

**Upper Makefield Township Board of Supervisors  
December 4, 2018 Meeting Minutes**

The December 4, 2018 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 6:35 p.m. In attendance were the following members of the Board of Supervisors: Chair Tom Cino, Vice Chair Diana Nolan, Member Kris Ballerini and Member Ed Ford. Treasurer Mike Tierney participated by telephone. Also in attendance were Township Manager David Nyman, Township Solicitor Mary Eberle, Esq., Township Engineer Larry Young, P.E., Director of Planning & Zoning Dave Kuhns and Chief Mark Schmidt.

There were also members of the public and representatives of the press present.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mr. Cino led in the recitation of the Pledge of Allegiance which was followed by a moment of silence remembering the passing of former president George H. W. Bush and of Dan Johansson, Zoning Hearing Board member.

**ANNOUNCEMENTS**

Mr. Cino made the following announcements:

- Residents interested in serving on a Township volunteer board or committee are invited to submit an application, which can be found on the Boards and Commissions tab of the Township website, [uppermakefield.org](http://uppermakefield.org).
- The first Crossing Reenactment will take place at Washington Crossing Historic Park on December 9. Activities and demonstrations will take place from 10:00- 4:00 with the actual crossing at approximately 1 pm. The 66<sup>th</sup> annual Christmas Day Crossing will take place on December 25 at 1:00 with activities starting at noon. Visit [WashingtonCrossingPark.org](http://WashingtonCrossingPark.org) for more information.
- Residents were reminded to shut off outdoor water pipes during the winter months, especially if travelling for an extended period.
- Residents of Heritage Hills, Enclave and Traditions were reminded that they can register to pay water and sewer bills online via a link on the homepage of the Township website.
- The Reorganization meeting of the Board of Supervisors will be held on Monday, January 7, 2019 at 8:00 pm.

**SPECIAL ITEM**

Rich Mowry, President of the Upper Makefield Business Association, shared an update of the Associations 2018 activities, introduced members of their board, and presented the Township with a check for \$12,000 from the funds earned at the annual Revolutionary Run for use in the Township's Emergency Services Fund.

**PUBLIC COMMENT**

George Laersky, 101 Glenwood Drive, addressed concerns regarding the traffic at Mt. Eyre and Taylorsville Roads and requested a traffic signal at the intersection. Staff will coordinate a review of the intersection.

Tom Allibone, 1062 Embarcation Way, shared traffic concerns throughout the Village area, especially speeding and illegal passing on River Road. He requested improved enforcement efforts, pedestrian signage along General Washington Memorial Boulevard and lowering the speed limit.

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

A motion was made by Ms. Nolan and was seconded by Ms. Ballerini to approve the November 12, 2018 meeting minutes. Motion carried by unanimous vote.

Mr. Cino presented the bills list for December 4, 2018 noting our annual bond payments of \$1.9 million for open space and building construction. A motion was made by Ms. Nolan and was seconded by Ms. Ballerini to approve the December 4, 2018 Bills Payable List in the amount of \$2,133,843.06. Motion carried by unanimous vote.

### **PLANNING AND ZONING ISSUES**

#### **Rubin Zoning Hearing Board Application, 68 Dillon Way**

Mr. Kuhns provided an overview of the Rubin Zoning Hearing Board Application requesting relief from rear yard setback requirements for patio construction. Discussion followed and a motion was made by Dr. Ford and was seconded by Ms. Nolan to oppose the requested variance. Planning & Zoning Director Dave Kuhns was directed to inform the Zoning Hearing Board that the Board of Supervisors does not consider this request a hardship and is concerned about the future impact of added impervious surface area in a high density development zone. Motion carried by a unanimous vote.

### **SOLICITOR'S REPORT**

#### **Jointure Ordinance No. 2017-02 – Medical Marijuana**

Ms. Eberle provided an overview of Jointure Ordinance No. 2017-02, which provides regulations for medical marijuana dispensaries and grower/processors. Mr. Cino opened the public hearing. There were no comments by the Board of Supervisors and no comments from the public. Mr. Cino closed the public hearing. A motion was made by Ms. Ballerini and seconded by Ms. Nolan to adopt JMZO Ordinance No. 2017-02 - Medical Marijuana. Motion carried by unanimous vote.

#### **Jointure Ordinance No. 2018-01 - Fireworks**

Ms. Eberle provided an overview of Jointure Ordinance No. 2018-01 regulating the sale and use of fireworks. Mr. Cino opened the public hearing. There were no comments by the Board of Supervisors and no comments from the public. Mr. Cino closed the public hearing. A motion was made by Ms. Nolan and seconded by Dr. Ford to adopt JMZO Ordinance No. 2018-01 - Fireworks. Motion carried by unanimous vote.

#### **Jointure Ordinance No. 2018-02 – Conservation Overlay District**

Ms. Eberle provided an overview of Jointure Ordinance No. 2018-02 creating a Conservation Easement Overlay District in Wrightstown Township. Mr. Cino opened the public hearing. There were no comments by the Board of Supervisors and no comments from the public. Mr. Cino closed the hearing. A motion was made by Ms. Ballerini and seconded by Dr. Ford to adopt JMZO Ordinance No. 2018-02 - Conservation Overlay District. Motion carried by unanimous vote.

#### **Resolution No. 2018-12-04-03 - Chandor Conservation Easement**

Mary Eberle introduced Resolution No. 2018-12-04-03 accepting the donation of an amended and restated conservation easement adding to the eased area of the Chandor property, TMP No. 47-001-002. Discussion followed and a motion was made by Dr. Ford and seconded by Ms. Nolan to approve Resolution No. 2018-12-04-03. Motion carried by unanimous vote.

The Board directed staff to send a thank you letter to Mr. Chandor for his donated easement.

## **MANAGER'S REPORT**

### **Resolution No. 2018-12-04-01 – Adoption of 2019 Budget**

Mr. Nyman introduced the resolution and reviewed the budget process, noting that the Preliminary 2019 Budget has been advertised, made available for public inspection at the Township office, posted on the Township website and may be considered for adoption. Mr. Nyman noted that Police Department carpeting has been deferred to the 2020 Capital Reserve Fund, \$9,000 has been added to the Enclave Water & Sewer Fund and \$20,000 has been added to the Park & Recreation Capital Fund for the completion of the approved irrigation project for Fields 5 and 6. A motion was then made by Ms. Nolan and seconded by Ms. Ballerini to adopt Resolution No. 2018-12-04-01. Motion carried by a unanimous vote.

Mr. Nyman again thanked the Board and staff for their efforts to finalize the budget.

### **Resolution No. 2018-12-04-02 – Tax Levy**

Mr. Nyman stated that the Real Estate Tax Levy for 2019 would remain the same as 2018. Following discussion, a motion was made by Ms. Nolan and seconded by Ms. Ballerini to approve Resolution No. 2018-12-04-02. Motion carried by unanimous vote.

Mr. Nyman stated that this is the third consecutive year with no real estate tax increase.

### **Upper Makefield Fire Company Volunteer Support Grant**

Mr. Nyman provided an overview of the Upper Makefield Fire Company grant request for volunteer firefighters and rescue personnel third quarter stipends. Following discussion, a motion was made by Ms. Nolan and seconded by Ms. Ballerini to approve a \$19,350 grant to Upper Makefield Fire Company to assist in the support of a fire company initiative to provide stipends for response to call-outs and drills as set forth in Upper Makefield Fire Company recommendations dated November 29, 2018. Motion carried by unanimous vote.

## **ENGINEER'S REPORT**

### **Old Dolington Road Base Repair – Change Order #1**

Mr. Young provided an overview of the project and recommended approval of Change Order #1 in the amount of \$103,323.00. A motion was made by Ms. Nolan and seconded by Ms. Ballerini to approve Change Order #1 in the amount of \$103,323.00 for the Old Dolington Road Base Repair Project. Motion carried by unanimous vote.

### **Old Dolington Road Base Repair – Payment Request #1 (Final)**

Mr. Young recommended approval of Old Dolington Road Base Repair Project Payment Request #1 (Final) in the amount of \$103,323.00. A motion was made by Ms. Nolan and seconded by Ms. Ballerini to approve Payment Request #1 (Final) in the amount of \$103,323.00. Motion carried by unanimous vote.

### **Pineville Road Drainage Update**

Mr. Young provided an update on Pineville Road drainage issues reminding the Board that this is a State road. He stated that the missing driveway pipe at 680 Pineville Road was impeding drainage, and he said there had been a pipe in place before the previous owners' repaved the driveway.

Andrew Maikaitis, 680 Pineville Road, said he is the current owner of the house and did not remove the pipe. He expressed concern about installing a trench box outside the right-of-way. Mr. Tierney recommended that the Township install the pipe at no cost to the resident and stated that the cost should be nominal. Ms. Nolan expressed concern regarding establishing a precedent. Ms.

Eberle indicated that performing this work on a State road could make the Township liable for future maintenance.

A motion was made by Mr. Cino and was seconded by Ms. Ballerini to direct the Township to work with the property owner to complete the project at minimal expense to him. Motion carried 4 - 1 with Mr. Tierney voting in opposition.

**PUBLIC COMMENT**

There was no public comment.

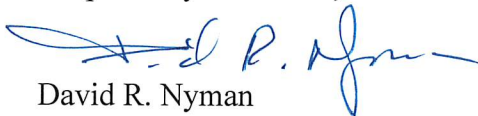
**MELSKY TRACT REMAND HEARING**

Mr. Cino stated that the Melsky Tract Remand Hearing would now commence and that the hard stop for the hearing is 9:30 pm. A stenographer was present for the hearing. At 9:30 pm, the hearing was continued to January 8, 2019 at 7:30 pm.

**ADJOURNMENT**

A motion was made by Ms. Nolan and seconded by Mr. Cino to adjourn the meeting at 9:35 p.m. Motion carried by unanimous vote.

Respectfully submitted,



David R. Nyman  
Township Manager

Approved: December 18, 2018