

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 19, 2025

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 19, 2025. Mr. Grenier called the meeting to order at 7:57 p.m. and called the Roll.

Those present:

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

Others: David W. Kratzer, Jr., Township Manager
Maureen Burke-Carlton, Township Solicitor

Absent: Matt Ross, Board of Supervisors Treasurer

COMMUNITY ANNOUNCEMENTS

Mr. Grenier stated during this portion of the Agenda residents and youth organizations may call in to make a special announcement 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. Grenier stated the Yardley Farmers Market will be at the Community Center, 1550 Oxford Valley Road, Yardley, PA 19067 the first and third Saturdays of every month until April, 2025 from 10:00 a.m. to 12:00 p.m.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Sol Bress, stated he is a Township resident. He provided a picture to the Board members, and the Board indicated it looked like a shipping container. Mr. Bress stated the Township has called it a shed. He stated a number of months ago a neighbor put this shipping container beside his house, and after six months the Township issued a Violation Notice that a shipping container needs a Permit and should not be there for longer than 30 days.

He stated after 30 days he was advised by the Township that it was being called a shed; and since it is a shed, it is permitted as it meets all the requirements for a shed, and a Permit was issued.

Mr. Grenier asked if there is a definition of a shed in the Township Ordinances, and he asked if a shipping container would be considered a shed. Ms. Carlton stated she understands that there is no definition of a shed in the Township's Zoning Ordinance. Mr. Kratzer stated the Ordinance references it as a Residential accessory structure, and it is not clearly defined. Ms. Carlton stated there are requirements as to setbacks and height for a shed.

Mr. Bress stated he has met with the Township Manager about this. He stated he understands that there was an Amendment to the Ordinance regarding accessory structures/sheds passed by the Supervisors in August, 2024 indicating that instead of having them in the back quarter of the Lot, they are now permitted to be next to the house as long as they are in the back "medium" of the dwelling. Mr. Bress stated if he were to take a tractor trailer with the wheels off and park it next to his house, that could be considered a shed.

Mr. Lewis stated it appears that they will have to review this as there is a balance between property owner rights and general community welfare. He stated this has been dealt with over the years on a number of issues, and Ordinances have had to be revised. Mr. Lewis stated the Township will need to look into this in more detail to consider what can be done to address this.

Mr. Bress stated this is an industrial container which does not belong in a high-density, multi-family Residential area.

Mr. Kratzer stated the original Notice of Violation was issued on the basis that it was a temporary storage structure on the property for greater than 30 days; At one point there were two of these containers on the property at the time of the complaint. He stated when the Zoning Permit Application was submitted they were required to adhere to all of the applicable setbacks and impervious surface coverage; and that was the basis of the review that took place. He stated when the Application was submitted to utilize this as a Residential accessory structure that adhered to all of the respective requirements in the Zoning Ordinance relative to setback, size, and impervious surface area ratios, it was reviewed under those parameters; and that was the basis for the issuance of the Permit to allow it.

Mr. Grenier asked how the Ordinances define a temporary storage container, and Mr. Kratzer stated it is not specifically defined other than it focuses on duration which is anything greater than 30 days. He stated a temporary storage container is not governed by side yard setbacks, placements, etc. Mr. Grenier stated there are therefore two definitions that should be reviewed to address this situation.

Mr. Bress stated this has an adverse effect on the neighborhood as it is an industrial container, and it does not belong in a Residential neighborhood. He stated he feels the needs of the neighborhood were not taken into account when the Permit was issued.

Ms. Blundi stated an RV could have the wheels taken off and be put on the side of a house, so she feels that this matter should be considered further.

Mr. Henry Riddle stated he is a resident of Lower Makefield. He stated the shipping container on 576 Thrush Court in Heacock Meadows has been there since last summer, and it is an eyesore in the neighborhood. He stated a shipping container for storage was not intended when Heacock Meadows was developed in the early 1980's. There were garages offered for extra storage so that no external structure was needed, and the external ambience of Heacock Meadows has remained the same since construction which protects the investment value. Mr. Riddle stated he understands that without a Building a Permit the owner of 576 Thrush Court extended internal living space into the two garages, and this violates the purpose for which the original design included a garage. He stated the violation created an external need for storage. Mr. Riddle stated he hopes that the Board will want to keep the external ambience of Heacock Meadows for the benefit of the Township residents.

Mr. Grenier asked Mr. Kratzer about the Building Code violations with regard to the construction without a Permit. Mr. Kratzer stated there was commencement of construction prior to the issuance of a Building Permit, and the owner has since submitted a Building Permit which is currently under review.

A gentleman named Steve stated he is a Township resident and was asked by Mr. Bress to comment since he is a Real Estate appraiser. He stated he was shown the cargo container, and he does not feel that it is a shed. He stated as an appraiser he believes it would have an adverse effect on the value of homes. He stated the Code does not give a definition for a shed, and that is something the Township should consider drafting.

A gentleman named Phillip stated he lives three houses away from where the full-sized shipping container is located which has been there for seven to eight months. He asked the Township to see what they can do to remedy this.

Mr. Reuben Anders stated he lives on Thrush Court. He stated the shipping container is degrading to the neighborhood. Mr. Anders stated that individual also has at least two out-of-State cars on the street in poor condition.

Mr. Kratzer stated they will follow up with the Police Department on the car issue.

TRENTON MERCER AIRPORT REVIEW PANEL PRESENTATION

Mr. Richard Preston was present and stated the Airport Review Panel was started in 2017 to keep track of what was happening at the Airport, coordinate with other community members in New Jersey and Pennsylvania, and make recommendations to the Board of Supervisors. He stated there has been a history of distrust with the Airport an example being that it was learned that they have been destroying complaint records for years. He stated for years they have also done a lot of small projects to get away from having a coherent plan that would have required more environmental assessment, and they would get categorical exclusions for what they would call repairs when in fact they were actually digging up grass and laying cement to get something new built. He stated in 2006 they tried to expand the terminal to either 40,000 square feet or 64,000 square feet; and the FAA told them at that time that if they went to 40,000 they could get approvals, but if they wanted to go to 64,000, they would need to do an EIS. He stated while they did not proceed with that project, their 2017 Master Plan showed a \$200,000 million program to expand the terminal to 125,000 square feet and double the number of gates. He stated they submitted an EA; and after meeting with the FAA, they came out with an Environment Assessment stating that they saw no reason to expect growth in airport traffic because of the \$200,000 million investment being made.

Mr. Preston stated a number of politicians have written to the FAA indicating that they disagreed with this; however, the FAA “rubber-stamped it.” He stated the challenge of the FONSI indicating it was not compliant with NEPA was thrown out of Court as the FAA was cited as being experts in the field.

Mr. Preston stated once they received the FONSI that they could move forward with the project, the Mercer County Executive put out a bulletin

indicating that they expect the Airport to grow with travel across the Country and raised the possibility of extending the runway. Mr. Preston stated all of this is in contradiction to the EA and the FAA approval.

Mr. Preston stated for decades the Airport has been using PFAs being sprayed as weed killer and as part of training, and they are located next to a Superfund Site at the Naval Air Warfare Site which has known pollution from PFAs. A site-wide PFAs investigation was recommended to look at all of the sites where construction might be done; and while it is not believed that has been done, there are multiple soil-disturbing projects going on including building the new fire station and work on the taxi-ways. Mr. Preston stated this is a concern since the Airport is feeding tributaries to the Delaware River which effects the water supply. He stated the Panel believes that the New Jersey DEP has been very lax. He stated they granted Permits in January for the new terminal construction, and the Permit makes no reference to the known PFAs contamination at the site. He stated New Jersey DEP tasks Mercer County to run the site-remediation project, and Mercer County tasks the Airport to run it. Mr. Preston stated they have asked where they sampled and what they are doing, but they have not received a response. He stated their report is not due until 2026 which is well after many of these projects will already be underway.

Mr. Preston stated they have also not heard anything about the Superfund site, but they have seen demolition and excavation going on at the Naval Air Warfare Center which is one of the known sites for chemicals feeding into the ground-water, and they cannot find any information as to the status of remediation.

Mr. Preston stated they have also learned that TTN is going to lease 11 acres to Sky Harbor which is a private jet support company which builds hangars and provides infrastructure and servicing of aircraft of different sizes; and they are expecting 60 to 100 flights per week. Mr. Preston stated they have heard that the smaller jets fly lower, are loud, and are often flying at off hours. He stated the Airport has a tendency to provide a very limited time window for public responses, and this could be a very significant addition to the amount of air traffic.

Mr. Preston stated New Jersey has a Law providing tax credits for developers in certain cities that meet certain criteria, and Ewing does not meet that criteria; however, New Jersey put in a special provision specifically for TTN to provide tax incentives to develop Commercial projects on the Airport property. He stated it was indicated that they want this to predominantly be used for warehouse distribution or fulfillment centers which is a facility

like Amazon. He stated for a developer to qualify, they need to give \$10 million for environmental remediation costs. He stated the prospect of a warehouse being built on the TTN property raises the concern that they will try to develop for a Commercial carrier such as UPS or Amazon.

Mr. Preston stated the Air School at the Airport is also planning a large expansion, and he has heard from neighbors that they are most bothered by the low-flying training school planes because they fly low and they fly repeatedly.

Mr. Preston stated there is a need for a more active voice from the Board of Supervisors and joining forces with other Pennsylvania State and Federal Officials to speak to their counterparts in New Jersey.

Mr. Lewis stated he wrote letters, made calls, and sent e-mails and has not gotten any follow-up. He stated Senator Santarsiero's office has been active with this issue for a long time as well as have others in Pennsylvania. Mr. Grenier stated since there are now some new issues, we may want to re-convene the group that was previously put together by Mr. Santarsiero.

Mr. Ed Putnam, Keswick Drive, asked the ultimate goal. Mr. Grenier stated the Airport Review Panel was set up by the Board of Supervisors not to try to shut down the Airport, but to hold the Airport accountable and make sure that they follow all of the relevant rules and regulations at the Federal, State, and local levels. Mr. Grenier stated the Airport is a local resource for those who can utilize it for certain flights, but the community still needs to be protected from having it turned into a Philadelphia International Airport with lots of airplanes and planes flying very low over our community which is not what the Airport was set up to be. Mr. Grenier stated if they are held accountable to an EIS, it includes noise, air quality, socio-economic issues, environmental quality, and water quality. Mr. Putnam stated he does not feel anyone has been able to curtail Philadelphia International Airport. Mr. Grenier stated Philadelphia was set up to be an International Airport servicing a large metro area versus Trenton-Mercer Airport which was supposed to be a small regional airport approved for a certain number of flights; and any expansion beyond that needs to go through a review to see how they may impact the local communities.

Ms. Blundi stated you are not supposed to partition a project and by-pass the rules, but it appears that is what the Airport has been doing. She stated they are trying to get New Jersey to do the right thing and to get the Federal Government involved which is a challenge.

Mr. Lewis stated prior to this point the residents have banded together and sued and won in Court multiple times and proved that Mercer County did not follow the Law in prior circumstances. He stated the legal option is no longer viable for us and is not leading to the outcomes we are looking for. He stated there are a series of collaborative approaches we can do with regard to noise mitigation and other similar things that can be done. Mr. Preston stated there was a very specific recommendation from one of the Panel members who indicated what could be done, and TTN has not responded; and we want to continue to pressure them on that.

Mr. Putnam stated the FAA assesses noise on an annual average; however, Mr. Preston stated it is a daily average. Mr. Putnam stated it is not creating noise for a long time. Mr. Preston stated it is a “rigged” process, and Mr. Putnam agreed. Mr. Putnam asked what is the financial commitment of the Township to this effort. Mr. Grenier stated over the last several years it has been voluntary writing technical letters because we have members of the Board and the community who have very specific technical backgrounds that we can leverage as well as working with our elected Officials.

BRIEFING FROM ENERGY TRANSFER RE: THE PIPELINE LEAK IN UPPER MAKEFIELD TOWNSHIP

Mr. Grenier stated since this incident occurred close to the border of Upper Makefield and Lower Makefield, there are Township residents who may have been impacted. Energy Transfer was asked to attend tonight to present what happened, what is happening now, and what is the plan for the future. He stated tonight may be the first of a few meetings depending on what is heard.

Mr. Joe Massaro, Public Affairs team for Energy Transfer, was present and stated he has been heavily involved in Upper Makefield in response to the leak. He stated in 2023 they received a well water complaint from a resident in the area; and at that time, they performed an investigative dig within the right-of-way and a water sample was completed. At that time the water sample came back non-detect for hydrocarbons and the dig yielded no results; and that investigation was subsequently closed. He stated in January of this year they received several well complaints for hydrocarbon odors in the residents' homes in the Mt. Eyre neighborhood. He stated Energy Transfer investigated the area where the 14” refined products pipeline traverses that neighborhood, and they discovered a leak in the pipeline. He stated during the investigation,

the pipeline was shut down, and the area where the pipeline leak occurred was repaired. He stated that section of the pipe was cut out and a new section of hydro-tested pipe was installed. He stated the section of pipe that was cut out was sent away for investigation to determine the nature of the failure.

Mr. Massaro stated since the incident and under the oversight of the Pipeline and Hazardous Materials Safety Administration, Energy Transfer operations personnel have been investigating previously-repaired sections along the entire pipeline since the section of pipe where the leak occurred was a former repair. He stated none of those areas are in Lower Makefield Township, and to date that investigation has yielded no further issues on the pipeline.

Mr. Massaro stated as a response to the leak, they are working with Upper Makefield Township, the Pennsylvania Department of Environmental Protection, the Pipeline Hazardous Materials Safety Administration (PHMSA), and elected officials. He stated this involves providing bottled water to those who request it, sampling of everyone's water well in the neighborhood and beyond as requested, and providing point of entry (POE) filtration systems to anyone in the neighborhood who requests it. Mr. Massaro stated they have set up a response trailer at the corner of Dolington Road and Mt. Eyre, 1798 Dolington Road, Lower Makefield Township. It is staffed during normal business hours, and community members can come and get bottled water and resources.

Mr. Massaro stated as of 4 p.m. Monday, February 17, their independent environmental consultants have performed 188 water samples in the area which now includes some second-round tests. He stated they have received results for 115 of those, and the number of homes where hydrocarbons were detected above Statewide health standards is at 6. He stated this number has remained consistent since the leak was discovered on January 31.

Mr. Massaro stated they have received 24 water well sample requests in Lower Makefield, and 21 of these have been completed to date. Twenty are waiting results, and 1 came back as not detected for hydrocarbons. Three more are scheduled to be completed tomorrow.

Mr. Massaro stated to date their independent contractor has installed 6 point of entry filtration systems within the Mt. Eyre neighborhood, and 8 installed systems were installed by landowners' own contractor and reimbursed by Energy Transfer.

Mr. Massaro stated an e-mail (upper makefield response@energytransfer.com) has been set up for residents to contact them, and they have received over 100 of those, and have responded to 106 to date. He stated they have also set up a 24/7 community hotline (877-397-3383), which is staffed by a person, and land-owners and residents can call to get information about the issue, request their water well to be sampled, and request a POE system installed at their home. He stated they have also set up a Website – UpperMakefield.incidentupdates.com. which has updated information on the ongoing work that is being done in the neighborhood.

Mr. Massaro stated they have held several public meetings, and another one is scheduled for next Thursday, February 27 at 7:30 p.m. at the Sol Feinstone Elementary School. He stated the other meetings they have had are available to view on the Upper Makefield Website and on the Energy Transfer Website. Mr. Massaro stated Energy Transfer would be willing to come back to another meeting in Lower Makefield with experts from their environmental team, operations, and their Federal compliance team to provide additional information.

Mr. Grenier stated Lower Makefield has also put on the Township Website additional information including news articles, studies, the Energy Transfer e-mail address and phone number, videos of prior public meetings, and links to various documents. Mr. Grenier stated he and Mr. Kratzer met earlier today with a representative from the Pennsylvania DEP to get information from them and requested that Lower Makefield be included in all further correspondence moving forward as we have residents who could be directly impacted. Mr. Massaro stated they will also provide to Lower Makefield the updates that they send out.

Mr. Grenier stated he understands the pipeline was built in the mid-1950's, and Mr. Massaro stated it was built in 1956. Mr. Grenier stated he understands that in the 1990's there were some dents and sleeves/liners were installed; and Mr. Massaro stated that is part of the investigation that they have been doing, and any of the sleeves that were previously installed in any areas where they had to make repairs on the line have been investigated. Mr. Massaro stated there were multiple repairs on the pipeline; however, as long as you maintain a pipeline, its lifespan should be indefinite.

Mr. Grenier stated he understands that there is technology in the pipe that is supposed to notify the operator if there is a break, leak, or damage to the pipe; and based on the report it sounds like that technology was not functioning

properly. Mr. Massaro stated that is still an on-going investigation. Mr. Grenier stated in the future he would like to know how that particular issue will be addressed since that is the first line of defense before it makes it into the soil. Mr. Grenier stated he is very interested in the extent of the studies along the pipeline and not just where they know it leaked. He stated he has heard that in addition to the 6 wells where hydrocarbons were detected, there seems to be trace amount of hydrocarbons in different areas outside of the 6 wells; and there is the potential for impact to the groundwater and soil which would need to be remediated. He stated while a watershed map was on the Website, he would also like to see an aquifer map to see what elevations the wells are at to see if there is a potential for the pollution to migrate up or down. He stated he has also heard about potential positive tests in the area between the Canal and the River which is very concerning since the Delaware River is our drinking water supply. He recommended that they reach out to PA American Water, our local water supplier, to get them involved as they have an intake at the Delaware River; and they may need to do additional testing to protect the water supply.

Mr. Massaro stated on site this week they have a third-party geological company doing some resistivity surveys of the area, and downhill geophysics of some of the water wells is being done to understand movement of water there and then map that area out. Mr. Grenier stated in talking to DEP, he understands that Energy Transfer has hired a consulting firm that would do this work at their expense, but they are contracted to Energy Transfer so they are not necessarily an independent party. Mr. Massaro stated Energy Transfer is not doing that work in-house, and it is a third-party contractor. Mr. Grenier stated they are contracted directly to Energy Transfer rather than picked by someone else. Mr. Grenier stated what he is indicating is that DEP, the residents, the Township, or someone else has not chosen this consultant; and it was Energy Transfer that chose this contractor. Mr. Massaro stated that is correct to his knowledge.

Mr. Grenier asked how far up and down the line they are planning to do the integrity tests. He also asked if they are running a smart pig with a camera into the pipe to test it or are they daylighting pipes. Mr. Massaro stated they run smart pigs regularly according to regulations. He stated with regard to the investigative digs, they are investigating every repair that has been made on this pipeline from where it originates to the Newark Airport, which is about 120 miles.

Mr. Grenier discussed a recent project done by Energy Transfer going underneath the River and connecting to this pipe, and he asked for more information on this as he is concerned about connecting a new pipe to a 1956 pipe. Mr. Massaro stated sampling was done last week at homes across from where the pipe connection happened, and they came back non-detect.

Mr. Grenier asked outside of the 6 wells that came back positive, have there been any that have come back below drinking water standards; and Mr. Massaro stated he understands there have been some wells like that. Mr. Grenier asked if the groundwater soils around there have been sampled, and Mr. Massaro stated he will have to check with the third-party contractor who is sampling that.

Mr. Grenier stated if there are hydrocarbons in the soil/groundwater, it may eventually make its way into the wells so they may get different levels later; and they would want to see what they are over time. Mr. Massaro stated that is why they are doing a second round of testing, and they will continue to do that.

Mr. Grenier asked if they are seeing any wells that have had large amounts of hydrocarbons that have separated, and Mr. Massaro stated they have had a few wells that had free flow product on top of the water. Mr. Grenier asked if there has been anything noticeable from a vegetation perspective with dead vegetation, and Mr. Massaro stated he is not aware of anything.

Mr. Grenier stated he heard that Energy Transfer may have purchased a few homes or has offers out on a few homes. Mr. Massaro stated they purchased one home, and they have approached one other landowner. He stated in order to remediate the issue and fix it permanently, they needed to purchase a home. He stated at the home they purchased on Spencer Road, they have pulled the pump from the well and are doing downhole geophysics. He stated the long-term plan is to put a recovery well on that property to recover product from the sub-surface. Mr. Grenier asked if that was done because their water supply would be impacted for too long, and Mr. Massaro stated it was right in the middle of the neighborhood so it was a good location for a recovery well.

Mr. Grenier asked what is Energy Transfer doing to provide water for those impacted now and in the future. Mr. Massaro stated as noted earlier they are providing bottled water and the POE systems are being done as quickly as they can, and it is taking care of the issue. He stated they are also pursuing other long-term solutions.

Mr. Grenier stated he read that as to the current operation of the pipe, they are operating at 80% of capacity, and Mr. Massaro agreed. Mr. Grenier asked what they were running at when the initial leak occurred, and Mr. Massaro stated he can get that number for Mr. Grenier. Mr. Grenier stated he would also like to know why they are still operating at such a high capacity at this time, as he feels it should immediately be shut down to get the investigation completed and fixed. Mr. Massaro stated the pipeline was re-started under the oversight of PHMSA, and they met all regulatory requirements to re-start.

Mr. Grenier asked if Energy Transfer is also the owner of the Mariner East 1 and 2 pipelines, and Mr. Massaro agreed. Mr. Grenier stated those were the ones that were subject to multiple fines, violations, and “environmental crimes” from the State; and Mr. Massaro agreed “environmental crimes” was the term by the State. Mr. Grenier asked Mr. Massaro if he knows if Energy Transfer has any other open fines and violations from a pipeline perspective; and Mr. Massaro stated he cannot speak to that, but could find that out. Mr. Grenier asked if they also own the Marcus Hook facility, and Mr. Massaro agreed. Mr. Grenier asked if they have any planned pipe lines in the region or major pipeline projects, and Mr. Massaro stated he is not aware of any.

Ms. Blundi stated Mr. Massaro had indicated that they are going back and looking at all of the places that had previously been repaired, and he indicated that none of those areas were in Lower Makefield. She stated this one is also not in Lower Makefield, but there are Lower Makefield residents impacted, and she wants to make sure that there are no other repairs/problems in surrounding communities that border Lower Makefield. Mr. Massaro stated that is why they are investigating all of the repairs, and to date no issues have been found. Ms. Blundi stated Lower Makefield would be very interested in hearing as soon as possible if there were any other areas that had been repaired adjacent to Lower Makefield and the results of that. Mr. Massaro stated they have investigated the sleeves in Bucks County, and there are no issues.

Mr. Grenier asked that the Township also be provided with a schedule for the various investigations to include the wells, swales, groundwater, and pipe testing and when they will be completed. He stated they would also like a schedule for the remediation action plan as it develops.

Mr. Lewis asked when the initial complaint was received by Energy Transfer in September 2023, did they inform Upper Makefield’s Government; and Mr. Massaro stated he believes that they were informed about the investigative dig. Mr. Lewis asked if that also occurred in 2025 that Upper

Makefield staff was involved, and Mr. Massaro agreed. Mr. Lewis stated while there may have been a disconnect between the staff of Upper Makefield and the Upper Makefield Supervisors he heard that the Upper Makefield Supervisors were not informed until January 31. Mr. Lewis stated Mt. Eyre Road is the dividing road between Upper and Lower Makefield, and there are 275 homes that are within 150' of the pipeline within Lower Makefield. He stated 11 of those have wells, and he asked if they are eligible for free testing; and Mr. Massaro agreed. Mr. Lewis asked if residents have outlaid money within the last month, will Energy Transfer reimburse them, and Mr. Massaro agreed to look into that. Mr. Lewis asked if those 11 well owners would be eligible for the carbon filtration system. Mr. Massaro stated they have had 24 Lower Makefield residents reach out to get well water samples, and they are doing that. He stated he would suggest that Lower Makefield residents call their number and there can be a discussion about what can be done noting that every home is different. Mr. Lewis asked Mr. Massaro to give the Lower Makefield Township Manager a list of all of the Township residents who have reached out to Energy Transfer; and Mr. Massaro stated he can have the right-of-way people reach out to those landowners, and if they are comfortable with that, that is something that can be considered.

Mr. Lewis asked the last time that a smart pig was run through the pipeline in the section that was affected, and Mr. Massaro stated he will have to provide that information in the future. Mr. Lewis stated we will also want details about the monitoring process. He stated Lower Makefield had an experience where there was turbidity in the water, and it was not the water that was unsafe, but the monitoring system was not properly calibrated so that it ran out that way. He stated the Township is going to want to know that Energy Transfer is tracking all of the systems and making sure that they have processes to audit them, and to know all of the details so that they feel comfortable that the monitoring processes are working.

Mr. Lewis stated the Township has a trust and concern issue in that Energy Transfer has been found criminally responsible in the past. He stated any time there is a complaint or concern with that pipeline which goes through Lower Makefield, the Township should be advised. He stated if that had occurred this time, we would not have been surprised when residents were coming to the Township before things became public. He stated since this incident occurred the Township staff has gone through and looked at the pipelines within Lower Makefield to build lists of people who are within areas that could be effected so that we can better communicate with those people in the event of an emergency or situation like we have here. He stated

we expect going forward that Energy Transfer will advise Lower Makefield immediately when there is a complaint or concern about the pipeline in Bucks County or close to Lower Makefield. Mr. Massaro agreed. Mr. Lewis stated if there are monitoring problems in other parts of the pipeline, all those monitoring systems communicate with each other. He stated they should be auditing every process along the way to make sure things are working.

Mr. Lewis stated the Board is not comfortable that they are only 20% below their maximum capacity at this time especially given Energy Transfer's past track record that we know the full extent of the problem. He stated they are going to be aggressive along with their neighbors in Upper Makefield to make sure that everything is made right and that all the residents are back to normal. He stated even if everything is clean, there is still a potential stigma associated with the property; and he feels the property owners may have a private right of action. He feels that the whole pipeline should have been shut down so that a full analysis could be done. He stated the costs will be higher in the future if they do not fix the problem now and cannot get their monitoring systems to work. Mr. Lewis stated the Board echoes the concerns of State Representative Perry Warren, State Senator Steve Santarsiero, and Congressman Brian Fitzpatrick who have all asked to have the pipeline shut down to make sure that everything is working correctly. He stated he understands that the Secretary of the DOT has spoken with the Congressman and was dismissive of shutting down the pipeline. Mr. Lewis stated residents here will continue to push for this, and as a response the elected officials will be aggressive with Energy Transfer.

Mr. McCartney asked if there is any evidence that this was tied into the flood that occurred in that area, and Mr. Massaro stated there is not. Mr. McCartney stated Energy Transfer purchased the property at 108 Spenser Drive. He stated he understands that the property owner, who had just purchased the property last year, was offered much more than he purchased the house for; however, Mr. Massaro stated he was not privy to that information. Mr. McCartney asked if purchasing that house was a condition of allowing Energy Transfer to still run the pipeline; however, Mr. Massaro stated he was not aware of any condition by Federal regulators to purchase a home to keep the pipeline running, but he can discuss this with the environmental compliance team. Mr. McCartney stated he feels that if they are paying overmarket for something that was just purchased a year ago, there is a reason. Mr. Massaro stated what he knows is that there was a leak in the pipeline; and in order to fully remediate it and make it right, they needed to purchase a home on that street. He stated they are actively working to remediate this situation, and will not leave until they do it.

Mr. McCartney asked if Energy Transfer has in plan in place if they are not able to stop the spread of contamination throughout the neighborhood to address buy-outs or compensation to other neighbors in the community that are effected by this. Mr. Massaro stated at this point they are not aware that the product is moving like that, and he is not aware of the company considering a buy-out, etc. Mr. McCartney stated he feels at some point there could be lawsuits by a property owners because the stigma of this happening in their community is negatively impacting their property value, and they did not get a buy-out from the company that caused it. Mr. Massaro stated everyone has individual property rights and can do what they decide to do.

Mr. McCartney stated checking wells is too late since the wells have already been effected by the incident. He asked how the company would have known that they were losing thousands of gallons of jet fuel for almost eighteen months if they had not been contacted by a homeowner. Mr. Massaro stated this is an active investigation, and they are responding to an accident that happened. Mr. McCartney asked if they did not know that it was happening eighteen months ago, how do they know that it is not happening now. He asked how they did not know that what was going in at the start of the pipe was not coming out at the end of the pipe. Mr. McCartney stated the Board is looking for confidence that Energy Transfer is checking these things before it gets to the point where the wells are contaminated.

Mr. Massaro stated he feels another meeting should be held in Lower Makefield, and he will bring in people from their environmental compliance team and their operations team to answer some of these questions.

Mr. McCartney asked if they test the well from top to bottom; and Mr. Massaro stated the third-party company tests the wells, and from what he has seen, they pop the well cap and do a visual inspection, the wells are sometimes bailed depending where they are in the process, and typically another sample is taken at the point of entry at the home, and again at the faucets. Mr. McCartney stated he understands that wells are typically pumped from the bottom up, and he asked if jet fuel is typically lighter than water; and Mr. Massaro stated there can be free-flow product on the top of the water. He stated if the well is bailed, you would note that there is product in the well. Mr. Grenier asked if they are bailing all of the wells they are testing; and Mr. Massaro stated they are, and it just depends on where they are in the process of testing that home.

Mr. McCartney stated looking at the pipeline, it makes a sharp turn directly in this neighborhood, and he feels pipelines are typically run straight; and he asked Mr. Massaro if he knows if this was done originally or if it was part of the re-build. Mr. Massaro stated he will have to look into that; however, he does not believe it is not uncommon for a pipe to take a turn like that.

Ms. Blundi asked if the process is that the well is bailed out/emptied, and tested. Mr. Massaro stated an independent company is doing that testing; but from what he has seen they put down a long tube and take a sample of the water.

Mr. Grenier noted the pipelines in the Township as well as the Railroad that runs through the Township, and the Township is concerned about emergency management in case something catastrophic occurs. He stated he wants to make sure that moving forward the pipeline operator works with the Township to make sure that we have all of the updated information so that the Township can have an emergency plan in place that can be implemented in the event of an issue. Mr. Massaro agreed to take care of that. Information can be provided to the Township Manager.

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to amend the Agenda to add a Resolution.

Ms. Carlton stated the new Agenda will be posted tomorrow on the Website.

ADOPT RESOLUTION RE: ENERGY TRANSFER/SUNOCO PIPELINE

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to adopt a Resolution of the Board of Supervisors of Lower Makefield Township, Bucks County expressing concern regarding the Sunoco pipeline leak in Upper Makefield Township calling for the comprehensive remediating, preventative measures, a full review of pipeline integrity throughout the region, and an immediate shutdown of the subject pipeline until independent verification of its safety is completed.

Ms. Christine Wanovich, stated she lives in Washington Crossing, across the street from where the Energy Transfer Pipeline leak was eventually discovered on January 31. She stated Energy Transfer wants you to believe that Lower Makefield is safe from this environmental catastrophe that this jet fuel leak has caused, that they know the geographical area where the jet fuel is moving to,

and that there are no current leaks in the pipeline; but none of this is true. She stated Energy Transfer admits that they do not know when the leak started or how much jet fuel has leaked. She stated it is known that the leak started before September 20, 2023 when she first alerted Sunoco that she was smelling and tasting gasoline in her water. She stated the leak had to have started before it presented in her well. She stated the leak was first described to the community as a pinhole leak, but that was still a pinhole under high pressure. She stated it was then described as a “slow drip,” and now an official report states that the leak is a 2 ½” crack that is under a sleeve repair. Ms. Wanovich stated when the leak was uncovered and was not under pressure, the amount of jet fuel coming out was like a water fountain.

Ms. Wanovich stated Energy Transfer does not know where the jet fuel is or where it will migrate to in the future. She stated there have been several houses that have tested for jet fuel-related chemicals that are not in the direction Energy Transfer had stated the jet fuel is moving underground. She stated some of those houses are on the north side of Mt. Eyre. She stated the south side of Mt. Eyre is Lower Makefield so Lower Makefield is across the street where the jet fuel-related chemicals are currently. She stated another house that has tested positive for chemicals related to jet fuels is by the River; and she asked if jet fuel chemicals are leaking into the River at this time, for how long, and how much has been leaking into the River. She stated she understands that at least some Lower Makefield residents get their drinking water directly from the Delaware River.

Ms. Wanovich stated Energy Transfer has stated that their pipeline is currently not leaking, that the pipeline has been repaired, and there is no evidence that there are any other leaks; however, they have no idea if the pipe is leaking anywhere in Pennsylvania. She stated at an Upper Makefield meeting Energy Transfer stated that they do not have good technology to identify small leaks. She stated she and other residents were told that they would know if there was a leak because they monitor the pressure in the pipes; and if there was a drop in pressure that would indicate a leak, but there has been no drop in pressure and therefore there is no leak. She stated they were also told that they would know if there was a leak because they are using probing devices that measure for volatile organic chemicals, and if there was a leak the probs would pick up on the VOCs and identify where the leak was along the pipeline. Ms. Wanovich stated in September, 2023 and in January, 2025 they probed over the area where the eventual leak was found and they did not detect any VOCs. Ms. Wanovich stated Energy Transfer stated they could identify a leak by water testing, and her well water was tested in September, 2023 and came

back as not having any jet fuel in it; however, they tested water from the spigot in her house from the pump that was drawing water from the bottom of the well, and Energy Transfer never opened her well or directly sampled water from the top of the water column in her well. She stated they now know that jet fuel is lighter than water and would float to the top of the well; and when they finally opened her well after there was a confirmed leak, there was 12.35' of jet fuel at the top of her well which had been gathering there at least since September, 2023. Ms. Wanovich stated the phenomena of water that is clearly contaminated testing clean happened again last week when water results of another family came back clean even though their wells have been contaminated.

Ms. Wanovich stated Energy Transfer stated that they could tell if their pipeline was leaking because they do fly-overs and look for dead vegetation; however, there was no dead vegetation around this leak. She stated none of their methods worked to detect this leak. She stated the only reason they looked for the leak was because DEP forced them to, and the only reason they found the leak was because someone finally did a paperwork check and discovered that there had been a repair made at that spot in the 1990's which is why they dug there.

Ms. Wanovich stated the pipeline could be leaking throughout Pennsylvania and New Jersey, and Energy Transfer would have no idea. She stated if her neighborhood was on public water and did not have wells, she questions how long the pipeline would have continued leaking. Ms. Wanovich stated the pipeline was running again two days after the leak was found, and it was turned on before there was any understanding of the scope of the leak. She stated there is still no understanding of how many gallons leaked and where it is, and they do not know if there are any other leaks in that pipeline that was built in the 1950's. She stated she feels that the pipeline should be shut down and completely updated and replaced using modern technology throughout all of Pennsylvania and New Jersey.

Ms. Wanovich stated she made her complaint in 2023, and there were three other complaints in 2024 which were not reported to PHMSA so PHMSA only knew about her complaint. She stated while her house tested positive for VOCs, they closed the case after indicating there were no VOCs. She stated getting the water wells tested has been a fight, and they are not regularly opening the water wells and are not always sending the VOCs to the lab. She stated smart pigs are found to be ineffective for small leaks that have sleeves over them since they cannot see the leaks.

Mr. McCartney asked when they tested the well in 2023, what did they indicate that they found; and Ms. Wanovich stated they were told that “their water was great,” and it was probably some bacteria. She stated the water tested was from the spigot drawn from the bottom of the well, and the well was never opened.

Mr. Grenier asked Ms. Wanovich if between September, 2023 and January of this year, did she have continuous taste and smell issues; and Ms. Wanovich stated she did. She stated they put in their own filtration system based on advice from a water company since they knew that they had VOCs; however, they left one hose and spigot out, and it was checked almost every day and never changed. Ms. Wanovich stated they have not drunk or cooked with their water since September, 2023, and they use bottled water for that. She stated since they put in the filtration system, they use the water for laundry and showers; but not for drinking or cooking, and they will never drink from that spigot again.

Mr. McCartney asked about the filtration system installed, and it was noted it is a carbon filtration system. He asked how it handles what is filtered, and Mr. Massaro stated they are specced out to handle this type of hydrocarbon. Ms. Wanovich stated the house that Energy Transfer bought ran through their carbon filters in two weeks. Mr. Massaro stated he understands that system was not installed correctly and was undersized for the house. He stated the system that Energy Transfer is installing is specced out based on the house. Ms. Wanovich stated she installed her own system in 2023 separate from what Energy Transfer is offering. Mr. Grenier asked Mr. Massaro if he is familiar with what Ms. Wanovich installed, and Mr. Massaro stated he is not. Mr. Grenier stated he would like to know if the system Energy Transfer is the same system that Ms. Wanovich has in terms of how it is functioning. Ms. Wanovich stated they added ultra-violet light and valves between the two carbon filters so that they can individually test the carbons to see when it needs to be switched out. She stated this was done by Suburban, the third-party company that Energy Transfer contracted with. Mr. Grenier asked how often they come in and check it; and Ms. Wanovich stated they just got it last week, and they took a water sample to test the water again, but the results have not yet been received. Mr. Grenier asked if the system is going to require long-term testing. Mr. Massaro stated they have committed that if your well has been impacted, they will cover any maintenance associated with the system indefinitely at this point. Ms. Wanovich stated they are still recovering product from her well; and every day they get

measured for how much more jet fuel is in their well. Mr. Grenier stated this involves someone coming into their home every day to do the testing, and Ms. Wanovich agreed.

Ms. Wanovich was thanked by the Board for bringing these issues to their attention.

Mr. Jim Nassivera, 165 Mt. Eyre Road, Lower Makefield, stated he appreciates the Board's communication with him. He stated he found out about this issue from a Facebook post by Upper Makefield residents; and he has tried to notify the Lower Makefield Mt. Eyre residents about this issue. He thanked Senator Santarsiero, Representative Perry Warren, and Congressman Fitzpatrick for speaking with the residents. Mr. Nassivera stated his own wellhead is 1,700' from where the leak was. He stated he sent the Board a picture of what has been offered for carbon filtration, but only in that neighborhood, and no one on Mt. Eyre would get it at this point. He stated they heard that the way the aquifer runs is southwest to northeast toward the Delaware. Mr. Nassivera stated his well was tested today with a sample taken from the faucet, and they also took the well cap off and put the sensor in, but they could not get the bailer down. He stated they have heard from others in Upper Makefield that when they pull the bailer up, they do a visual, a sniff test of the water, and they are then dumping it; and they are not testing it. Mr. Massaro stated they will follow up with Mr. Nassivera since there is a different procedure they can do if they cannot do a bailer test.

Mr. Grenier stated Mr. Nassivera has provided the Board with an aerial that shows aquifer boundaries, aquifer buffers, and parcels. Mr. Massaro stated this was shared at the Upper Makefield meeting and Upper Makefield Township may have it on their Website. He stated it will also be on the Energy Transfer Website if it is not already.

Mr. Lewis stated Mr. Massaro had indicated to him that everybody in Lower Makefield that was within 150' of the pipeline that had a well would get tested; and Mr. Massaro stated what he had said was that they would do it on a landowner by landowner basis as requested. Mr. Lewis asked if Mr. Nassivera had paid for any tests prior to the one recently done; and Mr. Nassivera stated he did pay for a test a couple of weeks ago when he found out about this, and he is waiting for those results. Mr. Lewis stated that should be reimbursed. Mr. Massaro stated he will follow up with Mr. Nassivera on this, and he asked those interested in testing to call the

number as they are trying to make this right. Mr. Nassivera stated he did call that number, he received a call a day later, they scheduled a date, and they did come out.

Mr. Lewis stated after this event the Township looked at all of the pipelines in Lower Makefield to get a list of all the residents within 1,500' of any pipeline so that we can quickly communicate with residents if something happens again. Mr. Lewis stated the number of people with wells in the area is small.

Mr. Massaro stated Energy Transfer mails out information cards on a regular basis to every property owner where their lines traverse through.

Mr. Ed Putnam, Keswick Drive, asked if they are going to do any vapor intrusion sampling in the homes that had product on their property, and Mr. Massaro stated he will have to look into that and get back with an answer.

Mr. Colin Coyle stated he is a Lower Makefield resident. He stated the map shared on the Incident Response Website shows the topographic drainage basin; and he asked if the section of pipe that was replaced was within the topographic basin on that map or was it southwest of that section.

Mr. Massaro stated he believes that it was on the southwest end of the development – 121 Glenwood. Mr. Coyle stated that area is about .4 to .5 miles across. He stated while the groundwater appears to be moving northeast, there are a number of farms within 1 mile of the site where the section of pipe was replaced; and he asked if Energy Transfer would be willing to do soil sample testing of those farms for a period of time to make sure that there is not a long-term impact going into the food supply within the Township. Mr. Massaro stated while he cannot commit to anything right now, he will take that request back to the right people as an item to be discussed. He stated they are doing water well testing one mile around the incident site, but he does not know about soil sampling.

A gentleman named Doug called in from Upper Makefield and stated Energy Transfer and Sunoco have re-started their energy stream “making so much money off the backs of all of the people.” He noted a Bloomberg article which indicated that Energy Transfer was “two times worse” than other competitors for spills. Mr. Massaro was not aware of the article, and Mr. Grenier stated it was published in the last day. Mr. Massaro stated he has not seen the article and cannot comment on it, and he is not aware that Energy Transfer has the worst record. The gentleman stated with regard to the bail testing he has watched seven residences being tested, and they bring up water, smell it,

and say it is okay. He stated they then put in the VOC tester around it in the 40 to 50 miles per hour winds. He stated they were also supposed to come to his house today, but they never came. Mr. Massaro stated the company that is doing the water sampling is an independent party; and when he has seen them do testing over the past few weeks, they pop the well, do a bailer test, and a visual inspection of the water. He stated a sample is also taken at a point of entry into the house which would be directly from the well, and then the faucets. He stated Energy Transfer is depending on this third-party to do the testing correctly.

A woman stated she is Doug's wife and stated their water was scheduled to be tested today by Energy Transfer's team, and no one showed up and no one called. She stated she feels it is a matter of time before there will be leakage seeping through the groundwater into the sewer systems and kitchens in the area. She stated the gentleman from Energy Transfer present tonight has "a typical PR response that he does not have the answer but will look into it." She stated this representative has been at three or four meetings, and no one ever comes with an answer.

Mr. Grenier asked the callers that they provide their contact information to Mr. Massaro so he can check on why someone did not show up at their property today; however, the woman stated she has no confidence in that and they will follow up on their own. She stated they are also getting their own independent test which she would recommend to others so that they can compare an independent test to the "shallow" test that is being offered.

Mr. Massaro stated he was happy to be present this evening and provide a high-level update on the situation; and he is more than happy to have another meeting and bring in others to answer all of the questions as they have done that before elsewhere. Mr. Grenier stated they appreciate that and will ask for that. He stated a number of more technical questions have been asked this evening, and he asked Mr. Massaro to go back to his team to start to get answers.

Ms. Holly Lazzaro stated she is a Lower Makefield resident. She stated it was indicated that there was a list of houses that were within 1500' of any pipeline in the community, and she asked if that could be publicly posted or provided to someone coming into the Township since it would be good for property owners to know if they are on that list. Mr. Kratzer asked Ms. Lazzaro to call or e-mail him tomorrow and he will provide her with that information. Mr. Grenier stated PHMSA has a National Pipeline Management System public viewer where you can go on-line and look up specific pipeline locations.

Mr. Grenier thanked Mr. Massaro for attending and asked that they keep the Township and residents informed and to look for an invitation to come to a future meeting. He asked Mr. Massaro to provide to the Township Manager any correspondence Energy Transfer has with the DEP or other agencies.

APPROVAL OF CONSENT AGENDA ITEMS

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to approve the following Consent Agenda Items:

- Approved the Minutes for the February 5, 2025 Meeting
- Approved the Warrant List dated February 19, 2025 in the amount of \$427,157.93 (as attached to the Minutes)
- Approved the January, 2025 Interfund Transfers in the amount of \$23,997.12 (as attached to the Minutes)
- Approved authorizing the full release of Financial Security for Regency at Yardley-North-Phase 2
- Approved authorizing the full release of Financial Security for Regency at Yardley-North-Phase 5
- Approved acknowledging the Grant of Time Extension – 1511 Lindenhurst Subdivision
- Approved Resolution #25-03 Authorizing the destruction of documents consistent with the retention requirements of the Pennsylvania Historical and Museum Commission’s Municipal Records Manual
- Approved authorizing the release of a Bid for 2025-2027 Traffic Signal Maintenance, Service, and Emergency Repairs Contract
- Approved authorizing Payment #6 to Keystone Sports Construction in the amount of \$22,956.60 (final payment) for Memorial Park Basketball Courts Project

COMMUNITY DEVELOPMENT

Approve Proposal from Open Spaces & Historic Places, LLC in the Amount of \$25,000 to Conduct a Historic Resources Survey (being funded by a FFY2024 Certified Local Government Grant in the Amount of \$25,000)

Mr. Majewski stated this is an update to the Historic Resources Inventory. He stated the Township received a Grant from the PHMC last year in the

amount of \$25,000 to help fund this update of our Inventory. He stated the Historical Commission vetted this and are in favor of this proposal. Mr. Majewski stated the total cost is \$26,424.50, and the Grant has a 10% match so this total cost will be within the Grant plus the match required of the Grant.

Ms. Blundi moved and Mr. Lewis seconded to approve the proposal from Open Spaces & Historic Places, LLC in the amount of \$25,000 to conduct a Historic Resources Survey (being funded by a FFY2024 Certified Local Government Grant in the amount of \$25,000).

Mr. Grenier asked how many proposals were received, and Mr. Majewski stated only two proposals were received. Mr. Grenier asked the cost comparison; and Mr. Majewski stated while the costs were similar, the Historical Commission liked having a more local presence which would be more familiar with the area in order to do the survey. He stated the other firm was from Harrisburg, and the Historical Commission felt that having a local presence would result in a better product.

Motion carried unanimously.

Approve Authorizing the Submission of a Keystone Historic Preservation Construction Grant (Grant request of \$100,000) for Rehabilitation Work on the Thomas Janney House

Mr. Majewski stated this is a dollar for dollar match and the total project cost would be \$200,000. He stated in discussions with the various groups it was determined that the Janney Farmstead would be the better use for this money, and they are looking to prepare a Grant that would help maintain the existing house where the Artists of Yardley are including restoration of dormers, windows, shutters, and an ADA bathroom.

Ms. Blundi moved and Mr. McCartney seconded to authorize the submission of a Keystone Historic Preservation Construction Grant (Grant request of \$100,000) for rehabilitation work on the Thomas Janney House.

Mr. Lewis asked if he needs to recuse himself since his wife recently joined the Artists of Yardley, and he has attended their fundraising events. Ms. Carlton stated Mr. Lewis did not need to recuse himself from voting on this matter.

Mr. Grenier stated he assumes there is design involved for these improvements. Mr. Majewski stated he is not sure if this relates to design, and they were estimating that the architectural/construction management portion would be 10% to 12%. Mr. Grenier asked the time period on the Grant. He also asked if the Master Plan Implementation Committee has reviewed this, and Mr. Kratzer stated they did. Mr. Kratzer stated the PHMC Website indicates that the Applicant selected will have from the date of execution of the Grant, which they are estimating to be around September 1, 2025, through September 30, 2027 so there would be a two-year window to do the improvements.

Motion carried unanimously.

ENGINEER'S REPORT

The Engineer's Report was provided to the Board in their packet. No Board members had any questions or comments at this time.

FINANCE

2024 Financial Presentation

Mr. Grenier asked that this matter be moved to the next Agenda

MANAGER'S REPORT

Approval of Resolution #25-04 Amending the Lower Makefield Township Non-Uniformed Employees' Pension Plan to Provide a Normal Retirement Benefit Under the "Rule of 80" for Employee Participants That are Members of the Independent Association of Lower Makefield Township Public Works Employees

Mr. Kratzer stated this and the next item relate to changes to Pension-related provisions concerning the Non-Uniformed Employee Pension Plans that came out of negotiations with the Independent Association of Lower Makefield Township Public Works Employees. He stated the Board already entered into that Collective Bargaining Agreement with the Association, and these are changes resulting from the execution of that Agreement.

Mr. Lewis moved and Ms. Blundi seconded to approve Resolution #25-04 amending the Lower Makefield Township Non-Uniformed Employees Pension Plan to provide a normal retirement benefit under the “Rule of 80” for employee participants that are members of the Independent Association of Lower Makefield Township Public Works Employees.

Mr. McCartney asked what is the Rule of 80. Mr. Kratzer stated this is a closed Plan so there are no additional entrants into it. He stated the Rule of 80 requires a minimum age of 60 and a minimum years of service of 20.

Motion carried unanimously.

Approval of Resolution #25-05 Establishing the Contribution Rate (mandatory member contributions) Required From Employee Participants that are Members of the Independent Association of Lower Makefield Township Public Works Employees for 2025

Mr. Kratzer stated as a result of the negotiations, the employee contribution amount has gone up from the prior percentage of contribution, and this memorializes that increased contribution which would be retroactive to January 1, 2025.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution #25-05 establishing the contribution rate (mandatory member contributions) required from employee participants that are members of the Independent Association of Lower Makefield Township Public Works employees for 2025.

Approval of Resolution #25-06 Approving and Authorizing Submission of the Act 537 Special Study and Plan Amendment to the Pennsylvania Department of Environmental Protection as the Amended Official Act 537 Sewage Facilities Plan for the Township

Mr. Kratzer stated this is a condition of the Transfer of the Operating Permit from the Township to Aqua as part of the sanitary sewer sale.

Mr. Fred Ebert, Ebert Engineering, was present. He stated the reason they are re-adopting the Special Study is because the DEP is concerned about providing an additional level of detail because of the PUC’s opposition to other sales.

He stated they issued a review letter on July 25, 2024 asking for additional level of detail planning approval to permit two of the pump stations and to have clarity and documentation.

Mr. Ebert stated they also had a requirement to have Falls Township and Yardley Borough Planning Commissions review all of the revisions made. He stated the Falls Township Planning Commission met and approved it on November 26, 2024, and Yardley Borough Planning Commission approved it on December 11, 2024. Mr. Ebert stated they then entered a 30-day Public Comment period which ran from December 18, 2024 to January 18, 2025. He stated no comments were received, and everyone recommended to approve it. Mr. Ebert stated the Falls Township Board of Supervisors approved it on January 26, 2025, and Yardley Borough Council approved it on February 4, 2025. Mr. Ebert stated once the Lower Makefield Board of Supervisors approves this, all three impacted Municipalities will have adopted the same document.

Mr. Grenier stated we got a comment letter from the DEP in June, 2022; and he understands that we have been trying to respond to that letter since that time. Mr. Ebert stated we have responded three times, and the latest letter is from July, 25, 2024. Mr. Ebert stated part of the challenge was that he had to get Aqua to commit to it because while it is the Township's 537 Plan, Aqua will have to implement it; and he had to get all of their responses back which took until September. He stated he then had to submit it to Falls Township and Yardley Borough for their engineers to review it, and it then had to go before the Lower Makefield Township Planning Commission.

Mr. Grenier asked if there is anything else needed to close out the process, and Mr. Ebert stated he does not feel that there will be. Mr. Ebert stated because the Officer of Consumer Advocacy from the PUC has raised issues in other areas, DEP reacts to that, and has indicated that any questions raised by the Officer of Consumer Advocacy are to be proactively addressed in the Township's document to cover them. Mr. Ebert stated they want to make sure that it is not as Appealable as possible.

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve Resolution #25-06 approving and authorizing submission of the Act 537 Special Study and Plan Amendment to the Pennsylvania Department of Environmental Protection as the Amended Official Act 537 Sewage Facilities Plan for the Township.

PARK AND RECREATION

Heacock (aka Finch Court) Pickleball/Tennis Courts (Budgeted Item – Park & Rec Fee-In-Lieu – Total Budgeted Amount \$400,000)

Ms. Tierney was present and stated this involves approval of Geotechnical and Engineering Services Proposal from Kimley Horn in the amount of \$26,500 and approval of the proposal from Keystone Sports Construction in the amount of \$262,398.30 (COSTARS Contract #14-E23-312) contingent upon no scope modifications resulting from the Geotechnical and Engineering Evaluation. She stated the total falls under the Budget of \$400,000.

Mr. Lewis moved and Mr. McCartney seconded to approve the Heacock (aka Finch Court) Pickleball/Tennis Courts (Budgeted Item – Park & Rec Fee-In-Lieu Total Budgeted Amount \$400,000).

Mr. McCartney asked the total amount, and Ms. Tierney stated it is \$288,898.30. Mr. McCartney asked about the lay-out; and Ms. Tierney stated it will be the same lay-out as currently with two tennis courts which is four pickleball courts which are painted in and with temporary nets available for set-up.

Motion carried unanimously.

Approval of Acceptance of the Quote from Ranson Hydronics, Inc. for Lap Pool Heater Replacement in the Amount of \$23,455 (Budgeted Item – Park & Rec Fee-In-Lieu – Budgeted Amount \$20,000)

Ms. Tierney stated the heater in the intermediate pool, which is a much smaller pool, is broken, and the lap pool heater is not reliable. She stated listening to the feedback of the members, she feels it would be better to replace the heater in the lap pool at this time. She stated they may be able to use some of the parts from the lap pool for the intermediate pool heater this year. She stated the lap pool services the Seniors who need a higher heat for some of the activities that they do, and it is also used by the Swim Team. She stated the heater was installed in 2008, so it is past its lifespan.

Ms. Blundi moved and Mr. McCartney seconded to approve the acceptance of the quote from Ranson Hydronics, Inc. for lap pool heater replacement in the amount of \$23,455 (Budgeted Item – Park & Rec Fee-In-Lieu – Budgeted Amount \$20,000).

Mr. Grenier asked how many Municipal pools in Bucks County have heaters, and Ms. Tierney stated she does not know of any. Mr. Grenier stated this is being funded out of Fee-In-Lieu rather than the Pool Fund. He stated we have been paying for a number of items at the Pool out of the Fee-In-Lieu Fund since the Pool cannot cover them; and until the Pool can cover their expenses, he would be opposed to using Fee-In-Lieu monies to cover these types of items.

Mr. McCartney stated he knows Pool fees have been raised several times to help offset these expenses, but he would like to see money set aside from the Pool funds to fund these Capital projects. Ms. Tierney stated that is the long-term goal, and she hopes to get together with Ms. Bhandary, the new Chief Financial Officer, to discuss opportunities in the future so that we can build Capital. She stated some of the projects were so delayed that a lot of them are being done at the same time. Ms. Blundi stated she agrees with meeting with Ms. Bhandary to get a Plan for what the Pool needs. She stated that there were years that the Township did not invest in the Pool that have created some of these issues, and we need to find a way to fund these projects in a way that is more equitable.

Motion carried with Mr. Grenier opposed.

Approval of Award of the LMT Pool Painting Bid

Ms. Tierney stated this is the end of a three-year sandblast plan, and next year we will go back to just regular painting which is much less expensive. She stated there were four Bids with the highest being \$139,000 and the low Bidder being American Pool in the amount of \$83,118.28.

Ms. Blundi moved and Mr. McCartney seconded to approve the LMT Pool Painting Bid.

Mr. Lewis asked how much was Budgeted, and Ms. Tierney stated there was \$110,000 in that Line Item. Mr. Grenier asked the funding source, and Ms. Tierney stated it is the Pool Fund.

Motion carried unanimously.

PUBLIC WORKS

Approval of Authorizing the Purchase of a 2024 Chevrolet 3500 Pickup with Upfitting from Chapman Chevrolet LLC (COSTARS Contract #025-E22-453) (Budgeted Item – Parks and Recreation Operating Fund)

Mr. Fuller was present. He stated the total cost is \$48,723 for the vehicle, and the upfitting price is \$19,994.

Mr. McCartney moved and Mr. Lewis seconded to approve authorizing the purchase of a 2024 Chevrolet 3500 Pickup with upfitting from Chapman Chevrolet LLC (COSTARS Contract #025-E22-453).

Mr. Fuller stated this and the next item will be Lease/Purchases for the vehicles through Santander Bank, and they were planned items for 2025 working with Ms. Tierney to replace some of the Park & Rec aging equipment. They were in the Park & Rec Operating Fund Budget. He stated the vehicle being considered at this time is replacing a vehicle that was put out of service last year due to inability to pass inspection. Mr. Fuller stated it will be updated with a plow so that it can be used on the roads for winter services. He stated it is a leftover from the City of Philadelphia mass purchase which is in stock.

Mr. Ed Putnam, Keswick Drive, asked what happens to the old vehicles. Mr. Fuller stated the vehicle that this is replacing was sold last year at auction through Municibid for about \$5,000.

Motion carried unanimously.

Approval of Authorizing the Purchase of a 2024 Kubota L47TLB-LC Tractor/Loader with Backhoe from Eagle Power Turf and Tractor at a Cost of \$85,000 (Sourcewell Contract #112624-KBA)(Budgeted Item – Parks and Recreation Operating Fund)

Mr. Fuller stated this will be financed through a Lease/Purchase Agreement with Santander Bank.

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve authorizing the purchase of a 2024 Kubota L47TLB-LC Tractor/Loader with backhoe from Eagle Power Turf and Tractor at a cost of \$85,000 (Sourcewell Contract #112624-KBA)(Budgeted Item – Parks and Recreation Operating Fund)

Approval of Acceptance and Authorize Execution of Lease/Purchase Finance Agreement with Santander Bank for the Above Two Items

Ms. Blundi moved and Mr. Lewis seconded to approve the acceptance and authorize execution of Lease/Purchase Finance Agreement with Santander Bank for the above-two items.

Mr. Grenier asked if there is any concern with the Lease Agreement, and Ms. Carlton stated she has reviewed the documentation, and they are very similar to documentation from 2021 for similar type purchases.

Motion carried unanimously.

General Discussion Re: Planned/Budgeted 2025 Equipment Replacements

Mr. Fuller stated he will be back before the Board at future meetings to go over additional equipment purchases for 2025. He stated an Excel file with information on purchases, total costs, where the purchases will be made from, financing sources, funding mechanisms, etc. has been created and it will be provided to the Board tomorrow.

SOLICITOR'S REPORT

Ms. Carlton stated the Board met in Executive Session prior to the meeting and discussed employment issues and legalities involving a litigation matter.

Ms. Carlton stated at a future meeting the Board will discuss and possibly vote on the Conditional Use Hearing that was held with regard to MRG Stony Hill.

SUPERVISORS' REPORTS

Mr. Grenier stated the Stormwater Management Committee met with the consultant and made some edits with regard to new PADEP rules, and that should be coming before the Board of Supervisors soon.

Mr. Lewis stated the Human Relations Commission went through training from the Pennsylvania HRC. He stated the Environmental Advisory Council held a successful Valentine's Day themed program on birds and insects.

APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS


Mr. Lewis moved, Mr. McCartney seconded and it was unanimously carried to appoint Stephen Kuprel to the Trenton Mercer Airport Review Panel

ADDITIONAL PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Ed Putnam stated he is a Lower Makefield resident, and he asked if the Township could invite Congressman Fitzpatrick to attend a public meeting to discuss what is happening in Washington. He stated the State Senators could be invited as well. Board members indicated that they would welcome such a meeting, and Congressman Fitzpatrick could be invited to come to the Township at any time to speak.

There being no further business, the meeting was adjourned at 10:55 p.m.

Respectfully Submitted,



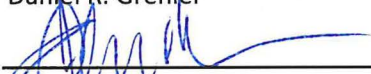
James McCartney, Secretary

**LOWER MAKEFIELD TOWNSHIP
 BOS MEETING - 02/19/2025
 INTERFUND TRANSFERS**

JANUARY 2025 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	12,546.78
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	775.38
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	3,720.02
PARKS AND RECREATION FUND TO 9/11 MEMORIAL FUND	6,000.00
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	954.94
	23,997.12

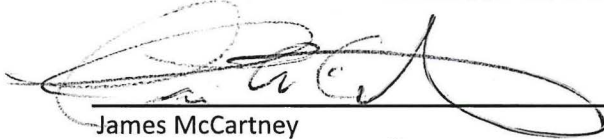


 Daniel R. Grenier



 John B. Lewis

 Matt Ross



 James McCartney



 Suzanne S. Blundi