

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 3, 2024

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 3, 2024. Mr. Lewis called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

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

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

COMMUNITY ANNOUNCEMENTS

Mr. Lewis stated if anyone has a special announcement they may reach out to the Township at admin@lmt.org. There was no one wishing to make a special announcement at this time.

Mr. Lewis stated the Yardley Farmer's Market will be held at the Lower Makefield Township Community Center, 1550 Oxford Valley Road, Yardley, PA 19067 from 10:00 a.m. to 12:00 p.m. the first and third Saturdays through April, 2024. To learn more visit the Yardley Famer's Market Web page.

Mr. Lewis stated the Parks and Recreation Department is hiring for all seasonal summer positions including the Pool, Summer Camp, and field maintenance. To apply, please visit www.lmt.org.

Mr. Lewis stated Registration for the Pool at LMT is open. To register visit www.lmt.org.

Mr. Lewis stated Lower Makefield Township is hosting a Flood Insurance Roundtable session with a representative from PEMA (Pennsylvania

Emergency Management Agency) on Wednesday, April 17 from 5:00 p.m. to 7:00 p.m. at the Township Building, 1100 Edgewood Road, Yardley, PA 19067.

Mr. Lewis stated Lower Makefield Township's Environmental Advisory Council is hosting another Styrofoam & Recycling Event at the Township Building, 1100 Edgewood Road, Yardley, PA 19067 on Saturday, April 20 from 10:00 am. to Noon.

Mr. Lewis stated the Birthday Lawn Bandit is presenting the Third Annual Strolling for Service Dogs Fundraiser on Saturday, April 20 from 11:00 a.m. to 3:00 p.m. at the Garden of Reflection, 1950 Woodside Road. For more information go to the Strolling for Service Dogs Fundraiser page at [runsignup.org](https://runsignup.com).

Mr. Lewis stated Lower Makefield Township's Environmental Advisory Council is sponsoring a free PA Bird Town Falconry Class at Memorial Park, 1950 Woodside Road on Saturday, April 20, 2024 at 3:00 p.m. For more information, visit our Website at www.lmt.org.

Mr. Lewis stated the Friends of the Five Mile Woods will be hosting an Open House and Ribbon Cutting for the new ADA Accessible Boardwalk Project from 12:00 p.m. to 4:00 p.m. on Sunday, April 21, 2024.

Mr. Lewis stated Lower Makefield Township is hosting AARP Safe Driver Classes at the Community Center on Monday, April 16 at Noon, and sign up is through Community Pass. He stated once you complete the Course, you are eligible for a Safe Driver discount from your auto insurer.

Ms. Blundi stated that they are still looking for volunteers to come out this Saturday and help at the Five Mile Woods on the ADA-accessible boardwalk. She stated there are other ways to support the Five Mile Woods including making a donation to the Friends of the Five Mile Woods to help maintain the deck/walkway that is being made as well as plant trees and build bird boxes.

INTERVIEW OF JENNIFER STARK

Ms. Jennifer Stark was interviewed at this time to serve on the Patterson Farm Master Plan Implementation Committee.

PUBLIC COMMENT

There was no one wishing to make public comment at this time.

CONSENT AGENDA ITEMS

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve all of the Consent Agenda Items as follows:

Approval of the Minutes for the March 20, 2024 Meeting
Ratify and confirm the rehiring of Caitlin Adams as Parks and Recreation Pool Manager (existing position)
Approval of Resolution #24-09 to Accept Deed of Dedication of Right-of-Way along Sutphin Road and Yardley-Morrisville Road
Approve authorizing the advertisement of an Ordinance to authorize execution of a Cable Franchise Agreement between the Township and Verizon Pennsylvania, LLC
Approve authorizing acceptance of the Settlement Agreement between the Township and Collins Grant (Boxwood Farms, LLC)
Approve authorizing execution of the Agreement between the Township and Lieutenant Brian Golder

PARKS AND RECREATION

Dave Malinowski – Recognition for 23 Years of Service

Mr. Dave Malinowski was presented a plaque in recognition of his 23 years of volunteer service.

ENGINEER

Approve Award of the 2024 Road Program Bid (Budgeted Item)

Mr. Kessler stated Bids were opened on March 27. He stated this year's Road Program consists of milling and overlay of several roadways throughout the Township that are in need of resurfacing. He stated the Base Bid roads also include improving the curb ramps at the corners to meet current ADA standards.

Mr. Kessler stated there were also three Bid Alternates. He stated the Base Bid roads were roads in the Yardley Hunt neighborhood and the Quarry Commons neighborhood. He stated Alternate #1 was paving Susan Circle, Alternate #2 was roadways in the Penn Valley neighborhood, and Alternate #3 was consideration of the pathway on Oxford Valley Road between Heacock and Dobry. He stated in discussions with the Township staff when the Bids were analyzed the two main objectives were how much could be put together for the Contract within the approved Budget and also that Alternates #1 and #3 were included to receive pricing and consider their feasibility for this year. He stated it was determined through discussion that both of those have other factors so that it is not recommended to award those Alternates at this time.

Mr. Kessler stated both low Bidders met the Township's RCO requirements. He stated combining the Base Bid with Alternate #2 results in the recommendation for approving the Contract with James D. Morrissey. The Budget for this year is \$1,094,862.00, and the combined Base Bid and Alternate #2 from James D. Morrissey is a total of \$1,062,667.80. He stated typically the Road Program has some conservative estimates for base repair items, etc.; and we are hopeful and expect it to be a little less than that when it is all completed.

Ms. Blundi moved and Mr. Grenier seconded to approve the Contract for the Base Bid and Alternate #2 with James D. Morrissey.

Mr. Kessler showed a slide of the location of the roads recommended for approval including those in the Base Bid and Alternate #2. He stated with regard to Alternate #1, Susan Circle, there are some issues with a history of litigation and other items in that development. He stated with regard to Alternate #3, the pathway on Oxford Valley, there is lack of clarity as to the ownership and maintenance of that stretch of the pathway; and they did not want to put the Township in a bad position by awarding this and then having something come up that would alter the scope.

Mr. Kratzer stated there was also discussion about Contract language and the ability of selecting any combination of Alternates, and he asked Mr. Kessler to speak to what is permitted from a Contractual standpoint based on how the Bid was structured. Mr. Kessler stated to give the Township the most flexibility to do the most work possible in the Contract, it states that for the Base Bid and the Alternates any combination of the Alternates could be awarded and the Base Bid itself could be awarded alone as well. He stated this gives the Township the ability and the right

to combine what it can and the low Bid of that combination would be the recommendation for award. He stated because some of the Bid prices were close to each other, the low Bid for the Base Bid when combined with Alternate #2 was actually not the lowest price combined; and it went to the second lowest Bidder from the Base Bid category. Mr. Kessler stated the language in the Contract allowed the Township to package the Contract the best it can and get the best price through the Bidding process.

Mr. Grenier stated we have had a history with Morrissey, and he asked if there are any concerns with “delivery of the Road Program.” Mr. Kessler stated they have worked often with Morrissey in this area, and they are a common Bidder on these types of projects. He stated they have had a good working relationship with them as a contractor, and they look for that to continue.

Mr. Kratzer asked Mr. Kessler if there is any information with regard to scheduling that he could share at this point. Mr. Kessler stated the plan was to have the milling and overlay process start after the School year ends; and if that needs to be adjusted, they will coordinate that with staff. He stated if the Bid is awarded tonight, Contracts will be prepared, and the pre-construction meeting would be scheduled in a couple of weeks when a schedule will be determined as to when they will start. Mr. Grenier asked how long this should take. Mr. Kessler stated from experience working with Morrissey they try to go through the paving, and the longer item would be the concrete ramps; and those would be done before the roads are paved. He stated the concrete ramps would start first. He stated the plan would be to be completed before the next School year starts with punch list items completed in the fall.

Mr. Lewis stated he believes that four of the five Bidders have won Township business in the past. He asked if all five met the criteria as responsible Bidders, and Mr. Kessler stated they look at the lowest three; and since four out of the five have done work in the Township in the past, the assumption was that they would still meet all of the criteria. He stated they made sure that Morrissey met all of the Responsible Contractor items required by the Township. Mr. Lewis stated Morrissey has won a number of these Contracts in the past.

Motion carried unanimously.

General Project Updates

Mr. Kessler stated the Board received the Engineer's Report. He stated the MS4 Pollution Reduction Plan that is part of the Permitting with DEP looks at overall stormwater projects, and that has been a big discussion this past year. He stated they are working with Township staff to continue that program and there have been meetings over the last few weeks looking at which stormwater projects would be best packaged together to keep the momentum going for what would be required over the next couple of years for stormwater improvements. He stated updates will be provided later in spring as there will be Grants associated with stormwater projects coming up. He stated Grants would help assist with funding those types of projects.

Mr. Kessler stated with regard to the Highland Drive drainage project and coordinating with the utilities, the coordination with PA American Water has gone very well. He stated the other utility that is under the culvert is PECO Gas, and there is also some Verizon re-location with their lines. He stated they are looking to have that Permitting into DEP by the end of June/beginning of July. He stated once that is done, it would go to the Bidding phase.

Mr. Kessler stated with regard to the multi-use trail at Woodside, there is coordination with PECO Electric and Verizon as they both own the poles and the equipment on them. He stated they are very close to having the new poles delivered. He stated tree trimming will also be involved within the Township right-of-way as part of the pole re-location to be done. He stated once that is done, the aim is to re-do the trail portions that need to be straightened in the spring.

Mr. Kessler stated the Wegmans has opened, and there are other parts of the site that are still to come including the restaurants. He stated the property is inspected regularly to make sure that the entry/exit is not disrupted.

Mr. Kessler stated with regard to the Grant that was awarded for the Woodside Road trail, they are working with the Grant agency and Township staff to have the releases of the Grant funding provided to the Township. He stated they will update the Board when those payments are provided to the Township to offset the costs.

Ms. Blundi asked Mr. Kratzer for an update on what is occurring at the bottom of Woodside Road. Mr. Kratzer stated near the intersection of Woodside Road and Taylorsville Road there is what appears to be roadway sloughing that is occurring going down the grade heading toward Taylorsville Road. He stated that work was initially completed by the Joint Toll Bridge Commission as part of the work that was done in terms of the Interchange and improvements to the Toll Bridge. He stated the Joint Toll Bridge Commission has been made aware of our concern relative to the condition of the roadway, and they intend to mill and re-pave approximately 950' of the eastbound lanes of Woodside Road coming down the hill towards Taylorsville. He stated they are proposing to bolster the structural integrity of the roadway and doing 2 ½" of paving with a more rut-resistant mix. He stated they are in the process of obtaining pricing, and they are looking to potentially undertaking the work in June. Mr. Kratzer stated they will provide additional information as they go through the process and there is a more definitive construction schedule.

Mr. Kessler stated with regard to the work overlapping with other work being done in the area, he does not have any concerns. He stated the utility work should be close to completion by June, and there would then be work on the trail itself which could be coordinated with the schedule that the Toll Bridge Commission has for the roadway.

Mr. Kratzer added that any associated road closure would be coordinated with the Police Department, other emergency services providers, and the Public Works Department. He stated the intent would be to stay outside of the School season. He stated once there is a schedule that is more concrete, it will be communicated to all interested parties.

Mr. Grenier stated there is a naturalized basin that the Township owns at the corner of Quarry and Lindenhurst Roads which has a lot of "flowering pears" growing in there which is a noxious weed per the Pennsylvania Department of Agriculture. He asked if as part of the PRP or the MS4 we looked at some of our basins to see how extensive that might be. He stated they are very easy to identify at this time of year. He asked if there is any chance that we could remove those from the basins to prevent spread.

Mr. Kessler stated they could look into that. He stated there are basin retrofits associated with the PRP, and that includes a full assessment of what is existing and what could be improved upon for stormwater management. He stated

in doing this work at this price, and that they have the internal capacity to get this done. Mr. Kessler stated they have a familiarity with the intersection and have a relationship with the Joint Toll Bridge Commission and PennDOT which led to what they proposed with the RFP. He stated they are looking forward to having this connection completed.

Mr. Grenier stated the Township engineer is the QAQC to make sure that work is being done correctly when another engineer is doing the work. He asked when the Township engineer is awarded a project like this there is a concern that the QAQC “might be lost.” He asked what the procedures will be.

Mr. Kessler stated for this project because it is a PennDOT intersection, there is Highway Occupancy Permitting that has to be completed; and that is all submitted to PennDOT. He stated his firm has an internal QAQC process where it is reviewed by his team in the Bucks Office as well as the Transportation and Traffic group to make sure that it is ready to submit to PennDOT. He stated PennDOT then has their own rounds of reviews and provides any comments. He stated they have worked very well with PennDOT in the past. He stated it also connects to the Joint Toll Bridge Commission’s facility on the other side.

Mr. Grenier asked if we need to engage SAFE on this, and Mr. Kratzer stated they will have SAFE look at it as well.

Ms. Blundi stated it was indicated that the other two Bidders were higher by approximately \$34,000; and she asked if there was something in their proposals that is not in the RVE proposal to account for the difference.

Mr. Kratzer stated there was nothing apparent in terms of the difference of approach. He stated they took additional time to talk to RVE about their approach on this to make sure that there were not distinctions between the work to be done by the other respondents and the work that RVE was proposing. He stated RVE indicated they are confident with the price, and he was very clear with Mr. Kessler that they would be held to that price.

Motion carried with Ms. Blundi abstained.

Approval of Resolution 24-10 Authorizing the Submission of PADCED Strategic Management Planning Program Grant

Mr. Kratzer stated the Grant request would be in the amount of \$35,950. He stated this was discussed during the 2024 Budget process. He stated this program is available through DCED in order to get external financial

support to engage a consultant/expert to assist with multi-year financial planning as well as doing an objective operational review of the Township's operations in the various functional areas that the Township operates. He stated a Request for Proposals was issued and we received five responses. He stated he conducted interviews of those respondents; however, since participation in the program would be contingent upon receipt of this external State funding, in order to submit an Application a Resolution needs to be passed by the Board of Supervisors. He stated the number in the Application was based on narrowing the field down to the top two, and we took the higher of the top two prices. He stated it is a 50/50 match from a program standpoint.

Mr. Kratzer stated if the Resolution is adopted, we will proceed with the Application process; and if we are successful in obtaining funding, the matter will come back to the Board with a recommendation related to one of the top two consultants. He stated both consultants have indicated that there is no issue in terms of timing, and they understand that this is contingent upon the receipt of external funding; and there is no adjustment of price expected.

Mr. Grenier moved and Ms. Blundi seconded to approve Resolution 24-10 authorizing the submission of PADCED Strategic Management Planning Program Grant.

Mr. Kratzer stated from a Budget standpoint we used an estimated total project cost of \$90,000 so our match would have been \$45,000, and we are slightly under that.

Mr. Grenier stated with the Sustainable PA Certification, a lot of that is operations based and is not "sustainable green stuff but sustainable practices across the board." He asked if that "plays into this at all or not." Mr. Kratzer stated there may be some interface in terms of operational improvements that they may recommend that would position us to enhance our ranking under that other program. Mr. Grenier stated as part of getting that Certification, it is supposed to score us higher to get State Grants, and "this is one that we would probably want to call out," and Mr. Kratzer stated we can do that in the Application.

Motion carried unanimously.

Approve the Appointment of Curtin and Heefner LLP to Serve as Township Solicitor

Mr. Kratzer stated the Board had initiated a process earlier in the year to request proposals for firms to serve as Township solicitor. He stated we received six responses to the RFP, and there were interviews conducted. Mr. Kratzer stated that the Board was then asked to individually rank the interviewees, and this is now ready for the Board's consideration.

Mr. Grenier moved and Mr. Lewis seconded to appoint Curtin and Heefner LLP to serve as the Township solicitor.

Mr. Grenier thanked all those who submitted a proposal, adding there were some very good applicants.

Motion carried with Ms. Blundi and Mr. McCartney opposed.

SOLICITOR'S REPORT

Mr. Truelove stated he had neglected to give a report on the Executive Session at the last meeting and prior to that meeting the Board met in Executive Session beginning at 6:30 p.m. and personnel, informational, and litigation items were discussed.

Mr. Truelove stated an Executive Session was held tonight starting at 6:30 p.m. and informational, litigation, and personnel items were discussed.

ZONING HEARING BOARD MATTER

With regard to Appeal #Z-24-7 Geonnotti for the property located at 694 Countess Drive, Yardley, PA 19067, Tax Parcel #20-037-030 Variance request from Township Zoning Ordinance 200-23B which would increase the impervious surface from the existing 23.7% to 25.1% where 18% is the allowable amount in order to install a fiberglass pool and pool decking Mr. McCartney moved, Mr. Grenier seconded, and it was unanimously carried that the Township participate.

SUPERVISORS REPORTS

Mr. Grenier stated there has been some discussion around updating our public notice requirements specific to the Zoning Hearing Board. He stated several years ago we updated our SALDO public notice requirements to be “pretty robust,” but it did not carry over to Zoning issues. He stated he understands that currently per the MPC (Municipalities Planning Code) the requirement is for abutting landowners so if someone lived across the street they would not be abutting and would not get notice which he does not feel is right. He stated there has been discussion as to how we might go about improving that so that people are guaranteed notice. He stated he knows that we are not limited to just abutting, and that is the minimum, and he understands that sometimes the Township provides additional notice on a case-by-case basis, and we would like to get that more consistent.

Mr. Kratzer stated if the direction of the Board is to look at that, he would do that and come back with a recommendation so that there is consistency between the two Ordinances. This was acceptable to the Board. Mr. Lewis asked if we could make that a policy in the interim to have a wider range for notification. Mr. Kratzer stated he believes that the Ordinance at this time references “rules of the Board,” but he assumes that means the Zoning Hearing Board. He stated we may be able to just expand it without modifying the Ordinance. He stated he will look into this matter and report back to the Board.

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to appoint Jennifer Stark to the Patterson Farm Master Plan Implementation Committee and Abbey Yeatts to the Disability Advisory Board.

ADDITIONAL PUBLIC COMMENT

There was no one wishing to make public comment at this time.

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There being no further business, Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 8:35 p.m.

Respectfully Submitted,


Suzanne Blundi, Secretary