

**Upper Makefield Township Board of Supervisors  
May 19, 2020 Meeting Minutes**

The May 19, 2020 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:30 p.m. Due to meeting room renovations, the meeting was held in the Police Building. In order to comply with social distancing requirements due to the COVID-19 pandemic, the following members of the Board of Supervisors were in attendance: Chair Tom Cino, Vice Chair Diana Nolan, and Treasurer Tim Thomas. Also in attendance was Township Manager David R. Nyman. Supervisor Ed Ford, Supervisor Karin Traina, Township Solicitor Mary Eberle, Esq., Township Engineer Larry Young, P.E., and Assistant Township Manager Judy Caporiccio participated by telephone.

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 made the following announcements:

- This was the second meeting held in the Police Department as the Township continued to implement State guidelines regarding the COVID-19 pandemic. In order to comply with social distancing requirements, only five people were present at the meeting: Supervisors Nolan, Thomas and Cino; Township Manager Dave Nyman and Videographer Ron Skotleski. Those present remained six feet apart at all times. Supervisors Ford and Traina, the Township Solicitor, Township Engineer and Assistant Township Manager participated by teleconference. The meeting was recorded and will be posted to the Township website and cable channel for rebroadcast. Residents were encouraged to check the Township website for information about future meetings if the COVID-19 crisis continues after the Township building renovations are complete. Mr. Cino thanked everyone for their patience. For this meeting, people were invited to submit public comment on particular issues by mail or email prior to 7:30 p.m. to be read aloud as the meeting progressed.
- The Township building is still closed to the public, however Township operations continue:
  - The Police Department is fully staffed and operational with increased patrols.
  - The Public Works Department is working a modified schedule and is on call at other times.
  - The Administration, Finance and Planning & Zoning Departments continue to operate both remotely and with staggered shifts to process responses as needed.
  - Both Lookout Park and Brownsburg Park remain open, however the facilities, playgrounds, tennis court and restrooms are closed.

Mr. Cino encouraged residents to check the Township website at [UpperMakefield.org](http://UpperMakefield.org) for changes and updates.

Police, emergency medical personnel, fire company volunteers, Township staff and all first responders were thanked for their dedication during this time, and Mr. Cino encouraged the continued practice of social distancing and other State mandates for the safety of yourself and others.

- Executive sessions were held on May 6, 2020 and May 14, 2020 for land acquisition discussions and an executive session will also be held following tonight's meeting for land acquisition discussions. If any action is necessary as a result of the executive session discussions, the board will reconvene for a vote in public session.

Ms. Nolan reminded residents that the Mercer County, NJ District Attorney pledged to require suppressors on all weapons fired at their shooting range starting in November. She thanked Fire Marshal Kernan for the fire alarm information, and she reminded residents of the collection box located in the Police Department lobby for unused medications.

### **PUBLIC COMMENT**

Mr. Nyman read a public comment submitted by email from William Nurko, Hall Road, requesting that the Township consider paving Hall Road and installing speed bumps on each end of the road to address speeding concerns.

Mr. Nyman read a public comment submitted by Jane Johnson, Eagle Road stating that the Upper Makefield Conservancy would like to go on record supporting the preservation of the Scott Farm (buildings and land) as well as the Samuel Merrick log cabin on the same property. It is our understanding that the Veterans Administration has deemed this parcel of 3.362 acres including several buildings surplus property.

It is confusing to see who will make the determination on how the property will be disposed of – open market sale, closed sale or auction. Upper Makefield Conservancy would like to see that preserving the land and the buildings is adhering to historic preservation guidelines without further development as a condition of the transfer of the property.

Part of any lease or ownership of the building would have to include improvements or repairs be contingent that they comply with historic preservation guidelines.

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

A motion was made by Mr. Thomas and seconded by Ms. Nolan to approve the April 21, 2020 meeting minutes. Motion carried by unanimous vote.

A motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the May 5, 2020 Bills Payable List in the amount of \$88,200.18. Motion carried by unanimous vote.

A motion was made by Mr. Thomas and seconded by Ms. Nolan to approve the May 19, 2020 Bills Payable List in the amount of \$281,083.66. Motion carried by unanimous vote.

### **PLANNING & ZONING ISSUES**

There were no Planning & Zoning issues.

### **SOLICITOR'S REPORT**

#### **Resolution No. 2020-05-19-01 – Continuing Disaster Emergency Declaration**

Ms. Eberle introduced the resolution that would continue the Disaster Emergency Declaration due to the COVID-19 pandemic. Discussion followed and a motion was made by Ms. Nolan and seconded by Mr. Thomas to approve Resolution No. 2020-05-19-01. Motion carried by unanimous vote.

### **MANAGER'S REPORT**

#### **Resolution No. 2020-05-19-02 – Records Disposition**

Mr. Nyman provided an overview Resolution No. 2020-05-19-02 authorizing disposition of records in accordance with the Pennsylvania Municipal Governments Records Retention and Disposition Schedule. Following discussion, a motion was made by Ms. Traina and seconded by Ms. Nolan to approve Resolution No. 2020-05-19-02. Motion carried by unanimous vote.

#### **Resolution No. 2020-05-19-03 – Designation of Agent – COVID-19**

Mr. Nyman provided an overview Resolution No. 2020-05-19-03 authorizing Mr. Nyman to submit reimbursement requests related to COVID-19 to PEMA on behalf of the Township. Following

discussion, a motion was made by Mr. Thomas and seconded by Ms. Nolan to approve Resolution No. 2020-05-19-03. Motion carried by unanimous vote.

#### **Dutchess Farms**

A motion was made by Ms. Nolan and seconded by Mr. Thomas to acknowledge receipt of the request from Toll Brothers dated April 22, 2020 for reimbursement for public improvements completed and to ratify the Manager's direction to the Township Engineer and the Township Water and Sewer Engineer to prepare the necessary reports. Motion carried by unanimous vote.

A motion was made by Ms. Nolan and seconded by Mr. Thomas to accept the reports prepared by the Township Engineer and the Township Water and Sewer Engineer. Motion carried by unanimous vote.

#### **Enclave-Gray Tract**

A motion was made by Mr. Thomas and seconded by Ms. Nolan to acknowledge receipt of the request from Toll Brothers dated April 22, 2020 for reimbursement for public improvements completed and to ratify the Manager's direction to the Township Engineer and the Township Water and Sewer Engineer to prepare the necessary reports. Motion carried by unanimous vote.

A motion was made by Mr. Thomas and seconded by Ms. Nolan to accept the reports prepared by the Township Engineer and the Township Water and Sewer Engineer. Motion carried by unanimous vote.

#### **ENGINEER'S REPORT**

##### **Dutchess Farm Estates - Escrow Release #9 – Site Work**

Mr. Young provided an overview of the project and recommended approval of the Site Work Escrow Release #9 in the amount of \$68,023.48. Following discussion, a motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the Dutchess Farm Estates Site Work Escrow Release # 9 in the amount of \$68,023.48. Motion carried by unanimous vote.

##### **Dutchess Farm Estates - Escrow Release #8 – Sewage Treatment Plant Improvements**

Mr. Young provided an overview of the project and stated that Township Water/Sewer Engineer CKS recommended approval of the Sewage Treatment Plant Improvements Escrow Release #8 in the amount of \$18,500.00. Following discussion, a motion was made by Mr. Thomas and seconded by Ms. Nolan to approve the Dutchess Farm Estates Sewage Treatment Plant Improvements Escrow Release # 8 in the amount of \$18,500.00. Motion carried by unanimous vote.

##### **Enclave at Upper Makefield – Escrow Release #5 – Site Work**

Mr. Young provided an overview of the project and recommended approval of the Site Work Escrow Release #5 in the amount of \$160,728.50. Following discussion, a motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the Enclave at Upper Makefield Site Work Escrow Release #5 in the amount of \$160,728.50. Motion carried by unanimous vote.

##### **Enclave at Upper Makefield – Escrow Release #4 – Water Treatment Plant**

Mr. Young provided an overview of the project and stated that Township Water/Sewer Engineer CKS recommended approval of the Water Treatment Plant Escrow Release #4 in the amount of \$22,000.00. Following discussion, a motion was made by Mr. Thomas and seconded by Mr. Nolan to approve the Enclave at Upper Makefield Water Treatment Plant Escrow Release #4 in the amount of \$22,000.00. Motion carried by unanimous vote.

##### **Enclave at Upper Makefield – Escrow Release #4 – Wastewater Treatment Plant**

Mr. Young provided an overview of the project and stated that Township Water/Sewer Engineer CKS recommended approval of Wastewater Treatment Plant Escrow Release # 4 in the amount of

\$40,200.00. Following discussion, a motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the Enclave at Upper Makefield Wastewater Treatment Plant Escrow Release # 4 in the amount of \$40,200.00. Motion carried by unanimous vote.

### **BOARD AND COMMISSION REPORTS**

There were no Board and Commission Reports.

### **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**

There was no public comment.

Ms. Nolan reminded residents to complete Census forms, vote in the upcoming Primary election, and contact Congressman Fitzpatrick for community volunteer opportunities.

### **ADJOURNMENT**

A motion was made by Ms. Nolan and seconded by Mr. Thomas to adjourn the meeting into executive session at 7:57 p.m. Motion carried by unanimous vote.

### **MEETING RECONVENED**

Following the executive session, Mr. Cino reconvened the meeting. He announced that Dr. Ford did not participate in the executive session as he had previously disclosed a conflict of interest in the subject to be considered (disclosure form attached). He did not participate in this portion of the meeting.

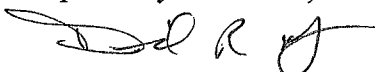
A motion was made by Mr. Thomas and seconded by Ms. Nolan to engage Kutak Rock, LLP to assist staff in a property acquisition consideration. Motion carried by a unanimous vote.

A motion was made by Ms. Nolan and seconded by Mr. Thomas to direct staff to meet with Counsel and prepare for submission a Notice of Intent regarding a public benefit conveyance for Federal surplus property. Motion carried by a unanimous vote.

### **ADJOURNMENT**


A motion was made by Ms. Nolan and seconded by Mr. Thomas to adjourn the meeting at 9:10 p.m. Motion carried by a unanimous vote.



Respectfully submitted,



David R. Nyman  
Township Manager  
Approved: June 16, 2020

CONFLICT OF INTEREST DISCLOSURE

I, Edward J. Ford, , hereby disclose that I have a conflict of interest with regard to the Scott Farm matter. I will not be participating in any discussion of, or voting on any matter involving the Township's interest in or acquisition of the Scott Farm. The nature of my conflict is my personal interest in the property.

  
Edward J. Ford, 

Dated: May 19, 2020