

Upper Makefield Township Board of Supervisors September 7, 2021 Meeting Minutes

The September 7, 2021 public meeting of the Upper Makefield Township Board of Supervisors was called to order by Chair Tom Cino at 7:31 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. and Chief Mark Schmidt.

Members of the public were also 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. In memory of Dave Kuhns, the Township's long-time Director of Planning & Zoning, who passed away last month. Dave was part of the Upper Makefield team for over 29 years, and his sudden loss has been felt by the staff and residents who came to rely on his knowledge and history of the Township.

Mr. Cino also asked that those lost during the 9-11 attacks are remembered as we approach the 20 year anniversary of those tragic events.

ANNOUNCEMENTS

Mr. Cino made the following announcements:

- An executive session was held before tonight's meeting for personnel matters and to seek advice from counsel.

Residents, volunteers, emergency service providers and surrounding law enforcement agencies were thanked for assisting our Police Department in locating a missing person last month. Thanks to this community effort, the person is safe and back home.

- Emergency responders, the Police and Public Works Departments were thanked and recognized for their outstanding and continued efforts as the Township endured the remnants of Hurricane Ida.
- River Road remains closed between Taylorsville Road and Rt. 532 until PennDOT can inspect the integrity of the road and the canal bridge. Please do not remove or drive around barricades.
- Residents were encouraged to register with ReadyBucks to receive emergency notifications or to review and update contact information if already registered. A link to ReadyBucks is on the Township website on the Emergency Management page.

Ms. Nolan congratulated the Police on the Department's 60th anniversary.

Ms. Traina also thanked the Police and Public Works Departments for their efforts during the recent flooding, including knocking on doors to alert residents to potential flooding.

SPECIAL ITEMS

Constitution Week: September 17-23, 2021, Judi Biederman, Regent, Washington Crossing Chapter National Society of Daughters of American Revolution.

Resolution No. 2021-09-07-01 – Proclamation of Constitution Week

Mr. Cino introduced Judi Biederman, Regent of the Washington Crossing Chapter National Society of Daughters of American Revolution and presented her with Resolution No. 2021-09-07-01 proclaiming

September 17-23, 2021 as Constitution Week. Ms. Biederman shared information regarding the Washington Crossing DAR Chapter's activities during the year.

Mr. Cino read Resolution 2021-09-07-01. A motion was made by Mr. Thomas and seconded by Ms. Nolan to approve Resolution No. 2021-09-07-01 proclaiming September 17-23, 2021 of Constitution Week. Motion carried by unanimous vote.

Special Event Request – Revolutionary Run, October 9, 2021

This item was tabled at the applicant's request.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Dr. Ford and seconded by Ms. Nolan to approve the August 4, 2021 meeting minutes. Motion carried by unanimous vote.

A motion was made by Mr. Thomas and seconded by Ms. Traina to approve the August 17, 2021 Bills List in the amount of \$179,794.26. Motion carried by unanimous vote.

A motion was made by Ms. Nolan and seconded by Dr. Ford to approve the September 7, 2021 Bills List in the amount of \$113,538.24. Motion carried by unanimous vote.

MANAGER'S REPORT – PART 1

Part-Time Police Officer

A motion was made by Mr. Thomas and seconded by Ms. Traina to approve the conditional hiring of Ryan Moore as a part-time police officer. Motion carried by unanimous vote.

EAC Tree Fund Expenditure Request

Mr. Nyman provided an overview of the EAC request for a Tree Fund expenditure. Dr. Ford highlighted the environmental benefit, including easing stormwater runoff, that the eventual tree canopy would provide on this particular property recently placed in a conservation easement. The homeowner would be required to follow Township procedures for Tree Grant Program reimbursement. Discussion followed and a motion was made by Dr. Ford and seconded by Ms. Nolan to allow up to \$10,000 in reimbursement for the planting of PA native species trees utilizing the existing Tree Fund on the Edgar Brick Property. Motion carried by unanimous vote.

PLANNING & ZONING ISSUES

Brownsburg Estates Phase XI – Final Subdivision, 386 Brownsburg Road East

Ed Murphy, Esq. provided a brief overview. Mr. Zaveta then provided further detail of the proposed stormwater management plan, noting that it will reduce the number of trees that would be removed from the site. Mr. Murphy stated that the stormwater systems will be privately maintained, and the maintenance schedule will be noted on both the plan and in HOA documents.

Mr. Young stated that the applicant has agreed to install 18" pipe in the roadway, larger risers for ease of access and standardized inlet boxes at the intersection of the private road and Brownsburg Road.

Following discussion, a motion was made by Ms. Nolan and seconded by Dr. Ford to approve the Brownsburg Estates Phase XI amended Final Subdivision Plan subject to the conditions and granting

of waivers set forth in the Planning Commission Recommendations Letter from Grim, Biehn & Thatcher dated September 2, 2021, compliance with the Tri-State Engineers Review Letter dated August 19, 2021, and the installation of 18" pipe in the roadway with larger risers and standardized inlet boxes. Motion carried by unanimous vote.

Brownsburg Estates Phase XI Subdivision Name - Hampton Moore

A motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the name of Hampton Moore for the Brownsburg Estates Phase XI Subdivision and Gadwall Lane as the name of the private road. Motion carried by unanimous vote.

Hausner Zoning Hearing Board Application, 185 Buckmanville Road

Mr. Hausner provided an overview of his Zoning Hearing Board Application requesting a variance for floodplain soil disturbance for a garage addition and pool. Mr. Hausner referenced the Soil Evaluation conducted by Penn's Trail Environmental which summarized that floodplain soils are only present near the stream and not outside the stream channel. Discussion followed and a motion was made by Ms. Traina and seconded by Mr. Thomas to take a neutral position regarding this application to the Zoning Hearing Board. Motion carried by unanimous vote.

Alfaro Zoning Hearing Board Application, 675 Eagle Road

Bryce McGuigan, Esq, represented the applicant and provided an overview of the Alfaro Zoning Hearing Board Application appealing the Zoning Enforcement Notice dated June 10, 2021 and requesting relief for farming operations. He noted that this was a working farm/family business with farm animals, open to the public and including the sale of farm products. Ms. Eberle noted the property has a long history of zoning violations and construction of buildings without permits. Significant discussion followed with all Board members sharing concerns regarding traffic impact, failure to work with the Township regarding building and zoning issues, charging admission fees, number of animals on an 8.79 acre site, septic system concerns and the lack of nutrition management plan required by the ACRE law, among others.

Mike Spiro, 765 Eagle Road, cited concerns about: parking and traffic, 200 vehicles were at the site the previous weekend; the septic system, which is designed for a three bedroom house; advertisements for birthday parties; 400+ chickens in an illegal building 200 feet from his door with accompanying noise and odor; illegal construction debris dumped and spread on the property. He said these conditions are making his property unsellable.

Beverly Haring, 645 Eagle Road, stated that the applicant's presentation was full of mistruths. She said that they are running a business in a residential area, are not following zoning laws, failed to get permits for their many sheds, and that the odor emanating from the property makes her property virtually unenjoyable.

Ms. Susan Drotar, 785 Eagle Road, noted safety concerns and site distance issues caused by loose animals on Eagle Road.

Mr. Tom Drotar , 785 Eagle Road, shared concerns about traffic and loud music on weekends.

A motion was made by Ms. Nolan and seconded by Mr. Thomas to send the Township Solicitor to the Zoning Hearing to oppose the Alfaro Zoning Hearing Appeal and Application, as well as any additional individuals the Solicitor would like to testify. Motion carried by unanimous vote.

SOLICITOR'S REPORT

JMZO Conservation Management District Revisions

Ms. Eberle provided an overview of the JMZO Conservation Management District ordinance revisions. She noted that this amends the Zoning Ordinance to make CM provisions consistent. A motion was made by Ms. Traina and seconded by Dr. Ford to authorize advertisement of the JMZO Conservation Management District revisions. Motion carried by a unanimous vote.

Ostaniewicz Solar Panel Installation, 1042 Washington Crossing Road

Ms. Eberle provided an update of the Ostaniewicz project and advised the Board that the applicant has granted an extension of time for consideration of the proposed solar panel ground array until November 1, 2021.

MANAGER'S REPORT – PART 2

Volunteer Search Team Donation

Mr. Nyman noted that these two volunteer search teams assisted the Upper Makefield Police Department in the search and rescue of a missing person. Following discussion, a motion was made by Ms. Nolan and seconded by Mr. Thomas to approve the contribution of \$500 each to the two volunteer search teams: PA Wilderness Search and Rescue, and Special Unit 66 Search and Rescue. Motion carried by unanimous vote.

Resolution No. 2021-09-07-02 – Sick Day Compensation

Mr. Nyman provided an overview of the resolution authorizing payment to the estate of David A. Kuhns for accrued but unused sick leave. Discussion followed, and a motion was made by Mr. Thomas and seconded by Ms. Traina to approve Resolution No. 2021-09-07-02. Motion carried by unanimous vote.

2016 Dodge Charger

Mr. Nyman reported on the bid for the sale of the 2016 Dodge Charger, which was listed for sale on Municibid. A motion was made by Ms. Traina and seconded by Dr. Ford to ratify acceptance of the bid for sale of the 2016 Dodge Charger to Clifton Colfax Auto Mall for the purchase price of \$7,800.00. Motion carried by a unanimous vote.

Consortium Salt Bid

Mr. Nyman provided an overview of the 2021/22 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 \$57.88/ton. A motion was made by Ms. Nolan and was seconded by Dr. Ford to award the 2021/22 Salt Bid to Morton Salt, Inc. for a delivered cost of \$57.88/ton. Motion carried by a unanimous vote.

2022 Budget Process

Mr. Nyman provided a summary of the 2022 Budget process that includes Budget Workshops on September 14 and September 20, 2021 at 7:00 p.m.; and public presentation of the Preliminary 2022 Budget at the Regular meeting on September 21, 2021 at 7:30 p.m.

Pension Fund – Annual Minimum Municipal Obligation

Mr. Nyman provided an overview of the Police and Non-Police Pension Funds Annual Minimum Municipal Obligation. Following discussion, a motion was made by Dr. Ford and seconded by Ms. Nolan to authorize the Township Manager to sign the Police MMO and Non-Police MMO. Motion carried by unanimous vote.

ENGINEER'S REPORT

Pond View Drive Stormwater Project

Mr. Young provided an overview of the bids received for the Pond View Drive Stormwater Project and recommended awarding the bid to the lowest responsible bidder, R. G. Rutherford, LLC. A motion was made by Mr. Thomas and seconded by Dr. Ford to award the Pond View Drive Stormwater Project to R. G. Rutherford, LLC, Inc. of Ottsville, PA in the amount of \$118,725.00. Motion carried by unanimous vote.

2021 Road Project – Change Order #1

Mr. Young provided an overview of the project and recommended approval of Change Order #1, reducing the contract amount by (\$59,590.90). A motion was made by Ms. Nolan and seconded by Ms. Traina to approve Change Order #1 reducing the contract amount by (\$59,590.90). Motion carried by unanimous vote.

2021 Road Project - Payment Request #2 (Final)

Mr. Young recommended approval of Payment Request #2 (Final) in the amount of \$324,124.27. A motion was made by Ms. Nolan and seconded by Ms. Traina to approve Payment Request #2 (Final) of the 2021 Road Project in the amount of \$324,124.27. Motion carried by unanimous vote.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

A motion was made by Ms. Nolan and seconded by Ms. Traina to adjourn the meeting at 9:45 p.m. Motion carried by unanimous vote.

Respectfully submitted,



David R. Nyman
Township Manager

Approved: September 21, 2021