

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – AUGUST 2, 2023

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 2, 2023. Dr. Weiss called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: David W. Kratzer, Jr., Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Isaac Kessler, Township Engineer
Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

There was no one from any youth groups or any other organizations wishing to make an announcement at this time.

Dr. Weiss stated Lower Makefield Township will be hosting a Blood Drive for the Red Cross on Friday, August 18, 2023 from 1:00 p.m. to 6:00 p.m. in the meeting room at the Township Building, 1100 Edgewood Road, Yardley, PA 19067. To sign up or get more information log onto RedCrossBlood.org and enter SponsorCode: LowerMakefield.

Dr. Weiss stated Community Day will be held on August 26, 2023 at 1050 Edgewood Road, Yardley, PA 19067. Join us for food, fun, rides, and more. For more information visit lmt.org – special events.

Dr. Weiss stated the Ad Hoc Property Committee is creating a long-term Master Plan for Patterson Farm and asks for community involvement. This Township-owned property is at a crossroads with historic buildings requiring expensive repairs or they may be lost. Potentially millions of dollars could be needed, but such expenditures cannot be made only to have buildings saved and sit idle.

The Committee is working with a team of architects, engineers, and economists to determine the best and compatible uses for the buildings that could benefit our community and thus support maintenance for future generations. The public is asked to become engaged by: (a) attending public Zoom meetings held the 2nd Thursday of each month, (b) learning more at [LMT.org/Community/Patterson Farm](https://lmt.org/Community/PattersonFarm), and (c) attending future public forums.

PUBLIC COMMENT

Mr. Greg Luzeckyj, 18 Maplevale Drive, asked what work has been done in the last two weeks to address the questions he had two weeks ago after the flooding on July 15. He stated work started at his and Ms. Cloer's property on Monday to fill in the holes that were created from the rainfall. He stated he appreciates the work done to save the house, but he asked the rest of the plan to complete the work that has been started. He stated he was told that the Township is working on putting together a phased plan to save the house, continue to repair the pipe that broke, and brace the new earth material. He stated he would like to know what the milestones are and what the schedule is. He stated there is an immediate short-term issue that has been neglected as it was reported to the Township two years ago when they flooded, but nothing has been done in measurable improvement. He stated now there has been a "catastrophe, loss of property, and the fact that seven people also died as a result of this stuff." He stated he feels all the development that has been allowed is a direct contributor and the lack of attention to the necessary infrastructure that should be in place to protect from the excessive water run-off that is now being seen. He stated he feels it is the Township's responsibility to protect and keep the water away.

Mr. Luzeckyj asked if a Permit is needed to do something, it should be known who is responsible to make sure that the Permit is gotten. He stated they also need to know if it is a State problem, a Township problem, or someone else, and if they are acting on it. He stated this needs to be a quick fix because there is not time as they are "sitting in a man-manufactured flood zone."

Mr. Luzeckyj stated last Saturday there was a short burst of rain, and whatever was done so far by the Township did not help anything because water was pooling on both sides of the street and was starting to close to the center of the road again to the extent that the neighbors were concerned if they had to move their cars. He stated he lost two cars two weeks ago.

Mr. Kessler stated the professional geo-technical engineer assessed the area, and put together a report to make sure that the fill will be the right material and will not be subject to getting quickly undermined again when rain comes in. He stated that set up the documents and the Emergency Permit Plan, and this involves the DEP because the water is going out to a water body and DCNR due to the Canal. He stated the Township staff and the engineer's office have been working consistently with those agencies. He stated the DEP Plan and Permit package has been submitted to the DEP for the Emergency Permit, and the timeline they have to get a response back to the Township is typically a week at the most. Once that is approved by the DEP, they can proceed. Mr. Kessler stated the plan is to get the hole re-filled and re-graded. He stated the pipe replacement is in the Emergency Permit as well.

Mr. Luzeckyj asked if will be replaced with a bigger pipe, two new pipes that are bigger, or are they just restoring the existing pipe. Mr. Kessler stated they will completely replace the one pipe that broke in half, and they are looking to add a second one to double the amount of pipe capacity that is at the bottom of the road. Mr. Luzeckyj asked when that is supposed to start, and Mr. Kessler stated as soon as the Permit Plan is approved. Mr. Luzeckyj stated "that is not a schedule." Mr. Kessler stated as he noted, the DEP typically takes less than a week; and we will push them as much as we can.

Mr. Luzeckyj asked if that upgrade will be done after they secure the house. Mr. Kratzer stated we are hopeful that it can all be coordinated and be one project. Mr. Luzeckyj asked if they are going to do both sides of the house or just one. He added that he has two double storm drains on either side of his house, and the one that failed is on the left side from the front of the house. He stated there is the same thing on the right side. Mr. Fuller he stated in the new design the two new pipes will handle the 100-year storm event which is in addition to what is there. He added they are not touching the one on the right-hand side of Mr. Luzeckyj's house at this time, and the intent of the Permit is to replace and add an additional one on the left-hand side of the house. He stated he believes that it is two, 36" pipes.

Mr. Kessler stated in addition to that there is work where it comes out to the Canal, which from what they observed, is where the scour and erosion started to dig out the hole that is there now. He stated that is part of the Permitted work, and they will correct it, repair it, armor it, and make it more robust not only at the area where the dual pipes will come out but also the one mentioned at the other property on Maplevale. Mr. Fuller stated re-armor the outlet structure is under the Permit as well.

Mr. Luzeckyj stated he is not sure he agrees that they do not have to do anything on the right side of the house because when the storm drains get overrun, they get overrun on both ends and both ends end up in the driveway. He stated he knows it is wrong to ignore the right-side drains since he “has seen it four times.” He stated they use the term “one-hundred year storm event,” but he has been flooded four times. He stated “throwing around the one-hundred year storm event is discrediting their credentials to some degree.” He stated he told them on Saturday that the water was starting to overtake the street with mud as they have seen before, and we were fortunate that the rain stopped. He stated he knows that they have done a “little bit of work cleaning some of the creeks a block away from him, which is nice, but is still not the final answer, and it is going to happen again.”

Mr. Kessler stated he agrees that it is not the final answer, but he does not want to dismiss the work that Mr. Fuller and his staff did because that was a significant source of one of the factors that led to a lot of water gushing into the neighborhood during the storm. He stated it was significant that the area was cleaned of all the debris and blockages. Mr. Luzeckyj stated he agrees that it helped. Mr. Kessler stated the three-front approach that they are taking is that they are making sure it is sound structurally and repairing the items that were broken in this storm and generally with armoring the pipes. He stated once everything is secured and repaired so that everything is stable, what will be a longer process is to see if there are other ways to better manage the water coming into the neighborhood. Mr. Kessler stated by doubling the pipe on the one side, no matter the ranking of the storm, there will be double capacity.

Mr. Luzeckyj stated he is still concerned that it is only being done on one side since when they take in water, it comes in on both sides. Mr. Kessler stated they are repairing the infrastructure that was impacted with the storm, but this is not the “end-all fix of everything.” He stated this is how they are addressing things as quickly as they can with the emergency approval. Mr. Luzeckyj asked if the pipe to be installed at the left side of his house will be done after the land around his house is preserved or will that be a second phase, and Mr. Kessler stated that work will be done concurrently.

Mr. Kratzer stated their intent is to continue their coordination with the Department of Environmental Protection, which has been very responsive thus far. He stated the hope is that the stabilization effort will roll into the additional capacity that is being added with the pipe.

Mr. Luzeckyj stated he is still not hearing a schedule, and there “is not a plan without a real schedule.” Mr. Kessler stated they are waiting to hear back about the Emergency Permit, and he cannot give a definite date as to when they will send it back to the Township. Mr. Luzeckyj stated “you can put together a schedule.” Mr. Kessler stated they will start right after the Permit is received. Mr. Luzeckyj stated “you can put together a schedule; and if for whatever reason, the schedule slips, you know who to go get.” Mr. Luzeckyj stated he does appreciate the work being done to restore the house, and we know that there “is a busted pipe, and we know that even repairing that, its current diameter is not even close to sufficient, and doubling it and increasing the capacity will certainly help.”

Mr. Luzeckyj stated again that he is still concerned about the right side of his house, and when they take water in, the water comes in from both of the sides; and while it will help if it is fixed on one side, there is still a problem on the right side. He asked if they are thinking about a better solution, and how long will that take. He stated every time it rains, he has to live in his home worrying about losing cars, flooding out an entire lower and upper level of the house, and now he does not have a lawn that he can bank on. He stated there is also the loss that he cannot afford to do again. He stated his family has already “conceded and knows that they have to do without things they had before.” He stated this is because of over-development and inappropriate prioritization of what the job should be for the community to keep us safe and to keep this from happening again. Mr. Luzeckyj stated “everybody on the Board has their pet projects.” He stated he does not need a new soccer field, a new Wegman’s, or a Dog Park. He stated while they make the neighborhood sellable, if you cannot live in it because you run the risk of getting washed away or drown, that is a priority problem that needs to be fixed immediately - not a multi-phases plan that drags out for many years.

Mr. Luzeckyj stated he agrees with the plan to at least get the pipes back in, but he still wants to see and hear a detailed plan with milestones and a schedule for “what will be done and where further upstream up to even the Neshaminy Creek because it all starts there.” He asked what the Township is going to do to keep that water basin away from the residents when it overflows. He stated everything that has been talked about so far is at his immediate yard. He stated it is “never going to be able to tackle all of that.” He stated what was said will help, but he feels they are still “missing it” on the right side of the house, and they are taking “short-cuts.” He stated he does not want his “bushes ripped out or Mr. and Mrs. Gamble’s shed ripped out;” but he asked what good is having shrubbery and a shed when the rest

of your house will be under water every time it rains. He stated they do not have the luxury of time; and if the Township thinks they are going to give a plan/proposal that will take longer than the end of this year, then that is completely unacceptable. He added that there is a big picture problem, and people have died over this including two children; and this is unacceptable under any circumstance. He stated “any pet project that is going on right now, needs to be put on the back burner, and get this done already.”

Mr. Luzeckyj stated he would like to know who is doing what, as they have seen “cases in the last two weeks that this Board does not necessarily communicate well with each other for everything as well as they could or should.” He stated that includes the contractors that they have at their house right now with their construction equipment. He stated they “have a job, but they do not necessarily know what their boundaries are.” He stated there have been cases where they talk to Mr. Grenier, but when they compare notes with another neighbor who talked to someone else there is no connection.

Mr. Luzeckyj stated it has been two weeks, and he feels that they have “only taken it as far as what they are going to do to fill the hole in their house and possibly what they are going to do with the pipe, but they are missing the right side of the house.”

Dr. Weiss stated they have spent the last two weeks trying to figure out what to do next, and immediately they are going to take care of replacing the pipe, and fill in the hole with proper soil so that hopefully there will not be a sink hole again. He stated there are Emergency Permits with DEP and DCNR, and hopefully in the next few days we will be able to start work. Dr. Weiss asked that rather than asking members of the Board, the professional staff be contacted who can answer questions; however, if residents are not getting proper answers, the Board could be contacted.

Mr. Luzeckyj stated he wants to see a plan with the schedule. Mr. Kratzer stated we understand the need for a strategic, comprehensive, integrated plan. Mr. Luzeckyj stated everybody should know who is doing what and when “it is needed.” He stated it should be all-inclusive and not just around his immediate house or a block away. Mr. Kratzer stated they have started to have those conversations with other levels of Government, and there are County, State, and Federal resources that are available – both technical resources and financial resources. He stated they have started to lay the groundwork to be able to leverage those resources to create the strategic, comprehensive, integrated plan that Mr. Luzeckyj is talking about.

Mr. Kratzer stated they met with Congressman Fitzpatrick's office today talking about Federal technical and financial resources that are available. He stated PEMA was out today doing assessments, and we are looking to them to help identify resources that are available. He stated he has also started to have conversations with consultants that have done this work in other areas of the Commonwealth and have taken a more integrated, holistic, comprehensive approach to watershed-based planning. He stated there is not a single solution to this issue, and we are working to try to identify and leverage the resources and ultimately develop the plan that Mr. Luzeckyj is speaking about. He added that plan is not going to be developed in two weeks. He stated this is an idea that has not been articulated previously, and they are working through these issues to try to leverage all of the resources that are available.

Mr. Luzeckyj stated he feels it is "okay if they want to reach out to other available resources for funding, if that will help the Township; but this is not a poor Township." He stated as he noted before he does not need a Wegman's, another soccer field, or a Dog Park; and he needs to keep people safe." He stated even beyond the loss of property which was significant, this should be a priority. He stated the Township has money, and "you should get it out of the spot that it does not belong in and put it to the right sport here, now."

Dr. Weiss stated the Board unanimously feels this is the "highest priority, and all of our resources right now are going to fix the problem." He stated as to the problems we can fix as a Township, we will do everything we can to fix; however, this goes beyond the boundaries of the Township. He stated we are already working every day with County, State, and Federal officials so that we can have a more extensive plan. Mr. Luzeckyj asked what is the schedule.

Dr. Weiss stated Mr. Kratzer has done everything he can to engage everybody that is part of this problem to find a solution. He stated there are local issues that we must fix, and we are doing that; and Mr. Fuller, Mr. Kratzer, and the staff are working overtime to try to determine the best way to do it. He stated there will be another pipe, they started a mitigation plan to go into the woods, there is another plan to deal with the water coming down Highland, and digging and dredging the creek along Taylorsville where the culvert is. Dr. Weiss stated all of these things are planned, but we cannot touch a lot of this stuff until we get the Permits. He stated the State understands this, and the crews to do the work are ready to do it.

Dr. Weiss stated we are all neighbors and understand the problem as we all travel the roads. He stated Taylorsville Road has been fixed and Mr. Fuller's crew did clean up because of the concerns about future rain. He stated they understand what happens to this neighborhood, and they are trying to do the best that they can. Dr. Weiss stated he is proud of how the staff has been working to fix the issues. He stated there was a mitigation project that was not finished before the storm came, and it did not work because it was not finished; and he apologized for that. Mr. Luzeckyj stated "you still need to do your job."

Dr. Weiss stated we are doing what we can. He stated while he understands Mr. Luzeckyj's pain from the damage to his yard, there are boundaries. He stated when the staff says that they are doing everything possible to make the situation better, he asked that they thank them. Mr. Luzeckyj stated he did thank them for the work done so far, but he wants to know what is the rest of the plan. Dr. Weiss stated they discussed the rest of the plan. Mr. Luzeckyj stated a plan is not a plan unless you have a schedule. He stated it was indicated that they need the Permits, and he asked who is the person doing the follow-up to pursue that. He stated there should be a plan from the Neshaminy Creek down to their property.

Mr. Grenier stated there is the immediate term, and work has already been started and work that was able to be completed that we were able to do without any additional Permits. He stated there is also the work in the stream along Taylorsville and up the road a little bit where there are other issues. He stated we also want to capture the "immediate schedule" which is essentially the work at the homes. He stated even that can be broken down into a more-detailed schedule because there is work that can be done without an Emergency Permit which has already started, and the work that has to wait for the Emergency Permit. He stated while we cannot say they will issue it at a specific time, we can continue to follow up with them. He stated we met with DEP to get them on board to issue the Permit per the plan that Mr. Kessler described. He stated that is the Emergency Permit; and the contractors who are already there will then move to execute that. Mr. Grenier stated he wants to make sure that we have the contractors lined up so that there is no stoppage of work, and to make sure that we have all the materials including pipes, etc. He stated we also need to see if there are any limitations within the Conditions of the Emergency Permit that we can or cannot do immediately beyond the homes. He stated we have heard that DEP may potentially have to issue another Permit to finish

the work at the banks of the Canal. Mr. Fuller stated that is going to be in the Emergency Permit. Mr. Grenier stated that means that this could happen even faster than anticipated.

Mr. Luzeckyj stated he is concerned that if no one is following up, it could get further delayed; and in the meantime, “we are sitting there vulnerable.”

Mr. Grenier asked if we could put together a project schedule to make sure that everything is lined up including what we know is going to happen, and be able to follow the process to completion including the new paving that will be coming on. He stated he is not sure when the work can be done to put the new inlets in at Highland, and he would like to see that. He stated he knows that we applied for a Grant, but there was discussion about doing the work before we get the Grant. Mr. Kratzer stated a majority of the second phase has already been completed with the work that Mr. Fuller had done in the stream with the exception of the inlets on Highland. Mr. Kratzer stated it may makes sense to just self-fund that.

Mr. Grenier stated there is a fair amount of money that has not been spent on projects that might be available whether it has or has not been allotted to a project. He stated the inlets are not a “huge-ticket item.” He stated he feels everything in the neighborhood, everything at Highland, and any additional stream cleaning that may need to be done can be put in a clear schedule.

Dr. Weiss stated we have the money, and he asked if the work could be done, and then get reimbursed through a Grant. Mr. Kratzer stated there was a discussion about securing the material and installing the inlets. Mr. Fuller stated after the rain event, Mr. Kessler’s team went back to re-check the design and make some modifications to the outfall, and we will check with Mr. Kessler’s team about this second phase. He stated as long as they are comfortable with it, we can move forward with that. Dr. Weiss stated we are still under a Declaration of Emergency, and we would not have to add this to the Agenda. Mr. Kratzer stated we have already started to look at implementation of those inlets.

Mr. Grenier asked Mr. Truelove to provide guidance in terms of what kind of Motion would be needed since this is being reviewed, and we would want flexibility so that we can move forward; and Mr. Truelove provided language for an item to be added to the Agenda and voted on.

APPROVAL OF ADDING TO THE AGENDA IMPLEMENTING PHASE 2

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to add to the Agenda directing all Township professionals and staff to take all necessary steps to implement Phase 2 and for the staff to review the appropriate sources of funding that are available to the Township to help achieve that implementation.

APPROVAL OF IMPLEMENTING PHASE 2

Mr. Grenier moved and Mr. Lewis seconded to direct all Township professionals and staff to take all necessary steps to implement Phase 2 and for the staff to review the appropriate sources of funding that are available to the Township to help achieve that implementation.

Mr. McCartney asked Mr. Kessler if this is going to mitigate future issues at the corner. Mr. Kessler stated Phase 2 is a significant piece of the inlet and pipe system that was for the overall project. He stated this will address some of the issues that we see with water by-passing Highland, and we feel it will be an improvement. He stated with stormwater projects, you cannot guarantee that all storms will be managed completely with the pipes and inlets; but it is a large improvement to handle water coming through that area.

Mr. McCartney asked what would guarantee that there would be no issue and “could we say that 18 Maplevale and 20 Maplevale cannot have structures there, and we need to create a waterway.” Mr. Luzeckyj asked if they could “at least give him something that he would only have to worry about a hundred-year storm.” Mr. McCartney stated he is talking about no structures on either of those lots. Mr. Kessler stated that is difficult to answer since any developed area whether it is dense or not, you are trying to manage and direct water in a manmade way. He stated there are storm events that overwhelm that, and you cannot really guarantee that any system is going to be good for all storms that come through. He stated what they can do is look at the history of water that has come through there and consider what the most-likely events are. He stated as far as the sizing of the systems that can be put in for infrastructure, you are sometimes limited by topography. He stated if they could put in a 60” pipe, he would like to do that, but it would not work because you would then be below the Canal when you come out. He stated there are parameters, and you need to maximize how much you can safely get the water through without property damage.

Mr. Kessler stated this will address items that need improvement; and once in place should show improvement for most regular storms. He stated for the larger events, the pipes and inlets can only handle so much, and you look at ways that the water can be managed on the surface to direct areas of water. He stated this was discussed during Phase 1 where it comes out at the open space and whether more could be done to direct the water.

Mr. Kessler stated with regard to a schedule, what they have indicated tonight are the most up-to-date, honest dates of what is on-going. He stated he feels working with the staff and putting together a schedule including the Phase 2 work is something they would look to do as quickly as possible.

Mr. Lewis asked is there is a reason why we cannot take the entire project and have something that people can see on-line in real time so they know what is or is not occurring. He stated projects are always in a state of flux, but this would allow people to track it so they would know where we are at, which he feels would help the community and help lessen the questions and concerns that they have. Mr. Kessler stated he feels he can work with Mr. Kratzer on this to identify the best way to do that.

Mr. Lewis stated he understands that Mr. Kessler believes that once we have completed some of the elements which were in what was previously Phase 2, that would be a significant improvement compared to where we are at now in terms of water capacity. Mr. Kessler stated during this particular storm, the water was by-passing the area where the infrastructure is not there now. He stated he feels the design of the stormwater management that is intended to manage most storms will be a definite improvement to that stretch of the Phase 2 area.

Mr. Lewis stated there is also a lot of work to be done that considers other sources of where water comes into this neighborhood, and that will take time because a lot of analyses needs to be done; however, they will have an estimate of the number of gallons of water per minute/per second that we feels could be handled right now. Mr. Kessler stated it would be cubic feet per second of how much the pipes that would be put in could actually transport. Mr. Lewis asked what they are looking at for cubic feet per second post Phase 2, and Mr. Kessler stated he would have to verify that and get back to Mr. Lewis.

Mr. Truelove stated while there is a pending Motion, Chief Coluzzi has advised that we should also add to the Agenda extending the Emergency Declaration to the maximum of an additional seven days.

Mr. Grenier stated he is in favor of directing any monies that we can to get this done as soon as possible. He stated this should help with smaller storm events, more regularly-occurring storm events that cause issues in the neighborhood that have been seen for some time. He added that as he has noted in the past, he is in favor of looking at a larger watershed approach. He stated technically the Maplevale watershed is quite small; however, in reality when large storm events happen, it bleeds over into other watersheds that are much larger that go a couple miles up the road and cover several hundred acres, and we are unfortunately at the bottom of that with the Canal. He stated conversations have been started, and there would be a long-term plan which would need another schedule and different types of plans. He stated this would be multi-faceted across the entire Township. He stated we need to address how, from an engineering perspective, to deal with growing storm events due to climate change, and how we can better force future developments that we may have to approve at some level, to address our Ordinances so that we can further improve our stormwater management. He stated we also need to look at other ways we can further improve all of our stormwater management throughout the Township including the 150 basins that the Township has had to take ownership of. Mr. Grenier stated we also need to get funding for these projects.

Motion carried unanimously.

APPROVAL OF ADDING TO THE AGENDA EXTENDING THE DECLARATION OF PUBLIC EMERGENCY

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to add to the Agenda consideration of extending the Declaration of Public Emergency for an additional seven days.

APPROVAL OF EXTENDING THE DECLARATION OF PUBLIC EMERGENCY

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to extend the Declaration of Public Emergency for an additional seven days.

PUBLIC COMMENT (continued)

Mr. Luzeckyj stated he is in favor of creating a plan with a schedule to include upstream infrastructure design improvements to keep water away from us. He stated he feels they will find out things they have not thought of yet.

Ms. April Bollwage-Cloer, 20 Maplevale Drive, thanked everyone who has come out to help them. She stated she understands that there may be a threshold for PEMA and FEMA, and she asked how many families have reported damage, as they know of about thirty, but do not know if there are more. She also asked the dollar amount that has been collected for the Township. She asked if we are well below what is needed for PEMA to help us. Mr. Kratzer stated he believes that what we have collected thus far is about "1.6/1.7". He stated his understanding of thresholds in terms of individual assistance based on an e-mail received from PEMA today is 100 to 200 effected homes, but he understands that would be over the course of multiple jurisdictions. He stated not only are the approximately thirty properties from those who reported damage to us so far, but there is obviously impact in other jurisdictions including Upper Makefield. He stated he believes it relates to the event.

Chief Coluzzi stated Mr. Kratzer is correct that it goes by the event. He stated there were probably more than 50 assessors out today from PEMA and they met with Mr. Fuller and Mr. Kirk in his office. He stated they did a comprehensive assessment, but they may need to come back again to look at some other issues. He stated we are not sure yet what they will come up with or what the Governor will say. Chief Coluzzi stated they will probably talk to the County Emergency Management, and we will coordinate with them to try to get an answer.

Ms. Cloer stated what surprised many of the neighbors was how surprised the people from the County were as they did not have any idea that this happened and did not know that this had happened before. Ms. Cloer stated the neighbors are concerned about the escalation of these incidents and having PEMA coming out quickly as they just came out today. She stated they provided them with hand-outs of organizations that do volunteer work to clean out homes and take away debris; however, the neighbors could not wait until today. She stated they understand what is and is not covered by insurance; however, it was a Township pipe that caused her to lose her property and the property that was on top of the pipe. She stated she feels that if a tree from her neighbor's property fell on her house, it would be the neighbor's responsibility to pay for any

damage. She asked what the Township is going to do to help them. She stated they are not looking for money and they do not want a hand-out, but they cannot continue to fund this themselves. She stated she would like to know what the Township plans to do to assist the families that have been affected by this especially in the event that PEMA disqualifies us for any reason.

Ms. Cloer stated a number of organizations in the Township have reached out to them including St. Ignatius Church, the Knights of Columbus, and the Lion's Club; however, this was a Township pipe, and she asked what the Township is going to do to help them since they are already "out of pocket" and they could not wait for Permits to go through and find out what is going to happen next. She asked how the Township is going to help the families.

Dr. Weiss stated the Township was contacted by United Way, and we are going to meet them as they are an umbrella group of many organizations. He stated there is State funding, and Senator Santarsiero and Representative Warren are involved as is the County. Dr. Weiss stated the Board of Supervisors will support anything that we can do to make them as whole as possible.

Ms. Cloer asked if the neighbors could have a point person so that we have someone to follow up with on these things. Mr. Kratzer stated he can be contacted on any issues. Dr. Weiss stated we will put plans and anything we have in writing on the Township Website – lmt.org. He stated if there is a *question about a property, questions can be asked on-line*. He stated the Board of Supervisors can also be contacted by e-mail or phone; but he suggested that if there are questions, the Township be contacted first since they are the professionals.

Ms. Cloer asked if there is any idea as to when they expect to hear back from the other organizations that were mentioned such as the United Way. Mr. Kratzer stated he will contact the United Way and report back on that. Ms. Cloer stated she understands that we will probably hear back from PEMA next week, and Chief Coluzzi agreed.

Mr. Nancy McPeak, 24 Maplevale Drive, stated she has lived there a little over a year. She stated they lost about \$36,000 including a truck and damage to the house. She stated she feels ignored; adding that while it is not a lot compared to a lot of the other people, \$36,000 is a lot to her. She stated initially she wanted to move after this happened, but she then met with a lot of the neighbors, and it is a great community. She stated she is concerned about what the flood has done to the value of her home

since they paid an enormous amount of money for the house that was not worth that much, and they have put a lot of money into it. She asked if they could be provided a Certificate or a statement that the work once done will insure that this will not repeat itself.

Mr. Glenn Jeffries, 26 Maplevale Drive, asked when the paving of the road from Phase 1 will be finished. Mr. Kessler stated the latest schedule they have for that is in the month of August. He added that one inlet will be lowered a bit, and then they will finish the paving. Mr. Jeffries stated they were told that it would be done in July. Mr. Kessler stated the current schedule indicates it will be mid-August. Mr. Jeffries asked if the contractor has been paid for the first phase, and Mr. Kratzer stated they have been paid for the work that they completed. Mr. Jeffries asked who looked at what was done and said that is “was an excellent job, done to perfection.” Mr. Kessler stated their inspectors were there when they were doing the paving. He stated there is no payment made for work that is left to be done. He stated when they complete portions, they are entitled to request payment for the completed work. He stated when they request that, the inspection team from their office verifies that the quantities were completed, and that is what is on the payment request before the Board of Supervisors.

Mr. Jeffries asked if the inspectors were satisfied with what was done and how it was done, and Mr. Kessler stated that is correct for what they have been paid for so far. Mr. Jeffries stated they are paying for material and not for how the scope of work was completed. Mr. Kessler stated the way the Bid with the contractor works is it is for the quantity and manpower to do the work. He stated they verified that the work was completed, and it then went on the payment certificate. Mr. Jeffries stated “they paid for work that was probably not really good.” He stated the way the curb lines are in the neighborhood one side of the street is 4” high and the other side is 2” high, and 100 yards down the road it is 1” high. He stated the water does not pool like you want it to, to go to the drains; and it pools in their front yards and brings dirt and debris into the street. He asked that they go back and look at that and get new curbing done as it needs to be done properly.

Mr. Kessler stated replacing the curbing was not part of the Contract that they had for the roadway paving, and there was not a new curb as part of the work they did. Mr. Jeffries asked Mr. Kessler if he agrees that the curb should be higher. He asked if Mr. Kessler has looked at the project, and Mr. Kessler stated he has. Mr. Jeffries asked his opinion about the curbs, and “if it was a waste of money doing this.” Mr. Kessler stated when they looked at it, they

looked at replacing the curbing as well; but the end result was that the paving would be done without replacing all of the curbing in the neighborhood. Mr. Jeffries asked if the original plan was that there would be 6" on each side, and Mr. Kessler stated he would have to check the inches of the reveal; and he agreed to follow up with the inches of the existing curb. Mr. Jeffries stated it is uneven around the whole block, and Mr. Kessler stated he understands that. Mr. Jeffries stated it was not a good job. Mr. Kessler stated the curbing was not part of the Paving Contract. Mr. Jeffries stated the paving does not hold the water in where it is supposed to be to get to the drains. Mr. Kessler stated the curbing is meant to channelize the water along the sides of the road up until a certain point to try to get it to the drains.

Mr. Jeffries stated it is not doing that now, and we have paved the road, approved it, and paid for it. He stated we will need to take up the road and do it properly. Mr. Kessler stated he can review the full history of the decision as to why the curbing was not replaced. Mr. Kessler stated if it were raised too much, you have to balance it with water coming down from a higher area to the road, and you would not want to block it behind the curb in the yards. He stated it was determined that the curbing would not be replaced as part of the road being re-surfaced. Mr. Jeffries stated now it does need to be replaced to channel the water where it needs to go to. Mr. Kessler stated he will follow up on this; however, that was not something that was missed on the Contract as far as payment is concerned as it was not in the Contract. Mr. Jeffries asked "how come some houses did get replaced as some driveways were re-done, and others were not." Mr. Kessler stated he would have to look at the locations that Mr. Jeffries is speaking to. Mr. Jeffries stated 28 Maplevale was re-done and 30 Maplevale's driveway was re-done in the front, but the rest of the block was not. Mr. Kessler stated he will follow up on that and look at the Plans with Mr. Jeffries to clarify that.

Mr. Jeffries asked if this is an "open-ended Permit for the stream to be cleaned out year-round or is it just a one-time thing." Mr. Fuller stated the GP3 Permit is a one-time operation. He stated when sediment bars accumulate over time, a new GP3 Permit needs to be sought from the State. Mr. Jeffries asked if that will be asked for every year since it has not been done. Mr. Fuller stated the goal of the Township is to monitor the stream a lot more stringently than it has been in the past.

Mr. Grenier stated there is a GP10 Permit which is a Long-Term Operations and Maintenance Permit for the areas "up and down the stream of a bridge;" and it is for any bridge/culvert that the State owns along Taylorsville. He stated

at any time under that Permit they can go 50 feet up and down that stream, in addition to the Township cleaning the stream we also have to make sure that we advise PennDOT that they need to clean out their portions as well.

Mr. Jeffries asked who would ask for that to be cleaned out, and he asked if the community down below has to ask for that or will the Township do that for them every year. Mr. Grenier stated it is supposed to be part of PennDOT District 6's Operations and Maintenance Plan that they are supposed to execute all of the time.

Mr. Jeffries asked if anyone has looked through the culvert to see if it is full. Mr. Fuller stated the Taylorsville Road culvert was looked at shortly after the storm, and he went out with PennDOT's Maintenance Division. He stated there are not major blockages, but they have some minor sediment that they are scheduling to have removed.

Mr. Jeffries stated with regard to Meadow, we know that a lot of water pools from Taylorsville behind the Taylorsville houses and the Meadow houses. He stated there are PECO pole lines there, and the water runs behind the houses and comes out both ends of Maplevale. He asked what could be done between those houses. He stated they are the homes along Meadow which back to the homes along Taylorsville. Mr. Kessler stated he will provide his contact info to Mr. Jeffries, and they can look at the location together. Mr. Kratzer stated they are happy to talk to Mr. Jeffries and all the residents about all of these issues, and he believes that these issues are part of the more comprehensive approach and solution that is necessary to address stormwater in the Maplevale neighborhood. He stated this will involve looking at how to improve the system beyond which was previously contemplated in the neighborhood.

Mr. Jeffries asked if anyone has looked at raising the four houses at the end of the block or condemning them. Mr. McCartney stated he is not sure they are in a position to discuss this as he does not believe an analysis has been done if that would mediate the other issues within Maplevale, although he does believe that is something that the Board needs to take into consideration. Mr. Jeffries stated he heard previously that the Township has \$50 million in a Trust. Dr. Weiss stated there is \$21 million in the Trust. Mr. Jeffries asked how much interest that is gaining each year, and Dr. Weiss stated they hope it will be \$1 million a year. Mr. Jeffries stated they could buy two houses a year. Mr. Jeffries asked what is the plan for that money. Dr. Weiss stated it cannot be touched until 2025, and it would be up to the Board how to spend the money.

Dr. Weiss stated he understands that the neighbors want to be informed about the progress on a regular basis. He asked if we could have a community Zoom meeting once a week for anyone who wants to get the latest information, and Mr. Kratzer agreed. Dr. Weiss stated if there are individual questions, the residents should call the Township; and if they are not getting any answers, they could call the Board of Supervisors. Dr. Weiss stated the holistic issues that were brought up will require not just our Township, but other Townships in the area. Dr. Weiss stated there will be a weekly meeting time established which will be published.

Mr. Richard Adams, 221 Taylorsville Road, stated he has lived there for seventy-two years. He asked the name of the agency the Township is waiting permission from to proceed with the creek cleaning of the Township-owned land on both sides of Taylorsville Road. Mr. Kratzer stated the Pennsylvania Department of Environmental Protection has jurisdiction over this. Mr. Grenier stated we have that Permit, and that work has been executed. Mr. Adams asked what date that was applied for. Mr. Kratzer stated the Permit that was referenced was the Emergency Repair Permit related to the Canal not the stream across Taylorsville Road.

Mr. Adams stated he is referring to the one for the land in the Prospect Farms area and the Lower Makefield Township land on the side of the road of Taylorsville down to the Canal. He asked if the Township has applied for a Permit "to clean out the jungle," and asked what date it was applied for. Mr. Fuller stated with regard to the land that Mr. Adams is referring to on the east side of Taylorsville Road, a very small portion of the stream is on Township property. Mr. Adams stated all of it is on Township property. Mr. Fuller stated it is actually on the right-of-way of the Joint Toll Bridge Commission. Mr. Adams stated that is "not what the Deeds say in Doylestown." Mr. Fuller stated he looked at this with the Joint Toll Bridge Commission, and it is on their right-of-way. Mr. Adams stated he could give the "Tax Map Plot number." He stated "it is on the Internet, and it is everywhere, and you are denying that you own this land." Mr. Fuller stated they do own the land, but the way the stream meanders, it meanders into the right-of-way of the Joint Toll Bridge Commission. Mr. Adams stated all the way over to Maplevale, all the way down to the Canal, and all the way to Taylorsville, the Township owns 14.4 acres; and Mr. Fuller agreed. Mr. Adams stated it includes the creek.

Mr. Kratzer stated there has been no Permit applied for that area. Mr. Adams stated that has not been cleaned out in seventy-two years. Mr. Lewis asked that Mr. Adams not address his unhappiness with the staff. Mr. Adams stated they are denying things that are in writing, and he “will go to Doylestown and bring the Tax Map.”

Mr. Adams noted Prospect Farms. He stated from the Fiori property that is fenced in on Dolington down to the homes on Taylorsville Road including the creek and the embankment going up to Highland Drive and the development there, the Township owns 7.78 acres. He asked what they are going to do about “cleaning out that jungle.” Mr. Grenier stated he brought up at the last meeting that in addition to owning that land, the Township has taken over ownership of the basins that serve Prospect Farm. He stated we are always inspecting the basins. He stated when we look into the long-term, full watershed approach, we need to look at that specific area as a potential area to increase our stormwater management on this available land which would have a positive effect relative to Maplevale. Mr. Grenier stated he would want to continue that all the way up the stream to Woodside and Dolington to see what could be done across all 364 acres of the watershed. Mr. Grenier stated the stream is under the jurisdiction of the Waters of the Commonwealth, and we need to make sure that even private landowners that have the stream going through their land are following State, Federal, and Township regulations. He stated this would include educating landowners as to how to best manage their property.

Mr. Adams noted the basins in the area which he feels need to be re-studied to see if they need to be lowered or lengthened. He stated he went back there after the incident on Saturday, and he did not see mud in those basins. Mr. Fuller stated the basins were full, and he received multiple residential complaints from residents whose back yard are that basin. He stated he has pictures which he could provide. Mr. Fuller stated the basin was full, and it properly drained within twenty-four hours per design.

Ms. Blundi stated the Board has agreed that we need to take a more comprehensive look at everything we can look at in the Township, and look for cooperation with the different State, County, and Federal agencies, as well as reach out to the bordering Townships to be partners with the Township.

Mr. Adams stated he filed Right-To-Know paperwork today, and he wants to know what the elevation is at the Taylorsville Road bridge and the elevation of the Canal that the stream flows into. Mr. Kratzer stated to the extent that we have the documents that are responsive to this request, we will get that to Mr. Adams. Mr. Adams stated the area has to be cleaned out as there are concrete footings there. Mr. Kratzer stated as Ms. Blundi previously noted, all the issues Mr. Adams is raising would be part of the comprehensive look that has been committed to by the Board.

Mr. Adams asked if the short distance of the stream between the Highland Drive bridge and the Taylorsville Road bridge will be cleaned out soon. He stated there are small trees where the water wants to go into and under the Taylorsville Road bridge. Mr. Fuller stated that is the area that PennDOT District 6 Maintenance is going to take care of. He stated PennDOT's main goal for the last two weeks was opening Taylorsville Road, and the next goal is to start work maintaining the bridge.

Mr. Adams asked if a total survey of Highland, Upton, Hilltop, and Prospect Farms developments is going to be studied of the water run-off, perc test, etc. because he was told that the Township does not have this information for this area. He stated the area was done in 1964/1965; and many people have put in patios, received Variances, and doubled the width of their driveways. He stated it is prudent that be done so that we do not end up with this project having to be done over at a later date. Mr. Kessler asked Mr. Adams if he is referring to the basins, and Mr. Adams stated he does not believe that there are any basins. Mr. Kratzer stated he believes that Mr. Adams is just referring to the general lack of infrastructure in that area. He stated when we are looking at retrofitting existing developed areas, that would be an area that we would look at. Mr. Adams stated there should be an up-to-date, "quality study by an outside outfit" to see how much water can run off of that area and end up down in the creek where Highland Drive meets Taylorsville Road so that we can plan accordingly as to what can be done with the "little bridge."

Mr. Kratzer stated that is again part of the upstream conditions that have been referenced, and that would be part of looking at the entire drainage basin. Mr. Adams stated that area and the Prospect Farms development is "the cause of their terrible problem." He stated the water came from the other side of Taylorsville Road. Mr. Kratzer stated he agrees that we are dealing with historic development issues and the lack of approach to stormwater in areas that developed when philosophies relative to stormwater were different from today's standards.

Mr. Adams asked if the Township has gone out to Bid to “whatever outside outfit would do this study for the Township.” Mr. Kratzer stated we have not as we are still trying to define a scope. Mr. Adams stated they have had two weeks to define the scope. Mr. Kratzer stated we have been dealing with the immediate issues relating to stabilizing the conditions in the Maplevale neighborhood. He stated we have been trying to leverage resources from all of the agencies and all of the levels of Government. He stated such a study is being considered. Mr. Adams stated it is obvious that all of the impervious surface at Highland Drive, Upton, etc. is more than it was when those houses were built. Mr. Kratzer agreed adding that defining the scope is looking for solutions to address the upstream conditions. Mr. Adams asked if they would include the Fiori Estate and to the west where the stream comes to the Fiori property, and Mr. Kratzer stated we will approach this as holistically as possible.

Mr. Adams asked if Lower Makefield Township has the calculations of the Delaware River Joint Toll Bridge Commission’s Study of the run-off of their basin into the stream just before it goes underneath Taylorsville Road. Mr. Fuller stated he does not have those calculations, but their large basin is by design an infiltration basin so the only time it spills into the stream is an abnormal flood event; and it did not spill into the stream during the event being discussed. Mr. Adams stated it is a 24” pipe, and Mr. Fuller agreed adding it is an emergency overflow of the basin. Mr. Kratzer stated they have videotape showing that the water did not come out of that pipe.

Mr. McCartney asked that as part of the Emergency Declaration for the additional seven days, that we direct the Township Manager and staff to look at “Parcel 20030056001, which is Taylorsville Road and 20020113-026, which is Prospect Farm Drive” for any emergency clean-out of those creek areas. This was acceptable to the Board.

Mr. Tom Mier, Twig Lane, stated he previously approached the Board about the Verizon Appeal to construct a 150’ cell tower in a Residential area. He stated he feels building a 150’ cell tower in a Residential area is a bad idea, and he asked the Board to do everything in its power to oppose the construction of this tower. He stated the company has \$150 billion in annual revenues, and he does not feel they reflect the best interests of the residents of Lower Makefield.

Mr. Jeffrey Berry, 229 Taylorsville Road, stated the stream behind him “did stuff that he never imagined it would do” in his twenty-one years there. He stated he understands that Phase 1 was the Maplevale project, and

Phase 2 is “the cleaning.” He thanked the Township for what they have done cleaning out the back of his house and his neighbors’ houses. He stated he hopes it is the solution to the problem so that those below do not have an issue again. Mr. Berry stated he understands that PennDOT is responsible for Taylorsville Road in terms of drainage issues. He stated it is dangerous as it gets deep and the water does not drain. He stated he saw that they repaired “Scott’s” driveway enough to get cars in, but there is a drainage ditch that looks like it is unfinished; and he asked if the Phase 2 project is completed or will PennDOT come in and do some more work. Chief Coluzzi stated Mr. Fuller had mentioned that he was in contact with PennDOT’s chief engineer; and they are making recommendations. He added that Mr. Fuller is also making recommendations as to what he feels needs to be done with the bridge. Mr. Fuller stated there is nothing in terms of short-term maintenance that can be done given the grades on Taylorsville Road as that water almost has to go uphill to get past the Skinner’s property. He stated PennDOT is therefore looking at a long-term capital project that would have to be done along Taylorsville Road including inlets, curb lines, etc. He stated unfortunately there is nothing that can be done short-term to stop the driveway drainage. He stated the Skinners allowed access to the stream through their property, and the pipe was replaced and paved.

Mr. Berry asked about the concrete box on the north side of the driveway, adding it looks like it is not finished. Mr. Fuller stated while he is unsure of what Mr. Berry is referring to, he knows that there is a hole there because the grades along Taylorsville Road over years of rebuilding the State road, the driveway stayed low and the pipe is unnaturally lower than where it could drain to. He stated he believes the contractor did what they could to the best of their ability.

Mr. Grenier asked if that is something we could formally petition PennDOT to take action at Taylorsville. Mr. Kratzer stated we have commenced the conversations with PennDOT. Mr. Grenier asked if there could be formal action by the Board of Supervisors. Mr. Truelove stated the Board could direct that a Resolution be drafted for that purpose. Mr. Truelove stated we may get more information by the next meeting, and a Resolution could be prepared not only for Taylorsville, as there may be other areas under PennDOT jurisdiction that we may want to consider as well. The Board agreed that the Township should proceed with this. Mr. Kratzer stated this is part of the coordination that has been going on with both the Representative and the Senator’s office, and they were helpful in getting the PennDOT maintenance staff and Government-relations staff involved.

There was a site visit to see what opportunities existed on the maintenance side, and they came to the conclusion that it was a broader, larger, capital project that they will have to plan.

Mr. Scott Stebbens stated he is representing Pam Skinner at 233 Taylorsville Road. He stated Mr. Berry lives two doors up, and his driveway has been underwater for over twenty years. Mr. Stebbens stated it has also been a School bus stop, but Pennsbury did not seem too concerned about it even though there is ice in the winter and it floods. He stated Mr. Berry also gets a lot of water into his garage. He stated we know that “the water does not work there.” Mr. Stebbens stated Ms. Skinner, his mother-in-law, wanted him to state that she appreciates all of their efforts, everything that has been done, and the timeliness and other considerations. He stated she has been there fifty years. He stated the problem with a Zoom meeting is that the contractor who was at the property tore out the parking lot area where he parked his cars and trailer, and tore out the cable so he does not know if he will have cable for the Zoom meetings. Dr. Weiss stated a cell phone will work.

Mr. Stebbens stated he believes Ms. Skinner was unsure as to the ownership of some of the property as the contractor felt that it was the Township’s property, and took some liberties and she felt that they did not communicate with her as to what was to be taken and what was to be left. He stated they also asked her if she had natural gas, and he does not know if they had time to call for a PA One Call. Mr. Fuller stated they did. He stated the only reason they asked that is because PECO mis-marked something else that was noticed in the field, and they wanted to verify that they checked. He stated Comcast did not mark Ms. Skinner’s cable line after it was called in, and that is why they wanted to confirm about the gas. Mr. Fuller stated he will follow up on Ms. Skinner’s other concerns.

Mr. Stebbens stated Mr. Fuller was concerned about the structural integrity of the bridge that goes up to the house, and he is trying to find a structural engineer who will come out and get a report so it is difficult to get a price for this yet. Mr. Kratzer stated more information is better for reporting to FEMA. Mr. Stebbens asked if there is a deadline for providing this. Chief Coluzzi stated while there is not an exact deadline, it should be as soon as possible. Mr. Stebbens stated he is trying to work on this. Mr. Fuller stated it is up to the homeowner to get the assessment done since it is a privately-owned bridge. Mr. Fuller stated he will discuss with Mr. Kirk if they could get an estimated value, and they will reach out to Mr. Stebbens. Chief Coluzzi stated he could send pictures to FEMA as they may have some guidance as to a general value assigned to structures.

Ms. Blundi stated anyone in Lower Makefield who has been impacted and had damage to their property, etc. should contact the Township as that will help the Township help the residents as there is a threshold, and it is important that we show the different agencies how impacted property owners have been, and we can only do that when people advise the Township what damage they sustained. Mr. Kratzer stated information can be e-mailed or residents can call the Township. He stated people have also been reporting through OpenGov, and there is a link on the Township Website. He stated this is helpful in meeting the thresholds.

Mr. Richard Adams asked that the flashing speed limit sign be put on Taylorsville Road between the Borough line and the bridge on some kind of a schedule. He stated the people coming off of the Interstate are all over the speed limit. He stated there are also children crossing the street. He stated in the other direction, people speed after having to go 25 on N. Main Street. He stated we have never had the sign on Taylorsville Road. Chief Coluzzi agreed to get it out to that area. Mr. Adams asked if the signs record time and if the Police Department gets an indication as to how much over the speed limit people are driving. Chief Coluzzi stated they are just speed indicators for the traffic. Mr. Adams asked if there are more up-to-date signs available; and Chief Coluzzi stated while there are, we do not have those types of signs. Mr. Adams asked Chief Coluzzi if he would recommend to the Board that we buy those kinds of signs as that would give the Police Department areas where the Officers need to be more attentive. Mr. Kratzer stated we could also request PennDOT to do that as well since Taylorsville Road is a State road.

Ms. Lisa Mason stated she is from the Maplevale community, and she asked if they feel they have done the best job to examine all of the grates and drains in her immediate neighborhood to make sure that they are clear, clean, and ready for the next rain. Mr. Fuller stated the neighborhood in Maplevale Drive has four inlets - a pair of two and a pair of two. He stated two are part of the compromised pipe, and the other two are part of the 1955 36" pipe. He stated the grates have been cleaned and checked although the pipe was not inspected since the storm event, and the inlets were checked and cleaned at the compromised pipe. Ms. Mason asked if they feel the pipes and grates have been cleaned on Taylorsville Road and inspected thoroughly. Mr. Fuller stated there are three inlets on Taylorsville Road on the north leg of Maplevale Drive. He stated one of them had large sediment accumulation, and this is PennDOT's responsibility. He stated he met with PennDOT, and they may have already been out; or if not, they will be coming out within the next few days to clean the sediment out of that one drain.

Ms. Mason asked if Mr. Fuller is referring to the one between 236 and 240 Taylorsville Road; adding she spoke to District 6 today, and they said they were not aware of that. She stated she has looked at drains that are filled to capacity. She stated as the water came down the hill and inundated her home, she was confused as to why it was coming from one side and “then bouncing back from the other.” She asked that if PennDOT is responsible for part of this that PennDOT not wait for three weeks to deal with the issue. She stated the dirt is up to the grate. She stated the flooding came down the hill, and there is a videotape from one of her neighbors with a timestamp as to how quickly and “ferociously” it came down. She stated it came down and doubled back because grates and pipes were not clean. She stated it ultimately becomes the responsibility of “the paid Board of Commissioners.” She stated this happened two years ago; and “it is as if no one has looked at it in two years.” She stated “these small things that are so important to the people are overlooked or pushed aside.”

Ms. Mason stated it was noted earlier about the “14.4 acres/the jungle,” and she knows that no one has cleaned it because it is adjacent to her land. She stated she knows it is “dumped on by the Township as she has seen it being dumped on.” She stated it is disheartening three and a half weeks after the fact to see a drain and a grate that is filled to capacity. She stated it should be cleaned out. She asked if everyone would come tomorrow and look at the grate where it all happened. She stated if they are not thorough in the little things, they will not be thorough in the big things. She stated this “is a lot of political and legal jargon, and they are just people who want to live simple, happy, peaceful, quiet lives.”

Ms. Kim Mumme, 36 Maplevale, stated she also has family members at the top of Highland. She stated she appreciates the Board and Township workers who have been helping them, especially Mr. Grenier who has been very involved with the neighborhood. Ms. Mumme stated a number of years ago there was a grate installed across the whole way at the bottom of Highland which she was advised by life-long residents that was done to prevent what has happened in Maplevale. She asked why that was closed up to the degree that it is as now there are just two small grates, and the rest is just concrete.

Ms. Mumme stated work that has been done on the stream is great at Lower Hilltop, Edgemere, and Taylorsville; but her concern is that when you get to the north side underneath the bridge at Highland about 10’ is really wide, and then it bottlenecks; and she is concerned that if we get another storm, that water is going to flow and not be able to go uphill to Highland, so it will come

down into Maplevale. She wants to make sure this is looked into. She stated it is also confusing when she talks to many of the contractors, as she was told that there were going to be grates put in on Taylorsville that were then going to attach to a new drainpipe that was going to go under the street at Maplevale and take the street the whole way down so that the curbs would be more exposed. She stated then they came out to pave the street, and they did not pave up to the driveways. She stated she has never had water as far in her driveway as she did with the last storm.

Dr. Weiss stated the staff is working on all of these issues. He stated the original plan was that there would be enough curb to channel the water. He stated he understands according to the engineer at the time that the crown of the road was changed so that there would be more volume and a decision was made in the field; but they do not know if this was more or less effective. He stated this will be discussed during one of the weekly Zoom meetings. Ms. Mumme stated now they actually get a lot more water. Dr. Weiss stated if there is something that needs to be fixed, it will be fixed. He stated the residents will be part of the solution, and the weekly meetings will be set up. He stated the Township's Web address is lmt.org. He asked that e-mail addresses be provided to the Township so that they can notified by the Township by e-mail.

APPROVAL OF MINUTES FOR JULY 19, 2023

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of July 19, 2023 as written.

ENGINEER'S REPORT

Mr. Kessler stated he has nothing specific to update. He stated capital projects and land developments are in progress.

Mr. Grenier asked when we will get the MS4 Report on the outfall repairs needed, and he asked if any highlights can be provided. Mr. Kessler stated the Report is being finalized for the inspections done as part of the annual program looking at any dry weather flow and any repairs as far as the structural integrity of the outfalls. He stated there were some locations

needing minor maintenance such as overgrowth, etc. and there were a few that have repairs needed. He stated they intend to provide the report within the next week or two.

Mr. Grenier asked if there has been any response with the regard to the Grant submission the end of June for the Hidden Oaks basin retrofit, and Mr. Kessler stated there has not been a response.

MANAGER'S REPORT

Update Regarding 7/15/23 Storm Response

Dr. Weiss stated this item was already addressed earlier this evening.

Update Regarding Cellco DBA Verizon Zoning Hearing Board Application

Mr. Kratzer stated the Application submitted by Cellco doing business as Verizon for the proposed tower has been Continued, and there has been an Extension granted until October 1. He stated as part of the Board of Supervisors' review as to whether they were going to participate in the Hearing process, the Board engaged Cohen Law Group as special counsel to provide legal analysis and guidance to the Board of Supervisors.

Mr. Kratzer stated he received their Legal Memorandum the beginning of this week, and he is trying to schedule a call with them to review it. He stated he believes that will provided to the Board of Supervisors at its next meeting.

Approve Authorization to Bid for Fall 2023 Tree Planting

Mr. Kratzer stated there had been a prior discussion with members of the Environmental Advisory Council regarding a fall, 2023 tree planting. He stated there are special purpose monies that are collected that must be used for tree replacements, and this is not General Revenue that is being used for this work. He stated these are funds that are specifically intended for tree replacement where there is tree disturbance associated with development activities. Mr. Kratzer stated there were some sites that the EAC had outlined, and that information which was included in the Board's packet including Caiola field, Memorial Park East, and Fred Allan fields.

The request is to release a Bid document to have contractors price out tree planting for fall, 2023.

Mr. Grenier moved and Mr. Lewis seconded to approve authorization to Bid for fall, 2023 tree planting.

Mr. Grenier thanked the EAC for all the work that they have done on this. He stated it is an organized plan that has come to fruition after working with Township staff.

Ms. Blundi stated she is disappointed because she liked the work that was done previously to coordinate volunteers and build community in planting. She stated she understands that volunteers cannot always do everything, but this is the second year in a row that we are not doing anything with volunteers. She stated she hopes that we will get back to using volunteers as she still meets people who tell her how meaningful that was to them to be able to work with the Township and see their trees growing.

Ms. Blundi stated when we talk about the comprehensive plan that we want to have for stormwater management, she feels trees will be part of that; and she does not want to not have money to plant trees where they are needed to help with run-off, etc. as that is where we need to invest now; and we need to make sure that we are marshalling all of our resources to address these situations in a long-term holistic way.

Mr. McCartney stated as he noted previously he also wants to look at the opportunity of saplings being planted at Patterson Farm which would result in a small nursery in order to mitigate the cost of buying full-size trees. Mr. Kratzer stated that was part of the plan that was contemplated earlier when they discussed requests for proposals, and he will make sure that they consider helping with the management of stormwater as well as what Mr. McCartney is suggesting.

Mr. Alan Dresser, 1907 Lynbrook Drive, stated he is a member of the Environmental Advisory Council which is very happy that the Township is proceeding with the planting this fall. He stated what is proposed is 162 trees, and it is estimated to cost \$125,000 which is about \$800 per tree. He stated that is far above any amount the Township has spent on trees in the past. He stated at Mirror Lake Road including the trees, deer protection, and the water bags it was \$489 per tree. He stated he was advised that prevailing

wage was the problem. Mr. Kratzer agreed that was part of the problem since given the magnitude of the scope of work, it is taking us over the threshold for prevailing wage. Mr. Dresser stated it could be broken up since Memorial Park could be its own project as it is off by itself, and we would therefore avoid the prevailing wage. Mr. Kratzer stated we cannot break it up if this is the contemplated project. Mr. Truelove stated people have tried to do that in the past in construction projects so that they could avoid the prevailing wage, and contractors would immediately challenge that. Mr. Dresser stated it would be difficult to do with Caiola and Fred Allan being next to each other; however, Memorial Park is not nearby. Ms. Blundi stated this is why she would have like to have used volunteers. Dr. Weiss stated segmentation is frowned upon, and the project cannot be broken up. Mr. Dresser stated there is a little over \$400,000 in the tree bank.

Mr. Dresser asked if we received many proposals for the Long-Range Tree Planting Plan. Mr. Kratzer stated there have been no responses yet, adding that those are due by end of the month. He stated as soon as they are received, they will be shared with the EAC.

Motion carried unanimously.

Approval of an Ordinance to Amend Chapter 190 – “Vehicles and Traffic”
Section 3 – “Parking Prohibited at all Times in Certain Locations” to Establish
Parking Regulations With Respect to Wildflower Circle

Mr. Kratzer stated the proposed Ordinance prohibits parking on the east side of Wildflower Circle from Willow Pond Drive, along the east side, through both sides of the cul-de-sac, to the west side of Wildflower Circle. He added this item was brought to the Board on recommendation from the Citizens Traffic Commission.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to approve an Ordinance to amend Chapter 190 – “Vehicles and Traffic” Section 2 – “Parking prohibited at all times in certain locations” to establish parking regulations with respect to Wildflower Circle.

Approval of an Ordinance to Amend the Lower Makefield Township Zoning Ordinance Relating to Open Space Requirements

Mr. Kratzer stated this would amend the dimensional standards in Residential Zoning Districts to provide for and establish mandatory open space requirements. He stated a minimum of 25% of the total land area would be required to be designated as open space. He stated the Planning Commission and the Board of Supervisors have been working on this for some time, and it has gone through a number of iterations. He stated the Planning Commission is recommending approval of the Ordinance as presented as is the Bucks County Planning Commission.

Ms. Blundi moved and Mr. Grenier seconded to approve an Ordinance to amend the Lower Makefield Township Zoning Ordinance relating to open space requirements.

Dr. Weiss thanked everyone who was involved in this.

Mr. Alan Dresser stated in the Performance Tables they have the number of units that can go on a specific piece of property, “but we are changing that.” He stated he knows that a ten acre piece of property could have 15 housing units under the old Ordinance. He stated “hopefully with the new Ordinance it is going to be about 15 again.” Mr. Majewski stated they will roughly be the same. Mr. Kratzer stated there are equivalency provisions that limit the number of units. Mr. Dresser asked when this would take effect, and Dr. Weiss stated it will take effect once it is signed if it is passed. Mr. Kratzer stated it would take effect five days after enactment.

Ms. Blundi thanked Dr. Weiss for bringing this to the forefront, adding that the whole Board worked on it as did the Committees.

Mr. Truelove stated the companion SALDO Ordinance reflects a lot of the same standards and is proceeding as well, and the Bucks County Planning Commission has already provided their input on that. He stated it should not take long for that to be ready for enactment. Mr. Kratzer stated that deals with a lot of the open space management components that were discussed by the Planning Commission and the Board of Supervisors. Mr. Kratzer stated this is for tracts consisting of ten acres or more.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated the Executive Session began at 6:30 p.m. and litigation and informational items were discussed as well as Collective Bargaining matters.

ZONING HEARING BOARD MATTERS

With regard to Appeal #Z-23-2019 Judy Hendrixson for the property located at 800 Roelofs Road, Yardley, PA 19067, Tax Parcel #20-042-278 Variance request from Township Zoning Ordinance #200-23B in order to construct a 1,260 square foot addition which would increase the impervious surface from the existing 17.8% to 20.25% where 18% is the allowable amount, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to Appeal #Z-23-2020 Daniel Kostinsky for the property located at 0 Delaware Rim Drive, Yardley, PA 19067, Tax Parcel #20-008-043 Variance request Township Zoning Ordinance #200-23A to allow an increase in impervious surface from the existing 17.6% to 21.8% where 18% is the allowable amount, Township Zoning Ordinance #200-69.A.(14)(c) fence setback, and Township Zoning Ordinance #200-70.A pool setback in order to install an in-ground concrete pool and pool decking, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Grenier stated when we look at our stormwater regulations, he feels we need to re-visit our definition of what is impervious area specific to pools because the vast majority of the pool area is not currently covered in our impervious surface regulations.

Appeal #Z-23-2023 – Christopher Heintz for the property located at 1543 Candace Lane, Yardley, PA 19067, Tax Parcel #20-024-180 Variance request from Township Zoning Ordinance #200-23A in order to construct a covered patio which would increase the impervious surface from the existing 28.6% to 34.3% where 28% is the allowable amount.

Mr. Truelove stated in this case there was no affirmative representation of any mitigation measures, and it is recommended that given the circumstances that have occurred recently, that the Township participate and urge the Zoning Hearing Board to impose Conditions that would include mitigation measures. He added that Ms. Kirk has successfully been able to obtain agreement to have Declarations of Record.

Mr. Lewis moved, Mr. Grenier seconded and it was unanimously carried that the Township participate in Appeal #Z-23-2023.

Ms. Blundi stated she understood that any development requires some type of mitigation if you are going over the impervious, and she felt that was standard. She stated now it seems some things are coming through without that. She asked if we can refuse to accept these Appeals unless they have permanent mitigation proposed within the Plan. Mr. Truelove stated the staff could be directed to indicate to the Applicant that it is likely that it will be opposed if mitigation is not provided. He stated the calculations are on the Application and the Township also offers different mitigation measures as well. He stated most contractors understand that this is needed when they submit.

Dr. Weiss stated the staff should be directed as noted by Ms. Blundi. Mr. Majewski stated for all the Application we get, we advise the Applicant that they need to do stormwater management. He stated some of them do not do it at the time they submit the Application. He stated he does not believe legally that we can reject their Application as long as it is complete; however, we do advise them about that and oftentimes actually do the calculations for them if it is a homeowner doing a minor project. He stated their Permit would be rejected in any event because our stormwater management requires that any increase in impervious surface must have the stormwater mitigated in some way. He stated the Zoning Hearing Board could indicate that they do not need to have stormwater management, but our Ordinance still says they do, so they would have to do it no matter what.

Appeal #Z-23-2024 Renee Rodriguez for the property located at 1632 S Crescent Blvd, Yardley, PA 19067, Tax Parcel #20-039-174 Variance request from Township Zoning Ordinance #200-69.A(14)(a) in order to construct a shed that is placed less than 10' from the side yard where 10' is allowable and placed not in the fourth of the lot furthest from the road, and Township Zoning Ordinance #200-23B which would increase the impervious surface from the existing 21.7% to 22.4% where 18% is the allowable amount.

Mr. Truelove stated there was no stormwater mitigation proposed, and it is recommended that the Township participate as it relates to that issue.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to participate in Appeal #I-23-2024.

COMMUNITY DEVELOPMENT

Discussion and Motion to Table Final Major Subdivision for 1566 LLC (Plan #685)

Mr. John VanLuvanee, attorney, was present representing the Applicants. He stated the Township granted Preliminary approval last June, and terms of approval were confirmed in Mr. Truelove's July 21, 2022 letter. He stated there was one Waiver which was deferred which was a request for a Waiver of tree replacement. He stated there were some facts that needed to be gathered. He stated they filed Revised Plans dated December 28, 2022 in January, 2023. Mr. VanLuvanee stated they also needed to get two Variances from the Zoning Hearing Board to cross the stream to serve the two lots that are on the south side of the stream with public sewer, and those Variances were granted in February.

Mr. VanLuvanee stated they appeared before the Planning Commission in April, 2023, and there was extensive discussion of the Plan including all of the review letters. He stated with regard to tree replacement, the Applicant's position was that there is not room on the property to replace them. He stated that normally there would be a request for a Fee-In-Lieu, but they discussed the possibility of planting the trees that are shown on the Plan, and put in escrow the difference between that number and the total number of replacement caliper inches, and they would find spaces hopefully with the cooperation of the Township to plant additional trees so that they could maximize the number of replacement trees that would be planted and get credit for that. He stated the Township would continue to hold the balance of the money; and if there is no room to plant whatever is left, the Township would take it for the tree fund.

Mr. VanLuvanee stated there was a site meeting with representatives of the Township as well as the environmental consultant representing the Township's interest, and they walked the entire property. He stated as a result of that the Township's environmental engineer recommended a number of places where it appeared that it may be possible to put more trees, but they would know better once the development was graded out.

Mr. VanLuvanee stated since that time Mr. Truelove and Ms. Kirk prepared a draft approval letter which he was provided last month; and they worked through a few minor issues, and that letter summarizes what the recommendation is with respect to the tree replacement issue shown in paragraph 4 of the review letter. Mr. VanLuvanee stated the rest of the draft approval

letter reflects the Conditions that were discussed with the Planning Commission and re-states the Waivers that were granted by the Board of Supervisors in July. Mr. VanLuvanee stated the draft approval letter is acceptable in all respects to the Applicant.

Mr. Truelove stated he and Mr. VanLuvanee discussed the outstanding issue of the animal pen. He stated there is concern by some that the location may require a Variance and/or whether it could be moved. Mr. VanLuvanee stated he and Mr. Majewski have discussed this a number of times, and there are several different issues. He stated one is the issue that there is an existing animal pen that is fenced that encroaches on a wetlands buffer that is shown on this Plan but had not been shown on previous Plans. He stated this was discussed at the Planning Commission. He stated the Katzooffs own the large property where there is a historic house, and their property is involved only because the extension of Buck Creek Drive is on the property that they own, and they are just giving up a little sliver there. He stated it made sense to just add property from the former Loftus property, which is the 1566 LLC property, and transfer some additional acreage to the Katzooffs. He stated there is no development at all taking place on the existing Katzoff property. He stated they have an existing animal pen which is a permitted accessory use on this property, and it has been there for some time.

Mr. VanLuvanee stated the issue that Mr. Majewski identified to him today is that there is apparently an existing Drainage Easement that the fence encroaches in. He stated he feels that is a more serious question. He stated he does not feel that the wetlands buffer applies to this particular set of circumstances, but he cannot argue that the Drainage Easement does not prohibit any structures. He stated it is a Township-owned Easement, and the Township has the right to compel the removal of the fence. He stated if removal of the fence is required to be removed because of the Easement, they will remove it, or they will resolve it to the satisfaction of the Township Zoning staff. Mr. Truelove stated Mr. VanLuvanee is agreeing to have it removed or file for relief with the Zoning Hearing Board if necessary. Mr. VanLuvanee agreed. He stated his client has indicated that if necessary, he will relocate the fence. Mr. Truelove asked Mr. Majewski if that is his understanding as well, and Mr. Majewski agreed.

Ms. Blundi asked what is in the animal pen, and Mr. VanLuvanee stated the last time he was on the property, there were sheep and goats in there. Mr. VanLuvanee stated it is not a stockade fence, and it does not hold back any water. Mr. Majewski stated the area between that and where the little

stream comes through is another area which was identified where trees would be appropriate. Mr. VanLuvanee stated the fence is in the wetlands buffer; and from his reading of the Ordinance it is not clear that you cannot have an animal fence in there. He stated if you read the definition in the Zoning Ordinance, this fence is not a fence by definition.

Mr. Truelove stated the Motion would be to approve the Application as indicated for 1566 LLC Subdivision with the Terms and Conditions set forth in the August 3, 2023 letter that was authored by his office and submitted to Mr. VanLuvanee and reviewed by Mr. Majewski with the additional Condition that the animal pen issue will be resolved either by relocating the fence and/or making any necessary Applications for Zoning relief as determined by the staff of the Lower Makefield Township Zoning Office. Mr. VanLuvanee stated he would accept the Conditions.

Ms. Blundi moved and Dr. Weiss seconded to approve the Motion as stated by Mr. Truelove.

Mr. Grenier stated with regard to the trees it sounds like “it is going along the lines of our in-lieu fee program, but it is in the middle” where it is allowing them an opportunity to potentially rather than leaving the money in the program, to try to plant some trees at some point along the way to reduce the amount of money in the program. Mr. Kratzer stated they would be trying to plant the trees on the site. Mr. VanLuvanee stated that is correct. He stated the EAC letter indicated that they did not accept the Applicant’s representation that we felt we had maximized the number of trees that could be planted given the fact that this is a heavily-wooded property. He stated the consultant who attended the walk-through agreed at least as of now; but once the property is developed, it may be clearer that there could be places where more trees could be planted. Mr. VanLuvanee stated his client indicated that they would be much happier planting the trees, and they are not trying to get out of planting the trees; but there was just not room to do it. Mr. VanLuvanee stated you should not just plant trees, and you have to plant them where they are going to grow and survive.

Mr. Grenier stated he wanted to make sure that there was a time limit on that.

Mr. Truelove read from the letter in this regard as follows: “Condition – Paragraph 4” (referenced earlier by Mr. VanLuvanee) “Installation of replacement trees is otherwise in accordance with Section #178-85H.4 (SALDO Ordinance.) Such amount is determined by the Township in

consideration of the planting of additional plant materials in the following areas – the perimeter of the basins at the terminus of Buck Creek Drive, along the northern property shared with 1531 Buck Creek Drive, adding wet-tolerant trees to the rain gardens on the new Residential lots, around the paddock, around the pond, in the backyard of the main house, and along the western property line shared with 1078 Creamery Road. Besides the plantings listing above, the Applicant shall pay a Fee-In-Lieu of planting 754 replacement trees based on the Township’s calculation of the total number of required replacement trees in accordance with the Ordinance less the number of replacement trees shown on the Plan which Fee shall be held in escrow by the Township. As development occurs, and as additional replacement trees are planted, a portion of the Fee-In-Lieu shall be released in such amount as determined by the Township in accordance with the Ordinance. Upon completion of the development, any Fees remaining in escrow for the replacement trees will be retained by the Township as the final Fee-In-Lieu of planting any additional replacement trees. Approved tree specimens in accordance with the recommendations of the Township’s engineer/senior landscape architect are evergreen native trees for shade – the American holly and the sweet bay magnolia, also deciduous understory trees for shade – the American horn bean, native dogwood, and pagoda dogwood, and rain garden trees would be river birch and bald cypress all as more fully outlined by the Township’s engineer/senior landscape architect e-mail communication dated May 5, 2023. In addition to the foregoing, (Paragraph 5) and as recommended by the Township’s EAC by letter dated February 10, 2023, they shall move the location of the proposed bayberry tree to avoid planting in the Easement area traversing the wetlands and wetlands buffer, and substitution of northern bayberry for the southern bayberry as shown on Sheet 17 of the Site Planting Schedule Table.”

Mr. Grenier stated from a stormwater management perspective according to the Plan provided, it is his understanding that the Stormwater Management Plan is focused on the lots to be developed and not inclusive of Lot D, which is the existing home; and Mr. Kessler agreed. Mr. Kessler stated the existing lot has the pond associated with it. He stated the new lots that are to be developed each have a stormwater management feature on them which are rain gardens. He stated there is a Note and a comment that the Township engineer has that the infiltration testing for each of those is to be provided; and if for some reason it does not have the infiltration testing that supports their design, they will have to design a different stormwater feature that would accomplish the same controls. He stated those would flow from the rain garden to the stream that goes to the pond, and Buck Creek is the endpoint of where this development winds up.

Mr. Grenier stated his concern is that the flow is going to manmade ponds, and goes under a bridge on the existing property. Mr. VanLuvanee stated actually there is a dam, and Mr. Grenier stated that is even worse. Mr. Grenier stated he did not see any Dam Safety Permits or a Dam Management Plan. Mr. Grenier stated he saw a report from Princeton Hydro that said that the water was clean in the pond; but he did not see anything with respect to the dam, the O & M of the dam, the responsibilities for the dam, or any Permits for the dam. Mr. Grenier stated when we look at stormwater flows especially given what we have seen tonight and over the last few weeks, putting more flow through a manmade pond that has not been designed or Permitted and is a portion of Buck Creek, he has major concerns about this. Mr. Grenier stated he would not be willing to approve this project as is without all of those things being considered as part of the pond including the dam, the bridge that goes “over there,” and understanding the flows that go both into the pond and then comes out of the pond as a result of this development.

Mr. Kessler stated that is a valid concern especially given the extent of the stormwater discussions we have had particularly recently. Mr. Kessler stated the stormwater features as far as the ability to manage stormwater on each of the lots post-construction compared to pre-construction meets all of the Ordinance requirements that the Township has to handle the water on those specific lots where currently there is nothing in place that would manage the water, and it all flows down to the pond. Mr. Kessler stated this has been reviewed and meets Township requirements.

Mr. VanLuvanee stated the dam was there when the Katzoffs bought their property 40 years ago. He stated during that time DEP has come out on several occasions to do inspections, and work is done when it is required. He stated Mr. Katzoff advised that he has spent some money at DEP’s request to maintain the dam. Mr. VanLuvanee stated it is Mr. Katzoff’s responsibility to maintain the dam because it is on his property, and is subject to DEP oversight. Mr. Kessler asked if that documentation could be provided, and Mr. VanLuvanee stated to the extent that we have that, he could provide it. Mr. VanLuvanee stated Mr. Katzoff advised him that DEP would show up periodically to inspect it, and they will advise him if there is something that he needs to do. Mr. Katzoff then does that work, and DEP comes back and looks at it. Mr. VanLuvanee stated he does not know when the dam was created, but it was more than forty years ago.

Mr. Grenier stated when there is a dam, there is a Dam Safety Inspection Form that has to “happen,” and you also have to come up with a Dam Safety Plan signed and sealed by an engineer – not the DEP. He stated until we have all of that information in place, we may be putting a hardship on the neighbors and creating a safety issue. Mr. VanLuvanee stated he does not understand that comment. Mr. Grenier stated many of our residents have been out of their homes for the last few weeks because of massive stormwater damage, and we have been looking throughout all of our Ordinances and our Township to see what we can do to improve it. He stated here we have a pond that was built without Permits that is a dam on Buck Creek which is a major creek in our Township that we are concerned about from a flooding perspective, providing flow through there that is unmanaged. He stated there are no Permits or data or calculations. He stated the only information we have on the pond is some water quality testing that Princeton Hydro did. He stated we have no other data to support any of the claims that the dam is being inspected by DEP and that “it is perfect.” Mr. Grenier stated he needs hard data. He stated he is surprised that there is a dam there, and it would “probably not get approved anymore.” He stated we also need to better understand what the potential downstream implications are of this development on others in case the dam fails or there is another “thousand year storm event.” Mr. Grenier stated he does not know what the purpose of the pond is and if it is just because it is something that they like to have on their property.

Mr. VanLuvanee stated they did not build it. Mr. Grenier stated the “problem is that they own it.” He stated they are trying to sub-divide a large property and “make millions of dollars on it more than likely.” Mr. VanLuvanee stated they are not subdividing their property. Mr. Grenier stated “they are doing this entire development without addressing this pond, the dam, and Buck Creek.”

Mr. Kessler stated with the stormwater that is part of the proposed plan and given that the pond and the dam structure are existing conditions, the fact that they are improving the stormwater on the lots as he noted previously post compared to existing, would it be agreeable that a Condition would be that they provide the periodic inspections that the dam is in good order. Mr. VanLuvanee stated he is not sure what records exist. He stated he feels, and he believes that the Planning Commission agreed, that the NPDES Permitting process would also give consideration to the same issues that have been identified by Mr. Grenier. He stated if we do not get the Permit, or if they require something additional, we would need to do that

to get the Permit. He stated in the interim he feels that they meet all of the Township Ordinance criteria. He stated there is a Preliminary Approval that is designed exactly this way. He stated he does not see a basis to withhold Final Approval.

Mr. Grenier stated the NPDES process is based on “bare minimum State regulations to get Stormwater Approval.” He stated here we have a dam on two ponds on Buck Creek where there is historic flooding on Buck Creek. He stated we have no Permits, no approvals, and no history on this dam to say that it is or is not in good working order. He stated nothing has been presented. He stated we have been talking tonight and two weeks ago about developing an overall plan; and because of the health, safety, and welfare of our residents, we are going to review all of these things rather than do the bare minimum. He stated it is our responsibility to our residents to make sure that this is okay. He stated he does not want to pass the buck to the County Conservation District or the DEP.

Mr. VanLuvanee stated we are in compliance with the Township Ordinance requirements. He stated his client cannot be asked to comply with an Ordinance that the Township does not have in place. He stated we have Preliminary Approval, and we spent two years on this. He stated they had Princeton Hydro to do the Study which he does not believe was required to be done under the Ordinances. He stated there is now a base line to determine whether this project is or is not going to have any kind of impact.

Mr. Truelove stated this is the first time that he has heard about the dam, but he believes that one of Mr. Grenier’s concerns is whether or not our own Stormwater Management Ordinances are implicated by the dam and the consequences of that. Mr. Grenier stated the dam is a huge concern because we do not have any information about it or about whether the development may impact the dam, the surrounding ponds, and the surrounding homes.

Mr. McCartney stated looking at the Princeton Hydro Report it looks to be basic temperature, pH, water quality, etc.; and Mr. VanLuvanee stated it was a report that if a Water Quality Management Report were required by the Ordinance, this would meet Ordinance criteria. Mr. McCartney stated he feels that Mr. Grenier is saying that is not really germane to what he is looking for, and Mr. VanLuvanee stated he understands that. Mr. McCartney stated there is no evidence of DEP inspections of the pond; and Mr. VanLuvanee stated he only has his client’s word, which he trusts as he has known him for forty years. He stated he feels DEP probably has records of their inspections.

Mr. McCartney asked if Mr. VanLuvanee's client is required to have DEP come out, and Mr. VanLuvanee stated DEP has a Maintenance Program. He stated he agrees with Mr. Grenier that this is probably not a Permitted dam as it was put in a very long time ago. He added that DEP comes out, and they have made his client re-build certain sections through the years, and he did whatever they told him to do. He stated that is what every property owner with a dam is required to do. Mr. McCartney asked Mr. VanLuvanee if he knows when the last inspection was; however, Mr. VanLuvanee did not. Mr. McCartney stated that does not make him feel comfortable. Mr. VanLuvanee stated this project is not going to effect that dam. He stated while the water does eventually get there, right now there is uncontrolled flow coming off substantial impervious surface that exists on the property already. Mr. McCartney asked if they are adding more impervious surface with six homes there. Mr. VanLuvanee stated there is a slight increase; however, it is all going to be controlled, and the release is going to be controlled. Mr. McCartney stated that cannot be guaranteed because we do not know what the dam is. Mr. VanLuvanee stated he can guarantee that they are complying with the stormwater regulations as far as the additional development is concerned. He added that the rate of run-off is going to decrease. Mr. VanLuvanee stated he feels that they are putting a Condition on this that is impossible to be fulfilled.

Ms. Blundi stated the Supervisors are indicating that at this time there are concerns, and they could "take a pause" and come back in the future with answers that would alleviate those concerns about the dam, the ponds, and the association with the creek.

Mr. VanLuvanee asked on what basis would the Plan be turned down as they have a vested right to Final Approval in accordance with the Preliminary Approval. He stated there are no outstanding stormwater comments from the reviewing engineering other than the one that they cannot put "the things in without substantiating the testing requirements/the infiltration requirements, which he understands."

Mr. Truelove stated he understands that information about the dam was first discovered by the Board tonight as well as himself. He stated as a result of that coupled with some of the other concerns that have been discussed with the Stormwater Management Ordinance, they want to know what impact, if any, that would have especially given the events of late. He asked Mr. VanLuvanee if he would consider a pause so that he could provide any DEP Permits or file information that may be available and whether that would have any impact on stormwater management.

Ms. Kathy Tipton, 1078 Creamery Road, stated she has been before the Board in the past, and she will miss what she now sees in her backyard. She stated they bought their house so that they could see the woods and the animals. She stated she wants to make sure that she has the privacy that she has now. She stated she heard that there would be trees. She stated her concern is if the trees that they put on her property line do not “all take,” and she asked if they are going to replace the trees that die. Mr. Truelove stated there is a Maintenance Bond period of eighteen months.

Ms. Tipton stated she is concerned about the water. She stated during the storm, the water coming from the farm was over the road. She stated there was a PECO pole that moved because of the amount of water that pushed the pole. She stated there was water up to the doors of cars that were being driven. She stated water was going between houses back toward the Loftus property. She stated behind her home are trees and bushes, but there will be asphalt, concrete, and people who might want a pool or a deck; and all of that water will need to go somewhere, and they need to make sure that all of the drainage is going to go downhill and not over to her home.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, asked if this dam were “one property down and a different owner,” what questions and issues would be discussed in terms of the Application process. He asked if there would be a hold on the Application and would the Board be asking the same questions. *Mr. McCartney stated if it was one house over and the Applicant were applying for a Variance, it would probably be under the same scrutiny.* He added there are probably a number of properties in Lower Makefield that have these concerns on them; and when they are brought before a Board for approval, he feels it is the Township’s responsibility to say “let’s make this right.”

Ms. Blundi stated we are obligated to look over the totality of the project. She stated there is a piece of property that exists one way today, and once it is approved and developed it could exist in another way; and we are obligated to look into it and think about the impact.

Ms. Judith Curlee stated she is a Lower Makefield resident. She stated the Board members are “rock stars.” She stated they do not get paid. Dr. Weiss stated they do get paid. Ms. Curlee stated she lives on the River and the risk is there. She thanked the Board for serving.

Mr. VanLuvanee stated he assumes he is going to be asked for an Extension. Mr. Truelove stated he was going to suggest that would be something worthwhile to consider. Mr. VanLuvanee asked what exactly they are looking for, and what is the standard that his client will be held to. He asked what he is being asked to do. Mr. Truelove stated the best he can answer tonight is the impact, if any, of the existence of the dam and the manmade pond and information that may be available from DEP about the structure and the pond that may impact on stormwater management issues in the Township. Mr. Lewis stated that would include documentation and an approved Permit for the dam. Mr. VanLuvanee stated he does not believe that there is a Permit for the dam as it pre-dates the regulations.

Mr. Grenier stated there are two large pond-like structures that are connected hydrologically. Mr. VanLuvanee stated the driveway goes across it, and there is one on either side of the driveway. He agrees that it is a fairly large pond. Mr. Truelove stated the issue is whether there are stormwater management issues that will impact not only that property but any other property downstream. Dr. Weiss stated if the water management plan is for everything to go into the pond, we need to have documentation that DEP inspects it, and the history of the maintenance. He stated they should also be told that the pond can handle the water, and Mr. VanLuvanee stated he feels that has been established by the Stormwater Report.

Mr. Grenier stated he is looking for basic information so that we have some assurances. Mr. Truelove stated this would be reviewed by the Township engineer once the information is received.

Mr. VanLuvanee asked what would happen if the Board were not satisfied with the frequency that DEP inspects the pond, and he asked if they are going to put on a Condition that DEP comes out to inspect as he does not know how he could satisfy that. Mr. Truelove stated he is not sure that the Township has the jurisdiction to compel DEP to do that, but there might be some way through the Bucks County Conservation District or some other entity that would have jurisdiction or at least coordinate inspections on a regular basis. Mr. Truelove stated at this point it is too early to tell because we do not know what the documentation does or does not say.

Mr. Grenier stated we are not trying to dictate what the DEP does, but we have no information to support anything. He stated they want to know if the DEP has a case file, whether there is a Permit or not, an

O & M Management Plan, a history of inspection reports, and the whole history of the dam, since at this point we have no information to support anything.

Mr. VanLuvanee stated the problem he has is that we have been going through this process for a year and a half, and this is the first time that any request has been made relating to the dam. He stated the EAC and the Planning Commission did not request any information on this. He stated this is the first time he has heard anything about this issue. Mr. Truelove stated this is the first time that some of us have heard it too. Mr. VanLuvanee stated it was not in any of the review letters. He stated he is being asked tonight to provide information that probably could have easily been provided previously if it had been requested.

Mr. Truelove asked if Mr. VanLuvanee will entertain an Extension; and given what has been requested, what period of time would be reasonable. Mr. VanLuvanee stated this is difficult to answer as there has been a lot of commitments made on the status of the Plans at the present time, and he does not have the luxury of a lot of time. Mr. VanLuvanee stated he would give until the end of September with the understanding that if he has the documentation, he will come back to the Board to discuss it. He added that while he has no basic objection, it feels "like an ambush." Mr. Truelove stated he understands the sentiment adding that the first time he heard about a dam was an hour ago. Mr. VanLuvanee stated he is not blaming Mr. Truelove or anyone else, but it makes it very difficult to prepare for a meeting when you do not know what the issue is.

Mr. Truelove stated they appreciate that it is on the Record that Mr. VanLuvanee will agree to an Extension. Mr. VanLuvanee stated he will follow up with a letter to Mr. Majewski. Mr. VanLuvanee stated he will work with the Township advising what he has been able to obtain, and when he has what he can obtain, he will ask to be back in front of the Board.

Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to Table to no later than September 20 Conditioned on an Extension letter being provided by Mr. VanLuvanee.

SUPERVISORS REPORTS

Mr. Lewis stated the Disability Advisory Board is down two members, and he asked those interested in accessibility issues and ways to make sure that the Township and its resources and capabilities are available to everyone to apply by e-mailing a resume to admin@lmt.org.

Mr. Grenier stated the Trenton-Mercer Citizens Airport Review Board met, and they are following up on several issue and may be reaching out to the Board with some recommendations.

OTHER BUSINESS

Mr. McCartney asked if we can direct the professionals and Mr. Kessler to provide the Board with a “best case/worst case scenario” for Maplevale if there is an opportunity to come up with a full comprehensive plan which may include eminent domain of certain homes in order to make the entire neighborhood safe. He asked if the Board would be in support of that. Mr. Grenier stated when we look at the overall watershed approach, that would be part of a worst case, and he feels everything should be considered at once. Mr. Kratzer stated that issue came up from the property owners impacted, and what was communicated to them in the field was that we are going to look at all of the options to try to address upstream conditions; and if part of the solution results in that, that would be part of the solution that would be brought back. Mr. McCartney stated unfortunately that has to be part of the process.

Mr. Kessler stated they spoke about how much flow can go through pipes that we can put into the roads; and obviously the next step to that could be where will the next storm intensity amount of flow go, and if we want to contain/manage a greater volume of storm coming down, where could that be channeled, and that is where you would have to look at options like that to get additional space.

There being no further business, the meeting was adjourned.

Respectfully Submitted,



John B. Lewis, Secretary