

Upper Makefield Board of Supervisors

June 7, 2022 Meeting Minutes

The June 7, 2022 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 Ed Ford, Treasurer Tim Thomas, Member Yvette Taylor and Member Ben Weldon. 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., and Planning & Zoning Director Denise Burmester.

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:

- The next Household Hazardous Waste Collection Event is scheduled for June 25 at Central Bucks South High School in Warrington. The event runs from 8:30 – 2:00, rain or shine. Visit BucksCounty.gov/Recycling for more information.
- Residents interested in granting access to their private property to Big Oak Whitetail Management for deer management purposes are encouraged to contact BOWMA at BigOakWhitetail.org. There is no cost to the owner if the property qualifies for the program.
- Registration is open for the 40th annual Revolutionary Run. The 10k, 5k and 1 mile fun run events will be in-person at the [Washington Crossing Historic Park](#) on July 4, 2022. Register online at RevRunPA.com.

Mr. Thomas thanked EAC volunteer Nicole Khan for meeting with Mt. Eyre Manor neighbors to assist in developing a plan to manage their storm water issues.

Mr. Weldon announced that the bridge over the canal at Taylorsville Road is a temporary construction bridge which will eventually be replaced with a traditional camelback truss bridge.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Ms. Taylor and seconded by Dr. Ford to approve the May 18, 2022 meeting minutes. Motion carried by unanimous vote.

A motion was made by Mr. Thomas and seconded by Mr. Weldon to approve the June 7, 2022 Bills Payable List in the amount of \$243,949.20. Motion carried by unanimous vote.

PLANNING & ZONING ISSUES

Kane Zoning Hearing Board Application, 110 Pond View

Ed Murphy, Esq. represented the applicant and provided an overview of the Kane Zoning Hearing Board application requesting a variance for relief from nonconforming impervious surface for installation of a swimming pool and spa, noting the homeowners' efforts to reduce existing impervious surface. Following discussion, a motion was made by Dr. Ford and seconded by Mr. Weldon to take a neutral position on the Kane application. Motion carried by unanimous vote.

Bailey Zoning Hearing Board Application, 1 Pheasant Run Road

Ms. Burmester provided an overview of the request for a variance for disturbance of floodplain soils for construction of a pool. Following discussion, a motion was made by Mr. Thomas and seconded by Dr. Ford to take a neutral position on the Bailey Zoning Hearing Board application. Motion carried by unanimous vote.

SOLICITOR'S REPORT

Sunoco Conditional Use Application

Ms. Eberle provided a summary of the Sunoco Conditional Use Application for the replacement of a portion of pipeline under the river and of the Board's Adjudication. She then read aloud the conditions from the Adjudication. A motion was made by Mr. Weldon and seconded by Dr. Ford to grant the conditional use with the following conditions:

1. The Applicant shall comply with the comments and recommendations of the Township Engineer as set forth in the letter from Tri-State Engineering dated 12/29/21. Compliance shall be to the satisfaction of the township engineer.
2. The pipe replacement shall occur substantially as described in the testimony presented at the hearing.
3. The Applicant shall keep the work site clean and free of debris. The public streets providing access to the Property shall be kept free of mud and dirt.
4. The Applicant shall take all measures necessary to ensure that noise, measured at the Property lines, does not exceed the maximum limits in the Zoning Ordinance. Noise attenuating measures shall include, but not be limited to, the construction of sound walls described in the testimony. The sound walls shall be of sufficient height and shall be located where necessary to prevent noise in excess of the Zoning Ordinance limitations. The noise limits in the Zoning Ordinance may be found at [Township of Upper Makefield, PA Noise Regulations \(ecode360.com\)](https://www.ecode360.com/Township-of-Upper-Makefield-PA-Noise-Regulations).
5. River Road shall remain open during the construction period, and at least one lane of Oakdale Avenue shall remain open during construction.
6. Water necessary for the replacement operation shall be brought in on trucks, and no water line shall be extended to the Property. Trucks shall utilize collector and arterial streets and avoid local feeder streets. Water trucks shall run only during the hours of operation set forth below.
7. The hours of operation at the Property shall be 8:00 am to 6:00 pm, except for the final phase of construction in which the pipe will be inserted into place. The insertion process will occur during a continuous period of approximately twenty-four (24) hours.
8. The Applicant shall work diligently and continuously toward completion of this project and completion, including restoration, shall occur no later than eight months following start construction.
9. At the conclusion of construction, the Property shall be restored to the condition of the Property prior to construction. Trees removed shall be replaced in accordance with the tree replacement requirements of the Township Code Section 22-324 (SALDO). If construction concludes during months when replanting grass and trees is not advisable, the Applicant shall post financial security in an amount acceptable to the township engineer, to guarantee the proper installation of improvements. The restoration shall be completed as soon as weather conditions permit planting. Applicant shall be responsible for the care, maintenance, and where appropriate, replacement of landscaping for a period to include 18 months from the completion of the restoration.
10. As soon as possible after the completion of construction, the Applicant shall do a full width overlay of that portion of Oakdale Avenue and any other public street damaged by the construction activities. The Applicant shall provide financial security in an amount satisfactory to the Township Engineer to guarantee the restoration of the property and the overlay of the roads.

11. The Applicant shall perform an inventory of all private wells within 1000 feet of the Property both before and after construction. If there is an adverse impact to these wells, the Applicant shall remediate or redrill the well to the satisfaction of the Township Engineer.
12. The Applicant shall provide the Township with an emergency contact who will be available by telephone 24 hours a day during construction.
13. The Applicant shall demonstrate to the satisfaction of the Township that it has the easements necessary, not only for the placement of the pipe, but to do all work necessary for this project.

Ellen Radow, 9 Timber Knoll, requested that the Adjudication be posted on the Township website.

The motion carried by unanimous vote.

Ordinance No. 326 – Amending the Non-Uniform Pension Plan

Ms. Eberle provided an overview of the ordinance amending the Non-Uniform Pension Plan. Mr. Cino opened the public hearing. There were no comments by the Board. Ellen Radow, 9 Timber Knoll, requested the cost implications and clarification of inclusion of the interim foreman. Mr. Cino closed the public hearing.

A motion was made by Mr. Weldon and seconded by Ms. Taylor to adopt Ordinance No. 326 amending the Non-Uniform Pension Plan. Motion carried by a unanimous vote.

MANAGER'S REPORT

There was no Manager's Report.

ENGINEER'S REPORT

Mr. Young reported that paving for the 2022 Road Project is completed, and the contractor is finishing joint sealing. He noted that material costs were significantly higher this year.

PUBLIC COMMENT

Ann Longon, 407 Sawyer Lane in Timber Knoll, shared concerns regarding 5-G installations and requested careful review of the provisions in the current draft ordinance being considered by the Jointure.

ADJOURNMENT

A motion was made by Mr. Thomas and seconded by Mr. Weldon to adjourn the meeting at 8:10 p.m.

Respectfully submitted,



David R. Nyman
Township Manager

Approved: June 21, 2022