

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 4, 2024

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 4, 2024. Mr. Lewis called the meeting to order at 7:52 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
 Maureen Burke-Carlton, Township Solicitor
 Isaac Kessler, Township Engineer
 Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Lewis stated those wishing to make a special announcement may call in or may contact the Township at admin@lmt.org to request a special announcement be added to the Agenda. There was no one wishing to make a special announcement at this time.

Mr. Lewis stated if you have some free time on the weekends and would like to volunteer your time, you can join the Friends of the Five Mile Woods Clean-Up days. They are held the second Saturday of the month at the Five Mile Woods starting at 8:30 a.m. Please come in comfortable clothes that you do not mind getting dirty and bring along your work gloves. If you have any questions you can email Monica Tierney at monicat@lmt.org.

Mr. Lewis stated the 17th Annual AJF Ride for Autism is this Saturday, September 7, 2024 at the Lower Makefield Township Park, 1100 Edgewood Road, Yardley, PA from 8:00 a.m. to 2:00 p.m. For more information or to register click: [The AJF Ride for Autism 2024 \(ggiv.com\)](https://www.ggiv.com).

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Lee Pedowicz, 247 Truman Way, stated he attended the two prior Board of Supervisors meetings and made comments regarding the design and construction of the gates and islands at the entrances and exits to the Regency at Yardley community – the Villas and Carriage House sections. He stated his concerns were first voiced over three years ago. He stated it was demonstrated that a fire truck could not enter the community via the Renaissance Boulevard entrance which he feels is an obvious violation of Ordinances and Codes and disregards the safety and welfare of the community. He repeated his request for letters explaining to him how this serious violation made it through the “ample scrutiny” of the SALDO process and ultimately received Board approval so that he can understand how this happened and what measures have been taken to prevent it from occurring or having occurred with other Lower Makefield Township projects in the past, present, and future.

Mr. Pedowicz stated work was done on the Renaissance Boulevard entrance gates and islands, and Chief Chamberlain showed in a video that fire apparatus could now enter but only if they turned into the exit lane before attempting to make entry. He stated whenever fire apparatus were brought to the community the gates were not operational and they have never have been operational. He asked what obstruction operational gates will present. He stated the gate apparatus has not been installed for the Carriage House access roads.

Mr. Pedowicz stated he wants to know what the plans are for making Regency at Yardley compliant with the Standards and Codes that were in effect at the time of design and construction of the community. He stated the statements that fire apparatus can now enter do not answer his question. He stated Fire Prevention Ordinance 112-1 in effect at the time of design and construction stipulates adherence to the 2000 International Fire Code and not the 2018 International Fire Code that “has been brought up repeatedly.” He stated all of the Regency at Yardley entrances and exits have been and still are in violation of the 2000 Code. He stated as he has noted previously if the Ordinances and International Fire Code were followed, there would be no gates or islands. He read from Township Ordinance 178-38K1 with regard to safe and convenient access for emergency vehicles. He stated there would not be this discussion if the Ordinances and Codes were followed. He stated he feels it is obvious that not having gates is safer and more convenient for emergency apparatus even if they can ultimately get in; and he feels a Court would agree.

APPROVAL OF CONSENT AGENDA ITEMS

Mr. Grenier moved, Mr. Ross seconded and it was unanimously carried to approve the following Consent Agenda items:

- Approval of Minutes for the August 21, 2024 meeting
- Approval of Warrant List dated September 4, 2024 (as attached to the Minutes)
- Approve authorizing the Township Manager to execute Master Grant Contract between the Township as a Certified Local Government and the Pennsylvania Historical and Museum Commission
- Approve Payment Applications #1, #2, #3, and #4 to Keystone Sports Construction in the amount of \$14,424.18 for Invoice #1, \$46,157.40 for Invoice #2, \$57,696.76 for Invoice #3, and \$57,696.74 for Invoice #4 for the Memorial Park Basketball Court Project

COMMUNITY DEVELOPMENT

Approve Request to Modify a Condition of Approval to Permit the Construction of an In-Ground Swimming Pool at 1013 N. Elbow Lane (Exceeds the Allowable Impervious Surface Shown on the Recorded Plan but not the Maximum Impervious Surface Percentage Permitted on a Lot by the Zoning District

Mr. Majewski was present. He stated this is a request from the homeowner of 1013 N. Elbow Lane to amend the Recorded Plan for Yardley Crest. He stated the developer of this Subdivision had put on a voluntary restriction on each lot as to the amount of imperious surface for which the stormwater management basins were designed. Mr. Majewski stated this number is well below what is allowed by Zoning. He stated the homeowners are requesting that the Board of Supervisors approve a number higher than what is shown on the Recorded Plan, but less than what is allowed by Zoning. He stated they plan to construct stormwater management facilities in the form of a trench 36' long, 6' wide, and 2' deep in order to mitigate all of the stormwater that is being generated.

Mr. Grenier stated we have been talking about updating our definition of impervious in different ways especially as it relates to swimming pools. He asked if the number they are using for impervious is inclusive of the swimming pool area, and Mr. Majewski stated it is exclusive of the water surface area within the pool. Mr. Grenier stated he understands that it would include the coping and surrounding patio but not the pool, and Mr. Majewski agreed. Mr. Grenier asked if they were talked to about their willingness to design their mitigation to be inclusive of the pool as a Condition of this approval, and Mr. Majewski stated that could be done.

Mr. Quoc Nguyen, 1013 N. Elbow Lane, and Mr. Jeff Renneisen, Aqua Bello Designs, were present.

Mr. Grenier stated there have been many flooding and stormwater management issues that we are spending time, money, and effort to improve. He stated pools and impervious areas are a topic of conversation. He stated when there are increased impervious area requests, the Zoning Hearing Board comes up with mitigation strategies to address additional impervious areas. He stated we are looking to update our definition of impervious so that we can address all of those areas related to swimming pools to include the pool area itself in the calculations for developing a stormwater management system of some type. Mr. Grenier asked if as a Condition of approval, they would be willing to upsize the system, if necessary, to be able to treat that additional square footage associated with the water surface of the swimming pool.

Mr. Nguyen stated he would be willing to do that if Mr. Renneisen would be able to accommodate it. Mr. Renneisen asked if consideration would be given to the fact that half of the year a swimming pool would absorb water when it is open. Mr. Grenier stated he does not feel a swimming pool absorbs water, and it would be preventing infiltration of water as there is always run-off in some way as it is not going through the concrete. He stated they would run the numbers based off the entirety of the swimming pool, coping, and patio. He stated he does not feel it would result in upsizing the stormwater management system that much, but it would be a benefit.

Mr. Renneisen asked if plantings count. Mr. Grenier stated a landscaped raingarden could be integrated in some way which could be taken advantage of so it would not be just the trench, and the raingarden would provide an aesthetic benefit.

coordination with the Public Works Department to save money by them doing some of the inlet repairs as well as supplying the materials for the inlet tops. He stated the field inspection work with the contractor equated to about two and a half weeks with coordination in the field as well as specs and work related to that. He stated that pushed the schedule for the Road Program about two and a half weeks and included the additional work that is described in the change of scope. He stated the change of scope provided to the Board in their packet was prepared on August 15, and we are close to the end of project at this point with about one week remaining; and this includes a not-to-exceed estimate for the hours they had on August 15 and looking at what remains with the work by the contractor, and they are confident it will not exceed the amount shown for the field inspection and construction management for the contractor's work to finish the project.

There was no Motion made by the Board.

Mr. Kessler asked if there is any direction for completing the inspections for the project, and Mr. Lewis stated that will be worked out with staff.

General Project Updates

Mr. Kessler stated with regard to the Highland Drive Drainage Project, the updated Drainage Project Schedule was issued; and it includes the completion of the Permitting. He stated DEP approved the updated Plan as related to the General Plan for the streambank. He stated all Permitting has been completed which will move the project into the preparation of the Final Bid package, and they are looking to have that before the Board of Supervisors at their next meeting on September 18. He stated it will then go out to Bid.

Mr. Kessler stated with regard to the utility work, PECO installed the new pole today, and the old pole will be removed once Comcast and Verizon shift their equipment to the new pole. He stated this includes another vacant pole across the street; and with that one removed, PA American Water has discussed with the Township possibly getting a head start on some of their work on Highland with the aim being to minimize the amount of time for the detour for the culvert replacement itself. He stated his office is working with staff on that, and they will provide a schedule for that as it is updated.

Mr. Kessler stated with regard to the Taylorsville/Woodside Trail Connection Project, they met with staff on August 27 and are looking to having the working meeting with PennDOT when they will discuss the Permitting needs and the intersection lay-out.

Mr. Kessler stated there was a meeting with Township staff on August 28 on the Veterans Square improvements and ADA-accessibility. He stated he is looking to finalize a Concept Plan to be able to present to the Board for review.

Mr. Kessler stated with regard to the Memorial Park basketball courts, they are in the 30-day pavement rest period prior to the surfacing and striping that would complete that project.

FIRE SERVICES

Discussion Regarding the Potential of Conducting a Fire Services Study Through the Pennsylvania Department of Community and Economic Development's Governor's Center for Local Government

Mr. Tim Chamberlain stated the DCED conducts studies for Municipalities and Boroughs on emergency services including Fire Services Studies; and he would like to look into this with Mr. Kratzer's help. He stated it is a free service and having someone from the outside review what the Township and volunteer Fire Company is providing is a good opportunity to see where there could be improvements. He stated a number of surrounding Municipalities have done this, and it has helped them make sure that they have the best services to provide protection.

Mr. Kratzer stated at this point they just wanted to introduce this concept to the Board. He stated if the Board and Yardley Borough are inclined, we would recommend a joint Application be submitted looking at a variety of issues including operations, structure, governance, etc. He stated it would provide a strategic plan for the Fire Service moving forward. No Motion is being requested at this time, and Mr. Kratzer stated they were just looking to see if the Board was willing to explore this and have a discussion with Yardley Borough. He stated a Letter of Intent would need to be submitted by both Governing bodies, and the Letter of Intent would be brought back to the Board for approval prior to submission to DCED.

Mr. Lewis asked how someone could be involved with the volunteer Fire Department; and Mr. Chamberlain stated they could go to the Fire Company Website and request additional information or apply on-line, or they could reach out to him at his office at the Township Building.

MANAGER'S REPORT

Approve Entering Into a Cooperation Agreement Between the Township and 9-11 Memorial Garden of Reflection, Inc.

Mr. Kratzer stated this relates to the maintenance, continued investment, and programming of the 9-11 Memorial which is located in Memorial Park and also areas of the Park that are ancillary to the Memorial. He stated this is a long-standing partnership, and this will codify some of the arrangements that have existed; and it provides for annual financial support from the 9-11 Memorial Garden of Reflection group up to \$40,000 annually which is intended to help maintain and provide a mechanism for continued investment and programming at the Memorial. He stated the initial term of the Agreement is one year with successive renewal terms of five years. He stated the Agreement has been reviewed by the 9-11 Memorial Garden of Reflection Incorporated, and the terms are acceptable to them as the other Party to the Agreement. Members of their Board of Directors are present this evening.

Ms. Blundi moved and Mr. Ross seconded to approve entering into a Cooperation Agreement between the Township and the 9-11 Memorial Garden of Reflection, Inc.

Ms. Ellen Saracini, Board Chair of the 9-11 Memorial Garden of Reflection, Inc. and a family member, Mr. Eric Stark, Vice Chair of the Board and Lower Makefield resident, and Mr. Jim McCaffrey, Board member, were present. Mr. Stark stated they appreciate the long-standing partnership which goes back twenty-two years when they started to raise money to build the Memorial. He stated their group raised about \$5 million to construct the Memorial and pay for the maintenance of it for many years. He stated while that money ran out, they had started the Remembrance Fund Endowment with the idea of making the Memorial self-sustaining and the maintenance of it to not fall on the Township taxpayers. He stated they have raised enough money so interest off of that Endowment will be able to reimburse the Township for the regular maintenance of the Memorial which is not maintained by Township staff but by a separate contract which is currently with Realty Landscaping. Mr. Lewis stated Realty is a COSTARS vendor.

Ms. Tierney stated the rubberized surface will be replaced in October; and while they were working on this project, they realized that some of the equipment needed to be replaced. She stated some of it is under Warranty and is not being shown on the quote; however, there are some pieces that are no longer under warranty including the rope pieces that only had a five-year Warranty. She stated some of that rope is installed into the rubberized surface.

Ms. Blundi moved and Mr. Ross seconded to approve authorizing acceptance of the proposal from GameTime for the replacement parts in the amount of \$15,477.15.

Mr. Kratzer stated this and the project being considered next on the Agenda are being funded using Park & Rec Fee-In-Lieu of dollars which are restricted funds that are available for these types of projects.

Mr. Grenier asked what is the Warranty, and Ms. Tierney stated it is five years on rope. Mr. Grenier asked that next time they look into an alternative solution that might last longer. Ms. Tierney stated the rope is part of the much-larger structure, and that might be harder to replace in that way and would be much more expensive. Mr. Grenier stated there might be a different structure that could be there that would not require replacement parts every five years.

Mr. Fuller stated it was constructed ten years ago, and they do not want to remove the embedded surface in two years when it would be beyond its useful life. He stated they felt it was best to do it now while they were removing the surface. He stated he feels they will probably get ten to fifteen years out of it. Ms. Tierney stated there are two structures – one is an inclined web climber that is embedded into the rubberized surface, and the other is a spider climber that is elevated; and they are both getting replacement parts as part of this.

Mr. Lewis stated he assumes some of the cost is for installation since they would be ripping up the base, and Ms. Tierney agreed.

Motion carried unanimously.

General Updates

Ms. Carlton asked that the Board forward to her any questions or comments with regard to the draft Sign Ordinance. She stated the Historic Structure Demolition Ordinance has been drafted, and it will be before the Planning Commission and Board of Supervisors shortly. She stated the Wireless Facilities Ordinance is on the Planning Commission Agenda for Monday, September 9 and hopefully they will make a recommendation so that it can be before the Board of Supervisors at their next meeting.

Ms. Carlton stated her office is working on the Responsible Contractor Ordinance and different policies within the Township including but not limited to the Right-To-Know Policy and updating the Employee Handbook.

Ms. Carlton stated with regard to the Open Space Referendum and outreach to the community, her office is in the process of reviewing a Contract with a group that the Township Manager had been in contact with; and they will get their comments to the Township Manager shortly.

Ms. Carlton stated they are also reviewing, revising, and drafting various Contracts with groups and committees using the Township facilities trying to create a more comprehensive form of Contract for all of the groups to use and get something more formal in place.

SUPERVISORS REPORTS

Mr. Lewis stated the Planning Commission will meet on Monday, September 9 to review the Wireless Facilities Ordinance, and he suggested that Ms. Fawcett attend that meeting.

Mr. Grenier stated at the Zoning Hearing Board meeting held last evening, the dog kennel asked for and was granted a Continuance until October 15. He stated they may also want to speak with the Township staff as there is a potential issue about Conditional Use which may need to come before the Board of Supervisors.