

Upper Makefield Township Board of Supervisors
January 21, 2020 Meeting Minutes

The January 21, 2020 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:35 p.m. In attendance were the following members of the Board of Supervisors: Chair Tom Cino, Vice Chair Diana Nolan, Treasurer Tim Thomas, Member Ed Ford and Member Karin Traina. Also in attendance were Township Manager David R. Nyman, Township Solicitor Mary Eberle, Esq., Township Engineer Larry Young, P.E., Water/Sewer Engineer Tom Zarko, P.E., Planning & Zoning Director Dave Kuhns and Chief Mark Schmidt.

There were also members of the public present.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mr. Cino led in the recitation of the Pledge of Allegiance which was followed by a moment of silence.

ANNOUNCEMENTS

Mr. Cino announced that an Executive Session was held prior to tonight's meeting for personnel matters.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the January 6, 2020 Reorganization meeting minutes. Motion carried by unanimous vote.

A motion was made by Ms. Nolan and seconded by Dr. Ford to approve the January 21, 2020 Bills Payable List in the amount of \$674,482.21. Mr. Cino noted that reflected in this bills list are annual payments, fees and registrations and fund transfers per the 2020 budget. Motion carried by unanimous vote.

PLANNING & ZONING ISSUES

Geopedior Subdivision Plan Review, 386 Brownsburg Road East

Attorney Ed Murphy, Engineer Jeff Wert, and Bob Downs represented the applicant. They reviewed the history of the property, highlighted plans for the proposed five lot subdivision and answered questions from the Board.

Ms. Nolan asked about fencing for the storm water basin and expressed concern about the number of trees to be removed along Brownsburg Road. Mr. Wert explained that they were either dying or blocked sight distances.

Dr. Ford requested help from the applicant with riparian concerns along Jericho Creek.

Mr. Cino questioned why this application was not required to meet today's zoning, and Ms. Eberle stated that it had received preliminary approval under the existing zoning of the time.

Council Rock-Sol Feinstone Elementary Zoning Hearing Board Application, 1090 Eagle Road

Engineer Terry DeGroot, Architect Terry Schrader and Council Rock Director of Operations

Doug Taylor presented an overview of the application for variances associated with the land development application for the project at Sol Feinstone Elementary School. Andy Block, Council Rock School Board member was also present.

Ms. Traina expressed thanks for the gated emergency access which will be created with grass pavers. She also asked if there were any other traffic issues. Mr. Schrader indicated a traffic study was underway but no new lanes or signals were anticipated.

Dr. Ford questioned the need for the adding classrooms since our population is static. Mr. Taylor indicated that the District was seeking flexibility with current classes and looking at potential needs across the entire District.

Ms. Nolan expressed concern regarding the ability to continue to use the school as a polling place. Mr. Taylor indicated that the District has typically closed on Election Day and foresees that continuing. Ms. Nolan also expressed concerns regarding the proposed signage.

Ms. Nolan questioned whether the plan meets ordinance requirements for the number of students per acre. Ms. Eberle recommended consideration of a variance request for the acres per full time students concern to expedite the plan approval process.

Chris Feaster, 120 Woodhill Road, expressed concern about the condition of the fence separating his property from the school and said trash is being thrown over the fence. The District will work with Mr. Feaster in regard to a new fence.

Lisa Spaziano, 1091 Eagle Road, expressed concern about the placement of the new driveway in conjunction with their driveway across the road and requested that it be shifted 10 feet. The District will re-evaluate but indicated that shift may be too complex with the parking area plan.

Ben Weldon, 1085 Eagle Road, expressed concern regarding the proposed signage variances requested.

A motion was made by Dr. Ford and seconded by Ms. Nolan that the Board remain neutral with regard to the first 6 variance requests. Motion carried by a unanimous vote.

A motion was made by Ms. Traina and seconded by Ms. Nolan that the Board remain neutral regarding the directional signs if they are appropriately sized to reflect the rural nature of our community, but to oppose any proposed illuminated signs and inappropriately sized signs and requested the Solicitor to attend the Zoning Hearing on behalf of the Board. Motion carried by a unanimous vote.

Ruggles Zoning Hearing Board Application, 1009 Taylorsville Road

Mr. Kuhns provided background on the request for variances to install a 7 foot privacy fence. Discussion followed and a motion was made by Ms. Nolan and seconded by Mr. Thomas to send Mr. Kuhns to the Zoning Hearing to oppose the request for a 7 foot fence and recommend a 5 foot fence that meets code requirements. Motion carried by a unanimous vote.

Dutchess Farm Request for Dedication

Mr. Kuhns stated that Toll Brothers submitted a request for Dedication for Dutchess Farm Estates. Discussion followed and a motion was made by Ms. Traina and seconded by Dr. Ford to

authorize the Township Engineer and the Township Water/Sewer Engineer to perform inspections and prepare punch lists. Motion carried by a unanimous vote.

SOLICITOR'S REPORT

Emergency Services Proposal

Ms. Eberle provided an explanation regarding the status of individual board members' conflicts of interest. When the number of Board members with a conflict of interest constitutes a quorum and would prohibit a vote, the conflicted Board members may vote, but may not make a motion or engage in discussion. Mrs. Eberle read aloud the disclosure statements from each member with a conflict. Each of the individual statements of conflict are attached to these minutes. With no further discussion, a motion was made by Ms. Traina and seconded by Mr. Cino to accept the Emergency Services proposal from St. Mary's Hospital. Motion carried by a 4-0-1 vote with Dr. Ford abstaining.

MANAGER'S REPORT

Deputy Tax Collector

Mr. Nyman referenced the request of Tax Collector Tom Merchant to appoint three Deputy Tax Collectors as permitted by the DCED. Mr. Merchant briefed the Board on his need for three deputies. A motion was then made by Ms. Nolan and seconded by Mr. Thomas to appoint Alexandria Merchant, Elizabeth Gory and Cathy Romano as Deputy Tax Collectors for Upper Makefield Township subject to approval by the surety bond company. Motion carried by unanimous vote.

Public Works Laborer

A motion was made by Dr. Ford and seconded by Ms. Nolan to authorize advertisement of a new public works laborer position per the 2020 budget. Motion carried by unanimous vote.

Affirm EAC Chair

A motion was made by Dr. Ford and seconded by Ms. Traina to affirm Bud Baldwin as Chair of the Environmental Advisory Council for 2020. Motion carried by unanimous vote.

Planning Commission Reappointment

A motion was made by Ms. Traina and seconded by Dr. Ford to reappoint Ken Rubin to the Planning Commission for a term which expires December 21, 2023. Motion carried by unanimous vote.

Mr. Cino encouraged residents interested in volunteering on a committee to submit an application.

Part-time Police Officer

A motion was made by Mr. Thomas and seconded by Ms. Nolan to extend a conditional offer of employment to Joseph Carcaci as part-time police officer. Motion carried by unanimous vote.

WATER/SEWER ENGINEER'S REPORT

Mr. Zarko provided an overview of the 2019 Annual Implementation Report pertaining to the Act 537 Sewage Facilities Plan Update that was previously submitted to PADEP. He noted that the Township has been submitting reports to the PADEP to document compliance with the short term & long term commitments made in the Plan Update on an annual basis since 2016. Mr. Zarko stated that 2020 will be the end of the short term (5 year) planning window of the Plan

Update, and that items to be completed in the upcoming year would include: performing an updated OLDS Survey in the Taylorsville and Dolington areas to document the effectiveness of the Township's short-term planning efforts, release of an RFP for the biannual septic tank pumping services that are required in the Taylorsville & Dolington Areas, and initiate the reassessment of available alternatives to address the long-term sewage disposal needs in the Dolington Area.

Dr. Ford suggested consideration of a requirement for testing of the OLDS system when a property is sold. Mr. Zarko stated that he would reach out to neighboring municipalities that have such requirements which could then be used as an example for similar requirement in the Township.

Mr. Thomas expressed appreciation for the efforts to get competitive pricing for the required septic tank pumping. Mr. Zarko indicated that we will continue that practice.

A motion was made by Ms. Nolan and seconded by Dr. Ford to authorize the staff to issue RFPs for an updated OLDS survey and septic tank pumping services in the Taylorsville and Dolington study areas. 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 minutes were included Board packets:

- Environmental Advisory Council – November 12 2019
- Park & Recreation Board – October 14,2019

DEPARTMENT REPORTS

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

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

PUBLIC COMMENT

Bill Nurko, 1337 Hall Road, expressed concerns about tractor trailer traffic on Hall Road and their inability to make turns onto Stoney Brook Road. He suggested additional signage in this regard as well as signage on River Road to direct traffic to Interstate 295. He also suggested some deer crossing signage and speed bumps on Hall Road.

Ms. Nolan highlighted the Police Department's recent crime stats report. She also thanked staff for their assistance and patience during the building renovation project.

ADJOURNMENT

A motion was made by Mr. Thomas and seconded by Mr. Cino to adjourn the meeting at 9:45 p.m. Motion carried by unanimous vote.

Respectfully submitted,



David R. Nyman
Township Manager


Approved: February 4, 2020

DECLARATION OF CONFLICT OF INTEREST

I, Thomas Cino, hereby disclose that I have a conflict of interest with regard to matters involving St. Mary's Medical Center, an entity which submitted a proposal for ambulance service in the township. This matter is on the agenda of the Board of Supervisors this evening.

The nature of my conflict of interest is that a member of my family is employed with St. Mary's Medical Center.

Date: January 21, 2020



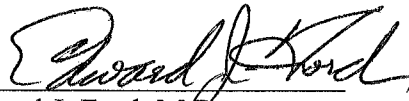
Thomas Cino

DECLARATION OF CONFLICT OF INTEREST

I, Edward J. Ford, M.D., hereby disclose that I have a conflict of interest with regard to matters involving St. Mary's Medical Center which submitted a proposal for ambulance service, an issue which is on the agenda of the Board of Supervisors this evening

The nature of my conflict of interest is my employment with St. Mary's Medical Center.

Date: January 21, 2020

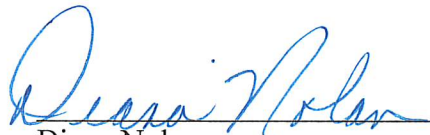

Edward J. Ford, M.D.

DECLARATION OF CONFLICT OF INTEREST

I, Diana Nolan, hereby disclose that I have a conflict of interest with regard to matters involving selection of an entity to provide ambulance service to the township. The Board of Supervisors will be considering proposals submitted by St. Mary's Medical Center and Capital Health.

The nature of my conflict of interest is that my husband is a physician with privileges at both hospitals.

Date: January 21, 2020



Diana Nolan

DECLARATION OF CONFLICT OF INTEREST

I, Timothy M. Thomas, hereby disclose that I have a conflict of interest with regard to matters involving selection of an entity to provide ambulance service in the township. The Board of Supervisors will be considering proposals submitted by St. Mary's Medical Center and Capital Health.

The nature of my conflict of interest is my employment with a pharmaceutical firm which does not currently sell its products to either Mary's Medical Center or Capital Health, but may do so at some time in the future.

Date: January 21, 2020



Timothy M. Thomas