

## **Upper Makefield Board of Supervisors**

### **May 6, 2025 Meeting Minutes**

The May 6, 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 Interim Township Manager Terry Fedorchak, Assistant Township Manager Judy Caporiccio, Township Solicitor Will Oetinger, 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:

- Regarding the Sunoco pipeline leak, PHMSA issued a Consent Order and Agreement to Sunoco Pipeline on May 2, which has been posted on our website. Energy Transfer has scheduled their next TeleTownhall on May 29 at 7 p.m. The dial in number is also posted on the Township website.
- The next Household Hazardous Waste Collection event is on May 31 at the Upper Bucks Tech School in Perkasio. It runs from 8:30 am until 2 pm, rain or shine. Visit the recycling page of the Bucks County Planning Commission website for details.
- The Upper Makefield Fire Company Carnival starts today and runs through Saturday, May 10 at the Valley of Concentration in Washington Crossing Historic Park. Hours are 6-10 p.m. daily.
- Registration is now open for the 43<sup>rd</sup> annual Rev Run. Information is available on the Township website and at RevRunPA.com.
- An executive session was held prior to tonight's meeting to consult with the solicitor and discuss personnel matters.

#### **Bridge Update:**

- The next meeting of the Delaware River Joint Toll Bridge Commission is Monday, May 19 at 10:30 a.m. The Board continues to urge residents to attend virtually or in person to stay informed of the status and provide comment on the Washington Crossing Bridge Project. Reminder: the Toll Bridge Commission posts project updates on a dedicated website at [washingtoncrossingbridge.com](http://washingtoncrossingbridge.com).

#### **PUBLIC COMMENT**

Mike Spiro, 1151 Eagle Road, expressed concerns about drivers cutting the corner at Eagle and Pineville Roads, which is damaging his property, and he stated that PennDOT considers this to be a police matter. He then expressed his continuing frustrations about the condition of his neighbors' property at 675 Eagle Road and the negative impact it is having on Mr. Spiro's property and quality of life.

Rich Mauer, 110 Spencer Road, stressed the importance of locating the primary recovery well as close to the site of the Sunoco pipeline spill as possible for executing remediation, and he encouraged cooperation to move the process forward.

Dan Lahart, 114 Spencer Road, advocated for transparency from Sunoco/ET related to the pipeline leak and encouraged the Mt. Eyre residents to continue to work together to advocate for safe and effective recovery.

Clement Smith, Jr., 102 Spencer Road, asked questions related to the monitoring/recovery wells to be located on Glenwood Drive. He requested that the Township share questions submitted to Sunoco regarding the locations of the recovery wells. Mr. Smith emphasized the need for transparency and raised concerns about operational details of the recovery wells, traffic impacts, safety, and long-term contamination prevention.

Joe Babiaz, 102 Crestwood Road, requested scheduled updates from the Township's Project Manager, status and timeline of long-term water solutions, and information about contamination patterns.

Kimberly Smith, 102 Spencer Road, asked about the status of the permanent Township Manager search and the status of a proposed CO2 pipeline ordinance.

Kat LaHart, 114 Spencer Road, requested advocacy for the best remediation possible, transparency and proactive communication, and detailed operations and traffic plans.

Seth Rabinowitz, 123 Walker Road, stressed the importance of transparency during the recovery well drilling process including detailed operations, safety and traffic plans, explanations of preventative steps to avoid further contamination, updates to residents on monitoring results and plans for roadway restoration.

Rich Metusz, 112 Glenwood Drive, proposed that the Sunoco be required to repair the roadway for the life of the pipeline to address any future settling, to repave and resurface all roadways in the Mt. Eyre Manor, to compensate the homeowners for the disruption, and to require additional Township approval for more wells.

Andrea Moise, 136 Glenwood Drive, requested transparency regarding the size of the spill and the amount of product that has been recovered.

Ms. Taylor thanked the residents for the thoughtful comments and questions.

### **SPECIAL ITEM**

#### **Energy Transfer Recovery Well Request**

Mr. Oetinger provided details about the Master License Agreement, which clarifies the terms by which Energy Transfer can access the Township roads to drill recovery wells in Mt. Eyre Manor, and an Excess Maintenance Agreement, which governs the manner in which they are required to repair and restore the roads throughout their use. Some items addressed included repair and restoration of the roads, notice to residents, professional traffic plans, notification to Council Rock School District, financial security, hours of operations, and sound barriers. Per the agreement, Energy Transfer will be required to pay the Township \$2,500 per well/per year. Mr. Oetinger noted that the agreements allow the location of the recovery wells in the right-of-way but do not mandate the location. Mr. Oetinger then provided further information in response to some of the questions raised during public comment.

Ms. Fuller stated that Gilmore & Associates reviewed the Work Plan submitted by Energy Transfer in addition to the two agreements on the agenda. She highlighted details of the Glenwood Drive Traffic Control Plans and the road restoration component.

Mr. Fennimore then provided information and background in response to comments made during public comment. He stated that his main objective in reviewing the work plan was assurance that this is the optimal location to facilitate recovery of the jet fuel from the subsurface. The Township provided written comment to DEP stating this priority. He also shared that he suggested to Energy Transfer that a larger diameter well could recover more product, which Energy Transfer did do.

Mr. Fennimore then provided an explanation of the drilling process. He shared that the Township provided written comments to DEP expressing concerns about impact the process could have on residential wells and the need for monitoring residential wells prior to, during and following the drilling and recovery efforts. He shared that Energy Transfer is also evaluating the depth of the casings and the depth of the wells.

Mike Angi, 127 Walker Road, expressed distrust with Energy Transfer and urged the Township to proceed cautiously.

Mr. Thomas encouraged moving forward to begin removing product as soon as possible.

Susan Hipple, 205 Bruce Road, expressed concern about the negative effects that drilling could have on surrounding wells and the water table.

Clem Smith, 102 Spencer Road, reiterated his request that the Township share questions submitted to Sunoco regarding the locations of the recovery wells and requested the locations of the additional eight recovery wells.

Dan LaHart, 114 Spencer Road, asked about next steps if the recovery wells are not successful, the process to determine the fee per well, and he reminded all that the community is working toward a common goal.

Rich Matusze, 112 Glenwood Drive, asked about legal requirements regarding wells and compensation for residents from Sunoco.

Ellen Radow, 9 Timber Knoll, asked for clarification about the well fee, recovery well locations, and residential monitoring, and she encouraged approving the agreements to move the process forward.

Seth Rabinowicz, 123 Walker Road, asked for details about the process for vacuuming, which Mr. Fennimore provided.

Rich Mauer, 110 Spencer Road, shared his experience that his well was monitored when the neighboring property's recovery well was being drilled.

John Vanni, 121 Glenwood Road, said that he agreed to locating a recovery well on his property but was unsuccessful in getting answers to his questions from Sunoco.

David Dotson, 106 Spencer Road, shared his experience about noise disturbance during the pumping phase at a neighboring property and suggested that the Township implement safeguards to control when this process occurs.

Mr. Taylor emphasized that the agreements under consideration are not approving wells but rather allowing them on Township property and detailing the terms. DEP approves the well locations.

A motion was made by Mr. Thomas and seconded by Mr. Weldon to authorize execution of a Master License Agreement and an Excess Maintenance Agreement pertaining to the Sunoco pipeline wells. Motion carried by unanimous vote. Ms. Taylor commended the residents for attending the meeting and staying engaged through the process.

#### **APPROVAL OF MINUTES AND BILLS PAYABLE**

A motion was made by Mr. Cino and seconded by Mr. Weldon to approve April 1, 2025 meeting minutes. Motion carried by unanimous vote.

A motion was made by Mr. Cino and seconded by Mr. Taylor to approve the May 6, 2025 Bills Payable List in the amount of \$555,259.88. Motion carried by unanimous vote.

#### **PLANNING & ZONING ISSUES**

##### **Zoning Hearing Board Application, 3<sup>rd</sup> Construction, Inc., 1107 General Hamilton Road**

Applicant Joel Petty and Justin Geonotti, P.E., provided an overview of the application requesting a variance to allow construction of a single-family dwelling, driveway, and stormwater management system within a designated floodplain area. The applicant noted that the plan has been revised since its initial presentation to the Board to construct the house entirely on piers, requires no fill, and has an enlarged stormwater management system. The garage would be located outside the flood zone.

Township Engineer Larry Young provided further explanation of the plan changes, impervious surface and stormwater management system. He noted that the elevation of the land would remain below the 100-year flood elevation.

Ms. Burmester stated that neighbors expressed concerns on the previous plan about the impact construction could have on the neighborhood by redirecting floodwaters to their properties, but they have not yet seen the revised plan to provide comment. That presentation will occur at the Zoning Hearing Board meeting. Mr. Geonotti's opinion was that those concerns have been addressed in the revisions. Discussion followed, and a motion was made by Mr. Cino and seconded by Mr. Thomas to take a neutral position on the application. Motion carried by unanimous vote.

##### **Zoning Hearing Board Application, Brzezinski, 868 Dolington Acres Road**

The application has been Continued by the applicant.

#### **SOLICITOR'S REPORT**

There was no solicitor's report.

#### **INTERIM MANAGER'S REPORT**

##### **Big Oak Whitetail Management (BOWMA) 2025/26 Proposal**

Mr. Fedorchak outlined the 2025/26 proposal of Big Oak Whitetail Management Association (BOWMA) for deer management on Township-owned property. The proposal has the same terms and conditions as the previous contract, at no cost to the Township and in accordance with PA Game Commission regulations. BOWMA also requested a letter of recommendation from the Township to distribute to local property owners. A motion was made by Mr. Cino and seconded by Mr. Weldon to authorize the Interim Township Manager to execute an agreement with BOWMA for the 2025-26 season and to authorize a letter of recommendation. Motion carried by unanimous vote.

##### **Resolution No. 2025-05-06-01- Authorizing Bank Signatures**

A motion was made by Mr. Cino and seconded by Mr. Weldon to approve Resolution 2025-05-06-01 authorizing bank signatures. Motion carried by unanimous vote.

## **ENGINEER'S REPORT**

### **Resolution No. 2025-05-06-02 – Authorize Submitting PA DCED Flood Mitigation Program Grant Application**

Ms. Fuller provided an overview of the project for the streambank restoration project in the Sycamore Farms development, which will also count toward the Township's MS4 requirements. She then reviewed the resolution formally requesting authorization to submit a grant application to the PA DCED Flood Mitigation Program in the amount of \$500,000 for streambank restoration improvements along Jericho Creek within the Sycamore Farms Homeowners Association property. She noted that the HOA has signed a Letter of Commitment.

Dr. Ford, 995 Washington Crossing Road, spoke in opposition to the project due to high cost with limited stormwater benefit. He encouraged focusing instead on clearing the area under the Brownsburg Road bridge, adding a retaining wall near that bridge to prevent water from flowing onto the road, reforestation and no-mow zones.

Mr. Cino expressed that he will support the grant if the property owners are supportive, but he sees limited stormwater management benefit from this project after walking the area.

Discussion followed and a motion was made by Mr. Weldon and seconded by Mr. Taylor to approve Resolution No. 2025-05-06-02. Motion carried by unanimous vote.

### **Resolution No. 2025-05-06-03- Authorize Submitting PA DEP Growing Greener Plus Grant Application**

A motion was made by Mr. Taylor and seconded by Mr. Thomas to approve Resolution No. 2025-05-06-03 formally requesting authorization to submit an application for a PA DEP Growing Greener Plus Grant in the amount of \$500,000 for streambank restoration improvements along Jericho Creek within the Sycamore Farms Homeowners Association property. Motion carried by unanimous vote.

## **BOARD AND COMMISSION REPORTS**

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

- Environmental Advisory Council – March 12, 2025
- Historical Advisory Commission – February 20, 2025
- Planning Commission – March 19, 2025

## **DEPARTMENT REPORTS**

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

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

## **PUBLIC COMMENT**

Ellen Radow, 9 Timber Knoll Drive, thanked the Township for responses to her inquiry about the historic designation of the bridge area, referenced additional outstanding questions, and encouraged contacting elected officials for support to address the funding gap that is delaying the required site visit by the state, especially with the upcoming PA250 activities.

**ADJOURNMENT**

A motion was made by Mr. Cino and seconded by Mr. Thomas to adjourn the meeting at 10:28 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judy Caporiccio".

Judy Caporiccio

Assistant Township Manager

Approved: June 3, 2025