

Upper Makefield Board of Supervisors February 4, 2025 Meeting Minutes

The February 4, 2025 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Yvette Taylor at 7:30 p.m. In attendance were the following members of the Board of Supervisors: Chair Yvette Taylor, Vice Chair Ben Weldon, Treasurer Braun Taylor, Member Tom Cino and Member Tim Thomas. Also in attendance were Township Manager David R. Nyman, Assistant Township Manager Judy Caporiccio, Township Solicitor Mary Eberle, Esq., Township Engineer Amanda Fuller, P.E., Planning & Zoning Director Denise Burmester, and Chief Schmidt.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Ms. Taylor led in the recitation of the Pledge of Allegiance, which was followed by a moment of silence.

ANNOUNCEMENTS

Ms. Taylor made the following announcements:

- Township offices will be closed on Monday, February 17 in observance of the President's Day holiday.
- An executive session will be held following tonight's meeting for personnel matters.

Bridge Update:

The next meeting of the Delaware River Joint Toll Bridge Commission is Monday, February 24 at 10:30 a.m. Residents are encouraged to attend, either virtually or in person, as the Township continues to do, to stay informed of the status of the Washington Crossing Bridge Project and provide comment on the project. The Toll Bridge Commission has created a website where they will post updates and material related to the Washington Crossing Bridge Alternatives Analysis. The website address is www.washingtoncrossingbridge.com.

Ms. Taylor acknowledged the urgency, critical nature and extreme concerns surrounding the Sunoco pipeline leak in the Mt. Eyre neighborhood, expressing that protecting the residents is of the utmost concern to the Township. Representatives from Sunoco and DEP were in attendance to begin the process of seeking answers and resolutions. Another meeting will be held at the Township tomorrow, February 5, 2025 at 7:30 p.m. devoted solely to the Sunoco pipeline matter. The meeting will be held February 6 if necessary due to weather.

Mr. Thomas expressed concern for the community affected by the pipeline leak and stressed the Township's commitment to help resolve the situation. He provided background on a 2023 incident in Mt. Eyre Manor, which the Township appropriately reported to DEP, DEP investigated and determined to be a bacterial issue. He strongly encouraged all neighbors to test their water and wells.

Mr. Weldon thanked Katherine LaHart for compiling an extensive list of resident questions and concerns.

Mr. Cino stressed the importance of the situation and the Township's commitment to a resolution, stressing that the Township and the neighbors need to work together.

Ms. Taylor introduced Joe Massaro, representing Sunoco/Energy Transfer, and Lisa Strobridge from DEP to provide background, introductory statements and updates before opening the meeting to public comment.

PUBLIC COMMENT

Joe Massaro, Carl "Gus" Borkland, Susan Ericson, David Kerwood and Rahn Monreal of Energy

Transfer/Sunoco presented background on the product release noting that the section where the pipeline leak was discovered was replaced, and the removed section was sent for testing. Mr. Massaro then provided a timeline and summary of DEP's investigation. He stressed Energy Transfer/Sunoco's commitment to remediate the situation. Energy Transfer/Sunoco are testing wells, providing bottled water, and installing carbon filtration systems as deemed appropriate. They have established a hotline number for residents to get the most current information regarding the investigation.

Lisa Strobridge, DEP, encouraged residents to use the Energy Transfer/Sunoco hotline and also provided DEP's phone number, 484-250-5991. She noted that their investigation started January 9, 2025 with door-to-door surveys of reported odors in the water. When the leak was discovered, it was reported to the Federal Pipeline and Hazardous Materials Safety Administration (PHMSA), the agency responsible for pipelines nationwide. She provided a status of the DEP investigation to date noting that they continue to monitor the activities of Sunoco to repair and remediate the situation.

Dan LaHart, 114 Spencer Road, questioned the amount of product lost, status of the pipeline shutdown, and DEP's efforts to hold Sunoco accountable. He said that information to date has been disconcerting, and he questioned remediation plans.

Joe Babiasz, 102 Crestwood Road, expressed concern that remote monitoring did not indicate a problem. He believes this aquifer is complex and asked about testing, impacts on wells, the nature of the fuel leaked, and then requested a complete list of all fuels shipped through the pipeline over the years.

Scott Miller, 105 Spencer Road, asked if farm property in the neighborhood had been investigated as a potential source of the contamination.

Andrew Mela, 123 Glenwood Drive, noted that a reported petroleum odor in 2023 had been described as bacteria. Now that product has been found in the neighborhood, he asked for guidance about using water for drinking, laundry, bathing, etc., and if the impact on septic systems was included in the investigations.

Ms. Eberle explained that the process of a report of odor in the water that is made to the Township is then reported by the Township to DEP, who handles the investigation.

Kat LaHart, 114 Spencer Road, asked about installation of filtering systems, and she also shared concern about communication of information to residents.

Florent Moise, 136 Glenwood, expressed empathy for the neighbors, questioned Sunoco's plan for long-term monitoring and preemptive actions, and expressed concern about lack of communication to the broader neighborhood and not just to those who reported an issue, suggesting an alert system.

Kathleen Pasko, 155 Glenwood Drive, stated that she was not informed of the investigation and encouraged improved communication to the neighborhoods. She advised periodic water and well testing, requested the chemical makeup of the product leaked, asked if modern standards are being used to monitor the pipeline, and asked if there are planned upgrades to this pipeline installed in 1956.

Noah Norman, 947 Mt. Eyre Road, asked about area geology, expressed dissatisfaction with the parameters of Sunoco's testing area and asked for reimbursement to homeowners who test their own wells.

Heather Mela, 123 Glenwood Drive, asked for DEP explanation of their investigation, what proactive actions have been considered, including availability of public water.

Nathan Sciortino, 209 Bruce Road, requested verification of test results when communicated, details regarding the hydrocarbon found, and recommendations on the safety of drinking water. He then requested a commitment to communication during the investigation and through remediation.

Bart Krauss, 105 Bruce Road, thanked Sunoco and DEP for their efforts, reiterated the need for improved communication, and suggested that residents also seek third party testing. He recommended the inclusion of the Bucks County Health Department in this investigation.

Andrea Moise, 136 Glenwood Drive, encouraged Sunoco to extend the testing area and asked for clarification of their probe and dig procedures to determine a leak.

Raj Vansia, 142 Glenwood Drive, asked for an explanation of the Sunoco dig near his house, the impact on the well in the front yard, potential impacts of leaked product on soil and air. He shared the effects of the constant idling of trucks at the work site and sought recommendations for water treatment systems.

Terry Dearden, 208 Bruce Road, asked Sunoco how long residents should expect to use bottled water while awaiting testing and studies.

Shawn Szalabofka, 140 Walker Road, asked if Sunoco would re-imburse his cost for installation of a reverse osmosis filtering system.

The meeting was recessed at 9:39 p.m. and reconvened at 9:45 p.m.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Mr. Cino and seconded by Mr. Weldon to approve the January 21, 2025 Special meeting minutes. Motion carried by unanimous vote.

A motion was made by Mr. Cino and seconded by Mr. Weldon to approve the January 6, 2025 Reorganization /Regular meeting minutes. Motion carried by unanimous vote.

A motion was made by Mr. Cino and seconded by Mr. Weldon to approve the February 4, 2025 Bills Payable List in the amount of \$224,272.02. Motion carried by unanimous vote.

PLANNING & ZONING ISSUES

Collins Zoning Hearing Board Application, 318 Pineville Road

Ms. Burmester provided an overview of the Collins Zoning Hearing Board Application requesting a variance for the installation of an 8-foot-6-inch-high fence around crops and planted trees, where the maximum height allowed for a fence along the roadway frontage is 4 feet. Following discussion, a motion was made by Mr. Cino and seconded by Mr. Weldon to take a neutral position with the condition that the property will remain agricultural as long as the fences are erected and the fences will be removed if the agricultural activity is removed. Motion carried by unanimous vote. A motion was then made by Mr. Cino and seconded by Mr. Weldon to include the condition that the fence within the 25 ft. right of way is consistent with the conservation values of the conservation easement. Motion carried by unanimous vote.

Dudley Zoning Hearing Board Application, 1051 Eagle Road

Ms. Burmester provided an overview of the Dudley Zoning Hearing Board Application requesting a variance for use of an existing accessory apartment as a rental unit to generate income. Following discussion, a motion was made by Mr. Cino and seconded by Mr. Weldon to take a neutral position with the condition that the approved rental unit cannot be demolished and rebuilt without additional Zoning Hearing Board approval. Motion carried by unanimous vote.

Fenwick Zoning Hearing Board Application, 106 Buckmanville Road

Ms. Burmester provided an overview of the application requesting a variance from impervious ratio, floodplain soil disturbance, and wetland disturbance for construction of a single-family dwelling, detached garage, driveway, cabana, pool, patio, and related accessories. Their note on the application indicates that they do not believe relief is needed for steep slopes. Following discussion, a motion was made by Mr. Cino and seconded by Mr. Weldon to oppose granting the requested variances and send the Solicitor to the Zoning Hearing Board meeting to support the Board's opposition. Motion carried by unanimous vote.

SOLICITOR'S REPORT

Jointure Ordinance No. 2022-01- Wireless Telecommunications Facilities

Jointure Ordinance No. 2022-02 – Electric Vehicle Charging Stations

Jointure Ordinance No. 2022-05 – Zoning Hearing Board Provisions

Ms. Eberle provided an overview of the ordinances. Jointure Ordinance No. 2022-01 establishes standards regarding the location, placement, construction and maintenance of tower-based and non-tower based wireless telecommunications facilities. Jointure Ordinance 2022-02 relates to electric vehicle charging stations as recommended by the Planning Commission, and Jointure Ordinance 2024-05 is regarding Zoning Hearing Board provisions. All ordinances listed are subject to the conditions suggested by the Planning Commission in the Solicitor's January 13, 2025 letter. A motion was made by Mr. Cino and seconded by Mr. Weldon to recommend that the Jointure proceed toward adoption of the three Jointure ordinances listed above as drafted. Motion carried by a unanimous vote.

Jointure Ordinance No. 2022-03 – Off Premises Signs (Billboards)

Ms. Eberle provided an overview of Jointure Ordinance No. 2022-03 which defines and regulates off premises advertising signs (billboards). Discussion followed, and a motion was made by Mr. Cino and seconded by Mr. Weldon to recommend that the Jointure proceed toward adoption of Jointure Ordinance No. 2022-03 subject to the conditions suggested by the Planning Commission in the Solicitor's January 13, 2025 letter. Motion carried by unanimous vote.

MANAGER'S REPORT

Affirm EAC Chair

A motion was made by Mr. Cino and seconded by Mr. Weldon to affirm Cathy Magliocchetti as Chair of the EAC in 2025. Motion carried by unanimous vote.

Windrows Edge Site Construction Escrow Release No. 3 (Final)

Mr. Nyman provided an overview of the Windrows Edge Site Work Construction Escrow Release No. 3 (Final) in the amount of \$73,963.14 as recommended by Tri-State Engineers. Following discussion, a motion was made by Mr. Cino and seconded by Mr. Weldon to approve Payment Request No. 3 (Final) in the amount \$73,963.14. Motion carried by unanimous vote.

Board and Commission Reports

A motion was made by Mr. Cino and seconded by Mr. Weldon and approved unanimously to appoint the following Board and Commission members:

Environmental Advisory Council - Elizabeth Thompson
Term expires 12-31-27

Park & Recreation Board - Naomi Robinson
Term expires 12-31-29

Financial Advisory Committee - Melissa Paparone
Term expires 12-31-25

Zoning Hearing Board (full member) - Ken Rubin
Term expires 12-31-29

Zoning Hearing Board (Alternate) - Lawrence Fineburg
Term expires 12-31-26

Ms. Taylor announced that the position of Council Rock Senior Center representative is still vacant and encouraged interested residents to submit a volunteer application.

ENGINEER'S REPORT

Ms. Fuller provided an update that the log jam has been cleared from Jericho Creek on the Taylorsville Road property in the vicinity of London Court.

Ms. Fuller then updated the Board on the progress of their storm water reviews.

Makefield Meadows Escrow Release #1

Ms. Fuller recommended approval of the Makefield Meadows Escrow Release #1 in the amount of \$286,173.45. Following discussion, a motion was made by Mr. Cino and seconded by Mr. Weldon to approve Payment Request #1 in the amount \$286,173.45. Motion carried by unanimous vote.

2025 Road Program

Ms. Fuller provided a summary of the 2025 Road Paving Project. Discussion followed and a motion was made by Mr. Cino and seconded by Mr. Weldon to authorize advertisement of the 2025 Road Paving Project. Motion carried by unanimous vote.

BOARD AND COMMISSION REPORTS

Ms. Taylor announced that the following minutes were included in Board packets:

- Environmental Advisory Council – November 12, 2024
- Park & Recreation Board – December 16, 2024
- Planning Commission – August 21, 2024, September 18, 2024
- Board of Elected Auditors – January 3, 2024

DEPARTMENT REPORTS

Ms. Taylor announced that the following department reports were provided:

- Planning & Zoning Department
- Finance Department
- Fire Departments
- Emergency Services
- Fire Marshal
- Police Department
- Public Works Department

PUBLIC COMMENT

Ellen Radow, 9 Timber Knoll Drive, suggested that DEP provide an explanation of the Act 2 process, provided insight and recommendations based on her professional experience as an environmental attorney, and suggested seeking information from a local or state department of health regarding health concerns.

ADJOURNMENT

A motion was made by Mr. Cino and seconded by Mr. Weldon to adjourn the meeting into Executive Session at 10:21 p.m.

Respectfully submitted,



David R. Nyman
Township Manager
Approved: March 4, 2025