

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – APRIL 1, 2015

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 1, 2015. Ms. Tyler called the meeting to order at 7:30 p.m. Ms. Tyler announced that Chief Coluzzi is absent this evening as he and the Command Staff of the Police Department are in Harrisburg being awarded Official Accreditation Status by the Pennsylvania Chiefs of Police Association which is further proof of the excellence of the Township Police Department which serves the Township well.

Those present:

Board of Supervisors: Kristin Tyler, Chair
 Dan McLaughlin, Vice Chair
 Jeff Benedetto, Secretary
 Dobby Dobson, Treasurer
 Ron Smith, Supervisor

Others: Terry Fedorchak, Township Manager
 Jeffrey Garton, Township Solicitor
 Mark Eisold, Township Engineer

Absent: Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Eugene Pevzner, Yardley, Pennsylvania asked the Board of Supervisor to stop using glyphosate which is the main ingredient in Round Up. He stated studies have shown this chemical to be cancer causing. He provided this evening a print out about this. Mr. Kall, Director of Public Works, stated they are using this to keep weeds out along the curb line in front of the open space areas. He stated they spray it once a year in the spring. Mr. McLaughlin asked if this is used at the Golf Course, and Mr. Kall stated to his knowledge they do not. Mr. Benedetto asked Mr. Kall how much they use a year, and Mr. Kall stated they purchase two, two and a half gallon containers which is cut forty to one, and they apply this to forty to sixty miles of curb. Mr. McLaughlin asked Mr. Kall if he is aware of any alternative, and he stated he does not know of an alternative; however, he agreed to look into an alternative that would be a green option. Mr. Pevzner was asked to provide his information to Mr. Fedorchak and Mr. Kall.

Mr. Smith stated possibly the EAC could look into this as well. Mr. Alan Dresser, Chairman of the EAC, was present; and he stated they already talked to Mr. Pevsner at their previous meeting, and they felt he should talk to the Board of Supervisors to see if they wanted the EAC to look into this. Ms. Tyler asked that the EAC look into this further.

Mr. Pevsner stated he also has a petition showing support. He stated this chemical is also being used on other properties such as the Patterson Farm. He stated he knows that there are alternatives, and the information he has provided also shows other Townships which have banned this chemical. Mr. Benedetto stated he understands one of the alternatives is called Burnout 2 which is a clove oil product and vinegar is also an alternative.

Ms. Tyler asked that Mr. Stewart who farms Patterson Farm weigh in on this as well.

Mr. Ray Christensen and Ms. Marjorie Christensen, 859 Gainsway Road, Carriage Hill Subdivision were present. Mr. Christensen stated they are concerned about light pollution in their neighborhood. He stated a neighbor has installed LED flood lights facing his home. He stated they spoke to their neighbors, but following that the lights were blinking on and off every three to four minutes. Mr. Christensen stated there is another neighbor who has thirteen lights including two flood lights that are illuminating their bedroom. Ms. Christensen stated she has lived in the home for forty-three years; and while there were lights, with the new technology the lights are so bright they are invasive. She stated there are no shields on the lights.

Ms. Tyler stated the mechanism by which the Township can take action is when a resident makes a complaint, and they will then have the Code Enforcement Officer look into whether or not there is a violation. Ms. Christensen asked if they would have someone come out at night, and Mr. McLaughlin stated they would go out and test it. Mr. and Mrs. Christensen were asked to provide their contact information to Mr. Fedorchak, and they did so this evening.

Mr. David White, Yale Drive, stated the Railroad is making a lot of progress and have adjusted the schedule on what they are working on. He asked about the implementation of the construction for the channelization in pursuit of the Quiet Zones.

Ms. Tyler noted the Railroad crossing at Stony Hill Road will be closed from Friday, April 10 at 7 p.m. until Monday, April 14 at 5 a.m.

Mr. Eisold stated with regard to the Quiet Zones, the Notice of Intent letter to establish the Quiet Zones has been submitted to all the required parties. He stated last evening there was a meeting with the effected residents, and for the most part

everyone was satisfied with the exception of one resident that still has concerns regarding his driveway; and they are continuing to look into some other alternatives. Mr. Eisold stated the PUC Application has been completed, and it will be forwarded by the end of the week to all parties. Mr. Eisold stated they are still waiting for the PennDOT Multi-Modal Grant Agreement which they were told would be received the beginning of April.

Mr. White asked Mr. Eisold when he feels they will begin construction, and Mr. Eisold stated they were hopeful that they would begin in the fall.

Mr. Fedorchak asked Mr. Eisold if PennDOT has taken a position on the Quiet Zones, and Mr. Eisold stated they have not. He stated PennDOT representatives did attend the initial kick off meeting. Mr. Eisold stated two of the roads – Heacock and Stony Hill – are PennDOT roads, and he is in the process of putting together the Highway Occupancy Permit Applications for PennDOT's review. Mr. Eisold stated he does not feel that PennDOT has had any concerns up to this point.

Mr. Smith stated there are signs on Township Line Road indicating that road is going to close on April 10, and Mr. Eisold agreed to look into this. Mr. Fedorchak stated he feels that Township Line Road is slated to be closed the first week of May, and they will look into this and make sure that what is on the Website is correct.

Ms. Judy Curlee, 551 River Road, stated she is a member of the Artists of Yardley Board and announced they have scheduled a reception for April 10. She stated they would like to hang a banner as well so they can reach out to the community. She stated Bucks County has a history of art, and the arts add to the Township property values.

Mr. John Lewis, 1550 Surrey Brook Court stated in October, 2013 the Board selected Clarke Caton Hintz a New Jersey firm with a \$150,000 no-bid Contract to be the architect for the Community Center. Mr. Lewis stated the firm had a prior record of pay-to-play violations with the Mercer County Republicans. He stated at the time of the selection, the Board stated they needed to go without a bid because they wanted to save time and money. Ms. Tyler stated the Board was not required to put this out to bid, and Mr. Lewis stated he understands that. Ms. Tyler stated this firm had worked on plans for the Lower Makefield Community Center previously.

Mr. Lewis stated the Board advised CCH that they were planning a Budget of \$1 million for construction; and Clarke Caton Hintz indicated there would be a time frame of six months for design/construction documents, and six to nine months for construction. Mr. Lewis stated it is now seventeen months later, and the proposed budget has gone from \$1.2 million to \$2.65 million.

Mr. McLaughlin stated they doubled the size of the Community Center, and the \$1.2 million was for a 4,000 square foot Center. He stated the Board doubled the size of the Community Center based on input from the community. He stated the EAC and the Planning Commission also recommended that there be additional site plan work to save the tree line, and this increased the cost.

Mr. Lewis stated the estimated cost per square foot is \$215. He stated he went to RSMMeans which is an industry source of information on materials, labor, and construction costs; and if you look at their data for Community Center construction the average cost per square foot using Union labor is \$139 Nationwide.

Mr. McLaughlin stated at this point the Board has not approved anything, and the \$215 per square foot was only a quote. Mr. Dobson stated this was only an estimate, and the architect indicated it was a conservation estimate. Mr. Dobson stated this is premature until the Bids come in.

Mr. Benedetto stated in March, 2013 there was a vote by the Board (Mr. Dobson not in attendance) of three to one to proceed with Option 3 which was the larger square foot option. He stated now there is an estimate which was higher than anyone would have foreseen since \$1.5 million was previously what was being discussed.

Mr. Dobson stated at the last meeting he agreed to put this out to bid but also indicated that he was extremely concerned with the \$2.4 million estimate.

Mr. Lewis stated he does not want to derail the project but wants there to be tougher oversight of Clark Caton. Mr. Lewis stated he also does not feel that the Township has a real plan as to how they are going to operate the Community Center in terms of cost and support. He asked that the Board look into this further to make sure that they build the Community Center in a cost-effective manner. Mr. Dobson stated that is what he is going to do.

Mr. Benedetto asked if the Township still has the Responsible Contractor Ordinance on the books, and the remaining Board members and Mr. Garton agreed that they do. Mr. Benedetto stated with regard to the average cost per square foot for Union labor, he does not see any reason why they should have the Responsible Contractor Ordinance. Mr. Garton stated the Township still has to pay prevailing wages because they are using public dollars. Mr. Benedetto asked if a non-Union company could bid on the job if they have the Responsible Contractor Ordinance; and Mr. Garton stated they could, but they would have to pay prevailing wages.

Mr. McLaughlin stated the only thing they changed in the Responsible Contractor Ordinance was the removal of the requirement that there be a Class A Apprenticeship training program which would be a Union-only standard.

Mr. McLaughlin stated they felt that this was unfair since it precluded a lot of the local contractors from bidding on Township jobs. Mr. Smith stated they wanted responsible contractors in the community, but they did not want to exclude local contractors some of whom had actually helped build the Township Municipal Building. Mr. McLaughlin stated this also significantly lowered the cost of doing business, because when there is a restricted number of contractors able to bid, the costs go up. Mr. McLaughlin stated the Board did their homework and were considering responsible financial management and responsible contractors.

Mr. McLaughlin stated the Veterans Committee broke away from the Township and formed their own 501C3 to build the monument so that it would not be governed by prevailing wage, and the price of the monument went from \$250,000 to approximately \$140,000.

Mr. Zachary Rubin, 1661 Covington Road asked if they did not go out to in the bond market to borrow \$1.4 million for the Community Center, and Ms. Tyler stated they did not.

Mr. Benedetto stated they have spent money on the Community Center project in terms of professional fees, and he felt part of the Dalgewicz settlement went to professional services.

Mr. Rubin stated when the bond company was before the Board previously, they were discussing going out for a new bond issue for the coming year, and he felt they talked about borrowing money for the Community Center. Mr. Fedorchak stated the bond issue they were discussing does not include any new money, and was purely a re-financing of the 2005 and the 2001 issue.

Mr. Rubin stated he felt the Township Manager suggested that they go out and borrow money for the Community Center, and Mr. Fedorchak stated he did make this recommendation to the Board.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated the Carry the Load Events will be coming back to Yardley Borough, and information is available on the Web.

Ms. Doan stated she presented a plan for the preservation of Patterson Farm to the Board, and Mr. Smith met with her about this. She stated she feels she has a plan that will enhance the beauty of Patterson Farm. She stated the Plan is posted on PattersonFarmPreservation.com, and it involves volunteerism, getting the community together, donations of various kinds, various events that will raise awareness for farmland preservation and historic preservation. She thanked

Mr. Benedetto for his support. She stated a member of the community has pledged to donate a portion of the funds raised from the sale of his painting of the Farm to the preservation effort. She stated a genealogist has researched the property and compiled a family tree of the property. She also stated Mr. Jeff Hirko is present and he is a carpenter who has pledged his carpentry/painting skills to try to rehabilitate the house. She stated prior to the Township acquiring it, there were people who preserved it; and she feels they should preserve it for those in the future. She stated she would like to get the work started immediately.

Mr. McLaughlin stated he feels the Board should look at what it would take to permanently preserve the Farm. He stated the County money does not seem like it will come to fruition. He asked Mr. Garton what they would need to do to permanently preserve the Patterson Farm so it could never be developed. Mr. Garton stated they could file a Unilateral Declaration of Restrictions and Covenants as long as they provide to a third party besides the Board of Supervisors the right to enforce that. Mr. McLaughlin asked who the third party would be, and Mr. Garton stated it could be the Heritage Conservancy, a land trust, or other philanthropic organization. He stated he feels they could find the appropriate entity to do this if the Board wished to pursue this.

Mr. McLaughlin stated he would like to make a Motion that the Board of Supervisors direct the Township solicitor and Township Manager to formulate a plan in the next sixty days to permanently preserve the Patterson Farm.

Ms. Tyler stated the Patterson Farm and the Satterthwaite House are not the same, and the Satterthwaite House has been subdivided on slightly more than five acres and it is now its own entity. She stated she feels they all agree with locking down the farmland on the farm. Ms. Tyler stated the question of the preservation of the Satterthwaite House is a separate issue. Mr. McLaughlin stated he does not have a good solution for the House, but he would like to permanently preserve the Farm.

Ms. Doan stated the land is a simple matter as she has talked to Doug Wolfgang at the Pennsylvania Farmland Preservation office, and the Township has the option to enroll the program without the State funding. Ms. Doan stated she still feels that the Township is entitled to the funds. Mr. McLaughlin stated he would still like to solve the one issue so that they do not have to argue as to whether or not the Farm is preserved.

Mr. McLaughlin moved and Mr. Smith seconded that the Board of Supervisors direct the Township solicitor and Township Manager to present to the Board within sixty days viable recommendations that do not entail any money outlay of taxpayer funds to permanently preserve the Patterson Farm.

Ms. Tyler stated if there is money out there, they should look into this as well. She stated she is concerned about giving up authority over our own land.

Mr. McLaughlin stated he would also be in support of preserving the Farm as is currently.

Mr. Smith stated Supervisors come and go, but they have a fiduciary obligation to the community to keep costs contained. He stated the Farm is a legacy which the Supervisors will pass on to the next Supervisors, and they have the obligation to make sure the property is locked down so that future Supervisors or Boards could not destroy that legacy.

Motion carried unanimously.

Mr. Smith asked if there is something that they can do as a community with the Satterthwaite House to make it appear better than it does currently. Ms. Doan stated people are very excited about getting into the House and begin work, and they would like to paint the outside of the house first.

Mr. McLaughlin asked Mr. Garton if the House could be transferred to a 501C3 so that the ownership would pass from the Township to a non-profit organization. Mr. Garton stated it would have to be a qualifying organization under the Second Class Township Code, and he agreed to look at the list of potential recipients so that they would not have to go through a bidding process. Mr. McLaughlin asked if the Lower Makefield Citizens for Satterthwaite House formed a 501C3, how long would it take them to be able to purchase this so the Township could convey ownership to them. Mr. Garton stated if they are only looking to convey it for a dollar, it could take a year for them to go through the 501C3 Certification. He stated if the Township wanted them to guarantee improvements and repairs, that would involve a fundraising effort. Mr. Garton stated he will provide the Board the enumerated list of recipients for public property.

Mr. McLaughlin asked Ms. Doan to reach out to these organizations when they get this list and invite them to come to the Board meeting. Ms. Doan stated she is the organization. Mr. McLaughlin stated these would be the established organizations that delve into historical houses. Ms. Doan stated she feels it should be the community that does this. Mr. McLaughlin stated he is concerned that they do not have the financial backing. Ms. Doan stated he should not doubt the community.

Ms. Tyler stated the estimate to repair the House is between \$500,000 and \$750,000. She stated she watched a group of fifteen people for six years struggle to raise the money for a monument to the Veterans of the United States, and they raised \$140,000 in six years and was a monumental effort. Ms. Tyler stated the

Satterthwaite House needs structural repairs. Ms. Doan noted other properties which were in far worse shape than the Satterthwaite House and have been transformed.

Mr. McLaughlin stated he would like to see if they can find viable options at a more established level, and he would be willing to get the House into the hands of people who can make a difference. He stated the Township does not have the funds to do the House justice, but there are people who probably can. Ms. Doan stated there are scores of people who have restored older homes. Ms. Tyler expressed concern with the condition of the Satterthwaite House.

Ms. Doan stated they have subdivided off five acres that are crucial for the farmer to get on and off the land, and Mr. McLaughlin stated they could do what they must to make it work.

Mr. Smith stated a number of years ago Kids Kingdom was built by volunteers at no expense to the Township; however, Mr. Fedorchak stated the Township paid for the materials. Mr. Smith stated he feels they can work on the House as a community to make it look better, and he would be willing to give them this opportunity and he feels there are hundreds and hundreds of people who will come out and volunteer their time and donate funds.

Ms. Doan stated she has talked to people who have been involved in preservation of other historic properties in the area.

Mr. Jeff Hirko, 1450 Dolington Road, stated his property was going to be demolished, and he brought the house back. He stated he has been doing this work for thirty-six years, and he is familiar with preservation. He stated he has walked around the House several times; and while there may be structural issues in the House, he does not feel the House is falling down. He feels this project could be done in a short amount of time. Ms. Tyler asked if he has been in the House, and Mr. Hirko stated he has not. Ms. Tyler asked about the costs involved, and Mr. Hirko stated there does not have to be a cost to anyone. Ms. Tyler asked who would buy the materials; and Mr. Hirko stated once the project gets started, he feels there will be a lot of community people get involved in this. He stated the estimates the Township has received are over inflated. He stated you can do it with sweat equity. He stated the carpentry on the outside of the House that needs repair is minimal. He stated glazing of the windows is not a problem, and he has done this kind of work for years. He stated he has also contacted Sherwin Williams, and they are more than happy to donate the majority of the product to paint the entire outside of the House including the glazing of the windows, the priming, and the paint.

Mr. Hirko asked if there is any way that the Township can go back on the Subdivision and incorporate it back into the Farm, and Ms. Tyler stated they cannot do anything with the property right now. She stated she there is a concern about liability if they allow people to work on the House now. Mr. McLaughlin stated they would have to separate the ownership of the House from the Township. He stated if someone comes to the Board indicating they have formed a 501C3 and are willing to take ownership of the House and advise how they will fix the House with the people, resources, and financing to do it within a certain period of time, the Board would consider this.

Ms. Helen Heinz, 1355 Edgewood Road, stated the “bones” of the House are good, and she feels it could be done with volunteers; and she feels he community will come out and support it. She stated with regard to Patterson Farm, she is concerned about preserving the Farm by giving it to some other entity. Mr. McLaughlin stated he did not say this. He stated they were going to look for some kind of documentation that allows the development rights of that land to never be left to the decision of the Board. Ms. Heinz stated she understands that they want to make sure that the property will always be farmed. She stated currently on the Farm there is Bright Farms and the Artists of Yardley, and if they freeze it in time right now with the uses they have on it now and do not do anything “worse,” she feels she would rather see it in the control of the Board of Supervisors rather than to something else. Mr. McLaughlin stated the concern is that some Board in the future may do something else.

Mr. Garton stated they are not passing authority to anyone else, but they need someone to enforce the restrictions. Mr. McLaughlin stated it could possibly be the Farmland Preservation Corporation, and Ms. Heinz agreed this would be a good idea.

Mr. Dobson stated they have tasked the Township solicitor to come up with a list. Mr. Garton stated whenever you impose restrictions on your own property in order to prevent a future Board from undoing it, you need to include within the document a third party to enforce those restrictions – this would not be to take ownership or possession. He stated they need to find the right entity to be the enforcer of the restrictions.

Ms. Heinz stated Bright Farms went in on restricted land where there was an Easement granted to Bucks County. Ms. Tyler stated Bright Farms was approved as an acceptable activity to take place on the Conservation Easement since it was an agricultural use.

Ms. Heinz stated she would be willing to help out with the Satterthwaite House in any way she can, and she knows there are contractors, designers, and people ready to go; and she feels that the Board of Supervisors should at least try it.

Mr. Smith asked Mr. Garton if the Farmland Preservation Corporation would be an acceptable authority, and Mr. Garton stated because the Board of Supervisors approves the members to the Farmland Preservation Corporation, this would be problematic.

APPROVAL OF MINUTES

Mr. Benedetto moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of March 4, 2015 as written.

APPROVAL OF MARCH 2, 2015 AND MARCH 16, 2015 WARRANTS LISTS AND FEBRUARY, 2015 PAYROLL

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to approve the March 2, 2015 and March 16, 2015 Warrants Lists and February, 2015 Payroll as attached to the Minutes.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR 747 STONY HILL ROAD

Mr. Fedorchak stated this is to construct a pole barn on the property of Joe and Paul DeLong, and has been approved by HARB.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Certificate of Appropriateness

APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR 661 HEACOCK ROAD (VILLA ROSA)

Mr. Fedorchak stated the proposal is to take their front door and move it into the area of the bay window in order to create a vestibule/lobby within the interior and there will be some interior modifications to improve the comfort of their patrons. He stated HARB reviewed and unanimously approved this.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Certificate of Appropriateness.

APPROVE EXTENSION REQUEST FOR JENNINGS TRACT

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to grant an Extension for the Jennings Tract to June 30, 2015.

DISCUSSION AND APPROVAL OF FINAL SUBDIVISION PLAN FOR MOON NURSERIES TRACT

Mr. Garton stated the Applicant proposes to subdivide Tax Parcel #20-3-36-1 into fifteen Residential lots. The property is located at 1955 Quarry Road in the R-1 Zoning District. The Plans are dated 11/26/13, last revised 12/31/14. He stated the Board of Supervisors approved the Preliminary on 11/5/14. He stated the Planning Commission recommended Final Plan Approval at their meeting on March 23, 2015 subject to certain Conditions.

Mr. Edward Murphy and Mr. Greg Glitzer were present. Mr. Murphy stated the Planning Commission and the Board of Supervisors Approved the Preliminary Plan early last November, and since then they have prepared and submitted the Final Plans which were reviewed by the Township consultants and most recently by the Planning Commission which recommended approval. Mr. Murphy stated he has had discussions with Mr. Garton and Mr. Eisold, and they have no issues with any of the remaining comments in the review letter.

Mr. McLaughlin moved and Mr. Dobson seconded to approve the Final Plans subject to:

- 1) Continued compliance with all Conditions imposed as part of the Preliminary Plan Approval to the extent not modified or resolved by the Final Plan Approval;
- 2) Compliance with the Boucher & James reviews dated 3/2/15 and 3/23/15;
- 3) Compliance with the Tri-State Engineers letter dated 3/5/15;
- 4) Compliance with the Bucks County Planning Commission review letter dated 3/11/14 accept with the grant of the following Waiver which resolves one of the issues;

- 5) Approval of an additional Waiver from the Subdivision Land Development Ordinance from Section 178-38 so as to permit a reduced turn-around area for Red Maple Drive. Proposed is 16' by 20' and the required is 56' by 75';
- 6) Funding of Development and Security Agreements;
- 7) Contribution to the Township a Fee-In-Lieu of the reduced sidewalk and cartway widths in the amount of \$60,042.85 to be contributed at the time the Development Agreements are approved and executed by the Board.

Mr. Murphy agreed to the Conditions.

Mr. Benedetto asked if there has been any further discussion with the owners of the Cemetery, and Mr. Murphy stated there has been no further discussion.

Mr. David Krewson was present and stated he is present with three representatives of the Newtown Presbyterian Church, and they are interested in the status of the old cemetery. He stated there was previous discussion with the Board of Supervisors with regard to straightening the road and whether or not doing that was in the interest of the Township. He stated the cemetery would interfere with the straightening of the road, and they felt that the Township was perhaps interested in straightening the road. He stated the Church was discussing possibly removing some of the bodies from the cemetery including the first installed Pastor of their Church.

Ms. Tyler stated that road improvement is not in the road paving budget this year, and they have not acted on it at this point; and it is not a part of this Application.

Mr. Garton stated he understands that there is a significant buffer between the cemetery and the improvements; and Mr. Eisold agreed that there is a fair amount of land around that cemetery. Mr. Glitzer stated there is a common open space area of over an acre behind the cemetery where there would not be Lot lines. He stated there is a variable width separation to the nearest lot from 100' up to 172'.

Mr. McLaughlin stated he felt that the Citizens Traffic Commission felt the bend provided a natural calming effect, and that the Chief agreed with that as well. Ms. Tyler stated it was indicated that if the road were straightened out, it would be a straight-away with two Elementary Schools in the area. Mr. Dobson stated several residents were concerned about this as well.

Mr. Benedetto stated he felt that there was discussion about having the developer talk with the owners of the cemetery to see if there was something could be done in terms of contributing to the Church. Mr. Benedetto stated he is concerned that it remain in the same state it is in. Mr. Krewson stated they are currently doing some things to maintain the cemetery, but long-term it is a matter of money. He stated if they remove the bodies, there is a procedure that must be gone through including x-raying the site to see if there are any bodies there; and the removal process is quite expensive. Mr. Krewson stated they felt the Township's interest would not only be the highway, but also the historic nature of the cemetery.

Mr. Alan Dresser stated the Plans shows the developer wants to put a Conservation Easement on thirteen acres of the property back along Core Creek, and he asked if the language of the Conservation Easement has been drawn up. Mr. Garton stated it has not. Mr. Dresser asked if the EAC would be given an opportunity to look at it, and Mr. Garton agreed they would.

Motion carried unanimously.

Mr. Garton stated the Board met in Executive Session for fifteen minutes prior to the meeting to discuss the potential litigation of the three Zoning Hearing Board matters.

ZONING HEARING BOARD MATTERS

With regard to the Matthew and Dawn Corcoran Variance request for the property located at 5 Pevsner Road in order to permit construction of an addition resulting in greater than permitted impervious surface and encroachment into the front yard setback it was agreed that this be left to the Zoning Hearing Board.

With regard to the Victor VanDyke matter, Mr. Garton stated the Board previously authorized the engineer and the Solicitor's office to appear on behalf of the Township and it was agreed that the amended Application for additional Variances for the property located at Elm Avenue, Yardley, in order to permit minimum setback lines to be measured from lot lines rather than from the limit of the resource protected areas and requiring every principal building to be built on a lot with frontage on a public street or road improvement to meet Township standards does not change that authorization.

With regard to the Richard ad Tracy Hude Variance request for the property located at 1017 Randolph Drive in order to permit construction of a sunroom resulting in encroachment into the rear yard setback it was agreed that this be left to the Zoning Hearing Board.

SUPERVISORS REPORTS

Ms. Tyler the Bucks County Performing Arts Center will have a Jazz Concert on April 11 at 7:30 at the Yardley Community Center. Ms. Tyler stated on May 3 at the Masonic Lodge from 3 p.m. to 4 p.m. there will be a presentation by Emmy-nominated filmmaker Robert Child and a panel discussion with three local Veterans – Edward Torres, Frank Fazzalore, and Robert Hileman. She stated there is additional information about this event on the Township Website.

Mr. Dobson stated the Citizens Traffic Commission is hosting an event in conjunction with St. Mary's on May 16 at the Township Building on the proper installation of a child's restraint seat. Mr. Dobson stated the Park & Recreation Board met and they will look into potential areas for a Dog Park, and will make a recommendation to the Board of Supervisors.

Mr. Smith stated the Economic Development Commission is in desperate need of members as they are having difficulty maintaining a quorum. Mr. Benedetto stated Mr. Mark Goodman is still interested in this, and he had interviewed in the past. Mr. Smith asked that those interested send a letter of interest to the Township Manager so that they can be scheduled for an interview. Mr. Smith stated the Electronic Media Advisory Committee are coming up with a plan they would like to present to the Board of Supervisors in May.

AWARD FUEL BIDS FOR PERIOD MAY 1, 2015 TO APRIL 30, 2016

Mr. Kevin Kall was present and stated the Township participates in the Bucks County Consortium in which Townships bid on road salt, fuel oil, etc. He reviewed the information on the bids which had been provided to the Board.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to award the bid for diesel fuel to Superior Plus Energy Services and for regular gasoline to PAPCO, Inc.

Mr. Fedorchak asked Mr. Kall about the price per gallon currently compared to six months ago. Mr. Kall stated the price per gallon for unleaded is now less than \$2.

Mr. McLaughlin stated that the Public Works crew did an excellent job this winter.

Mr. Dobson also thanked Mr. Kall for getting PennDOT out on Lindenhurst Road today since that road was in very bad shape. Mr. Dobson stated he would like the Township to consider the purchase of a machine called the Falcon that can fill potholes year round. He stated they would be able to use their own millings in this

machine so that they would not have to wait for the asphalt plants to open. Mr. Kall agreed that this would pay for itself in two to three years. Mr. Kall was asked to put together a proposal on this.

Mr. Benedetto asked if they would be able to do work on State roads and get reimbursed. Mr. Kall stated they could not because the State has to have a certified mix. Mr. Smith asked if the Township is allowed to do anything on State roads, and Mr. Kall stated in emergency conditions they have been directed by the Police Department to take action; and they can then go out.

Mr. Kall stated in talking to his counterparts in the surrounding areas, it normally takes twelve hours to clear the roads after a storm, and this year for the most part Lower Makefield was clear in six hours.

Mr. Kall asked residents to contact the Township about potholes on Township roads.

Ms. Judy Curlee asked the cost of the machine Mr. Dobson and Mr. Kall were discussing, and Mr. Kall stated it would be approximately \$38,000.

APPROVE ADVERTISEMENT OF ORDINANCE AUTHORIZNG THE REFINANCING OF THE 2010 ISSUE

Mr. Fedorchak stated this is the first step in the refinancing process that was previously discussed. He stated he hopes to have Mr. Walker present at the April 15 meeting to review the parameters of the Ordinance.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve advertising the Ordinance.

APPOINTMENTS

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to appoint Mark Goodman to the Economic Development Commission.

April 1, 2015

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There being no further business, Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeff C. Benedetto", with a long horizontal line extending to the right.

Jeff Benedetto, Secretary