changes they will be brought through the appropriate process.

Ms. Tierney stated the Board did approve the Risk Management Operations Manual earlier this year, and this Policy under consideration tonight must be considered and approved separately under CAPRA. Ms. Tierney stated eventually all of the Policies will be built into one document with the exception of the Dog Park and the Community Center Policies.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Parks and Recreation Risk Management Policy Statement as required as part of the CAPRA Accreditation requirement.

Approval of Parks and Recreation Policies as Recommended by the Park & Recreation Board: Fields and Facilities Policy, Department Operating Policy, Dog Park Manual Edits, Donation and Sponsorship Policy, Community Center Policies, Security and Access Policy, Storage of Equipment Policy, and Naming Policy

Ms. Tierney stated there are two Policies that they are still reviewing which are the Special Events Policy and the League Sanctioning Policy that will be presented to the Board of Supervisors at a later date.

Ms. Blundi moved and Dr. Weiss seconded to approve the Parks and Recreation Policies as recommended by the Park & Recreation Board.

Mr. Grenier stated he has made some recommended editorial comments on each of these so that if they are put into a book that they have a Policy name and number, approval date, revision date, etc. He stated he also provided a statement which the Solicitor could improve upon with regard to putting into the Policy as a Header that "This Policy and the use of all Township facilities is subject to all

Federal, State, and local regulations and Ordinances.” He stated across the board he has recommended some key Header items which feels are helpful to organize the Policies in the booklet.

Mr. Grenier stated he does have specific questions and comments with a few of the Policies. Mr. McCartney stated this was not received from Mr. Grenier until late today, and he asked Ms. Tierney if she had the opportunity to review this. Ms. Tierney stated while she did not have the opportunity to review it completely, she could address some of the items particularly with regard to the Community Center as that seemed to be where Mr. Grenier expressed the most concerns.

Ms. Tierney stated one of Mr. Grenier’s questions was why we are not doing private events at the Community Center, and Ms. Tierney stated we do not have the space, time, or staffing to have private events such as birthday parties, since the Center is used by community-user groups such as Scouts, the Seniors, the Quilter’s group; and they refer those interested in having private events to contact the Golf Course. Ms. Tierney stated there was also a question about the User Contracts for the Community Center, and these can be viewed by Board members at any time. Ms. Tierney stated the Township solicitor has oversight over the Contracts.

Ms. Tierney stated Mr. Grenier also suggested there be no smoking at all on Township property. She stated what has been shown are the current rules for use, and no change has been suggested at this time, although she would be glad to make adjustments if the Board wishes.

Mr. McCartney asked Mr. Grenier if he has questions regarding specific Contracts or did he just want to see the Contracts. Mr. Grenier stated he was just asking if they are available for the Board to review if necessary, and Ms. Tierney stated they are. Mr. McCartney stated with regard to the smoking restriction, there is currently not a no smoking policy on Township property. Mr. Grenier stated he would not be opposed to making that a policy.

Mr. Grenier asked if there is a document someone could go to if there is a Fee list or an insurance requirement, and he stated he feels it should be referenced in the Policy documents.

Ms. Tierney stated there was a comment with regard to the Dog Park. She stated Ms. Fazzalore-Truelove does do a lot of work at the Dog Park as the Animal Control Officer; but she also does separate work for us as Homestead Wildlife Control. Ms. Tierney stated she can change the wording as Mr. Grenier has suggested.

Mr. Grenier asked for a clarification as to payment and Ms. Tierney stated she is paid separately as Homestead outside of the Animal Control Officer role.

Mr. McCartney stated there was a comment with regard to the Storage of Equipment Policy with regard to hazardous waste, and Mr. McCartney stated he understands that there is already a policy in place with regard to storage of hazardous waste on Township property; and Mr. Ferguson stated that is part of the Emergency Management Plan. Mr. Grenier recommended adding a note to refer to the Emergency Management Plan.

Mr. Lewis stated he is in favor of the edits proposed, and he feels they would need to vote on changing the smoking/vaping policy; and he would be in support of that.

Mr. Lewis asked about the rules for sponsorships as it appears that he would not be allowed to sponsor a team. Ms. Tierney stated the teams are separate and are done as a separate fundraiser. She stated what is being discussed here is more of an internal policy for special events and programs. She stated in the past elected officials have made donations to the local Leagues, but the signs were not as part of an election campaign, and were more of a “give-back.” She stated there are also election campaign rules which are separate. She stated there are rules that all signs are to be inward facing. Ms. Tierney stated there can always be donations without putting a sign up.

Mr. Lewis asked if we have considered other opportunities as it relates to sponsorship to get additional revenue. He stated he knows that Ms. Tierney does a lot of work with regard to sponsorship for Community Day. Ms. Tierney stated we could consider that in the future although they have not prioritized that in the past.

Mr. Grenier asked with regard to the Field Policy, if there is a clear policy on when a resident not associated with a League can use the fields. He stated there is a sense that the public cannot actually use these huge public parks. Ms. Tierney stated when the fields are not Permitted for use, with the exception of when they are actively resting a field, anyone can use the fields other than the turf field. Mr. Grenier asked if there is a “resting season” when no one is allowed to use a certain field, and Ms. Tierney stated they do not Permit fields before March 15; and they try to allow for some growth prior to March 15. She stated there are also fields that they try to rest throughout the season although that is difficult because of the overuse of the facilities. She stated there are many people who want to participate and be active but not enough

field space. Ms. Tierney stated if there was more available field space, they would be able to have more of a resting season and manage the amount of hours on a field, but that cannot be done at this time because of the use.

Mr. McCartney stated with regard to a no smoking policy, he is not sure that this is the appropriate time to discuss that. Mr. Truelove stated to have a no smoking policy at all Township facilities, it would go beyond Park & Rec. Mr. McCartney stated the Board could discuss this in the future. He asked if there are people smoking at the Community Center, and Ms. Tierney agreed that a lot of the Seniors do smoke outside of the Community Center.

Mr. Grenier asked Ms. Blundi if she would be willing to amend the Motion to edit the Policies to include the minor revisions that he made in the Word document. Ms. Blundi stated she has not had the opportunity to go through everything that Mr. Grenier sent although Ms. Tierney has just addressed some of them. Mr. Grenier stated his edits were more about the introductory items and include the statement about the Policies not superseding any Township, Federal, or State rules and regulations. Mr. McCartney asked if the Township can legally do anything that supersedes Federal policy, and Mr. Truelove stated they could not although they could include this statement if the Board desires. Mr. McCartney stated the Township is already acting as a Second Class Township, and Mr. Truelove stated the Township is limited by State and Federal law. Mr. McCartney stated they would need to consider how many of Mr. Grenier's edits they would include, if any, in an Amended Motion. He stated they did not receive his document until 5:30 p.m. this evening; and if they had had them earlier, it would have been easier to review them.

Mr. Grenier stated he was the only Supervisor to make any recommendations and come prepared to the meeting so that we could make some slight improvements. Mr. Lewis stated he does not believe the Board received an editable version until Friday. He stated these are minor administrative edits, and we should be able to work together on improving copy.

Mr. McCartney stated there are two additional Policies that have not been submitted for approval which are League Sanctioning and Special Events. He asked Ms. Tierney if it would hold up any issues with regard to the CAPRA Certification, if these Policies were not approved at this time. Ms. Tierney stated CAPRA does not require Board approval for these, and it is the Township Code which requires Board approval. She stated Mr. Grenier made the most comments on the Community Center and the Dog Park, and they could pull out those two and approve the rest. Mr. Grenier stated outside

of the “Administrative Intro” items, the only comment he had on the Dog Park was the question about Homestead versus the Animal Control Officer; and Ms. Tierney stated she could make that change. Ms. Tierney stated how the document is laid out does not matter at this point, and she is just asking for approval of the Policies. She stated changes could be made at any time with regard to commas, periods, etc. Mr. McCartney stated while we would be approving these Policies, it would be a “living document” that could be changed as needed based on recommendations from the Board.

Ms. Blundi stated with this understanding, she would agree to the Amendment. Dr. Weiss agreed to this as well.

Mr. Stephen Heinz, 1355 Edgewood Road, stated he has had concerns as a long-time soccer coach and Scout Leader in terms of using the facilities and having rules generated and presented that are changes. He asked if there have been any stakeholder meetings when they include the users and not just the Park & Rec Board members. He stated there could be meetings at the parks and ask those representing various organizations to attend and get input to evaluate the rules and maybe suggest more. Mr. McCartney stated they are not considering the League Sanctioning Policy this evening.

Motion as amended carried unanimously.

MANAGER’S REPORT

Approval of Resolution #22-4 to Approve Road Loan Financing

Mr. Ferguson stated two weeks ago the Board authorized receipt of quotes for the Road Loan Program in the amount of \$1,650,000. He stated we received five quotes from lenders with the lowest rate being from TD Bank at 1.52%. He stated the budgeted rate that had been included was for 3.5% which would create an interest over the thirty-six month repayment period of \$90,564. The TD quote and the related legal fees we would be responsible for is \$43,038.39 for the three-year period which is about \$47,000 less than was budgeted.

Ms. Blundi moved and Dr. Weiss seconded to approve Resolution #22-4 to select TD Bank at the rate of 1.52% for the Road Loan Financing.

Mr. McCartney asked if the reduced amount will change anything in the Debt Service, and Mr. Ferguson stated it has been factored over three years, and there is a certain anticipated tax collection and other payments that are in there. He stated it would \$15,000 a year versus \$30,000 that would have been budgeted for this year. He stated they could look into this long term; but if we do another Road Loan, and there is a little bit of Fund Balance, it does provide a cushion if the next rate is not as desirable.

Mr. Lewis stated his main concern is that we are going to have a large sum of money coming in that will be earning significantly less than 1.5% although what is being discussed here is relatively de minimus. He stated he feels we need to find a strategy as to how we can maximize the return on the Sewer proceeds. He stated he feels in the future we need to consider borrowing against ourselves for short-term items and paying ourselves back at a higher interest rate. He stated given that the Sewer transaction is not complete, he will vote in favor of this item; however, we need to consider that we are going to have a lot of cash but are not going to have a suitable investment for it which is why he has suggested making sure we are over 100% on Pension Funds and doing anything we can to earn a higher rate of return.

Mr. McCartney asked if there is a limit as to the rate that we can borrow against ourselves. Mr. Ferguson stated the Township has the ability to borrow against itself. He stated a number of years ago we were unable to make payroll in early January, and we borrowed from the Bond Fund to make payroll for several months, and then returned the money. He stated it is the equivalent of doing a Tax Anticipation Note to yourself. He stated if the Board wanted to establish a policy that they wanted to do that with the intent to repay, he does not feel that could be done out of the Debt Services Fund. He stated you cannot lend yourself money and use the millage from the Debt Services Fund and pay yourself back. He added that if they were to lend themselves money from the Sewer proceeds, the payment would have to come from the taxpayers in general and the General Fund to repay wherever you drew the money from, and it could not be part of the Debt Services millage because that is aligned to an official Debt and not self-imposed Debt.

Dr. Weiss stated this loan is being paid from Debt Millage, and we are already getting this income stream. He stated these are monies that the Township is already getting from the residents, and it is specifically designed for Debt. He stated the rates of asphalt, cost of labor, and inflation rates make this a less expensive way of paving more roads; and he is in support of this measure.

Mr. Grenier stated this is Debt Service Millage that we have already applied over the years and is already in the Budget. He stated we need to consider how we feel about applying the Debt Service to roads versus some other priority. He stated some people have indicated that this should be applied to open space because of where it originated from which was a Bond that was voted on. He added that Bond does cover a number of things. Dr. Weiss stated this is not Bond money, and it is money that we paid back the Bond with. He stated that Bond is paid, and we have an income stream from Debt millage. He added that if there was a piece of open land that the Township could have identified last year and was able to buy, he would agree with Mr. Grenier. Mr. Grenier stated he does not disagree with Dr. Weiss, and he is in favor with paving the roads, but he does not want the Board to lose sight of open space or other items where this could be applied. He stated this year we will be doing a lot of roads; but moving forward they should consider some other things as well.

Mr. Ferguson stated the Debt payment for this year for the General Fund Debt is about \$850,000. He stated what offered this opportunity was the fact that that payment was cut in about half in one year and went from \$1.7 million to \$850,000. He stated in the next couple of years that Debt payment, because it is on a downward trajectory, will go down another couple hundred thousand dollars. He stated when discussing open space or other priorities, there would be millage at some point in the next few years which could be another 4/10^{ths} or a half mill that would not be needed for that Debt payment; and if the Township had a piece of property it had in mind for open space, that opportunity is not just there for the Road Loan, and as the Debt diminishes and is no longer needed for the Bond payment, the Board could consider other items.

Mr. Grenier asked what that would translate to the overall Debt that we could take out to buy a piece of open space over some period of time or some other project. Mr. Ferguson stated what he had mentioned would be equivalent to \$250,000 a year; and there could be a short-term debt similar to how we are doing the Road Loan. He stated if the time came that the Board wanted to buy a piece of property, we could evaluate not just where the millage is going down that particular year, but if in two or three years it is trending down, and there would be more money, we could pay more for that understanding that there would be more Revenue because the millage would not be needed to do even more than that. He added that we cannot sit and collect that Debt Service millage if it is not going for a Debt. He stated we would need to be very anticipatory about something

we want to purchase when that Debt will go down and how that could factor in if the Debt Service millage would be enough or if we would need to take some money from the General Fund or go for a Grant.

Motion carried unanimously.

American Rescue Plan Discussion

Mr. Ferguson stated through the American Rescue Plan, the Township was awarded approximately \$3.5 million of which we have received half, and should receive the rest in July, 2022. He stated as he discussed previously there was a lot of hold-ups on the money because it was not clear as to bidding requirements or how it would be regulated as to eligible expenses. He stated in the Budget, we budgeted to bring \$1.7 million through the Revenue Shortfall calculator that was allowed by the Treasury, and we left the other \$1.7 million but did discuss about using it for stormwater issues. Mr. Ferguson stated the Federal Government realized auditing tens of thousands of local Governments was improbable, and they have now created a \$10 million exemption; and while there will still be reporting requirements, we will be able to use the money for “just about anything,” although it cannot be used for Pensions or a tax cut. He stated it could be used for typical Township functions such as infrastructure, open space, and Park & Rec. He stated Bidding requirements would need to be followed. Mr. Ferguson stated the \$1.7 million has gone into the General Fund, and we are using that for Police cars and motorcycles, and the culvert on South Drive. He stated there is still the other \$1.7 million, and the staff has looked at a number of things regarding some flooding issues in the Township, and a presentation will be made in the future by Remington Vernick on that. He stated if the Board wanted to discuss a piece of property for open space, the Board could consider if that was a priority for this money.

Mr. McCartney asked the expiration date for use of the money, and Mr. Ferguson stated it is 2026.

Approval to Pay the Township of Falls Authority \$1,161,188.37 for Under Billing of Sewage Treatment in 2020 and 2021

Mr. Ferguson stated we pay various entities out of our Sewer Budget for treatment of our sewage including MMA, Bucks County Water & Sewer and

the Falls Authority (TOFA). He stated we started submitted the readings from the multiple meters we had directly to TOFA by the first quarter of 2020; and because of the precision that brought, the staff realized that the size of the bills would come down. He stated this was about the time of COVID, and TOFA billed us for only one of the meters and not the second meter. He stated we had been budgeting for about \$600,000 in payments understanding we would average that out. He stated over the two years, the billings were a fraction of that or about \$125,000 to \$135,00 a year. He stated we discovered last month that there were eight quarters where we had underpaid dramatically although the payments were budgeted for. He stated they have worked with TOFA and gone over all of the meter readings with the Public Works Director and come up with a shortfall that was not billed, and that is what is being requested this evening to be paid.

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to pay the Township of Falls Authority \$1,161,188.37 for under billing of sewage treatment in 2020 and 2021.

Approve Purchase of Cameras and a Switcher for Televised Meetings in the Township at a Cost of \$26,561.81

Mr. Ferguson stated our cameras have become antiquated and last year the Board approved an expenditure that in part went to upgrade and deal with the quality of what is being done with Zoom and also to offset some of the expenses that were anticipated to upgrade the equipment. He stated part of the discussion when the Comcast Agreement was approved was that would represent 50% of the cost of the Capital improvements which were estimated to be about \$57,000. He stated the Comcast money will probably be received in about a month. He stated the Verizon Agreement has languished. He stated we did include in the Budget the money to be received from both of those Franchise Renewals of about \$57,000.

Mr. Ferguson stated what is being considered this evening would upgrade the cameras and a switcher which will help with the picture quality. It is anticipated the equipment will be received in March. This is a COSTARS-qualified Bid.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to purchase cameras and a switcher for televised meetings in the Township at a cost of \$26,561.81.

SOLICITOR'S REPORT

Mr. Truelove stated that the Board met in Executive Session beginning at 6:15 p.m. and several litigation items were discussed that involved Code and/or Ordinance matters, trial matters, and appellant matters as well as personnel matters.

Approval of Advertisement of Ordinance Authorizing Road Repair Program Loan Financing

Mr. Truelove stated part of the requirement under the Local Government Unit Debt Act is that an Ordinance is required to be passed to authorize the incurrence of Debt. The Ordinance that has been presented for advertisement includes the information from the lender and the rate.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to approve advertisement of an Ordinance authorizing the Road Repair Program Loan Financing.

ZONING HEARING BOARD MATTERS

With regard to Appeal #22-1950 – David & Jamie Lyons for the property located at 365 Ramsey Road, Yardley, PA 19067, Tax Parcel #20-039-303 Variance request from Township Zoning Ordinance #200-23B to increase the impervious surface from the existing 18.6% to 21.1% where 18% is the allowable amount in order to install an in-ground vinyl pool and concrete decking, it was agreed to leave the matter to the Zoning Hearing Board.

Appeal #22-1951 – John & Lisa Brunnet for the property located at 61 Black Rock Road, Yardley, PA 19067, Tax Parcel #20-047-051 Variance request from the Township Zoning Ordinance #200-14.B in order to construct an addition and shed which would increase the impervious surface from the existing 21.2% to 21.8% where 13% is the allowable amount and a Variance from the Township Zoning Ordinance #200-13 in order to decrease the rear yard setback to 54 feet where 125 feet is otherwise required. Mr. Truelove stated currently the setback they have is 60 feet. This property is 15' from the flood zone, and the initial recommendation was to defer to the Zoning Hearing Board.

Mr. Grenier stated he was concerned with the proximity of the floodplain but this has been clarified by Mr. Majewski. He stated while it looked like a drastic reduction in the setback from what was required, he now understands that they are currently at 60' so they would be moving only 6'. He stated they are also not increasing much over the existing impervious surface. Mr. Grenier asked the age of the house, and Mr. Truelove stated he believes it was probably built in the 1950's and pre-dates the current Zoning that is in effect now.

Mr. Majewski stated he believes the Zoning at that time had a 50' rear yard setback; and when they increased it to the Resource-Protection (RRP Zoning), it was changed to 125'. He stated that would be for a future development, and these Applicants would need a Variance. Mr. McCartney stated it was built in 1946.

It was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #22-1952 – Patrick & Victoria Kobol for the property located at 1301 Yale Drive, Yardley, PA 19067, Tax Parcel #20-022-045 Variance request from Township Zoning Ordinance #200-23 B to increase the impervious surface from the existing 23.5% to 24.3% where 18% is the allowable amount in order to install an in-ground vinyl pool and concrete decking, it was agreed to leave the matter to the Zoning Hearing Board.

ZONING, INSPECTIONS, AND PLANNING

Approval of Route 332/Mirror Lake Signal Interconnection Project Payment Request No. 2 for Armour and Sons Electric in the amount of \$10,080

Mr. Lewis moved and Ms. Blundi seconded to approve Payment Request No. 2 for Armour and Sons Electric in the amount of \$10,080 for Route 332/Mirror Lake Signal Interconnection Project.

Mr. Grenier asked if they are satisfied with the work done and if there is money left. Mr. Majewski stated the only outstanding item on the project is to have the inspection from PennDOT so they can sign off. He added that there is retainage in the amount of \$3,892.50 which is sufficient.

Motion carried unanimously.

Discussion of Ordinance to Amend Provisions of SALDO Chapter 178, Article XI, Landscape and Open Land Requirements

Ms. Blundi moved and Dr. Weiss seconded to approve the Ordinance to Amend Provisions of SALDO Chapter 178, Article XI, Landscape and Open Land Requirements.

Mr. Truelove stated the Ordinance was properly advertised for presentation at tonight's meeting.

Mr. Majewski stated at a prior meeting, the Board of Supervisors authorized advertisement of the Ordinance to amend certain provisions of the Landscape and Tree Ordinance provisions. Since that time, the Ordinance has been advertised and was posted on-line. He stated it went to the Bucks County Planning Commission for their review, and their review letter dated 2/2/22 was provided to the Board in their packet.

Mr. Majewski stated the revised text indicates that all required plants shall be native plants with the exception that not more than 10% of required ornamental flowering trees and shrubs may be non-native species but cannot include invasive, exotic, and/or alien species or any species that are on the Pennsylvania Department of Conservation and Natural Resources or Pennsylvania Natural Heritage Program list and subject to the approval of an arborist for the Township.

Mr. Majewski stated the Bucks County Planning Commission recommended that the arborist used by the Township to approve non-native plantings be an arborist certified by the International Society of Arboriculture (ISA).

Mr. Majewski stated the remainder of the Ordinance is as discussed and added a number of deciduous trees from other local areas that had a more thorough list of native trees. He stated we also added a number of flowering trees, evergreen and deciduous shrubs, flowering shrubs, ground covers, and perennials.

Mr. Majewski stated the Bucks County Planning Commission also advised that there are some blights and infectious diseases going around for oak trees in Southeastern Pennsylvania; and that while some species are more susceptible than others, the Township should monitor planting by insuring that oaks are not over planted to avoid the risk of infection and eventual loss of these trees.

Mr. Majewski stated the Bucks County Planning Commission also recommended that the flowering dogwood be removed from Exhibit 1 since while it is a native tree that has fared well in the past, it is now subject to a blight.

Mr. Majewski stated as discussed previously, the minimum caliper for street trees has been reduced from 3" to 2" to 2 ½" when planted. Under buffer yards, we also reduced the height of evergreen trees from a minimum of 6' to a height of 5', and shade trees were reduced from a minimum caliper of 3" to 2" to 2 ½". Ornamental flowering trees are now at a minimum of 6' where previously it was 8' with a minimum caliper of 1 ½" to 2" where previously it was 2 ½". He stated we also have those same requirements under the other types of buffers. He stated we changed the Type III Buffer. Previously the Farmland buffer required plantings on the Farmland property which has been problematic for Farmland Preservation as the trees need maintenance and it has gotten costly for them to perform that maintenance. He stated going forward for Farmland Preservation buffers, the 25' buffer that currently exists will be maintained; however, the 10' planted buffer will be on the Residential side of the property line so that Farmland Preservation is not encumbered with the maintenance costs for trees. Mr. Majewski stated there was also a slight modification to some evergreen shrub heights from 4' to 3'.

Mr. Majewski stated the Township's Planning Commission also reviewed the Ordinance; and at their February 7 meeting they unanimously recommended approval of the proposed Amendment to SALDO regarding the required planting of trees subject to the elimination of the planting of non-native species. Mr. McCartney stated the Bucks County Planning Commission did not mention that, and Mr. Majewski agreed.

Ms. Blundi stated prior to becoming a Supervisor she had reached out to other sitting Supervisors to understand where was our "Central Park," and why there was not a place in the Township that had that type of "show-stopping foliage for prom pictures or wedding pictures." She stated once she was on the Board she was fortunate enough to work with the EAC and learned a great deal from them and is proud of all of the work that has been done in increasing our tree planting using the money that we has been collected in the Tree Bank. She stated she has been interested in seeing what can be done to make sure that our Township looks good.

Ms. Blundi stated there is a big development coming into the Township which she is concerned about, and she wanted to make sure that as people were driving by, it looked good and wanted there to be walking paths/fences, etc.

Ms. Blundi stated when she looked further into the Native Tree Ordinance, she found that we were using a very restrictive term as to the definition of what was native so that plants that grew across the River in New Jersey were barred from being planted here. She stated working with the EAC and others, we were able to expand the list of what could be planted to reflect what is native to this area and not have hard stops on artificial boundaries. Ms. Blundi stated that is seen in the expanded list that is in the Ordinance.

Ms. Blundi stated when this Ordinance was discussed years ago, the proposal was to include 20% of non-natives, and that is what she proposed. She stated the EAC had concerns about that; and when advertising the Ordinance was discussed, it was agreed to bring it down to 10% which she was in favor of since she is in favor of compromise. Ms. Blundi stated residents will still be able to plant things on their own property that cannot be planted on public/commercial properties.

Ms. Blundi stated we have also been working with the EAC to specifically address what is invasive and what cannot be planted because we have not had a rule on that before.

Mr. McCartney stated he wanted to make sure it was known what the origin of this Ordinance was as there has been talk that there were different origins. He stated it had specifically been indicated that a developer came to the Township and said they wanted certain trees, and that is completely untrue. Ms. Blundi stated she felt Mr. Ferguson had laid that to rest at a previous meeting, and it is not accurate at all. She added that while it is not truly public space, there will be considerable plantings at Prickett Preserve, and she wants there to be a good balance and not only natives although she would not be in favor of invasives. She stated there are many plants that do well in our area that are not toxic to the environment that do not meet the definition of native.

Mr. McCartney stated the existing Ordinance has been in place for about fifteen years; and in the history of that fifteen years, he does not believe that any developer has come to the Board and asked for a Variance from that Ordinance. Mr. Truelove stated he does not recall any Waiver requests from this in the years he has been working for the Township.

He stated while Prickett Preserve did request some Waivers, they did not request a Waiver from this Ordinance. Mr. McCartney stated that developer has also done other business in the Township; and Mr. Truelove agreed Mr. DeLuca has, and has never asked for a Waiver from this Ordinance. Mr. McCartney stated to think that Mr. DeLuca has requested that in this case is incorrect, and the origin was as Ms. Blundi stated.

Mr. Lewis stated Ms. Blundi posed two primary arguments – one that we do not have a “show-stopping garden or park” for people; and while that may be true, it is something that could be worked on. He added that does not require that you throw out the rules of good environmental stewardship. He stated she also indicated that there was a need for a place for prom pictures; however, he does not feel that is a reason to give up good, environmental stewardship. He stated he has not yet heard a cohesive argument that supports the need to add non-native invasive species to Lower Makefield. He stated there are many e-mails from concerned residents who are opposed to this.

Mr. Lewis read the letter received today from State Senator Steve Santarsiero speaking out against allowing a percentage of non-native plants to be used on Township lands and by developers and indicating that when the Ordinance was passed in 2007 it was to protect the environment and make Lower Makefield a more sustainable community through the use of native plants which were by definition better adapted to our area. Mr. Lewis stated Mr. Santarsiero also noted the success of the program is that over time the Native Plant Ordinance became a model for other communities in Bucks County and beyond. He also indicated that there are a wide range of native trees, bushes, and other plants that are quite beautiful and complement the local landscape. He also understands that over the fifteen years that the Ordinance has been in place no developer has sought an exemption. He would urge the Board to reject the proposed change or at a minimum Table the issue pending further discussion.

Mr. Lewis stated for those concerned about beautification, he urged them to go to Bowman’s Wildflower Preserve which is “breathtaking” with all native species. He stated the argument that we need to compromise our environment for non-native species is false. He stated at the last meeting Kona Composting was awarded the Environmental Stewardship Award; and because they are a private company they could not accept the money, and they asked that it be given to Bowman’s Wildflower Preserve.

Mr. Lewis stated those saying they do not like the plants that grow naturally here and the way the environment is are saying they do not accept Bucks County and the nature of where we live. He stated people chose this area because of its unique bucolic nature and natural beauty. He stated we have a chance to make sure that we protect our community from invasive species, and he does not want to hurt the environment. He stated the State of Pennsylvania has also placed some restrictions on what plants can be sold.

Mr. Lewis stated he is in support of the other changes including the changes in sizes and calipers, and they are adapting to the needs of the developers and the community in a fair-minded way; however, he will not support any change that will bring non-native, invasive species. He noted the issues and expenses involved with dealing with bamboo. He stated if there are people who do not like Bucks County or the plants that are here, there are other communities with different plants that they may find more beautiful. Mr. Lewis stated no one from the community has told him that we need non-natives in the Township; and in fact have questioned why the Township is considering changing the Native Plant Ordinance “over prom pictures.” He stated he does not believe this should be approved because other Municipalities allow it. He stated people chose to live here because of the way it looked and the community’s commitment to the environment, and this is “a horrible step back and wrong.”

Mr. McCartney stated Mr. Lewis included the term “invasive” a number of times and that clouds what the Ordinance is since the Ordinance specifically states it does not include invasive, noxious, or alien species. Mr. Majewski agreed that it reads “should not include invasive, exotic, or alien species or any species that are on the Pennsylvania Department of Conservation and Natural Resources or Pennsylvania Natural Heritage Program list, and is subject to the approval of an arborist for the Township.” Mr. McCartney stated essentially what we are doing is following the State of Pennsylvania and recommendations of the EAC to not include invasive, noxious, or alien plants. Mr. McCartney stated if he heard that we were going to change the Ordinance to include noxious plants or invasive species, he would question that as well; but we are not doing that.

Mr. Lewis stated that was the compromise after the first “go at this.” He stated it is known that the EAC has been opposed to this, and the Planning Commission stated they were opposed to this. Mr. Lewis stated he is looking for validation that there is a real case here that can be made for this. Mr. Lewis stated we have a chance to protect our public and developer spaces, and the developers have not complained about this for fifteen years. Mr. McCartney stated he agrees this was not developer-driven. He stated he agrees with having a solid

plan when it comes to the environment, but he does not feel this is a comprehensive Ordinance as it is now since it does not cover 99% of the Township. He stated any resident can plant a non-native species on their private property, and most residents have these plants on their properties right now.

Mr. Lewis stated he agrees that single-family homes are a large majority; but the Township has entered into solving this issue in the past, most recently with regard to bamboo. He stated we want to “nudge people to make good environmental stewardship choices in lieu of having to make the more difficult choice.” Mr. Lewis stated by doing this publicly we are asking that native plants be used adding that there are cases when we have to say that certain plants cannot be planted. Mr. Lewis stated this Ordinance was forward-thinking fifteen years ago and there is not a case to retreat from it over prom pictures.

Mr. McCartney stated there are several changes including height and caliper. Mr. Lewis stated that is adapting to science; and the EAC, who are people with science backgrounds, have made good adjustments over time to reflect what are “legitimate business needs and asks from developers.” Mr. Lewis stated he feels they all agree that is good, but they are attaching a “poison pill to it, and he cannot support the rest of the good stuff.” He stated adding something to include non-native plants is wrong, and there needs to be a better case for it than prom pictures.

Mr. Lewis stated he would be willing to work on a “show-stopping garden” in Lower Makefield, and they could find a location to meet that criteria. He added he would be in favor of that for the same reason that he is in favor of open space as communities with open space have 35% higher property values. He stated he will work with any Supervisor on this; however, he will never sacrifice our environment.

Mr. McCartney stated he believed that Linda from the EAC was in favor of the 10%, and he could review the Minutes.

Mr. Grenier stated he has been heavily involved in the Tree Ordinances over the years, and this is his education and livelihood. He stated all of the Board members ran on being pro-environment, pro-open space, and pro-sustainability; and he feels this is a very bad Ordinance change. He stated they are trying to make allowing non-native plants not be that bad and indicating that it will make the Township prettier, and that could not be further from the truth. He stated many of these

plants are being banned since twenty to fifty years after they have been planted, they are becoming invasive, taking over areas, destroying environments, and making it inhabitable for multiple species which are endemic to Bucks County, Lower Makefield, and Pennsylvania. He stated there are 2,100 native plants species, many of which are beautiful which he has used in landscape designs that he has done professionally over the years throughout Pennsylvania. He stated there is great diversity here and changes in the seasons which change how the plants look.

Mr. Grenier stated when you plant non-native species, it is accepted science that you will reduce native habitat including pollinator species which are fundamental to our agriculture economy in Pennsylvania. He stated it also impacts other native species that are fundamental to someone's enjoyment or quality of life whether it is a plant species, animal species, or a bird species. He stated bird species numbers are being drastically reduced because there is a reduction in native species due to development, agriculture, or a non-native species taking over. He stated there will be a negative direct effect on our environment not only in Lower Makefield. He stated there is the opportunity for these invasive species will impact the Delaware River.

Mr. McCartney stated while Mr. Grenier is using the word "invasive," the Ordinance is not calling for invasive species. Mr. Grenier stated this is his professional background, and he does not feel Mr. McCartney knows the difference between a non-native invasive, alien, exotic, or noxious species as he has used those interchangeably. Mr. Grenier stated the word "noxious" is not used in the Ordinance. Mr. Majewski stated he does not believe the word "noxious" is included in this Ordinance; however, we are working with the EAC to amend Chapter 84 which is the Ordinance on noxious weeds that are currently prohibited, and we are expanding that Ordinance to talk about not just noxious weeds and plants, but also invasive species as well. Mr. McCartney stated he wants to make sure that when Mr. Grenier is speaking that the general public can understand the difference between a non-native plant and a noxious, invasive, or alien plant as there is a difference. Mr. Grenier stated there is no difference between a non-native and alien plant, and neither of them originated in Lower Makefield, Bucks County, or Pennsylvania. Mr. McCartney asked if there is a difference between invasive and non-native, and Mr. Grenier stated invasive plants are aggressive species. Mr. McCartney asked if there is a different between a non-native and an invasive plant, and Mr. Grenier stated some can be both. Mr. McCartney stated he wants to make sure that Mr. Grenier is relaying to the public the difference between non-native and invasive. Mr. Grenier stated invasive

is a sub-set of non-native. Mr. McCartney asked if every non-native can be invasive, and Mr. Grenier stated the science is still open on that. He added that non-native plants that are not currently listed as invasive can eventually change to be an invasive species; and we will not know that until it happens. He reviewed a number of plants that has happened with. Mr. McCartney asked if originally they were introduced as non-native, and they became invasive; and Mr. Grenier agreed. Mr. McCartney asked if there are any examples of plants that were introduced as non-natives that did not become invasive, and Mr. Grenier stated some of them can inoculate so that they cannot grow anymore. He added that there are still non-native species that still have the same negative effect on the environment in that they take away from native species and destroy native habitat. He stated other species depend on the natives, and they can no longer successfully thrive in their native habitat because those plants are no longer available because they have either been outcompeted by something else or someone decided to plant something else.

Mr. Grenier read from information from the Pennsylvania Department of Agriculture after they decided to add more plants to the unacceptable list as follows: "Pennsylvania is working to repair the damage done by plants that were introduced to our landscape decades ago without foresight in how they might harm our environment and food supply. Banning the sale of invasive plants and educating homeowners and consumers to plant native species today are both vital for protecting our environment, our food supply, and our economy tomorrow." Mr. Grenier noted information from the Department of Conservation Natural Resources which discusses how to manage invasives, and states: "You manage invasives by planting natives. The key to controlling invasives is to promote healthy native plant communities. By keeping a native healthy eco-system on your property, invasives will have less opportunity to invade. Planting natives species using local nurseries that provide native alternatives and choosing the right species for the site can all help limit invasives.

Mr. McCartney asked how many of our local nurseries sell only native species. Mr. Grenier stated while he cannot answer that, when he has to buy thousands of plants, he has a requirement that they be native as part of the work that he has to do. He stated that is because State and Federal agencies will not accept the planting of non-native species because of the potential harm they pose to our environment. Mr. McCartney again asked how many local nurseries sell non-native species, and Mr. Grenier stated he has never asked them because he does not buy non-native species.

Mr. McCartney stated if we were going to be truly passionate about this subject, he feels that would be a bigger concern. Mr. Grenier stated there are things that we have jurisdiction over that we can enforce; and we have the most enforcement ability over our SALDO. He stated this Ordinance was put in place in 2007, and every Land Development that included a Landscaping Plan that came through had to subscribe to this Ordinance and only plant native plants. He thanked the EAC, Senator Santersiero, and all the Supervisors who had the foresight to put this Ordinance in place since they have been protecting our Township for the last fifteen years and helping to improve our native environment despite all the development that has gone on.

Mr. McCartney stated he feels that over those fifteen years we have also had hundreds of thousands of non-natives trees that have been planted by individual homeowners. He stated this Ordinance only effects about 1% of what is happening in the Township. Mr. Grenier stated developers have an effect on the market when it comes to nurseries; and if developers are only buying native plants, they are the ones that nurseries sell to in bulk. He stated by default the nurseries will carry more native plants.

Mr. Lewis stated if no developer has asked for a change, there is no need for this change. Mr. McCartney stated a sitting Supervisor is asking for this. Mr. Lewis stated Supervisors regardless of political party have all supported the Native Plant Ordinance. Mr. Lewis stated this is only a change for SALDO; and if the argument is that it should also be changed for personal property, that could be an option.

Mr. Grenier stated the Ordinance also indicates that the Township would need to hire an arborist so the Township would be taking on additional costs whenever a development comes through to have an arborist look at the plant list since no one on the staff is an arborist. He added that arborists are “really not that good at doing this.” Mr. Grenier stated the Ordinance indicates that there could be 10% non-native plants, but he does not know how that is defined. He stated a shrub and a tree are very different, and he asked if there was one tree and nine shrubs would that be 10% or would it be 10% of the cover type. He asked what the 10% means and stated a developer could argue this any way they wanted to. He stated the Ordinance is “terribly written.”

Mr. Grenier stated there was also a reference to the Pennsylvania Natural Heritage Program and DCNR lists, and he does not know what lists those are. He stated there is not a Natural Heritage Program list out there. He stated the only State list that he is aware of is the Pennsylvania Department of

Agriculture's Controlled Plant and Noxious Weed List, and that is not mentioned anywhere in the Ordinance. He stated the Ordinance does not mention the word "noxious" which is the worst level of species that you can have. He stated he does not know who wrote this or how it was written. He stated the EAC is opposed to this particular item within the Ordinance. He stated this would have to be re-written the right way or we will have to go to Court every time because "nothing in there is factually correct or accurate as to how these things are regulated at the State or Federal levels." He stated by voting on this Ordinance which is not written correctly, we would be putting the Township at risk. Mr. Grenier stated he would also not hire an arborist.

Mr. Grenier stated it should be remembered that at the last meeting the Township Manager stated that he went to DeLuca/Prickett Preserve and asked them what they wanted on the list, and what they would want to plant that was non-native; and Bohler Engineering, who is Prickett Preserve's engineer, provided a long list of non-native plants that they wanted to plant. He stated most of those made it into the original list "before the EAC saw it and tore it apart" since many of them were invasive and some of them were actually poisonous. He stated whether the developer went to Mr. Ferguson first or Mr. Ferguson went to the developer, he feels it is wrong that they would try to re-write an Ordinance of this type by asking for a specific developer's input when that developer will have to come before the Board for approval.

Mr. Grenier stated he understands Ms. Blundi's desire to have ornamental plants because they are prettier, and he would love to work with her on this using beautiful native plants.

Mr. Grenier stated it should be made clear that a lot of these plants came from the discussion between our Township Manager, who did not ask the Board's permission, and a specific developer; and he has an issue with that.

Ms. Blundi stated that is not what happened. Mr. Grenier stated Mr. Ferguson made that statement at the last meeting; however, Ms. Blundi stated that is not exactly what he stated. Mr. Grenier stated he read it in the newspaper article. Ms. Blundi stated attacking the staff and taking every opportunity to assume the worst in each other is not helping us get anywhere.

Mr. Grenier stated he agrees with the EAC, the dozens of residents who have made comments, the Pennsylvania Department of Conservation and Natural Resources, the Department of Agriculture, Bowman's Hill Wildflower Preserve, Senator Santarsiero, our EAC, the Planning Commission, and

scientists all over that it is a terrible idea to allow for non-natives, and he hopes when there is another election, those who are elected will want to change this back since it seems that this is going to be approved. He stated this is one of the worst Ordinance changes that he has ever seen.

Mr. McCartney asked Mr. Grenier if he would be amenable to a different Ordinance, and Mr. Grenier stated he is 100% in favor of changing the sizes and heights allowed because the science supports that. He stated he would be 100% against any reference to allowing for non-natives at all. He also noted that the definition of what constitutes 10% is very unclear and very risky. Mr. Grenier stated “all the other words are not defined, and when it refers to the various Departments at the State of Pennsylvania, the references made are not real.”

Dr. Weiss stated he knows about plants, the SALDO Ordinance, and the recommendations of the Bucks County Planning Commission. He stated he has done research on many of the Ordinances in Bucks County since this first came up. He stated as Mr. Santarsiero stated this Ordinance is a “model;” but it is a model for every other Township not to follow, and he understands why. He stated he understands why Mr. McCartney is passionate about the effect on the environment of homes versus developments and the thousands of homes not only in Lower Makefield but in surrounding Townships in the County. He stated he feels there is room for non-native trees and shrubs in our Township. He stated there has been hundreds of years of successful breeding; and genetic manipulation, when done properly, can be a welcome addition to our local environment/eco-system.

Dr. Weiss stated if some of the wording is not within propriety, he has no problem with Mr. Majewski providing some context; and he would be open to changing the Ordinance to get a better Ordinance. Dr. Weiss stated virtually every neighboring Municipality has non-native trees in their SALDO including New Jersey which is the same eco-system. Dr. Weiss stated he has no problem voting in favor of this Ordinance. He stated he understands the desire to have beautiful gateways into the Township; and if a developer wishes and the Township agrees, a small number of non-native trees can be a plus to the Township. He added that stating that up to 10% of non-native trees can be planted does not mean that it will just happen; and it will still have to go through the SALDO process, and the Landscape Plan has to be approved by the appropriate Committees. Dr. Weiss stated if the Township

decides they do not want those trees, they will not be approved. He stated this will open the door to some acceptable non-native trees although they would not be invasives or noxious.

Dr. Weiss asked Mr. Majewski to provide some clarification on Mr. Grenier's comments about what is noxious and the lists that have been referred to in the Ordinance. Mr. Majewski stated there is a DCNR list of invasive plants in Pennsylvania, and it is on their Home Page. He stated to the extent that the Natural Heritage Program has a list of plants that should not be planted, we would follow that. He stated noxious weeds are currently regulated under Chapter 84 of our Township Code, and that pertains to individual properties as well. He stated we are clarifying that with a new Ordinance that will be coming to the Board from the EAC. He stated there is a difference between noxious and invasive, and noxious plants have been controlled by the Township for over twenty-five years by our Ordinance.

Dr. Weiss asked Mr. Majewski if there are any Townships that prohibit non-natives other than Lower Makefield. Mr. Majewski stated he looked at a number of surrounding Townships. He stated Buckingham Township has no requirement, Doylestown says that native species are preferred but are not required, Falls Township says that 50% of replacement trees must be native, Middletown Township has no requirement, Northampton says that native species are preferred but they are not required, and Solebury allows for non-native flowering species and a few evergreen and deciduous species. Mr. Majewski stated we were only looking at the flowering species. Mr. Majewski stated Upper Makefield says that native species are preferred but are not required and Plumstead Township also allows for non-natives.

Mr. Majewski stated he had looked at other sources including the Pennsylvania Native Plant Society which gave a list of Ordinances that could be reviewed; and while one of them was ours, all of the rest that they had listed do allow for a certain number of non-native trees to be used in landscaping and typically at a much higher percentage than what we would have with this Ordinance so we will be at the lower end of allowing non-natives compared to others.

Mr. McCartney asked about Upper Makefield, and Mr. Majewski stated in Upper Makefield native species are preferred but they are not required. Mr. McCartney asked about Solebury, and Mr. Majewski stated they say native species are required, but they allow for some non-natives.

Dr. Weiss asked if in the fifteen years that we have had the current Ordinance has any Township modeled us, and Mr. Majewski stated they have not in this area. Dr. Weiss asked Mr. Majewski if he knows if any Township sought to have such an Ordinance, and Mr. Majewski stated he is not aware of that. He added that he knows that the EAC has made outreach to other Municipalities on a variety of initiatives, but he is not sure about this specific Ordinance. He stated a town from Chester County recently reached out to him asking questions about this.

Dr. Weiss stated there is one Supervisor who has spoken about the environment but did not want to preserve the thirty-six acres at the Katherine Burke Nature Preserve.

Ms. Lisa Tenney, 156 Pinnacle Circle, thanked Mr. Lewis and Mr. Grenier for their comments. She stated Linda from the EAC had indicated that a plant that is considered non-native today can be invasive later. Ms. Tenney stated cultivars can even facilitate this. She stated she believes non-natives can be invasive tomorrow and she noted the Bradford pear which was widely used in new developments built in the Township in the 1990's, but this past December, the PA Department of Agriculture officially declared the tree as noxious and an invasive weed that is able to spread and take root and choke out native species in natural areas and parks. She stated this type of planting does not sustain native wildlife, and for this reason even a 10% addition of non-natives to the existing Ordinance should be left out. Ms. Tenney stated we live in homes with back yards that anything can be planted in and the Five Mile Woods and Lake Afton are perfect prom picture places as well as the Delaware Canal. Ms. Tenney stated she does not feel they can make a dense development like Prickett Preserve look good no matter how it is "dressed up." She stated a dense development does not withstand the test of time and she noted the Oxford Valley Mall which cannot be compared to a National Park which has natural beauty. She stated the communities which were noted are more rural and have more land to develop, and she does not feel we should compare Municipalities. She stated the Board should make the most educated and scientific decisions.

Mr. McCartney stated even if the new Ordinance were passed which would allow for 10% non-natives, it would still put us above the other surrounding Municipalities in this regard. Mr. Grenier stated he disagrees and feels that is an opinion. Mr. McCartney stated Mr. Majewski named the Municipalities which had zero guidance on this, and Mr. Grenier stated it does not matter what other Municipalities are doing. Mr. McCartney stated if the original

intent of the Ordinance was to set a standard for all of the Municipalities in Lower Bucks County and none of them have followed suit, he feels that there is an argument for that. Mr. Grenier disagreed.

Dr. Weiss stated in this case the Board is the decision maker and will decide what is going to be done in the Township as they are obligated to do as elected officials although he appreciates the comments made.

Mr. Adam Steinberger, 1298 Revere Road, stated a lot of people feel that the Ordinance in place makes sense, and there has been zero opposition to it until recently. He stated he feels it is a step back in the wrong direction. He stated it is better than 20% or 30%, but it still seems unnecessary although there are improvements that could be made. He stated he was under the impression that it was the developers who were requesting this; but now that he has heard that it is not, he does not feel there is a reason to do this. He stated as noted by Supervisors Lewis and Grenier, there are thousands of native species that bloom year-round and will do well in our eco-system. He stated he feels there are other things to be considered, and they should not be spending this much time on something as backwards as this Ordinance.

Ms. Kathleen Hirko, 1450 Dolington Road, stated she has outdoor animals, and she is dedicated not to using pesticides on her property and has given up “a beautiful green lawn for the health of the environment, the animals, and the insects on her property.” She stated in LMT there is a large group of residents who are planting native plants and who are dedicated to the movement to add more native plants to Lower Makefield. Ms. Hirko stated she only buys natives and has been removing any plants from her property that are not native. She stated she buys most of her plants from Bowman’s Wildflower Preserve. She stated she is surrounded by preserved farmland, and she does not want to be responsible for spreading any invasive, non-native plants into the woods. She stated we need to have more natives for the insects and for our food. She asked that the Board not make this change. She stated we should do better than the other Municipalities.

Mr. Jim Bray stated he is a resident of Lower Makefield Township and a member of the EAC as well as a Penn State Master Gardener for over eighteen years and a naturalist at the Bowman’s Hill Wildflower Preserve giving between twenty and thirty tours a year about native plants. Mr. Bray stated in 2006 Lower Makefield Township was a “lackluster environmental community.” He stated in 2006 for the first time in the history of the Township the Board of Supervisors was composed primarily of Democrats, and they had an environmental bent. He stated at the

same time, the EAC, of which he was a member, was in the process of being revitalized. Mr. Bray stated at that time he had discussions with Supervisor Santarsiero, who was an advocate of moving forward with environmental Ordinances. Mr. Bray stated within a few years we were fortunate to get capable, talented people who were willing to work hard to make Lower Makefield an environmental showpiece. He stated within three years they came up with a low-impact development stormwater management plan that “was the envy of any Township.” He stated they also put into effect a Green Building Code that was the first such Code for a Municipality in the State of Pennsylvania. He stated they also put in an innovative Native Plant Ordinance that applied to developments and Township properties, but does not apply to individual homeowners since under current law, there is no way that could be done. He stated through a process of education, their goal was that the individual homeowners themselves would start putting a lot more native plants in their yards; and that has happened dramatically over the years. He stated fifteen years ago there were very few natives available to be purchased locally; and currently a lot of natives can be purchased locally at a relatively-inexpensive cost.

Mr. Bray stated the 10% non-natives that the Board is considering are introduced plants, and the problem is we do not know what will happen with those plants. He noted the row of Bradford pears that are planted outside of the Township Building which have turned out to be an “environmental nightmare.” He stated when you put introduced plants into the Township, you do not know what will happen to them; and even if they are not invasive, some will turn out to be. He also stated that they take up space from native plants that give back to the environment. He stated when insects do not co-evolve with certain plants, the insects start to disappear which then negatively impacts birds, forests, and streams.

Mr. Bray stated Lower Makefield is in the forefront of promoting native plants, and in fifteen years no developer has had an issue with this Ordinance which he feels means that they understand the benefit of native plants and that they are readily available. Mr. Bray stated in 2021 Ms. Blundi had suggested that there were not enough beautiful native plants on the list, and they worked together to add more natives. He stated he does not believe those which were added were as good as the original list but they did add 56% more flowering trees and 83% flowering shrubs. Mr. Bray stated cultivars are acceptable under the terms of the Ordinance. He stated there are 200 to 300 different selections of flowering trees and possibly 1,000 flowering shrubs. He stated he feels that would suit anyone.

Mr. Bray stated with regard to other Townships, fifteen years ago they “had nothing to do with native plants and every single one of them pulled from our Ordinance.” He agreed that they did not take the whole Ordinance, but it was a start. He stated Lower Makefield Township is in the forefront and a model, environmental community. He noted an area in Delaware County that took our Ordinance verbatim. He stated there are also a lot of progressive western communities that have taken our Ordinance basically verbatim, and we have made a monumental achievement as far as this specific Ordinance is concerned.

Mr. Bray stated he does not feel there is a good, valid reason for this change; and the EAC has given the Board multiple reasons why they do not want this. He stated the Planning Commission also does not want it. He stated every comment they have had from the people of Lower Makefield has been against the inclusion of the 10% non-native species; and Representative Santarsiero, who is very familiar with it, does not want it. Mr. Bray stated Ms. Blundi was looking for more beautiful plants, but he feels they have demonstrated that there are more than enough native plants. He stated the Lower Makefield Township Memorial Garden is a lovely backdrop for photographs. He stated the EAC has no issue with the rest of the Ordinance provisions, and he asked the Board to do the right thing.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated he is a member of the Planning Commission, and he feels they are taking a successful Ordinance and making it less stringent. He stated he feels that if a developer wants to use something that is not permitted by the Ordinance, the developer should have to rationalize before the Township why they want to do so. He stated he also questions the reference to this being approved by an arborist, and it did not specify whether that was an independent arborist. Mr. Costello stated he considers himself a collaborator, and he feels people with the right mindset can get together. He stated he did not know before tonight’s meeting that there has been zero requests for a Waiver from this by developers, and he asked why we would consider changing this. He stated this is only for developers, and this would not relate to non-native plants throughout the Township. He stated he does not feel there is a valid reason to change this when there is nothing that has told us that it has not been successful.

Mr. Alan Dresser, 1907 Lynbrooke Drive, stated he is a member of the EAC, and he is still trying to find a valid reason to do this. He stated he reviewed the Minutes from the December 15 meeting; and one of the reasons given was that if this Ordinance were passed, it would have minimal impact because only 5%

of the Township's land is developable, and it would only apply to that land. He stated that would be equivalent to 600 acres of property. He stated at Pricketts Preserve, it was indicated that 160 non-native trees could be planted; however he stated there are also 1,700 shrubs and bushes that will be planted so that could be another 170 non-natives at 10%. He stated Prickett Preserve is 37 acres. He stated considering the 600 acres that could be developed in the Township, that could mean 2,600 non-native trees and 2,750 non-native bushes and shrubs planted which adds up to over 5,000 non-natives which he does not feel is insignificant. He stated he feels some of those will become invasive non-natives in the future because so many other plants have done that.

Mr. Stephen Heinz, 1355 Edgewood Road, stated he is a member of HARB. He stated he believes there is also a "chemical consideration" as over the past thirty years he has seen in the area behind his house that a number of plants come to the forefront because of the overall climatic environment and because they have different chemistry from adjacent trees, and we have lost a number of beech trees that were once a healthy colony. He stated he feels the eco-system needs a lot of study and there should be a presentation by a professional landscape architect, arborist, or environmental scientist on the part of the developer to say why they want to use non-native plants. He feels it would be a better Ordinance if that were included if the non-native plants are going to be allowed. Mr. Heinze stated in Edgewood Village he would want to see only native plants being utilized noting that there will be development there eventually. Mr. Heinz suggested that this be Tabled until there is more input from experts. He stated there might be "new plants found someplace that thrive next to parking lots which would be a valuable reason for having a non-native plant installed." He stated if the Ordinance is going to be changed, it should be changed so that it has a positive impact on what is trying to be achieved in the developments which are longevity and beauty and that it is good for the environment and the community.

Mr. Lewis moved and Mr. Grenier seconded to Table the Motion.

Mr. McCartney stated the Board has heard a lot of good feedback from the public and Mr. Grenier gave good feedback regarding the verbiage in the Ordinance which seems to be "a little bit loose," and the fact that some things seem to be missing as noted by Mr. Costello. Mr. McCartney asked the process if the Board wanted to re-advertise the Ordinance with different verbiage. Mr. Truelove stated he feels it would be best to Deny the Ordinance as advertised, and it could be sent back for clarification if the decision is made not to pass the Ordinance this evening.

Mr. Majewski stated Mr. Costello had indicated that the Ordinance did not specify who the arborist would work for; however, it does state: “subject to the approval of an arborist for the Township.” Mr. Majewski stated Mr. Grenier had also mentioned the different lists noted in the Ordinance, and there is a PA Natural Heritage Program list which is on their Website called the PA iMapInvasives, and it cross-references other lists from the Department of Agriculture, DCNR, and some other organizations. Mr. Grenier stated that is not a list, rather it is an open source program among local naturalists to identify where they are finding invasives around the State. He stated the official list in Pennsylvania is from the Department of Agriculture and the Governor’s Executive Order has an Advisory Council on invasives and non-natives adding there is a Presidential Executive Order along the same lines as well.

Dr. Weiss stated the Motion to Table takes precedence over the original Motion.

Mr. McCartney stated he is not confident with the currently-proposed Ordinance based on some of the comments heard this evening, and he would prefer that an Ordinance be written to address those concerns. Mr. Truelove stated if the desire is to have the Ordinance re-written, the Motion to Table should be denied.

Ms. Blundi asked if it were re-advertised would it go back to the Township Planning Commission and the Bucks County Planning Commission as well, and Mr. Truelove stated if the desire was to change the Ordinance substitively, the process would start over. Mr. McCartney stated it appears that there are items in the proposed Ordinance that people are in favor of, and Mr. Truelove agreed that those who spoke against the 10% seemed to be in favor with the vast majority of the other changes such as the caliper and height changes, etc.

Mr. Lewis stated he agrees with Mr. Truelove. He asked if the Board were to remove the non-natives, would that be a substitutive change; and Mr. Truelove stated he believes so.

Mr. McCartney asked what would happen if the Motion were withdrawn, and Mr. Truelove stated there would not therefore be anything before the Board, and it would give the ability to re-write the Ordinance which would need to be re-advertised. He stated if it were Tabled, it would just be deferred to a later time, and the same Ordinance would come back.

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

Ms. Blundi stated in the spirit of cooperation, she would Move to withdraw the Motion, and she asked that the Supervisors discuss the substitutive items that can be improved. Dr. Weiss seconded to withdraw the Motion.

Mr. McCartney stated he feels there could be EAC and Planning Commission feedback prior to re-writing the Ordinance, and Mr. Truelove stated the Board should consider how they want this to proceed in terms of drafting and review.

Mr. Grenier asked if he would be permitted to make a Motion to approve the Ordinance as written but remove any reference to allowing non-native plants; and Mr. Truelove stated his concern is that would be a substitutive change. Mr. Ferguson stated they would not want to pass an Ordinance that could be challenged in the future on the basis that it was not re-advertised.

Mr. McCartney stated Mr. Grenier has made a number of comments about the Ordinance; and the 10% aside, he hopes that Mr. Grenier can bring other attributes to the Ordinance going forward. Mr. Grenier stated the best parts of the Ordinance are the changes to the allowance in terms of the types and sizes of the trees, shrubs, etc.; and those will make for more successful plantings and is a very positive change to the Ordinance that he fully supports and has recommended that in the past. He stated he is opposed to everything else that allows for non-natives.

Ms. Blundi stated Mr. Grenier has made some points about the 10%, and there needs to be verbiage around whether that means trees and shrubs; and she feels Mr. Grenier is being asked to submit that language recognizing that he is not in favor of the 10%. Ms. Blundi stated she is asking that Mr. Grenier clarify how it could be more palatable. Mr. Grenier stated the onus is not on him to pass an Ordinance that he disagrees with wholeheartedly. Ms. Blundi stated Mr. Grenier raised some concerns. Mr. Grenier stated he will not re-write the Ordinance to “help it be a bad Ordinance.” He stated any allowance of 10% of any type is a bad Ordinance. He added it is not his responsibility to write what he feels is a bad Ordinance. He stated anything that allows for non-natives is a bad Ordinance.

Ms. Blundi moved to advertise the Ordinance. Ms. Blundi stated she is voting to bring the Ordinance back since no one is going to work on trying to improve it or partner on how we can do this.

Dr. Weiss stated if they are going to come up with the same Ordinance, they could re-consider what was just done, and vote on this Ordinance again.

Ms. Blundi stated if no one is going to compromise, she does not know what language they would try to insert.

Ms. Blundi moved and Dr. Weiss seconded to approve the Ordinance.

Mr. Lewis stated he feels this represents the inability to talk and compromise on a few things. He stated if they have 80% of what they want, and this one provision causes such an issue, he questions why they would not accept the changes that all can agree are constructive and move forward on that.

He stated as to the primary arguments made by Ms. Blundi, he believes that he and Mr. Grenier are willing to work with her as would others to meet her criteria of more attractive, show-stopping gardens or parks. He stated this is just one small provision that is holding up a lot of good revisions to the Ordinance.

Mr. McCartney stated he understands that Mr. Grenier is not interested in working on an Ordinance that includes anything that has to do with allowing 10% non-native. Mr. Lewis stated he agrees with Mr. Grenier. Mr. McCartney stated Mr. Lewis had indicated that he was willing to work on this, while Mr. Grenier indicated he was not.

Mr. Grenier stated hundreds of species have been added to the proposed Ordinance. He stated he is actually opposed to allowing for cultivars because they have a similar potential as non-native plants because you do not always know where the cultivars come from. Ms. Blundi stated cultivars are already permitted. Mr. Grenier stated while he understands that, genetic engineering does not make for a better environment, and it reduces your bio-diversity and makes your environment worse. He stated he is willing to work on an Ordinance that makes sure that we have a diverse group of very beautiful native plant species and is willing to work to create beautiful landscapes as that improves the quality of life; however, doing that at the detriment of our environment can have a very negative effect on the quality of life. He stated he is happy to look at larger plant lists that are native and to work with developers and others to promote certain species on those lists as they come before the Board including a promenade of beautiful, native plants. He stated Prickett Preserve is going to have a nice walking area tied to a pedestrian area, and it would be nice to look at beautiful plants that are native plants. He stated he believes that Ms. Blundi would be in favor of this if it were done properly as it would also promote native wildlife which would not occur to that extent if we

go with non-natives. He stated he is willing to work on re-doing Landscape Plans for future developments that promote more beautiful, diverse landscapes that people can enjoy; but he does not want to be told that he has to accept non-native plants which he knows as a scientist are not good for our environment, and it would be unethical for him to accept that.

Ms. Blundi stated her intent was not to ask Mr. Grenier to do something unethical, and she apologizes if he felt that was what she was asking. She stated she understands that he will never vote for non-natives, but what she was asking for was Mr. Grenier's help with tightening up the language recognizing that he would still not vote in favor of non-natives which is his right. Ms. Blundi stated she worked with the EAC starting last year on the Ordinance that is before the Board. She stated Mr. Bray showed her the difference between the native description that was used in the text fifteen years ago versus what other people define as native to this area of Bucks County. Ms. Blundi stated she is interested in compromise and a better Ordinance.

Ms. Blundi moved to withdraw the Motion and looks to partner with the other Supervisors to tighten up the language so that we can come back with a better product. Dr. Weiss also agreed to withdraw the Motion.

PUBLIC COMMENT

Mr. Stephen Heinz, 1355 Edgewood Road, was present and Ms. Helen Heinz, 1355 Edgewood Road, was present virtually. Mr. Heinz stated a personal situation occurred which he feels has larger implications that should be dealt with by the Board of Supervisors.

Mr. Heinz stated there was a project to connect his home to a lateral force main that would connect them to the public sewer as required by State law given the required distance. He stated this was undertaken after a long process that has taken thirty-five years. He stated on Monday afternoon the Township Inspector stopped work on the project indicating that there was no Permit. Mr. Heinz stated he had asked the contractor the Friday before if he had a Permit, and he had indicated that it was "taken care of." Mr. Heinz stated the Inspector also indicated that the Tap-In Fee of \$2,750 had to be paid. Mr. Heinz advised the Inspector that the amount was supposed to be \$1,200, and he went to the Township to address that issue. Mr. Heinz stated he was angry when he came into the Township because he did not expect to hear the number of \$2,750

because the signed Agreement he had with the Township was that the Tap-In Fee would be \$1,200. Mr. Heinz stated he met with Mr. Majewski and agreed to write a check for \$1,200; but when Mr. Majewski indicated it would be \$2,750 Mr. Ferguson was asked to discuss the matter.

Mr. Heinz stated Mr. Ferguson provided him with the new rate information indicating the Tap-In Fee was \$2,750; and when Mr. Heinz indicated that he had an Agreement to pay \$1,200, Mr. Ferguson indicated he was not familiar with that. Mr. Heinz stated since he had “suffered under the burden of thirty-five years of trying to make this correct after a lot of counter-productive work that the Township did,” he was angry. Mr. Heinz stated he objected to the “tone directed toward him by Mr. Ferguson and he told Mr. Ferguson he was his employee, and then Mr. Ferguson indicated that he worked for the Supervisors.” Mr. Heinz stated the entire office heard comments made by Mr. Ferguson which was embarrassing. Mr. Heinz stated he also made “unpleasant” comments back to Mr. Ferguson who had previously indicated that he was familiar with this situation. He stated Mr. Ferguson made personal comments back to him as well as indicating that Mr. Heinz did not treat the staff well at which he “rolled his eyes and looked exasperated” at Mr. Ferguson which angered him. Mr. Heinz stated he then walked out of the Township Building and did not pay the Tap-In Fee. Mr. Heinz stated his concern was that the contractor would not come back; and if this involves having to pay more money, he will be blaming other people besides the contractor or himself.

Mr. Heinz stated he advised Mr. Ferguson that he was acting unprofessionally, and he feels a professional attitude is required. Mr. Heinz stated twenty years ago when he was dealing with Nancy Frick, she did the same thing to him at a meeting of peers when she started to belittle him as a “hack architect who lived down the road;” and she was taken to task not only by him but a number of other people and made to go through certain courses to adjust her attitude toward the public. He stated perhaps that is something that might be suggested strongly on his behalf. He stated Mr. Ferguson did have the Inspector, Mr. Kirk, call and advise him that he should return as he wanted to apologize, which Mr. Ferguson did in front of everyone; however, he feels a televised public apology would be appropriate in this case because the general attitude and professional courtesy has long been missing from a lot of the people. He stated he expects people to live up to what they agreed to do; and so far, they did not thirty-five years ago, and they are still not doing it today. Mr. Heinz stated Mr. Ferguson did admit that he was wrong and he did find the document that

gave the Stipulations of the case, and the amount he had to pay was \$1,200 which he did pay. Mr. Heinz stated at this point he has been unable to get to his front door for the last three days.

Mr. Heinz stated the reason he felt he had to come tonight was that after he left the Township Building, Mr. Ferguson circulated an e-mail to the Supervisors which he was told about although he did not receive a copy of it. Mr. Heinz stated he wanted to explain his side of the story.

Mr. Ferguson stated the Permit was not paid; and in part what he had said to Mr. Heinz was that he could continue the work even though the Permit was not paid. Mr. Ferguson stated as Mr. Heinz indicated he did apologize to him; however, while his reaction was unfortunate, he will not apologize for standing up for his staff. He stated while he made an apology in front of everyone to Mr. Heinz, Mr. Heinz made no such apology to the staff members that he was berating on site. He stated he knows that Mr. Heinz took them aside on his own and apologized after he had asked Mr. Heinz to come back in. Mr. Ferguson stated he was angry about the way Mr. Heinz was acting; and while his reaction was inappropriate, it was in reaction to what he was seeing beyond just the \$1,200, but he did apologize to him in front of staff. He also agreed that it was \$1,200 and advised Mr. Heinz that he would not be required to pay the Permit Fee and allow the contractor to proceed. Mr. Ferguson stated whether or not that was the contractor's fault, the Township requires Permits to be paid; and if the contractor is at fault, that is something the property owner needs to take up with the contractor. Mr. Ferguson stated the Inspector was correct to stop the project because it was not processed with a Permit. Mr. Ferguson stated they allowed that to proceed immediately, and the Township advised the contractor that he could continue.

Ms. Heinz stated this has been a very long process which started with a failure by the Township to approve the Plan for Yardley Estates. She stated in 1984 the seller of their house did not disclose to them that the house had been placed under possible condemnation for the first 15' of their lot. She stated they found this out when they received the actual Condemnation Notice in the mail after moving in and they went with their neighbors to protest the Condemnation. She stated the Township had let the Planning Commission hold the Plan too long and the time had expired on the contractor's Plans, and he then went to Bucks County Court to have the Plans approved as submitted. She stated all of the things that the Lower Makefield Planning Commission should have received in the Planning Module were automatically approved by the Bucks County Court, and the Township had to proceed to condemn people's

rights-of-way and proceed to allow a trespass by two retention basins going across a person's private property because the developer got this approved in Court.

Ms. Heinz stated the other people involved also sued the Township and ultimately won at great personal cost to the person who had the retention basins distributed over his property. Ms. Heinz stated they had to sue the Township over the taking of their front yard because the Township engineer had not had a chance to ascertain that her house had a lateral that had gone beyond the original septic tanks and actually had a distribution box and three laterals that were in the front which the Township wished to take. She stated this meant that their Lot was subject to a Reverse Condemnation. She stated as new homeowners, they had to sue the Township.

Ms. Heinz stated they made an Agreement with the Township in the way that Agreements were made in 1987 where the Township agreed to vacate the Condemnation, and they signed an Agreement that the Township was going "to put in the drawer." Ms. Heinz stated Mr. Majewski provided a copy which she read and indicates at what point they would be required to connect to the Sewer system and abandon the private septic system. Ms. Heinz stated over the years they "have felt held hostage by the Township." She stated before COVID struck, a new neighbor moved in next door and improved the property, and was granted right-of-way through the Heinz' front yard adding she wishes she had been notified before that happened. She stated it was at that point that they found out that the Township had never vacated the Condemnation even though they said that they were going to. She stated at some point a Deed that was Recorded at the Court House and they had no knowledge of that. She stated once this went through their front yard, they had to automatically get hooked up. She stated they had to hire a family attorney to deal with this. She stated they did not want to sue the Township, and they agreed that they would try to get this hooked up to public sewer.

Ms. Heinz stated her husband had interviewed several firms that were listed by the Township to do this work, and they assumed that they knew what they were doing, but this has not happened.

Mr. Heinz stated he feels the Board of Supervisors should take care of the professional attitude "no matter how unpleasant the citizen is who shows up." He stated he also feels the process should be addressed because of the way that he found out that he had to go to the Township and pay the Tap-In Fee as there was no notification of paperwork that he had to fill out and there

was no form to be filled out when he provided the check to the person at the Township. He stated he feels that everything that has do with into getting a Permit should be explained not only to the contractor but there should also be a sign-off by the homeowners indicating that they understand what their responsibilities are. Mr. Heinz stated thirty-five years was a long time to wait for “something to be done positively on the system.” Mr. Heinz stated whoever was in charge did not vacate the Condemnation thirty-five years ago, but they were under the assumption that it was.

Mr. McCartney stated they appreciate the feedback and the positive outcome is that they were both able to apologize.

Mr. Grenier asked where they are in the process, and Ms. Heinz stated there is sewage going into the ditch. Mr. Grenier stated even though Mr. Ferguson waived the Permit Fee and allowed things to move forward, it seems that there was a pause; and he asked if the contractor is currently working on the project. Ms. Heinz stated the contractor is gone. Mr. Grenier asked if they know when the project will be completed, and Ms. Heinz stated they indicated originally that the project would be done by Thursday. She stated there is now a 4’ hole from their front door to the ditch where they broke all three of the lateral pipes so the gray water from their plumbing system is now going into the ditch, and the ditch is emptying underneath two other property owners’ driveways into the storm sewer located on the edge of the Harris property, and going underneath Edgewood Road into the Yardley Hunt storm sewer system.

Mr. Grenier asked if that is a regulated, non-compliant discharge of some type that needs to be addressed immediately. Mr. Pockl stated based on what he has heard, there is some concern; and he would want to know why the contractor has not returned yet. Mr. Majewski stated he was not aware that they had not made the connection, and he felt that they had just not backfilled the hole, which while it must be done, is different from making the connection. He stated he will call McHales and try to get them out there as soon as possible. Ms. Heinz stated at this point they have 90% of the payment. Mr. McCartney asked if there is something temporary that could be put in place which would allow them to continue occupying the residence and use the plumbing. Mr. Majewski stated he feels this needs to be addressed by the plumber immediately. Mr. Ferguson stated they will also contact the Sewer engineer to have him provide his professional assessment as to environmental concerns and short-term mitigation efforts if there is any kind of a delay by the contractor. Mr. McCartney asked if they could provide a

portable facility. Mr. Ferguson stated he feels they need to have an assessment by the Sewer engineer as to what can be done. Mr. Ferguson added he was also under the assumption that the connection had been made.

SUPERVISORS REPORTS

Mr. Grenier stated the Planning Commission had another review of the Act 537 Plan where they voted in the affirmative that the Act 537 Plan/Sale of the Sewer system would not negatively impact their ability to review future Land Developments, but they did not agree on or vote in the affirmative whether or not the sale of the Sewer system was in agreement with the Township's Comprehensive Master Plan.

Mr. Grenier stated the ERC is still working out the details of their request to have PECO come in front of the Board of Supervisors.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to re-appoint Helen Heinz to the Historical Commission and Paul Roden to the Environmental Advisory Council.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to appoint Pam Kravitz to the Citizens Traffic Commission, Richard Gorelick to Emergency Management, and Thomas Argentieri to the Historical Commission.

There being no further business, Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting at 11:40 p.m.

Respectfully Submitted,

Daniel Grenier, Secretary

