

# **Upper Makefield Township Board of Supervisors**

## **September 17, 2019 Meeting Minutes**

The September 17, 2019 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:30 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 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.

### **ANNOUNCEMENTS**

Mr. Cino made the following announcements:

- Free flu vaccines are available to Bucks County residents ages 3 and over on September 28 from 10 - 3 at the Bucks County Health Department located at 1282 Almshouse Rd. in Doylestown.
- Budget Workshops are scheduled at 7:30 p.m. on October 1 and October 7 and will be held here at the Municipal Building.
- The Police Dept. is conducting child car seat inspections and installations on Saturday, September 21 and on Sunday, September 22. Call 215-968-3020 for more information.

Chief Schmidt reported on recent thefts from vehicles and reminded drivers to keep vehicles locked at all times. He also announced that Coffee with a Cop will take place October 2, 2019 at Colonial Market.

Ms. Nolan reminded residents that information packets about opioid addiction and medication disposal pods are available at the Township building. Also, a marijuana information session will be held September 26<sup>th</sup> at Cenral Bucks South High School.

Ms. Nolan reminded residents of the importance of the US Dept. of Agriculture's property inspections for Spotted Lanternflies.

Ms. Nolan announced that a meeting will be scheduled between Congressman Brian Fitzpatrick and Mercer County, NJ officials regarding concerns about the Mercer County firing range.

### **PUBLIC COMMENT**

There was no public comment.

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

A motion was made by Dr. Ford and was seconded by Ms. Nolan to approve the September 3, 2019 meeting minutes. Motion carried by unanimous vote.

Mr. Cino presented the bills list for September 17, 2019. A motion was made by Ms. Nolan and was seconded by Dr. Ford to approve the September 17, 2019 Bills Payable List in the amount of \$259,339.07. Motion carried by unanimous vote.

## **PLANNING AND ZONING ISSUES**

### **Wahlsten Zoning Hearing Board Application, 34 Jericho Run**

Mr. Kuhns provided an overview of the Wahlsten application requesting relief from side yard setback requirements for construction of an attached garage.

Dr. Ford expressed concerns about the size of the proposed garage with a bathroom and its placement in a floodplain.

Ms. Nolan asked about the proposed stairs and second floor use.

Ms. Ballerini stated that she was comfortable with the proposal.

Following discussion, a motion was made by Ms. Nolan and seconded by Ms. Ballerini to take a neutral position regarding the application but ask that Mr. Kuhns share concerns expressed by the Board with the Zoning Hearing Board. Motion carried by a unanimous vote.

### **Resolution No. 2019-09-17-01 – Authorizing Participation in Certified Local Government Program of PA State Historic Preservation Office in Partnership with National Park Service**

Mr. Kuhns provided an overview of Resolution No. 2019-09-17-01 authorizing participation in the PA State Historic Preservation Office Certified Local Government Program. Following discussion, a motion was made by Ms. Nolan and seconded by Ms. Ballerini to approve Resolution No. 2019-09-17-01. Motion carried by unanimous vote.

### **Prime Development Group ZHB Application.**

This item was moved to a future meeting. Dr. Ford asked if the applicant had a clear title to the property.

## **SOLICITOR'S REPORT**

### **Issue Findings of Fact and Conclusions of Law on 2016 Melsky Subdivision and Land Development Plan**

Ms. Eberle provided a summary of the process leading to the Findings of Fact and Conclusions of Law on the 2016 Melsky Subdivision and Land Development Plan. She stated that during the past year, the Board has held hearings on the final plan submitted by Toll Brothers for the Melsky property. The Court order that remanded this case to the Township requires that the Township issue findings of fact, conclusions of law, and make a determination as to whether it was the correct decision when the final plan for the Melsky Tract was denied. Ms. Eberle said that the Board deliberated with her at the conclusion of the testimony and after the Township received the proposed findings of fact and conclusions of law from Toll Brothers. Based on those deliberations, Ms. Eberle prepared Findings of Fact and Conclusions of Law which make determinations as to factual issues, including the credibility of the witness who testified. The document also includes Conclusions of Law, and an Order which reads as follows:

### **ORDER**

*AND NOW, this 17th day of September, A.D., 2019, after due deliberation and following public remand hearings ordered by the Court of Court of Common Pleas of Bucks County, and for the reasons stated above, the Upper Makefield Township Board of Supervisors does hereby deny and confirms the 2016 denial of the 2016 Plan for the Melsky Tract.*

A motion was made by Dr. Ford and seconded by Ms. Nolan to adopt the Findings of Fact and Conclusions of Law as set forth in the document submitted by the Township Solicitor and further move

to adopt the Order contained in the Findings of Facts and Conclusions of Law denying Toll's Final Plan for the Melsky Tract. Motion carried by a unanimous vote.

### **MANAGER'S REPORT**

#### **Special Event Request – Kiwanis Club of Washington Crossing-Yardley**

Mr. Nyman provided an overview on the Special Event application of the Kiwanis Club of Washington Crossing-Yardley for the Tree Lighting Ceremony at Washington Crossing Historical Park on November 29, 2019. Police staffing is required for the event which begins at 4:30 p.m. Ms. Eberle recommended that the Township obtain proof of insurance. Mark Bleam, Kiwanis Club VP was present to answer questions. Following discussion, a motion was made by Ms. Nolan and seconded by Ms. Ballerini to approve the request for police staffing during the November 29<sup>th</sup> event with reimbursement of the police staffing costs required in addition to the Kiwanis Club of Washington Crossing-Yardley providing proof of insurance. Motion carried by unanimous vote.

#### **Resignation of Public Works Employee**

A motion was made by Ms. Ballerini and seconded by Ms. Nolan to accept the resignation of Public Works employee James McCole. Motion carried by a unanimous vote.

#### **Public Works Position**

A motion was made by Dr. Ford and seconded by Ms. Nolan to authorize advertisement for a full-time position of Public Works Laborer. Motion carried by a unanimous vote.

#### **Request to Hire Public Works Seasonal Employee**

A motion was made by Dr. Ford and seconded by Ms. Nolan to hire Will Konawaluk as a Public Works Department seasonal employee. Motion carried by unanimous vote.

#### **Accept Bids**

Mr. Nyman reported on the bids for sale of items that were listed for sale on Municibid.

A motion was made by Ms. Nolan and seconded by Ms. Ballerini to accept the \$47.00 bid of Emilio Giustiano for the purchase of one cabinet, the \$16.00 bid of Drew Hogan for the purchase of two (2) office chairs, the \$11.00 bid of Yasunari Sasaki for the purchase of three (3) office chairs and the \$250.00 bid of Alex Farganis for the purchase of a gun vault. Motion carried by unanimous vote.

#### **Salt Bid**

Mr. Nyman provided an overview of the 2019/20 Consortium Salt bids and noted the recommendation of Public Works Superintendent Bruce Scott to award the bid to Morton Salt, Inc. for a delivered cost of \$48.50/ton. A motion was made by Ms. Nolan and was seconded by Dr. Ford to award the 2019/20 Salt Bid to Morton Salt, Inc. for a delivered cost of \$48.50/ton. Motion carried by a unanimous vote.

#### **Dutchess Farm Estates WWTP – Toll Brothers Request for Dedication**

Mr. Nyman provided an overview of the request for dedication of the Dutchess Farm Estate WWTP from Toll Brothers. Following discussion, a motion was made by Dr. Ford and seconded by Ms. Ballerini to accept the Final Inspection Punch List and deny the request for dedication of the Dutchess Farm Estates WWTP. Motion carried by a unanimous vote.

### **ENGINEER'S REPORT**

There was no Engineer's Report.

### **BOARD AND COMMISSION REPORTS**

Mr. Cino announced that the following reports were included in Board packets:

- Environmental Advisory Council – July 9, 2019
- Parks & Recreation Board – August 12, 2019
- Planning Commission – June 26, 2019

### **DEPARTMENT REPORTS**

Mr. Cino announced that the following department reports were provided:

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

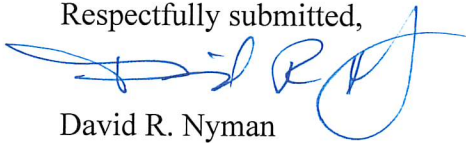
### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

A motion was made by Ms. Nolan and seconded by Dr. Ford to adjourn at 8:06 p.m. Motion carried by unanimous vote.

Respectfully submitted,



David R. Nyman  
Township Manager

Approved: October 1, 2019