

**Upper Makefield Township Board of Supervisors**  
**April 20, 2021 Meeting Minutes**

The April 20, 2021 meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:38 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, Assistant Township Manager Judy Caporiccio, Township Solicitor Mary Eberle, Esq., Township Engineer Larry Young, P.E., Planning and Zoning Director Dave Kuhns and Chief Mark Schmidt.

**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:

- Street sweeping of Township roads and developments will take place the week of April 26, weather permitting. Please assist by removing trash cans, recycling bins and vehicles from the roadside.
- The National Drug Takeback event will be held Saturday, April 24 from 10 a.m. – 2 p.m. at the Upper Makefield Police Department. If you are unable to make it to this event, there is a dropbox located in the Police Department lobby. Call the Township for more information.
- An Executive Session was held prior to tonight's meeting for litigation matters.

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF MINUTES AND BILLS PAYABLE**

A motion was made by Mr. Thomas and seconded by Ms. Nolan to approve the April 6, 2021 meeting minutes. Motion carried by unanimous vote.

A motion was made by Mr. Thomas and seconded by Dr. Ford to approve the April 20, 2021 Bills Payable List in the amount of \$285,916.06. Motion carried by unanimous vote.

**PLANNING & ZONING ISSUES**

**Melsky Final Subdivision Plan, Stoopville Road**

Attorney Greg Adelman, Esq. represented the applicant and provided a presentation of the Melsky Final Subdivision Plan.

Robert Sokolov, Esq. representing the neighbors, stated this presentation provided little new information and since the applicant is unable to solve the infiltration requirement, recommends the Board deny the plan.

Larry Young, P.E., the Township Engineer, questioned why the applicant had not tested the entire site, including the open space areas, noting that NPDES permits did not satisfy the Township's stormwater requirements, and stated that the applicant had not met the conditions of conditional approval.

Mr. Thomas asked Mr. Young to explain the color coding in his review letter of March 23, 2021. Mr. Young responded that the black print is the original review, the red is a previous review and the green is the latest review.

Ms. Traina requested clarification from Mr. Young regarding his plow plan terminology. Mr. Young

answered that a plow plan is the hardened layer 10 to 12 inches down resulting from years of heavy farm equipment tilling the surface.

Ms. Nolan inquired of Mr. Adelman as to the difference in open space and HOA common ground. Mr. Young answered that the term HOA common ground was a term created by Toll to distinguish areas.

Dr. Ford asked why Township inspectors were not included to observe the last (2019) soil testing. Mr. Adelman answered that Toll was attempting alone to confirm non-infiltration status of the site.

Mr. Cino inquired if any further soil test had been performed since July, 2019. Mr. Young said there has been no further testing.

Mr. Thomas asked for clarification of the Board's 2007 approvals and the stormwater management issue. Mr. Young said the 2007 approval required infiltration BMPs, but the applicant has not addressed the water quality requirements in the Township Ordinance.

Jane Johnson, Eagle Road, shared concerns of current drainage damage caused by the neighboring Toll development in Newtown Township, noted that only 11 homes could be built on this site if the environmental conditions were met and stated that the 2005 Upper Makefield Stormwater Ordinance works for Upper Makefield.

A motion was made by Ms. Nolan and seconded by Mr. Thomas to deny the plan based on the Engineer's review letter of March 23, 2021 and the failure of the applicant to comply with the Upper Makefield Stormwater Ordinance. Motion carried by a unanimous vote.

#### **Demaio Zoning Hearing Board Application, 983 Swayze Ave**

Attorney Joe Blackburn, Esq. and Engineer Kristen Holmes, P.E. represented the applicant and presented the request for a special exception to expand the existing dwelling and a variance to allow for expansion in the floodplain, noting that the dwelling will be elevated to be above flood elevation. The applicant is not seeking relief from impervious surface requirements.

Ms. Traina commended the applicant on the desire to raise the dwelling but shared concerns regarding the request for floodplain soil disturbance caused by enlarging the home. She also clarified with the Township Engineer that FEMA requires that the basement be uninhabitable.

Ms. Nolan asked if raising the structure to meet FEMA requirements provided CRS credits for the Township, which it does.

Dr. Ford noted that river flooding has been a problem for years and indicated opposition to increasing the building footprint, but supported the proposal to raise the building.

The consensus of the Board indicated support for replacement of the septic system.

A motion was made by Dr. Ford and seconded by Mr. Thomas to support the effort to raise the dwelling, but not support any expansion of the building footprint, and recommend restricted use of the ground floor per FEMA regulations. Motion carried by a unanimous vote.

#### **Ebert Zoning Hearing Board Application, 31 Bailey Drive**

Architect Matthew Piotrowski represented the applicant and presented the variance requests for relief from front and side yard setback requirements to allow construction of a covered front porch. The

applicant is not seeking relief from impervious surface requirements. Following discussion, a motion was made by Ms. Nolan and seconded by Ms. Traina to take a neutral position regarding this application. Motion carried by a unanimous vote.

### **SOLICITOR'S REPORT**

#### **JMZO Ordinance – Short Term Rental**

Ms. Eberle introduced the JMZO Short-Term Rental Ordinance which amends the definition of “family.” Mr. Cino opened the public hearing. There were no comments from the public and no comments from the Board. Mr. Cino closed the public hearing. A motion was made by Dr. Ford and seconded by Ms. Traina to adopt the JMZO Short Term Rental Ordinance. Motion carried by unanimous vote.

### **MANAGER'S REPORT**

#### **Heritage Hills Water Storage Tank Maintenance Contracts 2021-2025**

##### **Bolted Steel Glass Lined Water Storage Tank Maintenance Contract**

Following an overview of the project by Mr. Nyman, a motion was made by Ms. Nolan and seconded by Mr. Thomas to award the contract for the Heritage Hills Bolted Steel Glass Lined Water Storage Tank Maintenance Contract to Mid Atlantic Storage Systems, Inc., in the amount of \$45,654.00. Motion carried by unanimous vote.

##### **Welded Steel Water Storage Tank Maintenance Contract**

Mr. Nyman stated that only one bid was received for this project, and it was significantly over budget. Staff is recommending rejecting the bid at this time. Discussion followed and a motion was made by Mr. Thomas and seconded by Dr. Ford to reject the bid for the Heritage Hills Welded Steel Water Storage Tank Maintenance Contract. Motion carried by unanimous vote.

#### **Streetscape Update**

Ms. Traina highlighted the improvements to the village of Washington Crossing by the Streetscape Project, outlined routine maintenance items and reviewed potential capital projects. She proposed an outline for prioritization of Streetscape improvements. Ms. Traina suggested that the Historic Advisory Commission assist by reviewing options for capital expenditures with the Township Engineer for recommendation to the Board of Supervisors and by serving as the community liaison to get input on potential improvements from residents and businesses.

It was noted that despite being a grant funded project, the Township is responsible for continued maintenance of the Streetscape project.

#### **Resolution No. 2021-04-20-01 – Personnel Policy**

Mr. Nyman provided an overview of Resolution No. 2021-04-20-01 amending the Personnel Policy. Discussion followed and a motion was made by Ms. Traina and seconded by Dr. Ford to approve Resolution No. 2021-04-20-01. Motion carried by unanimous vote.

#### **2021/22 Stone/Asphalt Bids**

Mr. Nyman provided an overview of the 2021/22 Consortium Stone and Asphalt Bid. Following discussion, a motion was made by Ms. Nolan and seconded by Mr. Thomas to award the 2021/22 Stone/Asphalt Bid to Eureka Stone Quarry, Inc. for ¾” stone mix, R-4 stone and super pave 19.0 mm binder; and to Hanson Aggregates BMC, Inc. for No. 2B ¾” stone, No. 4 stone ballast, 5-8” mix gabion stone and super pave 9.5 mm wearing as outlined in the Bruce Scott memo dated April 9, 2021. Motion carried by unanimous vote.

### **Deputy Tax Collector**

Mr. Nyman referenced the request of Tax Collector Tom Merchant to accept the resignation of Deputy Tax Collector Cathy Romano and appoint Kathy Ruzic as Deputy Tax Collector. A motion was then made by Mr. Thomas and seconded by Dr. Ford to accept the resignation of Deputy Tax Collector Cathy Romano and appoint Kathy Ruzic as Deputy Tax Collector for Upper Makefield Township subject to approval by the surety bond company. Motion carried by unanimous vote.

### **ENGINEER'S REPORT**

#### **2021 Road Paving Project**

Mr. Young provided an overview of the bid results and recommended awarding the 2021 Road Paving Project to the lowest responsible bidder, Bray Brothers, Inc. Following discussion, a motion was made by Ms. Traina and seconded by Ms. Nolan to award the 2021 Road Paving Project to Bray Brothers, Inc. of Fallsington, PA in the amount of \$539,595.00. Motion carried by unanimous vote.

#### **Schwartz – Site Work Construction Escrow Release #1**

Mr. Young provided an overview of the project and recommended approval of the Schwartz Site Work Construction Escrow Release #1. A motion was made by Dr. Ford and seconded by Mr. Thomas to approve the Schwartz Site Work Construction Escrow Release #1 in the amount of \$137,350.67. Motion carried by unanimous vote.

### **BOARD AND COMMISSION REPORTS**

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

- Environmental Advisory Council – March 9, 2021
- Park & Recreation Board – March 8, 2021
- Planning Commission – February 24, 2021

### **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.

### **ADJOURNMENT**

A motion was made by Ms. Nolan and seconded by Mr. Thomas to adjourn the meeting at 9:48 pm. Motion carried by unanimous vote.

Respectfully submitted,



David R. Nyman

Township Manager

Approved: May 4, 2021