

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 6, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on May 6, 2020. Dr. Weiss called the meeting to order at 7:32 p.m. and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer
 Kenneth Coluzzi, Chief of Police
 Monica Tierney, Park & Recreation Director

COVID 19 UPDATE

Mr. Ferguson stated the Golf Course opened per the Governor’s guidance last Friday. He stated the Township staff continues to work remotely. He stated the Governor moved twenty-four Counties into the next phase; however, Bucks County was not one of those areas. Mr. Ferguson stated even when we do go to the next phase, the Township staff would continue to work remotely. He stated they are working on plans for when staff does come back as to how they will stage the shifts, how they will work to protect the public and the staff, and how they will space out people who are working.

Chief Coluzzi stated the lower end of Bucks County still remains the highest effected area in Bucks County as far as COVID cases.

COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated information can be found on the Township Website about Park & Recreation digital recreation opportunities.

Mr. Grenier stated this is Teacher Appreciation Week, and he thanked all teachers for the work they do.

Ms. Blundi stated there is an opportunity to vote by mail this year, and the Application can be applied for on-line at votespa.com. Ms. Blundi also reminded residents to fill out their Census, adding as of the end of April there was only about a 65% completion rate. She stated information on this can be found at census.gov.

APPROVAL OF MINUTES

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the Minutes of April 15, 2020 as written.

TREASURER'S REPORT

Approval of December, 2019 Inerfund Transfers

Ms. Blundi moved and Mr. Grenier seconded to approve the December, 2019 Interfund Transfer in the amount of \$268,126.00

Mr. Ferguson stated there were some issues with the FTP site. He stated the transfer sheet is sitting in the April 15 meeting, and they were not able to transfer it forward; however, it is exactly the same although the date was changed. He stated the \$268,126 as noted at the last meeting is the final amount for 2019 which is consistent with the Audit for Golf to be neutral/ break even for the year. He stated they anticipate doing this every year at the level of assistance needed.

Motion carried unanimously.

Approval of April 22, 2020 Warrant List for Pool Revenues

Ms. Blundi moved, Mr. Lewis seconded and it was unanimously carried to approve the April 22, 2020 Warrant List for Pool refunds in the amount of \$40,761.

ENGINEER'S REPORT

Discussion and Award Bid for the 2020 Bike Path Maintenance Program

Mr. Pockl stated this was discussed at the last meeting. He stated they opened three Bids, with the lowest Bid being Polaris Construction in the amount of \$32,920 and the highest Bid at \$48,230. Mr. Pockl stated given the current economic state, it had been recommended that the Bids be rejected.

Mr. Ferguson stated at the last meeting Mr. Pockl had been asked if this were to be re-Bid would it be possible to get potential savings if the Board wanted to go forward with this project. Mr. Ferguson stated Mr. Pockl had indicated that there would probably not be a net savings to do that.

Mr. Lewis moved and Mr. McCartney seconded to award the Bid to Polaris Construction in the amount of \$32,920.

Mr. Grenier asked Mr. Ferguson if he sees any risk associated with spending this money for bike path maintenance which they may need to use for something else given the financial situation the Township is in. Mr. Ferguson stated this was specifically budgeted for in the Park & Rec Fund, and there have been a variety of other measures they have taken in Park & Rec to save money that he had reviewed at the last meeting. He stated a project where there may be a financial risk would be the Memorial Park project which is a \$250,000 match that the Township has to come up with. Mr. Ferguson stated based on the fact that they will not be doing that project, there will be engineering savings on that as well that are estimated to be 12% to 15% of the cost which would be more than this bike path project will cost. He stated he feels the risk with proceeding with the bike path project is very low especially since they have taken other provisions that he discussed previously to save money in Park & Rec this year.

Mr. Grenier asked the schedule for this project. Mr. Pockl stated they have already received the written Bid documents, and they would have to draw up the Contracts for the contractor's signature which could take a month, and then Mr. Ferguson and his staff would review the Contracts and sign them. He stated he feels construction could take place in July. He stated the project involves Big Oak Road from the Five Mile Woods entrance to Knightsbridge and Heacock Road from Oxford Valley Road to the train

tracks and in between the Covington Road loop along Heacock Road. He stated it is not a lot of work, and he anticipates the contractor could finish this project within two weeks so that it could be completed in July.

Ms. Blundi stated asked if this type of work would be allowed to go forward under the current situation. Chief Coluzzi stated as of May 1 construction is now allowed with restrictions, and anything the Township wishes to do as far as road paving, etc. can now begin. Ms. Blundi stated she assumes that this would then apply to State projects as well, and hopefully the State will start working on a project they have in the Township.

Mr. Zachary Rubin, 1661 Covington Road, stated the Heacock Road bike path is in “terrible disrepair.” He stated he feels this is a high priority, and he hopes the Board will spend the money to fix it.

Motion carried unanimously.

Engineer’s Update

Mr. Pockl stated with regard to the Township Road Program they had attempted to schedule a pre-construction zoom meeting with the contractor yesterday; however, the contractor had to back out at the last minute so they are looking to schedule that meeting later this week or early next week. He stated all of the submittals have been submitted and approved. He stated after the meeting it will probably take two weeks for the contractor to begin the 2020 Road Program.

Mr. Pockl stated the MS4 Permit requires that we provide public education and outreach on a yearly basis, and a presentation had been prepared and was sent to the Township staff for their review. He stated the topic is how homeowners can make improvements on their property to benefit the Township stormwater system.

Mr. Pockl stated they have completed the basin inspections, and he is in the process of drafting that report. He stated forty basins were inspected, and most of the maintenance needed relates to minor items such as erosion problems at the low-flow channel within the basin or sediment and debris at the outlet structure. He stated he has reviewed about half of them, and has seen no major repair items needed at this time.

Mr. Pockl stated he provided a copy of the Engineer’s Report in the Board’s packet.

Mr. Grenier stated with regard to the basin inspections, he feels that the EAC would be very interested in that with their naturalization program. He asked Mr. Pockl if he sees opportunities for naturalization. Mr. Pockl stated the Township is required to submit a Pollution Reduction Plan to DEP by September of this year. He stated within that is a calculation on the amount of sediment that the Township public lands are contributing to the impaired streams. He stated there are two impaired watersheds within the Township – Rock Run and Core Creek. He stated all of the basins they have inspected are within those areas since they know that this Pollution Reduction Plan is coming up. He stated there are some opportunities within those basins to eliminate concrete, low-flow channels and create a more naturalized bottom. He stated in order to determine where they can get the most for their money, they would have to analyze this more and look at the drainage areas that get to the basin to find out which basins have the largest drainage areas so that they can clean up the most pollutants.

Mr. Grenier stated what he is suggesting is the naturalization program where a basin would let vegetation grow or add seed mix versus what Mr. Pockl is discussing which would involve more of a construction project which would be more costly. Mr. Pockl stated while it is costly, it is something that DEP will probably require the Township to complete as of the end of 2023. Mr. Pockl stated of the reports he has reviewed about half of the basins were naturalized or wet ponds, and the other half were dry detention basins where they could let it grow but they would have to add a seed mix with natural plantings as they would not just want to let the weeds take over.

PROJECT UPDATES

There were no comments on project updates at this time.

MANAGER'S REPORT

Approve Purchase of Chevy 5500 Dump Truck to be Financed Over 36 Months at a Total Net Cost of \$81,225

Mr. Ferguson stated as he outlined in his Manager's Report in the Budget for this year they had approved the purchase of three pieces of equipment for a total of approximately \$159,000, and all of those items were to be financed over three years. He stated this is in the Road Machinery Fund which has its

own millage. He stated this proposal is to replace a dump truck, and the net cost for this will be \$81,225. He stated he expects at the next meeting or the first meeting in June, he will have a proposal for approval of short-term financing which has been done for equipment over the last two years. He estimates that with the financing, this year they will be spending \$14,000 in financing equipment this year versus what was contemplated for 2020 of \$48,868. He stated there are other pieces of equipment that they are in the process of financing that are part of that Budget, but this would just be for this new purchase.

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried that the Township approve the purchase of a Chevy 5500 dump truck to be financed over thirty-six months at a total net cost of \$81,225.

Approve Solicitor Retainer for 2020

Mr. Ferguson stated there was discussion about this matter at the last meeting. He stated he believes that it was the consensus of the Board that this would be considered for a Motion this evening. He stated the retainer is the same amount and it is just a consideration of changing the framework in that it would be used as a guarantee every month on the back end instead of a retainer on the front side leading into every month.

Ms. Blundi moved and Mr. McCartney seconded to approve the administration of the Solicitor Retainer for 2020.

Mr. Gruen asked Mr. Truelove if he agrees to this change, and Mr. Truelove stated he does.

Motion carried unanimously.

Approve Sending a Letter to Yardley Corners Changing Maintenance to HOA Property

Mr. Ferguson stated there was a previous discussion about maintenance at Yardley Corners. He stated he has drafted a letter outlining that the work would not continue being done by the Township beyond this year. He stated the work was specific to plowing that occurred on the trail that goes around the pond which the Township inadvertently began doing even though it was

not Dedicated and the Township should not have been doing that. He stated the letter discussed liability and the fact that the Township is treating all of the HOAs and the Township's responsibilities consistently.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried that the Township Manager send the letter as he described.

Approve Sending a Letter to Mark Ellison of the Cornerstone HOA

Mr. Ferguson stated there was a request made from a representative of the Cornerstone HOA regarding the change of a trail that is currently asphalt to be a sidewalk that would match the rest of the development. Mr. Ferguson stated the e-mail that he had sent to the Board discussed the options that the Board had as far as to how this would be processed. He stated the letter he had drafted was a discussion asking for clarification and whether or not they would have to go through a Land Development process or if this would be Waived. He stated he feels there was a general description provided by the representative; however, he would like to send the letter out so that there can be clarity for the Board to make a decision at a future meeting.

Mr. McCartney moved, Mr. Lewis seconded and it was unanimously carried to send a letter to Mr. Ellison as described by the Township Manager.

Appoint Remington Vernick as Township Engineer for 2020

Mr. Ferguson stated they have gone through the RFP process for Municipal engineer, and they need to formalize appointing Remington Vernick as the Township engineer.

Mr. Lewis moved and Ms. Blundi seconded to appoint Remington Vernick as the Township engineer for 2020. Motion carried with Mr. Grenier opposed.

Discussion of I/I Pipe Lining in Neshaminy and MMA Service Areas

Mr. Ferguson stated he will be prepared to have before the Board at their June 3 meeting a Motion for consideration to put the ad out for sewer lining in the Neshaminy and MMA areas as outlined in his Report.

He stated the plan would be to set up a meeting with the Sewer Authority to allow the Sewer engineer to present the details of the sewer lining project consistent with the Seven-Year Plan and consistent with the 2020 outline that was put in the Budget for areas where the pipes are very porous and where it is causing issues. He stated he will advise the Board of Supervisors once a date is set up with the Sewer Authority so that meeting can be held in advance of the Board's consideration of this on June 3. He stated he would like to see if they can get the Sewer Authority to meet around the time of the Board of Supervisors' next meeting which is May 20 so that this matter can be before the Board of Supervisors for consideration on June 3.

Mr. Grenier asked Mr. Ferguson if he needs any assistance with reaching out to the Sewer Authority as he is the Sewer Authority liaison. Mr. Ferguson stated typically Mr. Hucklebridge reaches out to them, but any encouragement Mr. Grenier would have is helpful. He stated they would like to have the Sewer Authority meet the same week as the Board of Supervisors meeting since as he discussed with the Board of Supervisors there is no additional cost in doing that. He stated they will discuss later about having the Planning Commission meet as well, and he is looking to have those meetings the week of the next Board of Supervisors' meeting which is May 20 so he would be looking at the meetings of the Sewer Authority and the Planning Commission being held on Tuesday or Thursday of that week. He stated this would be well in advance of the Board of Supervisors' June 3 meeting. Mr. Ferguson stated they would like to have the Sewer Authority meeting fully attended, and he will reach out to Mr. Grenier if he needs his encouragement for that. Mr. Grenier stated he knows that the Sewer Authority will be very interested in schedules and Budgets associated with each phase of each of the projects which he is sure Mr. Ebert will be prepared to provide.

Discussion of Brookstone and Stackhouse Pump Stations

Mr. Ferguson stated he provided information to the Board about the Brookstone Pump Station indicating that there are concerns with this pump station which is about sixty years old. He stated they have estimated the cost of replacement to be \$334,750.

Mr. Ferguson stated he received an update today that they will also be prepared to discuss on June 3 the Stackhouse pump station for which they are getting a sizable Grant that will offset a significant portion of the cost.

He stated there are two components to this project – the construction of the pump station itself as one project and the gravity model that will lead to the pump station and how that will work which will be the second contract. He stated they are in the midst right now of getting the Easements relative to the second part of that project which is the piping. He stated they have the specs and are waiting for some electrical engineering final details for the pump station.

Mr. Ferguson stated he had a discussion with Mr. Ebert this morning that the I & I, the pipes, and both pump stations will all be before the Sewer Authority at their meeting with the hope that it can then all go before the Board of Supervisors at their June 3 meeting.

Mr. Grenier stated with regard to the Stackhouse pump station, there was an issue with the Easement for the pump station. Mr. Truelove stated they have two out of three Agreements, and they are still working through the third one. He stated he feels they will have some type of arrangement to proceed but still leave some of the issues open with the one property owner. He stated Ms. Kirk is working on this. Mr. Grenier stated he knows that this is an important project that they are looking to get done. Mr. Ferguson stated it is good that it will be done in two Contracts; and the piping part, apart from the Easement, is a much simpler portion.

Discussion of Patterson Farm Property Access Concerns

Mr. Ferguson stated he had included a letter from the Public Works Director in the Board's packet. Mr. Ferguson stated he had authorized placing signs on the various buildings on the Patterson Farm saying, "Authorized Access Only." He stated they have had instances where people have been prying open doors on more than one occasion. He stated some of the buildings have some issues, and people should not be trying to get into the buildings.

Mr. Ferguson stated the second issue which he wanted input from the Board on was whether or not access to the whole site should be allowed and whether they want to have "Authorized Personnel Only" signs posted on the property. He stated there have been issues where people are walking their dogs on the property and letting their dogs loose on the site. He stated while this is public property, it is not a public park. He stated it is also a working farm.

Ms. Blundi stated this is disturbing to hear. She stated while it is public land, they may need to let people understand that it is not a park. She stated it is not a place to be with dogs, and the properties should not be vandalized. She stated she would be in favor of signage if it is felt that would help, although she would like the signage to be in keeping with the character of the property. She stated this is an active farm, and they do not want harm to be done to the farmers' crops.

Mr. Grenier stated Patterson Farm is a great resource, but they need to remind everyone that it is an active Township facility where work is done and it is an active farm. He stated the Township and farmer store equipment on the property and light industrial operations are taking place on the property so residents should not be in the area as they could get hurt or do damage to the property. He stated he understands that there are people there wanting to take photos, but they could do harm to themselves or the property. He stated they need to insure the health and safety of the residents as they could get hurt there. Mr. Grenier stated he would be in favor of appropriate signage.

Mr. Lewis stated it is very troubling when people are vandalizing Township property. He stated he understands that it is a nice area for people to photograph. He stated the area around the Artists of Yardley has people going in and out, and he stated it would be okay for those people to be there. Mr. Ferguson stated those people would be authorized to be there.

Mr. Ferguson stated they have had reports that people are letting their dogs off leash, and this is taking place while people are taking classes at the Artists of Yardley.

Mr. Lewis stated possibly those who want to photograph the area could work in concert with the Artists of Yardley. He stated other than that he does not see a need for people to be at the Farm. He stated he would be in favor of the signage.

Mr. McCartney stated he would be in support of the request by the Township Manager provided it is legal to post such signs. Mr. Truelove stated posting such signs is appropriate. No vote was necessary on this matter.

Discussion of Sandy Run Design RFP and Award of Bid

Mr. Ferguson stated he had provided to the Board all the proposals received for design services for the Sandy Run project. He stated the traffic engineer and Planning Director vetted those out, and that information was also provided to the Board. Mr. Ferguson stated there is a distinction between price, the design, and the full-blown approval through construction. He stated when the RFP was put together they discussed with the former Chair his desire, which the staff agreed with, that when they did a project like this, given the history at Sandy Run, that they would separate the responsibilities such that the design engineer would not be the engineer who would be doing the inspection; and they had talked about that being the Municipal engineer although the design engineer would be available to consult on any questions. He stated the low Bidder had a Bid of approximately \$48,000, and the design portion was \$45,000 with the second part of the Bid being minimal because they would not actually be the inspector on the site. Mr. Ferguson stated the Solicitor has indicated that the responsibilities could be divided out. He stated they could do design and not construction at this point. He stated another issue would be the insurance issue, and Mr. Truelove had indicated the Board could make an award with a change to the insurance if the Board wished to do so.

Mr. Truelove stated if the Board wanted to award the whole Contract they can or if the Board wants to award part of it, they should specify that in the Motion and also discuss the insurance issue.

Mr. Grenier moved and Ms. Blundi seconded to award the Sandy Run design project to Michael Baker International Inc.

Mr. Grenier asked Mr. Ferguson what role is envisioned for the Municipal engineer to play in this project. Mr. Grenier asked if once Michael Baker does the design would Remington Vernick be doing a QA/QC review along with staff to make sure the design is okay before it goes to Bid. Mr. Ferguson stated he feels the traffic engineer and the Municipal engineer would serve that role before that went out to Bid. He stated he would then see the Municipal engineering firm serving as the site inspectors for the project itself. He stated the fact that they would be doing the quality review as part of the process would give them more insights and access to Michael Baker so that it is seamless as to what they would be looking at and that Michael Baker could be on site if Remington Vernick felt that to be necessary. Mr. Grenier stated

he understands that Michael Baker would do the design. He stated there would be two types of QA/QC – the traffic engineer who looks at traffic issues but does not necessarily do the paving, grading, and drainage detailed design work that our Municipal engineer could review. He stated they would work as a team to review multiple aspects of Michael Baker's design, and at some point the design would be presented to the Board of Supervisors before it went through the Bidding process and make a decision to proceed with the construction. He added that given the current situation, since it is a significant amount of money, they are splitting the process up to make sure there is access to funds if necessary. Mr. Ferguson stated he would see the process as described by Mr. Grenier.

Mr. Grenier stated the cost is approximately \$52,000; and he asked Mr. Ferguson based on what he is seeing overall, did he have any concerns about the Township spending this money on the design. Mr. Ferguson stated he does not. He stated that money is coming out of the Bond proceeds. He added that with the Golf Course opening, he is less concerned than he was previously. He stated by the time this project would get to the point where they would be considering putting the construction out to Bid, they will have had additional time to see where the Township is financially.

Mr. Grenier stated if they proceed with the design, but they have to put it on hold, it is still a good design that they could eventually implement when funds are available. Mr. Ferguson stated the only issue would be if the delay were so long that certain items would change, and it would have to be re-evaluated. He stated he feels it would be fine if they did the construction in the next couple of years. Mr. Pockl stated having the design completed could benefit the Township's chances of getting Grant money for the project.

Ms. Blundi stated she feels it makes sense to take this project in steps which will allow the Township to respond as we get more information.

Dr. Weiss asked about the insurance. Mr. Grenier stated it was \$2 million per occurrence and a \$10 million umbrella for Michael Baker. Mr. Ferguson reviewed what other Bidders had indicated in terms of insurance, adding that Michael Baker was at the top end in terms of the level of coverage they were showing. Mr. Grenier stated the Commercial General Liability is \$2 million for each occurrence, and the E & O is \$5 million per claim. He asked if there is a problem with the design, which of the two insurance

claims would they be looking at. Mr. Truelove stated he believes it would depend on the nature of the claim whether it was an injury or something that causes additional costs for construction. Mr. Grenier stated his concern with insurance as it relates to this project would be with the design which he believes would be covered under E & O barring any injury, and Mr. Truelove stated that is his general understanding. Mr. Grenier stated if that is the case, he would be in favor of proceeding with the insurance that they have since it is significant and is in the spirit of the insurance requirements that the Township has been putting out.

Motion carried unanimously.

Prickett Preserve Overlay Update

Mr. Ferguson stated he provided a written update to the Board of Supervisors on Prickett Preserve. He stated the Planning Commission had approved the Overlay concept as presented that will eventually come to the Board of Supervisors for a Public Hearing. He stated there has been discussion that the Board would have an initial meeting to go over the concept, make changes they may feel is appropriate, and then set the Public Hearing with changes to the Ordinance. He stated before the shut-down, the Township's traffic engineer had presented information to the Board regarding traffic. He stated given the comments from the Board and public comments at the Planning Commission, one of the primary concerns was that for a project to be considered seriously, it would require significant upgrades to traffic so that what would be seen after the project would be better than exists before the project.

Mr. Ferguson stated the Township staff and the traffic engineer met a number of times with the developer regarding their Traffic Study, and advised them that a variety of off-site improvements would be necessary. He stated a report was provided to the Board just prior to the shut-down. He stated also at that time Ms. Kirk had indicated that she had had a discussion with the attorney for the developer and they both had concerns about the Township's ability under current legal precedent and the MPC about the Township memorializing off-site improvements as part of the project even if the developer was willing to do so.

Mr. Ferguson stated over the last few weeks the developer contacted him and indicated that when the Township had indicated that they would need to have the off-site improvements which could have a measurable improvement to traffic, delay times, etc. the primary tenant, Wegmans, had contacted the developer for an update; and the plan was presented to Wegmans. He stated when Wegmans saw the plan, they advised the developer that they also wanted those improvements to be in place as part of the project. Mr. Ferguson stated in order to satisfy Wegmans, the developer had indicated that they would be putting a Unilateral Declaration on the property to give assurances to Wegmans, that they would commit to making the improvements since Wegmans was now insisting that this happen. He stated before they would even come to the Township, the developer would need to give that assurance to Wegmans.

Mr. Ferguson stated he anticipates at some point that we will get to a point where we will be setting an initial Hearing on this project. He stated the Planning Commission did approve the Ordinance which the Board of Supervisors will review and may or may not want to make changes to it. Mr. Ferguson stated neither he nor Ms. Kirk have spoken to the developer's attorney as to where they are with filing of the Declaration.

Mr. Truelove stated he understands that the document has been prepared and it ready to be filed. He stated while this is not common, it is not unusual for something like this to occur.

Mr. Grenier asked if this appears to be consistent with what the Township requested, and Mr. Truelove agreed.

Mr. Lewis stated the Planning Commission approved this on September 23 of last year, and they had specific recommendations from the Bucks County Planning Commission with a special emphasis on density. He stated they never got another draft of the proposed Overlay Ordinance, and he asked if that has been developed. Mr. Truelove stated he assumes that they wanted to go with the Unilateral Declaration first, and the next phase would be to work on the revisions to the Ordinance. Mr. Truelove stated he could follow up with Mr. Harris about this.

Mr. Ferguson stated he feels a lot of this was put on pause while the traffic issues were considered. He stated the new Township traffic engineer had looked at it and indicated that he did not feel what they

had initially proposed would improve traffic, and that was an important part of the project. He stated he agrees that they are going to have to pick up with the Ordinance.

Mr. Lewis stated a scheduled meeting with the traffic engineer had been canceled, and he asked if they could get that back on line quickly, and Mr. Ferguson agreed.

Mr. McCartney stated he was not on the Board of Supervisors last year during the process, and he would like to meet with the traffic engineer to get an update on the new proposal.

Mr. Brian Jamison, 100 Polo Run Drive, asked what are off-site improvements. Mr. Truelove stated there is a certain scope allowed under the Municipalities Planning Code, and you can charge a developer for certain improvements within a certain distance from the development. Mr. Jamison asked how they could have “off-site developments that do not impact the traffic.” Mr. Truelove stated it depends on the scope and how far from the development you can look to consider it on-site versus off-site. Mr. Jamison stated the only way to improve traffic there is to widen the road, and Mr. Truelove stated that is one of the improvements that could be considered as well as signalization options. Mr. Truelove stated the Township traffic engineer, the developer, and ultimately the Board of Supervisors will look into this.

Mr. Jamison asked if the Traffic Study is public record, and Mr. Truelove stated it is not yet. Mr. Jamison stated it was indicated that it been filed with the Township, and he asked if it is not then public record; and Mr. Truelove stated that is not the test. He stated if something is a deliberative document that is a work in progress and not a final document, it is not necessarily subject to a Right-To-Know request, etc. Mr. Jamison stated he felt they wanted the process to be transparent. Mr. Truelove stated it can still be transparent, but there are also issues dealing with review of other information so it would be premature to do that at this point. Mr. Ferguson stated when there is a public meeting, this would be part of the review that would be released, and it will not be hidden from the public. He stated there are reviews from consultants while details are being worked out, and they are not public until they get to the point of a Public Hearing when this information on the improvements would be put out to the public. Mr. Jamison stated they also have to consider “the six weeks between Thanksgiving and Christmas” at Shady Brook Farm.

Mr. Jamison asked since the “liquor question” made the ballot, have there been any inquiries regarding a better, less-intrusive use for the property as opposed to a grocery store. He stated he knows that nice restaurants that cannot serve liquor do not come to Lower Makefield. Mr. Ferguson stated this developer as part of this project is looking at complimentary uses to go on the site consistent with what Mr. Jamison just stated. Mr. Jamison asked about a Conference Center. Mr. Ferguson stated this is a privately-owned property. He stated the market for Conference Centers and Office buildings is exceptionally soft at this time. He stated even if the Township felt that was a good idea, they would still need to have a developer willing to build that. Mr. Jamison stated a developer has the right to build what it is Zoned for, and he does not have the right to get an Overlay District. Mr. Jamison stated he was advised that before the developer negotiated with Wegmans they “almost had a deal” with a much-less intrusive user, and they walked away from it. He stated he does not believe the developers have been “forthright with everybody.”

Mr. Jamison stated they presented a Plan to the Planning Commission, and the Planning Commission indicated that they did not know that it was going to be a Wegmans even though there was a written Agreement with Wegmans. He stated they were “dancing around it,” but no one would say it. Dr. Weiss stated they do not have an Overlay District at this point, and there is a process to be followed.

Mr. Jamison asked if there is any way to mitigate the traffic without widening the roads. He stated currently it is a “mess” at 5 p.m. Mr. Ferguson stated this will be a discussion as part of the Public Hearing. Mr. Jamison asked why the public could not know about it now. Mr. Ferguson stated it is not prepared for discussion at this point, and it is a preliminary concept that has been put together by the traffic engineer that is being viewed, and it will be discussed as part of the Public Meeting. Mr. Jamison stated at that point “the snowball is already rolling down the hill.” Mr. Ferguson stated the discussion will be prior to any approval by the Board of Supervisors of an Overlay District as it relates to traffic. Mr. Jamison stated the Planning Commission would not even talk about traffic. Mr. Ferguson stated the Board of Supervisors has stated all along that traffic is the primary issue they are looking at. He stated as the Township Manager he has been directed by the Board as part of the review that traffic is the primary issue.

Mr. Jamison stated the idea of off-site mitigation scares him. Mr. Ferguson stated the off-site mitigation as originally proposed was created by the Township's traffic engineer as a means by which to improve traffic overall not just in the area in front of Wegmans, but all of the traffic in that regional area.

Mr. Jamison asked if this was done by the Township's new traffic engineer, and Mr. Ferguson agreed. Mr. Jamison asked why the Township switched traffic engineers. Mr. Ferguson stated they did an RFP process the same way they did for Municipal engineer, and it was deemed that Mr. Fiocco and his firm were best suited to represent the Township.

Committee Meeting Schedule Discussion

Mr. Ferguson stated the Board of Supervisors meets the first and third Wednesday of every month; and under the Agreement with the technology consultant, they can have additional meetings during those weeks at no additional cost. He stated they held the Zoning Hearing Board meeting last night which was televised. Mr. Ferguson stated he does not feel every Committee meeting would need to be televised, but he feels there is a reason for the Zoning Hearing Board and probably the Planning Commission to do that. He stated he had indicated previously the goal was to have the Sewer Authority meet, and he would like to get the Board's feeling about other Committees having the same arrangement to meet either the first or third week of the month for the foreseeable future.

Ms. Blundi stated it is clear that they will be having less in-person meetings in the future. She stated she will reach out to the Committees that she is the liaison with and discuss how going forward looks and try to figure out how they could fit into those two weeks as they would like to have all of the groups meet in the same weeks that the Board of Supervisors meets so that they can meet safely in compliance within any applicable laws but without costing anything additional to the Township.

Mr. Ferguson stated while the goal would be try to do this at no additional cost, if this becomes the new normal, the Township may have to add another week. He stated this is being done as a level of security. He stated a Committee could still meet and have a zoom meeting without using the consultant, and the Township would make sure that the appropriate advertising was done; and he just wanted to see get the Board's input.

Mr. Lewis stated he felt that during the early phases, they wanted to make sure that just the Committees that had pending business and had items that needed to be approved Contractually or under the Law were able to meet; but now they need to plan for this for a longer period. He stated possibly the strategy could be having time-limited meetings so they could continue with the two-week plan. He stated in this way they could simplify the advertising notices and the time process. He stated he also feels zoom meetings without the consultant are fine as well provided people are aware of the meeting and can access it.

Mr. Grenier stated personally and professionally he has found this process to be easy to implement. He stated while the Advisory Boards do advise the Board of Supervisors, they also like to meet and keep up to date on items. He stated he would be in favor of anything that can be done to allow them to meet provided they can meet the Public Notice requirements. He stated he does not see a need to stop them from meeting given the current situation since technology has made it fairly simply to do.

Mr. McCartney asked Mr. Ferguson if there is a priority that he sees. He stated he understands Zoning was a priority. Mr. Ferguson stated he would be looking at a Monday, Tuesday, or Thursday the same week that the Board of Supervisors meet. He stated he has been advised this evening that the Planning Commission has set their meeting for Tuesday, May 19 at 6:00 p.m. He stated with many people at home, they are open up to not necessarily having to have the meetings at 7:00 p.m. or 7:30 p.m. only, and the Planning Commission had asked if they could hold the meeting earlier. Mr. Ferguson stated with regard to the different Committees, there is a reason for the Zoning Hearing Board to meet as it is a quasi-Judicial Board. He also noted the Planning Commission has proposals before them that need to make their way to the Board of Supervisors. He stated in light of what is taking place right now with the Parks closings and re-openings, he feels that the Park & Recreation Board should meet. He stated he had also mentioned the Sewer Authority which is reviewing projects that are coming up which are important to the Township. He stated they could start off by sending an e-mail to all of the other Committee Chairs to get a sense of whether they would want to meet so that the Township could work to accommodate them. He stated there is no rule that they could not meet at a time other than 7:00 p.m. or 7:30 p.m. as the meeting would still be public, people could watch it, and Minutes would be taken. Mr. Ferguson stated he could communicate to the Board of Supervisors what the individual

Committees have indicated about their wish to meet. He stated he feels the Zoning Hearing Board, Planning Commission, Park & Recreation Board, and the Sewer Authority are the four that he feels should meet. Mr. McCartney stated he understands that they would rotate them into the same weeks that the Board of Supervisors meet. He stated it may be necessary to add another week if there are pressing issues. Mr. Ferguson stated they could have a Committee meet at 5 p.m. and another meet at 7 p.m. as noted previously by Mr. Lewis.

Dr. Weiss stated he feels that they should arrange for this stacking of meetings to happen and have time limits as Mr. Lewis suggested so that the technicians are available and have time to set up the next meeting.

Ms. Blundi stated she understands that the first step will be to have Ms. Ellison reach out to the Committees to get an understanding of their need to meet, and see how the timing can be worked out with stacking as a possible option.

Mr. Ferguson stated the Board of Supervisors' meetings are run over the Cable Channel, and they are doing that with the Zoning Hearing Board and the Planning Commission as well upon the advice of the solicitor. He stated he would not anticipate the other Committee meetings having the full television viewing as he does not feel that is necessary. He stated they could do the others by zoom and stream it on Facebook and by other means, but they would not have to do it on television.

Discussion of Opening Up Certain Parks

Mr. Ferguson stated he provided the Board of Supervisors Ms. Tierney's e-mail about opening up certain Township Parks. Mr. Ferguson stated Ms. Tierney came to him and the Chief of Police, who is also the Emergency Management Coordinator, about re-opening the trail and the parking lot at Memorial Park to open the trail at Macclesfield Park but to keep the parking closed there at this time. He stated they would like to do that this Friday.

Ms. Tierney stated she also wanted to include the Community Gardens at Memorial Park where they allow Township residents to garden individual Lots, and usually there is just one farmer in there at a time.

Ms. Blundi stated she is in favor of doing whatever can be done provided there is guidance from experts in this area and trying to find a balance.

Mr. McCartney stated he would be in favor of Ms. Tierney's recommendations but would want people to act responsibly during this time.

Mr. Lewis stated he is in support of the recommendation of Ms. Tierney. He stated they have received a lot of e-mails and phone calls about opening up certain recreational activities. He stated the more guidance they can provide the better people will be able to deal with this difficult situation.

Mr. Grenier asked Ms. Tierney about the current state of the towpath since that will be the primary access point to Macclesfield, and he asked if DCNR is allowing people to use the towpath provided they practice social distancing; and Ms. Tierney stated in all the State Parks trails and fishing are open at this time. Mr. Grenier stated with regard to the garden plots, he understands that these are small individual raised-bed plots with fencing around them so that would not be a problem as to social distancing. Ms. Tierney agreed adding there is a one foot break point in between each garden so they are far enough away when people are gardening.

Ms. Blundi stated those gardens are used by people for their own use, and some people also use them to grow food for the less fortunate; and she is happy that they will be opening these so that good work can continue.

Mr. Grenier asked about the Five Mile Woods. Ms. Tierney stated that Park is currently closed, and she has been doing research on single-track trails and wetlands; and it is very hard to step off the trail in order to be able to social distance. She stated she has also talked to John Heilferty who has had discussions with the Friends of the Five Mile Woods, and they are all in agreement with the recommendation to stay closed at this time. Mr. Grenier stated he agrees with that as well.

It was the consensus of the Board of Supervisors to approve the plan as recommended by Ms. Tierney. Ms. Tierney stated they are looking to open Macclesfield and Memorial Park as discussed on Friday, May 8.

SOLICITOR'S REPORT

Mr. Truelove stated the Board did not meet in Executive Session this evening.

Approve Adoption of Ordinance No. 422 Amending Responsible Contractor Ordinance

Mr. Truelove stated previously there was a vote to advertise changes to the Responsible Contractor Ordinance to change the timeframe for internal review for approval of Contractor responsibility determination from “at least thirty days” to “no later than thirty days.” He stated the reason for this was that the experience of the staff was that thirty days is more than sufficient for this type of determination to be made. Mr. Truelove stated this matter has been properly advertised, and is now ready for the Board’s approval to adopt the Ordinance as amended.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the Adoption Ordinance No. 422, the Responsible Contractor Ordinance.

APPROVAL OF PRELIMINARY/FINAL SUBDIVISION PLAN FOR MARRAZZO PROPERTY TOWNHOUSES

Mr. Truelove stated a draft Approval letter had been prepared that was seen by Mr. Majewski, Mr. Ferguson, and Mr. Edward Murphy, attorney for the Applicant. The location is where currently the Marrazzo Garden Center is located at the intersection of Sutphin and Yardley-Morrisville Roads on the southwest corner of the intersection.

Mr. Edward Murphy was present and stated the genesis of this project started three to four years ago when the owners of the Garden Center first made a determination to consider the sale of the property. He stated there have been a series of proposals from different Applicants over the years, none of which produced any agreement as to how the property would be re-developed. Mr. Murphy stated approximately fifteen months ago DeLuca Homes entered into an Agreement of Sale with the owners of the property to re-develop the site. He stated since then there have been multiple meetings with the Sutphin Homes HOA, their Administration and the community at large, Township staff, the Planning Commission, and the Zoning Hearing Board to respond to a series of concerns that had lingered throughout the earlier Applications.

Mr. Murphy stated what is now being proposed is consistent with the concept that was presented a number of months ago which is the re-development of the site for eleven townhome units. A slide was shown of the existing conditions on

the site. He stated the image was provided by Mr. Majewski from the Township archives, and it shows what is there today. He stated there is no access point on Yardley-Morrisville Road, but there are access points on Sutphin Road.

A second slide was shown which shows the re-development of the site for the eleven townhome units with a single point of entrance on Sutphin. He stated the existing entrance closest to Yardley-Morrisville was eliminated. He stated the proposed single entrance is effectively in the same general location as the furthest most existing entrance on the west side of Sutphin. Mr. Murphy stated there is a potential access point on Yardley-Morrisville, and that would be for emergency-access only. He stated they have proposed two clusters of buildings. He stated there is extensive landscaping shown around the perimeter of the site.

Mr. Murphy stated at the bottom of the screen there is a white image which is the Sutphin Pines community pool. He stated in earlier Application Plans units were backing up to that pool; and because of the height of those units and where potential decks would be oriented, there was concern expressed by Sutphin Pines about privacy issues associated with use of the pool. He stated there were also issues about height, density, noise, and landscaping; and they feel that after a series of meetings with the Sutphin Pines HOA that they have satisfactorily addressed all of those issues.

Mr. Murphy stated following a series of meetings, in September they appeared before the Zoning Hearing Board to seek certain items of relief recognizing that the entire site has been non-conforming; and the goal was to try to design a Plan that would effectively re-create the same area, design, and density that exists today at Sutphin Pines. Mr. Murphy stated they received unanimous support from the Zoning Hearing Board for the items of relief requested, and they had support from the HOA as well. He stated following that they have done the more traditional submission of Subdivision Plans that have gone through the normal course of reviews multiple times by the Township consultants.

Mr. Murphy stated they are present tonight seeking Preliminary/Final Plan approval for the Plan being presented. Mr. Murphy stated they have received a series of drafts of an Approval letter and have signed off on that letter as presented by Mr. Truelove's office.

A slide was shown of images that had previously been shown to the Township and the Sutphin HOA showing what the exterior of the units would look like, and Mr. Murphy stated those have been well received by the community at large. Mr. Murphy stated there was an effort made from a marketing perspective not to compete with the price point of the Sutphin Pines townhomes which was also a concern to those homeowners, and they have addressed that issue as well.

Mr. Murphy stated based on the Township's traffic consultant review, and because the traffic being generated by the eleven new townhomes will be significantly less than the Garden Center traffic, the Township's traffic consultant has confirmed that no Traffic Impact Fee would be payable. He stated Park & Rec Fees and water and sewer tap-in Fees would be payable.

Mr. Murphy stated also present this evening are Kristin Holmes, the project engineer, and Mr. Vince DeLuca if there any questions.

Mr. Truelove stated he would suggest that if there is a Motion for approval of the Preliminary/Final Plan it be consistent with the draft letter that was exchanged between counsel and the acceptance of the Conditions listed.

Ms. Blundi moved and Mr. McCartney seconded to approve the Preliminary/Final Plan for Marrazzo Property Townhouses Plans prepared by Holmes Cunningham Engineering for eleven single-family residential attached dwellings with five in one structure and the remaining six in the other structure on 2.88 acres of land. The Plan is seventeen sheets dated November 11, 2019, last revised November 9, 2020 together with an Existing Features Plan consisting of one sheet dated November 8, 2019 prepared by Cavanaugh's Surveying Services of Doylestown in addition to Waivers request letter revised April 30, 2020 and response letter dated April 30, 2020 both prepared by Holmes Cunningham Engineering. The Approval of the Plan is subject to all Terms and Conditions which include compliance in all respects with each and every requirement of the Lower Makefield SALDO, the Zoning Ordinance, and all other Municipal Ordinances, referred to in their entirety as "The Code," and all applicable regulations and Laws of every level of Government having jurisdiction. Approval is subject to specific compliance with the following Terms:

1. If required, you must obtain beyond Appeal, all necessary and/or required Variances from the Zoning Ordinance, or, in the alternative, you must revise the Plan so that it is

fully compliant with the Zoning Ordinance. As of this date the Approval of the Plan, Variances were approved by the Township's Zoning Hearing Board as referenced from Sections 200-20.A, 200-21, 200-23, 200-52.C, 200-63.A, 200-73.C.2, and 200-73.C.3 regarding use of the property for single-family attached dwellings, density, maximum impervious surface coverage, required open space, Collector and Arterial road setback requirements, and minimum widths required for Type I and Type II buffers.

In addition, the Applicant shall comply with the requirements set forth in the letter dated April 16, 2020, prepared by Township's engineering consultant, Remington & Vernick, Engineers Items 1 through 27.

Waivers granted are:

1. Waiver from Section 178-12 of the Ordinance which requires separate submissions for Preliminary and Final Land Development Plans.
2. Waiver from Section 178-13.B(3)(b) which otherwise requires that the Plan show all existing resources within five hundred (500) feet of the site.
3. Waiver from Section 178-13.C, D & E respectively which otherwise requires adherence to certain Plan procedures as outlined in the Ordinance.
4. Waiver from Section 178-19 and 178-23 of the Ordinance which otherwise required submission of:
 - a. Seven full sized Plan sets
 - b. Three full sized copies of Plans showing traffic control markings and signs
 - c. Three sets of reports with one electronic copy of full set of Plans and reports
5. Waiver from Section 178-38.1, 178-45.A and 178-45.B which otherwise limits length of dead end street less than 440 feet, and requires fifty (50) foot paved circular radius at the end of the street. It was noted this is covered in part by the emergency access Mr. Murphy referenced earlier.

6. Waiver from Section 178-50.A of the Ordinance which otherwise requires street lights to be provided along the internal private street.
7. Waiver from Sections 178-53 and 178-57.R which otherwise requires pole lighting to be provided within the parking area and the development.
8. Waiver from Section 178-81 which otherwise requires that sixteen street trees be provided on the internal street where nine trees are provided. It was noted there is significant buffer as was noted on the Plan.
9. Waiver from Section 178-82 which otherwise requires the number of shrubs and groundcover within the Type I buffer to be provided. The Applicant was granted a Variance for a reduced buffer yard along the proposed parking area; and in addition to this reduced area, there are conflicts with other features and utilities that would preclude additional plantings. The buffer yard itself is compliance in regard to tree plantings; but a Waiver is requested for shrubs and groundcover. In addition to the proposed plantings, a privacy fence is proposed along the property border which provides additional buffering to the neighboring property. The neighboring property is the same single-family attached dwelling use as the subject property with an existing planted buffer along the shared property line (Sutphin Pines). The Planning Commission recommended use of dwelling foundation plantings to count toward buffer requirements.
10. Waiver from Section 178-85.H(4)(3) of the Ordinance which otherwise requires ten replacement trees measuring 2 ½ to 3 inches in caliper to be provided for the removal of a thirty-six (36) inch tree.
11. Waiver from Section 178 Attachment 6 which otherwise requires providing the required sight distance as looking from the driveway to the right toward the Yardley-Morrisville intersection. The required sight distance

cannot be achieved due to the close proximity to the Yardley-Morrisville Road intersection. It was noted that the current lay-out of the business has an entrance/exit that is closer than what is proposed.

It is the Applicant's responsibility to incorporate these items into the Final Record Plan which will be executed and Recorded after it has been reviewed by the Township engineer.

Mr. Murphy accepted the Conditions as set forth.

Mr. Grenier stated several of the Waivers and Variances are associated with trees, and he asked what the Sutphin Pines residents indicated about this. He also asked that they discuss stormwater management. Mr. Murphy showed the Landscaping Plan which also shows the seepage bed which is a significant part of the design.

Ms. Holmes stated the Plan shows the different species of the plantings throughout the lay-out which is dense in general around the perimeter buffer as well as around some of the street frontages. She stated some of the Waivers being requested are with regard to the internal street which is the street between Units 1 through 5 and 6 through 11 where there are no street trees proposed which is mainly a function of all of the conflicts that exist between proposed driveways and each of the utilities that would run to each of the units along there, and there is no physical space in order to be able to plant street trees in that area. She stated they have however planted as many as possible throughout the remainder of the street and other areas to try to supplement what is required.

Ms. Holmes stated with regard to the buffer around the perimeter, on the southernmost point, there are fifteen parking spaces along the shared property line with Sutphin Pines; and that is an area where a Variance was received for a reduced dimensional buffer area. She stated they are planting the required number of trees that would be required for a full buffer throughout the perimeter, and they are just requesting a Waiver from the shrubs and groundcover portion of that requirement. She stated the actual number of trees are being proposed as required throughout the site.

Mr. Grenier asked if the developer's landscape architect is satisfied with the density of the landscaping; and Ms. Holmes agreed adding they were trying to get to a balance of trying to meet the intent of the Ordinance with the buffer while also trying to not overcrowd and provide something that is feasible and will last at the site. She stated spacing of trees and the different species proposed has all been reviewed.

Ms. Holmes noted the Plan on the left side, to the left of Units 1 to 5, there is a gray hatching in a rectangular box which represents the underground seepage pit which is an underground, stone, dry well that will collect all of the run off via a storm pipe throughout the site. She stated they will bring the run off into the underground system, and it will increase water quality, infiltrate back into the ground, and there is then an overflow and a discharge pipe that would flow to the north into an existing storm system in Yardley-Morrisville Road. She stated that has been designed to meet all of the requirements for water quality, infiltration, groundwater recharge, and peak rates for the site.

Mr. Grenier asked if the HOA is responsible for O & M on this, and Mr. Murphy agreed adding that all of the improvements on the site are private and are to be owned and maintained by the HOA and not by the Township.

Mr. Murphy stated the seepage pit as Ms. Holmes described is what was recommended by the EAC.

Mr. McCartney stated it had been indicated that the pricing would not be competing with Sutphin Pines. Mr. DeLuca stated Sutphin Pines is in the upper \$300,000s/low \$400,000, and these units are intended to be priced in the \$600,000 range to start for 2,700 square feet, with a two-car garage, full basement, three bedrooms, and two and a half baths. Mr. McCartney asked what they would consider to be their competing neighborhood in Lower Makefield at that price point. Mr. DeLuca stated he feels it would be Flowers Field which he is developing, and they average in the mid-\$600,000 in that community. Mr. McCartney asked what has been the average exposure time for units at Flowers Field; and Mr. DeLuca stated Flowers Field was delayed for a period of time because of a dispute, but the last twenty-two Lots were purchased approximately one year ago, and eighteen of those have been sold. Mr. McCartney asked if he will be building based on deposits, and Mr. DeLuca stated with a town-home community it is a combination. He stated if they have several units

sold in a building, they will build the building and inventory the remaining. He stated this community will probably not be “shovel ready” until later in the summer by the time they obtain all the Permits. He stated they are looking for a July/August start date, hopefully with some pre-sales at that point. Mr. McCartney stated he would assume that there will be some “spill over” from Flowers Field by people who are looking for similar units. Mr. DeLuca stated they will, recognizing that Flowers Field is a particular buyer with garages in the rear which does not appeal to everyone. He stated these units being proposed would give another option to be considered.

Mr. Bryan McNamara, 1412 Heather Circle, stated this is a major re-Zoning of the property since it is R-2 which only allows the developer to build up to three homes, and they are proposing eleven. He stated this developer is also getting Prickett Preserve re-Zoned as well, and last week they heard about a potential re-Zoning near Kohl’s for public storage. He stated with such a major re-Zoning, he feels they should wait until there are live meetings; and they should “help get the word out on this” since this is another major re-Zoning that the Board is undertaking. Mr. McNamara stated eleven units on 2.4 acres is “densely packing them in.” He stated he does not feel doing it this way is the right way, and he does not “know how much Zoning really means in Lower Makefield anymore.”

Dr. Weiss stated he is recusing himself from this issue.

Motion carried unanimously. Dr. Weiss did not vote on this matter.

PUBLIC COMMENT

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she is very saddened that they mentioned Wegmans. She stated she has e-mailed the Supervisors about her concerns, and now they have COVID-19, and the big box retailer, Wegmans. She stated the Township is not being transparent because one hundred people came to the meetings and they had not heard that from anybody, but now they hear about Wegmans which saddens her as a resident. She stated she is discouraged that we have to entertain this Mixed-Use Overlay. She stated the Planning Commission, “based on the COVID-19 needs to go back to plan for 2021. Ms. Tenney stated with regard to the water system basins she feels they should go back to nature, and they do not need to mow them.

Ms. Tenney stated more bike paths and walking paths are “a good way for the community to go forward.” She stated they do not have to be paved, and they could be pebbles or wood chips which would reduce costs.

Ms. Kathy Hirko, 1450 Dolington Road, stated with regard to restricting access to Patterson Farm, the buildings on the Farm are in such bad condition, she is not sure how anyone would know what is neglect and what is vandalism at this point. She stated she feels this would be a great time to have a preservation group in there, and she feels the presence of people working on the buildings on the Farm would deter any future vandalism. Ms. Hirko stated with regard to it being a working farm, the fact is that AOY has camps at the Farm with small children who are often “running around” outside while the farmer is plowing the fields, so she is not sure why there is a difference between that and others at the Farm.

Ms. Hirko stated she is not sure how they would be able to distinguish who were members of AOY when people are there. She stated there are hundreds of members of AOY, many of whom are residents from out of the Township. She asked if a photographer were there, which there are probably every day of the week since it is the most photographed farm in Bucks County, how would they know they had permission by AOY to be there. She asked what would be done to ask them to leave. Mr. Ferguson stated he does not know that they would be having the Police involved, and he feels their approach to this would be “soft.” He stated there are instances where there are photographers there, but there are also instances where people are there “milling about.” He stated it is a practical issue of posting the property and letting people be aware that they cannot be on the property; and if someone wanted to make arrangements to be on the property, that could be evaluated. He stated they are trying to address that this property not be used as a park.

Mr. Jim O’Brien, 1000 University Drive, stated his neighborhood has had a problem with failure of the stormwater management system of the development built by J. P. Orleans. He stated the construction of the homes was completed two to three years ago and is the Scammell’s Corner neighborhood which is along University Drive off of 332 near the intersection of Yardley-Langhorne and Yardley-Newtown Roads. He stated during the last few years he and some of his neighbors have worked with Mr. Majewski and Mr. Pockl to try to work through some of the issues they have experienced; and he thanked them both for their continued support in the efforts to remedy the situation.

Mr. O'Brien stated the stormwater management system consists of four rain gardens/rain basins, several stormwater rain grates, and the pipes connecting them. He stated all of the grates flow into one of the rain gardens which is located in the lowest portion of the development; and at that point water naturally infiltrates back into the ground within the development so it stays on the site and does not flow out into the River or anywhere else. Mr. O'Brien stated in the past two to three years they have experienced multiple failures of the stormwater management system including many re-builds of the rain gardens in the development. He stated the rain gardens were designed such that they would dry within 72 hours after a rain, but that has not been met many times which is what created the re-build requirement.

Mr. O'Brien stated the initial build in one of the rain gardens located immediately behind his home turned into a pond because it was not draining at all. He stated this pond was approximately half the size of Lake Afton, and one winter his children were able to ice skate on it. He stated another rain garden is located in the center of the cul-de-sac in the middle of the neighborhood immediately in front of his house. He stated he feels it is an odd location for a rain garden to begin with, and it has also repeatedly failed, and required re-build. He stated when they advised that this rain garden was not draining, they were told in January that it could not be properly assessed during the winter months; and because of safety concerns, the Township installed four by four posts and rope around the cul-de-sac rain garden which had become a pond, and the aesthetics of that solution are not acceptable.

Mr. O'Brien stated the development was also completed without sufficient curbing and many of the storm drains offset a couple feet from the road so that the stormwater when it drains flows over the grass into the front yards when it does try to get to the drains. Mr. O'Brien stated this has resulted in significant erosion along the roadways and up and down the hill. He stated there is a significant incline on the hill where there is no curbing at this point. Mr. O'Brien stated he understands that the Township regulation states: "To encourage low-impact development curbs are discouraged along proposed streets except where required by the Township as deemed necessary for stormwater management;" and he feels that curbing is required in this development for that stormwater management.

Mr. O'Brien stated he had provided updated photos to Mr. Pockl and to Mr. Majewski this evening just prior to this call. He asked that the Board look at the pictures so that they can get a sense of what they are dealing with.

Mr. O'Brien stated the stormwater management system, including the cul-de-sac rain garden was designed by the developer, J. P. Orleans', and reviewed and approved by the previous Township engineer, and then reviewed and approved by the County Conservation District and the Pennsylvania State DEP as part of the Development's Stormwater Management Permit. Mr. O'Brien stated when the Township realized during the construction phase that the DEP Permit requirements could be met without the rain garden, Mr. Pockl and Mr. Majewski did attempt to eliminate the rain garden and pave the entire area; however, the County Conservation District and the DEP would not allow that change. Mr. O'Brien stated he understands that at this point, we are required by the State to have a rain garden at that location unless the rain garden proves to be untenable; and he feels that it is clearly untenable in that location. Mr. O'Brien stated that the Plan that the DEP and Conservation District are based on has failed at multiple location and multiple times, and he feels they are basing the decision of not allowing them to eliminate the rain garden on a failed Plan.

Mr. O'Brien stated he understands at this point the development has not been Dedicated, and there are still amenities that need to be fixed throughout the development, and he asked the Supervisors to look at this situation and try to remedy it in a way that ultimately results in a neighborhood that benefits Lower Makefield and is acceptable to the neighbors as a whole. He stated if Dedication goes forward, the problems would get transferred to Lower Makefield which will "inherit a number of unhappy residents." Mr. O'Brien asked the Board for their support in any way that they can to help remedy this situation.

Dr. Weiss stated unfortunately this is not the first time the Board has heard about these issues with Scammell's Corner, and they have already had discussions with the Township engineer and with Mr. Majewski about the final Dedication. He stated the Board will not accept any Dedication or release any Escrow funds until the issues are met satisfactorily.

Mr. Lewis stated the Township is still holding Escrow funds, and they should not release any money until this is fixed.

Ms. Blundi stated she feels that the impact area is not only the new homes, but it is also the existing homes further down University and into that neighborhood. She stated she met with a number of those residents.

Mr. McCartney stated he understands that the Escrow has been held for a number of years; and Dr. Weiss stated they have had to release some Escrow funds for portions which were properly finished; however, the stormwater portion has not been Dedicated, and the Township still has that Escrow. Mr. Pockl stated none of the public improvements have been Dedicated at this point, and the Township is holding \$51,000 in Escrow which he feels exceeds the cost to remediate certain aspects of the project.

Mr. Pockl stated there is a stormwater management basin and three rain gardens in the development. He stated water does go into the stormwater management basin and goes off site at a slower rate than prior to the development and goes into the Township's storm sewer system. He stated Mr. O'Brien had noted the lack of curbs, and that was a specific design criteria by the developer's design engineer to promote run-off from the roadway getting into the grass strip between the sidewalk and the roadway and having a chance to infiltrate into the ground prior to getting into an inlet and draining into either the basin or the rain garden at the bottom of the development. Mr. Pockl stated the rain gardens have had issues with infiltration, and the infiltration that was experienced after they were built was not consistent with the infiltration rates that were experienced during the design. He stated when they did the infiltration testing, the rates were higher than what they experienced during construction. He stated they have mitigated those rain gardens by installing an under drain which is a piece of perforated pipe wrapped in stone and water then gets down into that pipe and brings it off of the surface and there is storage volume underneath the surface within that perforated pipe and stone to infiltrate the water into the ground. He stated that has not been installed in the rain garden in the middle of the cul-de-sac yet. Mr. Pockl stated he expects that when they go back to the Bucks County Conservation District and DEP to notify them that this is failing in its current state, they will require the developer to put in an under drain in that rain garden similar to what was done on the other two rain gardens

Dr. Weiss asked if there is some way to speed up the process so that they can mitigate the damage sooner. Mr. Pockl stated he can reach out to Bucks County Conservation District with the photographic evidence that he was provided tonight and let them know that this is failing. He stated they will request that this rain garden be eliminated. He stated when he made the initial request, they said "no." He stated during the design process, this was the one area within the development that had the best testing results as far as infiltration testing which is why they did not want

the rain garden to be eliminated. Mr. Pockl stated he can send an e-mail to Bucks County Conservation District repeating the request that this rain garden be eliminated given the photographic evidence. He stated if they come back and advise that they should try an under drain, it would be the developer's responsibility to install an underdrain.

Mr. McCartney asked why we need approval from the Bucks County in order to move forward with this if the Township is holding the money in Escrow, and the developer is not meeting the requirements of the development. Mr. Pockl stated the developer provided a Plan; however, Mr. McCartney stated at this point it is an ineffective Plan. Mr. Pockl stated there is an approved Plan by DEP that shows a rain garden in that area. He stated DEP has given the Conservation District the authority to review these matters; and through the Conservation District, DEP will make them put in an under drain.

Mr. Ferguson stated Mr. Majewski has advised him that the Conservation District representative had recently indicated that he would be willing to re-examine this if the Township has examined all options. Mr. Ferguson stated he feels the Conservation District would be much more favorable at this point than they were before.

Mr. Grenier stated the Conservation District issues a State-wide Permit for stormwater management. He stated what they are looking at is a non-compliance issue with an active Permit, and the developer would have to get their project back into compliance with the stormwater management requirements that the Township also Permits separately although we do not supersede the Conservation District. Mr. Grenier stated from looking at the aerial, there are clearly infiltration issues with the soils because it is a large pond at this time so it is not draining/infiltrating so that there is a Permit compliance issue that the County would need to get involved with; and if it continues, potentially the State in addition to the Township getting involved. He stated there are multiple layers of Government that all oversee stormwater management in Lower Makefield Township that have a say in the matter that Mr. Pockl and Mr. Majewski are coordinating with.

Ms. Blundi stated she knows the cul-de-sac they are discussing and the potential of removing that rain garden and putting something else there; however, it seems that the issue is likely more than just the rain garden in the center of the cul-de-sac that will fix the issues,

and she hopes that they will look at it broadly. Mr. Pockl stated that during rain events there is water that comes off the roadway and goes down the roadway because the road is pitched at a 10% decline down the hill and toward the sides. Mr. Pockl stated what Mr. O'Brien has expressed to him was that they need to add curb on the roadway and put inlets in the road in order to capture this run-off and get it into the basin since what is there now does not work. Mr. Pockl stated he would disagree with that because he feels that would be a very costly fix, and the design that the developer's design engineer put forth works in other places including Oakmont where they have a similar design.

Mr. McCartney stated it is clearly not working here, and he does not feel they should compare it to other developments. Mr. McCartney stated he can forward a PDF with photos that Mr. O'Brien sent him, and it looks like a "swamp." Mr. Pockl stated in the other development the design has inlets between the sidewalk and the roadway and a grass swale that directs the water into the inlets. He stated that is the system that works at Oakmont, and that is what is proposed here. He stated he feels what the photos show are the rain gardens that were not draining, and he feels Mr. O'Brien would agree now that once the under drains were put in for two of the three rain gardens, that those are now draining. Mr. Pockl stated he agreed that there is still an issue with the third rain garden.

Dr. Weiss stated he feels that there is consensus by the Board that they will need to act more aggressively to insure proper stormwater management, and they are giving the engineer and Township staff the authority to do that at this point. This was acceptable to the Board.

Mr. Steven McGurty, 1009 University Drive, thanked Mr. O'Brien for the detailed explanation of the problem. He stated he is concerned about having a body of standing water in front of his house, and he appreciates everyone's efforts to get this resolved.

Ms. Gail Friedman, 699 A Rose Hollow Drive, stated with regard to public access to meetings, she would suggest that public access be granted to the HARB meeting when they consider the Application for demolition of a structure on the National Register in Edgewood Village. She stated she feels there is sufficient community interest to warrant that. Mr. Truelove stated public access is given to all of the meetings, but they are all not going to be on TV. He stated all of the meetings that will be held by the different

Committees will be done similar to what is being done this evening with zoom, and any Committee that is having a meeting will have public access although they will not all be televised. Mr. Truelove stated the public will have the right to make comments just as they are making comments right now.

Mr. Robert Abrams, 652 Teich Drive, stated he wanted to comment about the Marrazzo property, and he feels having only one way in and one way out except for the emergency road will be a “disaster.” He stated if there is a fire with emergency vehicles and people pulling in and of driveway, they will not “make it.” He stated everything will be going out onto Sutphin Road; and during work hours and when there are School buses, it will be a “disaster.”

Mr. Abrams asked about the \$2 million for the tower, and he asked what they are receiving in interest at this time. He stated it was .0065, and he feels it should be .3 or .4. Mr. Ferguson stated he will have to look into this, but previously it was 2 ¼ and he will have to see if this has been adjusted within the past month. Mr. Abrams stated that would be about \$5,000 a year down from \$113,000. Mr. Ferguson stated 2 ¼ on \$2 million is not \$5,000, and it would be between \$40,000 to \$50,000 a year. Mr. Abrams asked where they are getting 2 ¼ since before they were getting .0065 from PFF. Mr. Ferguson stated as was previously reported late last year they put that into the same fund as the Bond Fund and they got 2 ¼ % interest on the \$2 million. Mr. Abrams stated that is better.

Mr. Abrams stated Pennsylvania American Water is putting through an approximately 20% increase over the next two years. He stated he finds it highly irregular that during a pandemic they would go to the PUC for a price increase especially after they signed to buy another facility. He stated they have indicated that this is to upgrade and replace pipe and to come into compliance, and he does not feel these need to be done every few years since piping would last thirty-five years but the increases keep going every year. Mr. Abrams stated he feels this is excessive and they are guaranteeing a 7% to 10% increase in earnings per share for the stockholders. Mr. Abrams stated he feels it is up to the Board of Supervisors to “step up,” and see if this is a “price gouging operation during a National emergency.”

SUPERVISORS REPORTS

Mr. Lewis stated the Zoning Hearing Board meeting was held last evening and can be watched on-line. He stated he feels everyone got a fair Hearing, and Public Comment was accepted. He stated there was a Continuance for the Timko property that the Board of Supervisors is involved in.

There being no further business, the meeting was adjourned at 10:30 p.m.

Respectfully Submitted,

James McCartney, Secretary