

Upper Makefield Board of Supervisors February 7, 2023 Meeting Minutes

The February 7, 2023 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 William Oetinger, Esq., Township Engineer Larry Young, P.E., Chief Mark Schmidt 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 Board will hold volunteer board interviews following this evening's meeting.
- Township offices will be closed on February 20 in observance of the President's Day holiday.
- The agenda order will be adjusted due to an unforeseen circumstance that has delayed Dr. Ford's arrival.

SPECIAL ITEMS

Sunoco Pipeline Project Update

Joe Massaro, Project Manager for the Jacob's Creek (Sunoco Pipeline replacement) Project, was unable to attend tonight's meeting. His update will be rescheduled when he is feeling better.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES AND BILLS PAYABLE

A motion was made by Mr. Thomas and seconded by Mr. Weldon to approve the January 17, 2023 meeting minutes. Motion carried by a 4-0 vote. Dr. Ford was not present for this vote.

A motion was made by Ms. Taylor and seconded by Mr. Thomas to approve the February 7, 2023 Bills Payable List in the amount of \$200,317.69. Motion carried by a 4-0 vote. Dr. Ford was not present for this vote.

MANAGER'S REPORT

Special Event Request – Duathlon

Mr. Nyman provided an overview of the Special Event Application for the Bucks County Duathlon on July 16, 2023 from 7 a.m. to 10:30 a.m. The sponsoring organization is the Missy Flynn Fund. Police staffing is requested, however, no road closures will be required. Discussion followed and a motion was made by Ms. Taylor and seconded by Mr. Weldon to approve the request for Township police staffing during the July 16, 2023 Bucks County Duathlon with reimbursement of the police staffing required. Motion carried by a 4-0 vote. Dr. Ford was not present for this vote.

Public Works Foreman

The Board approved the promotion of Laborer Mark Wert to the position of Public Works Foreman, effective February 8, 2023 by a 4-0 vote. Dr. Ford was not present for this vote.

Public Works Laborer

The Board approved the conditional hiring of William Nariskus for the position of full-time Public Works Laborer by a 4-0 vote. Dr. Ford was not present for this vote.

ENGINEER'S REPORT

Worthington Land Holdings, LLC Site Work Construction Escrow Release No. 1 (Final) 2 Deerpath Lane

Mr. Young provided an overview of the project and recommended approval of Site Work Construction Escrow Release No. 1 (Final). Following discussion, a motion was made by Mr. Weldon and seconded by Ms. Taylor to approve Site Work Construction Escrow Release No. 1 (Final) for 2 Deerpath Lane in the amount of \$169,492.51. Motion carried by a 4-0 vote. Dr. Ford was not present for this vote.

Sol Feinstone Elementary Site Work Construction Escrow Release No. 1 – 1090 Eagle Road

Mr. Young provided an overview of the project and recommended approval of Site Work Construction Escrow Release No. 1. Following discussion, a motion was made by Mr. Thomas and seconded by Mr. Weldon to approve the Sol Feinstone Elementary Site Work Construction Escrow Release No. 1 in the amount of \$1,247,958.00 plus accrued interest. Motion carried by a 4-0 vote. Dr. Ford was not present for this vote.

PLANNING & ZONING ISSUES (1)

Community Rating System (CRS) Annual Report

Ms. Burmester noted that the 2022 Progress Report for Annual Recertification for the Community Rating System has been distributed to the supervisors and is posted on the Township website.

SOLICITOR'S REPORT

Triumph Conditional Use Hearing, 439 Brownsburg Road West

Mr. Oetinger provided an overview of the Conditional Use Application to widen the driveway across a riparian buffer to accommodate two residences. He explained the process for a Conditional Use and noted that a court reporter was present to transcribe the hearing. Mr. Cino then called to order the public hearing and read a prepared statement into the record. Dr. Ford arrived at 7:45 p.m.

The applicant was represented by Ed Murphy, Esq.

Mr. Cino closed the public hearing. Mr. Oetinger stated that the Board will issue an adjudication on the Triumph Conditional Use Application within 45 days.

PLANNING & ZONING ISSUES (2)

Triumph Preliminary/Final Minor Subdivision Plan - 439 Brownsburg Road West

Ms. Burmester provided an overview of the application for a 2-lot subdivision. There is an existing dwelling on one lot and proposed construction of a single family dwelling on the second lot. The Planning Commission recommended approval of the application with the conditions that the property owners sign a Stormwater Operations and Maintenance Agreement, there is a shared driveway easement for perpetuity and there is compliance with the Township Engineers Review Letter dated January 19, 2023.

Ed Murphy, Esq., represented the applicant and acknowledged all of the above. He noted that there is no proposed tree disturbance, compliance with the Tri-State Engineer's review letter, development of an Operation and Maintenance Agreement to monitor maintenance of the stormwater facilities, and Triumph's provision for stormwater controls on the property that currently do not exist.

John Ryan, 447 Brownsburg Road, requested that the Board delay approval of this plan until regional stormwater issues are addressed, stating that existing culverts on Brownsburg Road are ineffective. He also expressed concern about the practicality of enforcement of BMP maintenance. Mr. Young stated

that stormwater management systems on this site are overdesigned and that the proposed subdivision meets Township ordinances.

James Gallagher, 447 Brownsburg Road stated that he and Mr. Ryan are not the only neighbors concerned about and affected by stormwater issues along Brownsburg Road. He asked the Board to mitigate the current stormwater issue before granting approval.

Board members shared knowledge of the stormwater concerns and referred the issue to the EAC for a recommendation with a request to prioritize this matter. The Board asked Township Engineer Larry Young to attend the EAC meeting.

The consensus of the Board was to table consideration of approval until the next Board meeting. The applicant acknowledged that an extension had been granted.

Planning Module for 439 Brownsburg Road West

Consideration of this item was tabled until the next Board of Supervisors meeting.

PUBLIC COMMENT

Priscilla Linden, Washington Crossing, inquired about the status of a replacement for St. Mary's EMS.

Bob Palmer, 44 Bailey Drive, asked if a replacement EMS would be an ALS service.

ADJOURNMENT

A motion was made by Mr. Thomas and seconded by Ms. Taylor to adjourn the meeting at 9:11 p.m.

Respectfully submitted,



David R. Nyman
Township Manager

Approved: February 21, 2023