

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – FEBRUARY 19, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 19, 2014. Chairman Dobson called the meeting to order at 7:35 p.m.

Those present:

Board of Supervisors:       Dobby Dobson, Chairman  
                                      Dan McLaughlin, Vice Chairman  
                                      Pete Stainthorpe, Secretary  
                                      Kristin Tyler, Treasurer  
                                      Jeff Benedetto, Supervisor

Others:                         Terry Fedorchak, Township Manager  
                                      John Koopman, Township Solicitor  
                                      Mark Eisold, Township Engineer  
                                      Kenneth Coluzzi, Chief of Police

**APPROVAL OF RESOLUTION NO. 2276 RECOGNIZING GREG CAIOLA FOR HIS DEDICATED SERVICE TO LOWER MAKEFIELD TOWNSHIP AND ITS RESIDENTS AND DESIGNATING THE SAMOST TRACT BASEBALL FACILITIES AS THE GREG CAIOLA COMPLEX**

Mr. Dobson stated Mr. Caiola was a pillar of the Township working tirelessly for the residents, PAA, and the Bucks County Society for the Performing Arts.

Mr. Stainthorpe stated he served with Mr. Caiola for the six years of his term, adding that Mr. Caiola was a gentleman who always approached things as to what was best for Lower Makefield. He stated being able to name the fields for Mr. Caiola is a great honor. He noted he and Mr. Caiola met with PAA and YMS to discuss their needs, and as a result of those meetings it was decided to proceed with the two baseball fields that have just been finished. Mr. McLaughlin stated he served with Mr. Caiola for two years, and as a new Supervisor Mr. Caiola had called him to explain the role of Supervisor which was very kind, and he saw Mr. Caiola as a mentor who will be sorely missed. Mr. Benedetto offered Mr. Caiola's family his thoughts and prayers. He stated he never heard anyone say a bad word about Mr. Caiola, and he is happy to be able to do this for him.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to approve Resolution No. 2276. Mr. Dobson read the Resolution into the record. A copy of the Resolution was presented to the family.

State Representative Steve Santarsiero was present and thanked the Board for the Resolution just passed which is a fitting tribute to their friend who was loved by everyone in the community. Mr. Santarsiero stated Mr. Caiola treated everyone with respect no matter who they were. He stated he was devoted to the people of the community, and the community is better for Greg Caiola. Mr. Santarsiero stated he has a Condolence Resolution from the Pennsylvania House which he read into the record and was presented to the family. A moment of silence was held in his honor.

Mr. Santarsiero stated he and Mr. Stainthorpe are Chairing a Committee that will be raising money for the signs to be installed. He announced that there will be a dinner dance held on March 15 at the Masonic Lodge on Edgewood and Heacock Roads beginning at 7:00. Tickets are \$45 per person, and all proceeds will go toward this effort. Mr. Santarsiero stated in the process of looking into PAA history they learned that the existing Stoddart fields across the street from the Municipal Building were named after Mr. Stoddart who had been involved in the PAA for many years. Mr. Santarsiero stated to honor both Mr. Caiola and Mr. Stoddart they want to make sure that there are not only appropriate signs for both but that there are plaques that note the contributions of these men to the community; and the proceeds from the fundraising will be used for this as well. Mr. Santarsiero stated they have learned that the firefighters are also holding their Banquet on March 15 so the Board can attend that first and then attend the Masonic Lodge event.

#### PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, stated several months ago Mr. John Lewis came before the Board of Supervisors to discuss a Federal program to bring relief for Federal flood insurance for the residents. Mr. Rubin stated the Board did apply for this relief, but were turned down. Mr. Rubin stated on January 15 a number of residents came before the Board, and the Board indicated that they would re-apply for relief from the Federal Government for the onerous increase in flood insurance. Mr. Rubin stated a week after January 15 the U.S. Senate took up that issue and passed relief that they were going to postpone the 25% increase. He added that the Junior Senator from Pennsylvania, Pat Toomey, voted against that relief for the residents.

Mr. Mark Moffa, 1531 Derbyshire Road, stated with regard to the recent power outage situation, he feels that in these situations the Township residents need to be able to get more information such as where they can go for shelter, the progress PECO is making, etc. He stated he feels disaster preparedness information is lacking, and he suggested that there be a booklet prepared both in print and on-line that would address local needs such as tree maintenance, generator safety, battery

back-ups for sump pumps, how to prepare your pipes when there will be a number of days of sub-freezing temperatures, how to report outages to PECO, where to report downed trees, how to handle debris cleanup, where to seek shelter information, charging stations, showers, meals, local hotels, and how to file insurance claims. Mr. Moffa stated they could also seek local contractors who provide services as sponsors to pay for such a publication. Mr. Moffa stated he feels it is a disgrace that the Emergency Management Committee has not met since Hurricane Sandy. He stated they should work on this project he has outlined. He stated that group should also address how information is disseminated to the community during an emergency.

Mr. Moffa stated there is a demand for information in these situations, and the only person meeting that demand during the recent outage was State Representative Steve Santarsiero, and this was mostly done on Facebook. Mr. Moffa stated he should not be the only one communicating, and Facebook should not be the primary source for information. Mr. Moffa stated there is a need to create regular, established means of communication; and he suggested better use of the Township Building, and better use of the Township's robo-call system and the Township's Website. Mr. Moffa stated they should also create a number that people can call to get a recorded message that is updated throughout the day with the latest power outage information, shelter information, road closures, etc.

Mr. Moffa stated he feels a committee should be set up to investigate the differences between PECO and PSE & G with regard to infrastructure, the grid, response methodology, internal and external communications, etc. He stated New Jersey does not seem to experience the down time that we do when major storms hit. Mr. Moffa stated he is aware of two individuals who would be interested in volunteering for a new Committee or serving on the Emergency Management Committee. He also agreed to e-mail his comments to the Board.

Ms. Tyler stated there is a group that she has been working with since Hurricane Sandy who are looking into the specific PECO issues. She asked that Mr. Moffa provide her with names of those interested into looking into the engineering behind the power grid as they will be holding a meeting in the next few weeks.

Mr. Benedetto stated he agrees communication needs to be better. He stated he feels Public Works did a great job as did the Police Department. He stated he feels the Board needs to communicate better. Mr. Benedetto stated he has had discussions with Adrian Costello who believes it is beyond just the PECO grid and what can be done to update the infrastructure as nothing has changed. Mr. Benedetto stated with regard to the vegetation issues, residents have to agree to allow PECO to come onto their property and trim the trees which is free of charge.

Mr. Moffa stated that is true only on primary lines. He stated a lot of the problems encountered in his neighborhood were because they have secondary lines that are in the back yards, and PECO will not touch them. Mr. Moffa stated PECO will not pay to have the trees trimmed in a preventative way. He stated they will come out if there is a downed line.

Mr. Benedetto stated they need to have PECO invest in infrastructure, and they also have the communication issue that needs to be improved. Mr. Benedetto stated he understands that the Police Department was on Twitter. He stated the LMT Website should be supplemented through Facebook.

Mr. Moffa stated with regard to Municipal communication, what Yardley Borough did was dramatically better than what Lower Makefield did.

Mr. McLaughlin stated the Command Center was opened and was manned by the Police. He stated the Board of Supervisors is very limited as to the influence they have over PECO, and the State Representative and State Senator are the ones that can put pressure on PECO via the Public Utilities Commission. Mr. McLaughlin stated he feels PECO has been negligent in upgrading its infrastructure.

Mr. McLaughlin stated with regard to Mr. Moffa's comments about the situation in New Jersey being better than in Lower Makefield, he stated his wife teaches in New Jersey, and they were without power as well. Mr. McLaughlin stated the Township does not have the power to go to a private resident and tell them to cut their trees down. He stated PECO can cut them down if they are in an easement. He also stated if residents have dead trees, they need to pay to have them taken down if it appears they could take down lines.

Mr. McLaughlin stated the people who represent multiple Townships such as Mr. Santarsiero and Mr. McIlhinney need to get involved with the PUC as they can get change from PECO.

Mr. Moffa stated he does not feel that the Township has done all it can do adding again that the Emergency Management Committee has not even met since Hurricane Sandy. Chief Coluzzi stated this is incorrect. He stated the Emergency Management Committee is made up of Officials – Police, Fire, and Paramedics; and they meet regularly to discuss prior events and what to do with upcoming events. He stated there are also civilians that are on the Emergency Management Committee who have actually worked the Operation Center at each of the events. Mr. Moffa asked if the Committee has had a meeting; and Chief Coluzzi stated while the civilians have not met, the Officials have met.

Mr. Benedetto moved to establish a PECO Citizens Committee.

Mr. Stainthorpe stated he feels it is a good idea to establish a Committee to look at the infrastructure and PECO, but they should have goals and a structure so that it is effective. Mr. Benedetto asked that they consider this at the next Supervisors' meeting. Ms. Tyler asked that they bring in the group that she has been working with already, and they could get other interested citizens together with them so that they could continue to meet much like RAFT does.

Mr. McLaughlin stated he would like to get the PUC into the Township and have them explain what they are doing to alleviate the problems going forward. He stated he feels the Township is being underserved and PECO's system is not adequate.

Mr. Stainthorpe stated he does feel that the Township had an impact after Sandy, and the Township was actually treated well this time and was at the top of the list which he feels is because the Township was proactive. He stated PECO chose Lower Makefield to set up a center. He stated he agrees that they can do better.

Ms. Jill Laurinaitis, 1517 Revere Road in Yardley Hunt, stated her professional background is in marketing and editing and over the three days she lost power she spent a lot of time on the Facebook group called Lower Makefield Township is a Great Place to Live which is comprised of about 2,000 people. She stated she feels the dissemination of information concerning emergency management could be improved by the Township. She stated she agrees with comments made by Mr. Moffa. She stated there was a lot of speculation in the community whether the Emergency Management Committee was meeting; and they now know that while the professionals were meeting, the citizens were not. Ms. Laurinaitis stated the residents need to know that the professionals are meeting and to know what the emergency plans are. She stated she feels the Emergency Management Committee should be meeting regularly and include the citizens. She stated she also feels it should include some local business leaders that could provide emergency services. She stated the Township needs a better communication plan to communicate to residents what resources are available to them. She stated one idea, which she now understands did happen, was to have the Township Building be the "go-to" place when you are totally cut off from your phone and power to use it as a warming center and to use it as a place to go to find out what shelters are available, what restaurants are offering food, what businesses are offering showers, etc. She stated other ideas are robo-calls and e-mail signups through the Township or Police Website to get specific information about the Township. She stated one central Web location needs to be established for all storm-related information and preparedness advice including information from the Government officials to include information that Mr. Moffa discussed. She stated use of social media such as Facebook should be a supplement to the central Government location.

Chief Coluzzi stated everything was put out on ReadyNotifyPA and on the Police Emergency Management Website; and it was repeated on Facebook by the citizens who monitor that.

Ms. Laurinaitis stated there are programs and tools that can be used to make updates to Facebook and Twitter at once so the message gets out.

Chief Coluzzi stated with regard to the statements made about wanting more specific messages ReadyNotifyPA is specific if you put in just Lower Makefield and you will get every alert involving Lower Makefield depending on what you sign up for. Chief Coluzzi asked the number of people present who have signed up for Ready Notify; and less than half of those present raised their hands. Chief Coluzzi stated they have only 1,500 people signed up for this in the Township, and this is the official communication for disasters and emergencies. He stated those wishing to protect themselves and their family should sign up for ReadyNotifyPA.

Mr. Stainthorpe stated the Township has had a number of emergencies prior to Hurricane Sandy, and he felt in general the Township has communicated well. He stated with social media and Facebook there is now a higher expectation. He stated he learned during the ice storm that there was criticism as to how the Township was communicating; and he called Mr. Fedorchak about doing a better job, and this is when they set up the Twitter feed. Mr. Dobson stated he feels it is a continuing improvement process, and they will get better.

Ms. Tyler stated there is a link on the Township Website to sign up for ReadyNotify, and people should sign up for that. She stated they have advised residents in the past that they should do this.

Mr. Fedorchak stated the Chief of Police has begged the community to sign up for ReadyNotify for years. He stated if you do sign up for this you will find that almost all of the information that has been requested this evening is coming through the ReadyNotify alerts. He read from copies of the alerts that came through ReadyNotify prior, during, and after the ice storm including items noted by Mr. Moffa regarding what residents could do prior to the storm, what to do when power returns, weather information, and phone contacts. He stated this also included notice that the Township's Emergency Operating Center was open and included the phone number. He stated this information was also posted on the Township Website. Mr. Fedorchak stated he and Mr. Kall made a damage assessment tour of the Township, and he immediately contacted PECO who reported that they were in the midst of their damage assessment and that the situation was extensive and significant and they expected this event would take them several days to recover from. Mr. Fedorchak stated they indicated they anticipated 500,000 customers would be without power, and this information was

posted on the Township Website. He stated the Township's Emergency Management Committee sent out another Alert on Wednesday afternoon identifying shelter information including addresses and also reported on road closures. They also indicated those residents without power for medical devices should transfer to local hospitals, hotels, or to their families. Mr. Fedorchak stated similar information was also posted on the Township Website. Mr. Fedorchak stated the Emergency Operations Center was opened from Tuesday through the weekend 24/7. Mr. Fedorchak stated it has always been important for himself, the Chief, the Emergency Management Committee, and the Board of Supervisors to communicate important, vital public safety information to the residents; and he hopes that the residents will sign up for ReadyNotifyPA. He stated there is a link on the Township's Home Page.

Mr. Stainthorpe thanked the Township Public Works Department for the great job they did.

Mr. Tim Collins, 479 Jenny Drive, stated he has been discussing trying to quiet the train noise which effects 700 residents of the community. He stated he did not agree with the information the CSX representative presented at a prior meeting that the increase in train size and volumes were not going to happen as this is not true, and they are starting to see more petroleum trains running through the area. He stated more trains means there is more noise. Mr. Collins asked where they stand with the quiet zones, and what can they do to push this forward.

Mr. McLaughlin stated the Board agreed that they would look into the Quiet Zones. He stated they are going to link that with CSX's need to get an environmental approval from the Board of Supervisors for the third rail. He stated they will push very hard to have them contribute, if not all, a vast majority of the cost to get the Quiet Zones in the three crossings in the Township. Mr. McLaughlin stated there was a prior cost estimate study done; however, they feel this is probably out of date. Mr. Fedorchak stated Mr. Eisold has been doing research on this.

Mr. Collins stated he does not feel CSX will help them. He stated the CSX representative advised when he was last present that they have over 21,000 railroad crossings on their system. Mr. McLaughlin stated the Board has agreed that they are going to try to do something about this issue.

Mr. Eisold stated he has contacted CSX a number of times. He stated he and Mr. Fedorchak met with Jim Majewski who was the prior Township engineer who had done some research on this, and one of the big issues they are trying to learn about is the circuitry that is going to be required to do this. Mr. Eisold stated there had been a prior study done approximately six years ago, and they came to the conclusion that the circuitry was so elementary that they could not easily do the Quiet Zones. Mr. Eisold stated he has discussed this with CSX, and they have

indicated that they will come out again, evaluate it, and provide an answer as to how easy or expensive it would be to upgrade the circuitry. He stated this has not yet been done due to the weather.

Mr. Collins asked if they have looked at channelization. Mr. Eisold stated there are some things they can do as to physical improvements, but it seems to hinge on the circuitry so this is the first step.

Mr. Benedetto stated they reached out to Senator Casey, and he asked Mr. Fedorchak if they have heard back from him. Mr. Fedorchak stated he spoke to one of the Senator's Legislative aides, and they are aware of what is happening. Mr. Fedorchak promised that when he received the engineer's update and had a better idea of what direction the Board would like to go including having the ability to cost out the expense of the Quiet Zones, that he would follow up with Senator Casey's office asking for his assistance.

Mr. Adrian Costello, 2122 N. Crescent Blvd, stated the Township has the means to communicate, but it does not seem to be where people are. He asked that they take the message out proactively to get on the LMT Website rather than Facebook.

Mr. McLaughlin stated one of the goals of the Committee would be to get the Township residents on ReadyNotify. Mr. Dobson stated he also feels they need to get the information on the Township TV Channel. He also stated there have been discussions about resurrecting the Township Newsletter, and they could include information about ReadyNotify in the Newsletter. Mr. Benedetto stated there is already a captive audience on the Facebook page, Lower Makefield is a Great Place to Live; and he feels they should take advantage of this. Mr. Costello stated they need to get the information out to as many places as possible including the Township Website, Facebook, radio, etc.

Mr. Costello stated while he would be in favor of a Committee, the Board should have a mission of what they want them to do. Mr. Costello stated he did not see much improvement from the past storms to this storm with regard to restoration of power. He stated when the PECO workers came, they did not know where the grids were or where the lines went. Mr. Costello thanked all those who did work in the Township.

Ms. Sara Spengler-Campanella, 29 Green Ridge Road, stated with regard to the Quiet Zones, SEPTA has already been granted a categorical exclusion dated 1/13/14 which means that an environmental review is not going to be required. She stated she has been in contact with Senator Casey's office and they are looking into funding for the Quiet Zones while they are waiting for numbers from Mr. Fedorchak. Ms. Campanella stated she requested the original Application asking for the categorical exclusion and all supporting documentation, and she received a very



thin folder. She stated she was informed by e-mail today that the original Application does not exist, and she has asked how the exclusion was granted if there was no formal request for one. She agreed to provide the Township with all the information she has.

Mr. McLaughlin asked for further explanation as to the exclusion; and Ms. Campanella stated because they are building in an existing right-of-way, they do not have to go through any of the environmental impact studies. She stated Senator Casey's office has indicated that the best way to proceed would be through the Board of Supervisors who need to push through not only Senator Casey's office but also Mr. Fitzpatrick and Mr. Santarsiero to apply pressure. Ms. Campanella stated she indicated to Senator Casey's office that she felt that since CSX and SEPTA are doing a project that will benefit the region, they should be required to pay for the Quiet Zones since the Township is getting the brunt of the negative impact; and since it is a regional project, it should not fall on the local taxpayers.

Mr. Fedorchak asked that he be provided with the information Ms. Campanella has since normally when a decision such as this is made, there is an Appeal period. Ms. Campanella stated since the date was January 13 if it were a thirty-day Appeal time, it may be too late. She stated she has requested information on the Appeal process, and someone should be getting back to her about this.

Ms. Donna Doan, Edgewood Road, stated with regard to emergency management, she feels people should be as self-sufficient as they possibly can. She suggested that the Committee look into trying to make an effort to organize neighborhoods to come together and find one or two homes on the street that are equipped with a generator so people could get to a location that was warm without having to travel far. She stated they should also look into what could be done to keep grocery stores and local medical facilities open. She stated they could also organize a registry of those who have four-wheel drive vehicles, construction equipment, or tools that would be needed to clear debris safely without the help of Government. She stated in the past the Township also erected snow fences so that the snow could not blow back onto the roads, and they might want to re-visit this idea as well.

Ms. Doan asked if it is necessary to get a Permit when you are pouring concrete within the Township. Mr. Fedorchak stated it is best to check with the Zoning Office if you are doing something dealing with an impervious surface. Ms. Doan stated some residents have noticed that Bright Farms is reconstructing their facility; and while they have stated that there was no catastrophic event that caused them to have to reconstruct, it seems that they had a catastrophic freeze there; and now as part of the renovation, there were cement trucks delivering concrete to her knowledge without Permits or inspections. Ms. Doan stated she recalls that during

the discussion about Bright Farms it was supposed to be a temporary facility that would be removed after the ten-year Lease was up, and she feels that this will change the cost to remove the facility. She stated this is supposedly preserved open space, and they are now installing concrete that will stay there.

Mr. Benedetto asked if they had a Permit, and Mr. Fedorchak stated this issue was raised a few weeks ago. He stated after this came to his attention he directed the Township's Building Inspector, Keystone Municipal Services, to meet with representatives of Bright Farms on the site to make a determination. He stated this was done on Friday, January 31, and the report he received was that a Permit is not required for what they are doing. He stated everything is internal, and there is nothing structural.

Mr. Benedetto stated he is incredulous that they do not require a Permit for doing the extensive work they did. He stated the reason Mr. Fedorchak became aware of this was because he heard from several residents that went to McCaffrey's about the fact that there was no produce from Bright Farms on the shelves, and the representative from McCaffrey's indicated that they had not had it for quite some time. Mr. Benedetto stated this was in early January, and he sent a message to Mr. Lightfoot who indicated they were doing extensive renovations. Mr. Benedetto stated they were required to notify the Township of this work under the terms of the Lease. He stated other Township residents need Permits for work, but Bright Farms did not. Mr. Benedetto stated it took three weeks for the Township to go out and inspect it, and the Inspector has indicated they do not need a Permit for this type of work.

Mr. Benedetto stated he feels they are in violation of their Lease, and he read as follows: "Tenant shall not make any alterations, additions, or other improvements to the Leased premises without the prior written consent of the Township. To the extent that any improvements are made that do not require the issuance of a Building Permit, then some may be made without the consent of the Township but the tenant shall notify the Township of such improvements prior to the commencement of said work." Mr. Benedetto stated he has asked Bright Farms to come in and asked the Board Chairman to bring them him, but the Chairman refused. Mr. Benedetto stated the CEO of Bright Farms did respond to him and stated he would come in March. Mr. Benedetto stated if it were up to the rest of the Board, they would not have come in.

Mr. Benedetto stated the Bright Farms project was very controversial and many people in the Township were not happy about it; however, they felt that at least the Township would have oversight of it and make sure they were doing the right thing. Mr. Benedetto stated now the Township is doing the exact opposite of this and are not being vigilant at all. Mr. Dobson stated they are not violating the Lease, the

Inspector was sent out, and he indicated that a Permit was not required. He also stated they are paying the rent on time. Mr. Benedetto reread portions of the Lease about improvements to the property. He stated Mr. O'Brien from Keystone Municipal Services who is a non resident, went out and inspected the property two weeks after he had asked about this and after Bright Farms had been doing "numerous work." He stated the Lease requires that the "tenant shall notify Township of such improvements prior to the commencement of said work. Mr. Benedetto stated they have been doing this work since December, and they never notified the Township. Ms. Tyler stated that while they should have let the Township know, the Lease says that the Township does not have to consent to the work. Mr. Benedetto stated they are in violation of the Lease because they did not notify the Township. He stated he wants to get answers from the CEO who has agreed to come to the first meeting in March, and he questions the Board Chairman's reluctance to have Mr. Lightfoot come in and ask legitimate questions from residents and the Township.

Ms. Doan stated this is not ordinary ground, and the reason they agreed to do this on open space was because Bright Farms "sold" the Township on the idea that they could farm better than the farmer that was already in place. She stated the Board then "ousted" a life-long Bucks County farmer, Sam Stewart, who was farming the land and who had the Lease on that same land until 2016 which is a valid Lease that still stands today. She stated they gave the land to Bright Farms, and she feels that this was a gift to Jim McCaffrey because of his association with the Board of Supervisors.

Ms. Doan stated she has made phone calls to the vendors that Bright Farms was supposed to be supplying, and they indicated they have not had produce from Bright Farms in months. Ms. Doan stated there was an article in the Bucks County Herald, and then Bright Farms indicated that they voluntarily shut down in December for the holidays. She questions why they would shut down a \$2 million, cutting-edge facility for the holidays. She stated they now have a vacant greenhouse with frozen, broken pipes and vacancies in the head grower and grower positions. She stated she feels that they can assume that there were no personnel on site which is what caused this catastrophic failure.

Ms. Doan stated they gave up preserved open space for this land, and she does not feel it is out of the question for the public to come before the Board and ask serious questions about whether this a valid use of open space land and whether or not they should continue the Lease.

Mr. Benedetto stated this is not the first violation of the local Ordinance by Bright Farms since they also violated the glare Ordinance in November, and nothing was done at that point although they closed down production shortly thereafter.

Mr. Benedetto stated the only reason they knew this was not because of oversight by the Township, but because residents complained about the light. Ms. Doan stated Mr. Miller also raised all of these concerns in the discussions before the building of Bright Farms and had given as an example how CVS came in and indicated there would be limited lighting, but soon after the lighting was on until midnight.

Ms. Doan stated all of these problems were predicted, and the local farmers were very skeptical. She stated if the Township had done due diligence, they would have seen that approximately 80% of conventional greenhouses fail in the first year; and since this is a very specific hydroponic greenhouse, it is riskier. She stated she feels Bright Farms is putting the blame on whatever growers they hire. She stated she feels there is a lot going on that needs to be investigated, and it is incumbent upon the Board to do that.

Mr. Stainthorpe stated he spoke to Mr. Lightfoot, and he understands that he will be attending the March 5 meeting; and Mr. Benedetto stated this is because he asked him to.

Mr. Rob Hibbs was present on behalf of his mother, Lorraine Hibbs, 1755 Dobry Road where they are having problems with their well. He stated they were overrun with water, and Toll Bros. came out with bulldozers and took the water and directed it to the other corner of their property, and their well failed. He stated his mother is ill; and while they have nurses coming to the home, they are unable to wash her at her home and have to take her to the homes of other family members which is very difficult because of her health. He showed a sample of the water that they are getting from the hot tap. He stated the Township has been providing them with drinking water for which they are grateful, but they need to fix the problem.

Mr. Benedetto stated he went to the property multiple times in November, and this should have been fixed. Mr. Hibbs stated they have had this problem for at least six months. He stated Toll Bros. did come out when they were overrun with water, and they took the water away. He stated the water was discolored from the beginning, but at least they had water; and they have now run out of water. He stated it fills back up, and you can flush the toilets; but they cannot wash their mother with this water noting they need to take care of infections, etc. He stated they have had to take her out of her home during the snow and ice so that she can be bathed at other homes. He stated the nurses and other caregivers coming to the home cannot believe this situation.

Mr. Eisold stated in November there were calls to the Township, and he was asked to go out and evaluate the extent of the problem. He stated they went out in December and met with six to eight residents along the road to determine their problems. He stated the area is north of Regency. He stated three of the neighbors had indicated that they had some cloudy water in their wells over the last three to four months, and the other three to four did not have any problems. Mr. Eisold stated they then went to Toll Bros. advising them that there is a situation that they needed to address, and Toll indicated that they would look into it. He stated Toll Bros. had their engineer evaluate the situation, looking at the wells, meeting with the residents, and taking samples of the water which was tested. He stated a report was prepared which came out approximately a week ago. He discussed this with Mr. Fedorchak and Mr. Garton, and the report indicated that after the tests, they found no connection between the development and these situations. Mr. Eisold stated the Township has this report. Mr. Eisold stated the wells are very shallow, adding that Mr. Hibbs well is only 17' deep and the well next door is 30' to 35'. The third person that had issues has a well that is about 60' deep. He stated these are very shallow wells that were built in the 1950s.

Mr. Hibbs agreed that they are residents since the 1950s when this was all farm fields, and there were no bulldozers or excavators. He stated at the top of their property there is water percing at that point, and water is coming out of the earth but not near their well where it used to come.

Mr. Eisold stated they are going to discuss this situation with the Township solicitor to determine what can be done. Mr. Eisold stated Mr. Garton had indicated that the property across the street was settled upon which is on the other side of Dobry, and there is some inclination that property will be developed into additional houses. Mr. Eisold stated he and Mr. Fedorchak have discussed the potential of bringing public water down the street or whether it makes more sense to fix the individual wells. He stated only three out of the seven to eight properties have problems. A determination would have to be made as to how much Toll would contribute. He stated with the potential for the new development across the street, it might be that they would be bringing water down Dobry which could easily be connected to these few houses.

Mr. McLaughlin asked how quickly this could be resolved. Mr. Eisold stated the Toll Bros. report indicated that from the testing done on the water, it is not connected to their work. He stated they have indicated that the particles found in the water are more directly related to surface run-off which is water over the ground getting into the well which makes sense because the wells are so shallow, and have also indicated that there could be some infiltration from the on-site septic systems. Mr. McLaughlin asked the proper depth, and Mr. Eisold stated current standards for well depth would be in excess of 200' deep. He stated today wells are 200' to 300'

deep typically. Mr. McLaughlin asked the cost to drill a well, and Mr. Eisold estimated that it could be \$10,000 per well to drill to 200'. Mr. McLaughlin asked how long it takes to drill a well, and Mr. Eisold stated it could be done in a few weeks. Mr. Dobson asked if they could sleeve the well if there is infiltration; and Mr. Eisold stated the well is very shallow, and by all standards today, Ms. Hibb's well is well out of the current requirements. Mr. Stainthorpe stated while this is correct, clearly Toll has done something to change the groundwater by whatever excavation has been done; however, Mr. Eisold stated this would be difficult to determine. Mr. Stainthorpe stated he feels while Mr. Eisold and Mr. Garton should work this out, at this point he feels they should stop issuing Building Permits to Toll until they fix this.

Mr. McLaughlin moved and Mr. Benedetto seconded to suspend all Building Permits for Regency at Yardley until the wells at 1725 Dobry Road, 1735 Dobry Road, and 1755 Dobry Road can be fixed and subsidized the full amount.

Ms. Tyler asked for input from the Township solicitor, and Mr. Koopman stated although he is not familiar with this situation, it is within the Board's prerogative to approve this Motion recognizing that it may result in litigation with Toll Bros. which may be impetus to work this out. Mr. Stainthorpe stated he feels Tolls Bros. has money to fix the wells, and the well did not break on its own. Mr. Dobson agreed that if they disturbed the land, something could happen.

Motion carried unanimously.

Mr. Benedetto asked if they cannot run the water lines from Regency, and Mr. Eisold stated the space that backs up to Mr. Hibb's property is Phase IV which has no major improvements yet. Mr. Dobson stated this is how they could remediate this problem, and Mr. Eisold agreed.

Mr. Hibbs stated they would like to keep their own well as they would like to have their own water. Mr. Dobson stated he does not feel that they can tell Toll Bros. how they have to do this, and if it is less expensive for Toll Bros. to provide public water, this is what they will do. He stated it is also not known what the DEP would require.

#### APPROVAL OF MAINUES

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of January 15, 2014 as written.

APPROVAL OF JANUARY 21, 2014, FEBRUARY 3, 2014, AND FEBRUARY 18, 2014  
WARRANT LISTS AND JANUARY, 2014 PAYROLL

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to approve the January 21, 2014, February 3, 2014 and February 18, 2014 Warrant Lists and January, 2014 Payroll as attached to the Minutes.

DISCUSSION AND APPROVAL OF GOING OUT TO BID FOR THE 2014 ROAD  
RESURFACING PROGRAM

Mr. Eisold provided a spreadsheet adding he has worked on developing this program with Mr. Fedorchak and Mr. Kall. He stated the winter weather has created “havoc” with the roadways, and this list was developed weeks ago without the full effect seen from the weather. He stated what they have provided is a list of the roads they are recommending to improve in 2014. He stated the second sheet lists some of the higher volume roads adding that if you can improve the higher volume roads, this has more impact because more people use those roadways. He stated when they evaluated the condition of those roads, even though some of them need some repair, they were in better condition than the ones they had originally selected on the first sheet. He stated portions of the roads in the Township are State roads, and some of the bad roads may be the State portion of the roads that the Township is not responsible for.

Mr. Eisold stated the last line is a recent complaint that came in from residents on Flint Court about the cul-de-sac, and they looked at the whole development and the condition in front of this residents’ house. Mr. Eisold stated the cul-de-sac was in pretty bad shape, but the overall development was not that bad. He stated they might want to include this one repair for this year, and then include the whole development next year as a possible area to repave.

Mr. Eisold stated they would like to go to bid in the near future so they can get numbers. He stated when they go out to bid in the winter, they usually get better numbers from the contractors who are anxious for this kind of work in setting up their construction season. Mr. Eisold stated they would like to go out to bid in the next two to three weeks.

Mr. McLaughlin asked how much is in the Budget. Mr. Fedorchak stated they set aside \$700,000 for the 2014 road resurfacing program; however, he would recommend that the Board proceed as Mr. Eisold is suggesting tonight. He stated he hopes to have the 2013 year end report finished by the second meeting in March, and he will then have an idea where they ended 2013; and he hopes that it will be a little better than what was originally predicted notwithstanding the additional 2013 end of year snow costs. He stated most of this weather will hit the 2014 Budget.

He stated once he makes his report in March, the Board can determine if they are comfortable adding additional money to the 2014 Program. Mr. Fedorchak stated with regard to the additional roads that Mr. Eisold has identified, possibly by April many of those roads will actually be Category 4 or 5. Mr. Fedorchak asked the Board to have Mr. Eisold revisit the Twenty-Five Year Road Resurfacing Program. He stated they have taken significant "hits" going back to the winters of 2011 and 2012 and what is happening with this winter. He stated they are seeing an accelerated deterioration on a number of the main roads, and he feels it would be good for Mr. Eisold to re-visit those numbers. Mr. Fedorchak stated in the past they have been looking at approximately \$750,000 to \$800,00 as the annual target, and it may be that they need to catch up in light of what has happened over the last three years. Mr. Fedorchak asked that Mr. Eisold have that report for the Board in August which would be well in advance of the 2015 Budget.

Mr. McLaughlin stated they will be paying the price of a difficult winter. He stated he understands that they will bid this out hoping that it comes in lower than the \$950,000, and Mr. Fedorchak agreed. Mr. Eisold stated they got very aggressive bids last year, and he suspects that they will this year because the contractors have been idle for a good part of the winter. He stated he added 10% to last year's numbers to be safe, but he feels they will get better numbers this year than last year. Mr. Eisold stated while they are bidding out certain roads, in reality they are bidding out asphalt costs, and it does not matter whether they do Road A or Road B. He stated they could switch roads around if they find certain roads are in worse condition than others. He stated they could also bid this out as alternates so they would have good numbers for \$750,000 but they would also have alternate roads they could add or remove so there would be flexibility.

Mr. McLaughlin stated there is a list of roads that have been rated from 1 to 5, with 5 being poor. He stated everything on the list is a 3 or greater. He suggested they get a bid for the whole list and then the ones that are category 4. He stated the Budget will already be tight this year because of the weather, and they could look for opportunities where they could shift funds to priorities that need to be done.

Mr. Benedetto stated the roadway rating volume is on a scale of 1 to 5 with 5 being the most heavily traveled roads, and Mr. Eisold agreed. Mr. Benedetto stated the only 5 road being considered is Schuyler Road, and the rest of them are rated 1. Mr. Eisold agreed that the others are more neighborhood roads. He noted the map of what they have done over the last two years, and they have done primarily more collector roads which are higher volume roads. He stated the list presented this evening was based of things including complaints from residents received by Mr. Kall, and this list was a compilation of a number of different things.



Mr. McLaughlin stated they also have a twenty-year rotation which plans for every road being repaved every twenty years, and Mr. Kall stated that Mr. Majewski put a list together several years ago which was a twenty-five year plan of roads that needed to be resurfaced. Mr. Kall stated a majority of the roads on the list are not scheduled until 2020; but they are in such poor condition, that they need to be done now. He stated the roads that have been identified on the list are the poorest condition roads in the Township, and this is just a small portion of the roads that are in poor condition.

Mr. Benedetto asked what percentage of Lower Makefield's roads this list includes, and Mr. Eisold estimated it to be 2%. Mr. Fedorchak stated there are 140 miles of Township-owned roads. Mr. Eisold showed a map of the State roads that the Township is not responsible for, the roads they are proposing to be repaved this year, the roads that are more heavily traveled roads which they evaluated and included on the second spreadsheet, and the roads they have done over the last two years. Mr. Benedetto asked if this could be posted on the Township Website, and Mr. Eisold stated it could. Mr. Benedetto asked that they also post the proposed 2014 Road Resurfacing Program information.

Mr. Benedetto noted the email about N. Flint Court, and he asked when this development was done. Mr. Benedetto asked if they are considering repairing and resurfacing the entire development, and Mr. Eisold again advised that they looked at the development and it was determined that the whole development was not that bad, but the cul-de-sac on Flint Court was in very poor condition. He stated they have shown what they can do to that cul-de-sac, and they would then look to do the entire development next year or the following year. He stated at this point they did not feel the whole development needed to be done this year. Mr. Benedetto stated the residents indicated that they were original residents, and did not feel that it had ever been fully repaved. Mr. Benedetto asked when this Flint Court area was ever repaved, and Mr. Kall stated the Township is on a Twenty-Five year plan so that this is on the Plan somewhere, although he was not sure specifically about Flint Court. He stated his own street was due to be paved five years ago but was only crack sealed and preserved, and maybe they can look at crack sealing Flint Court to preserve it for a year or two before they go through and resurface the whole development. Mr. McLaughlin asked when this development is up for repaving, as he feels they might want to get away from spot paving. Mr. Kall reviewed the process of crack sealing, and Mr. Eisold stated this can extend the life of the roads so that they can get another two to three years out of the road. Mr. Eisold stated the Flint Court area condition is a 5 so they want to include it this year.

Mr. Christian Schwartz, 306 Cinnabar, stated he is one street over from Flint; and the development, Stony Hill Homes, was built in 1979/1980 and there has never been repaving in the seventeen years he has lived there although there was some spot patching.

Mr. Kall stated the Public Works Department also has money in their material Budget so that if there is a spot patch needed, they can do this themselves.

Mr. Dobson stated he feels they will be doing a lot of that in the Township with all the potholes.

Mr. Zachary Rubin, 1661 Covington Road, asked if they cold patch the roads, do they then have to a hot patch when the weather breaks. Mr. Kall stated they do cold patch on Township roads using two different mixtures, and they use one for spot patches which helps them get through the winter. He stated this year they had such a significant amount of potholes that they purchased in tonnage, and the product is the best he has ever seen including some of the hot asphalt used. He stated he discussed the use of this product with several of his counterparts in other Townships. Mr. Rubin asked if they would then clean these out and put on hot patch when the weather breaks, and Mr. Kall stated he feels while there is a time and place for that, usually it is a redundancy.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to go out to bid for the 2014 Road Resurfacing Program.

#### DISCUSSION AND AUTHORIZATION OF STAFF TO SEEK BIDS FOR THE DERBYSHIRE PUMP STATION PROJECT

Mr. Andrew Birtok, Tri-State engineers, was present and stated for the last few months they have been working to resolve some extreme inflows in the Derbyshire area particularly the neighborhood to the west of Derbyshire Road north of Big Oak Road. He provided a brief history of the sewer infrastructure in the Township which was built mostly in the 1960s out of clay pipe. He stated approximately 670 homes are served by this sewer system that collects and converges at the Derbyshire meter station. He stated this is part of the Township of Falls Contract area, and over the years there has been some inflow and infiltration problems in the area. He stated there were severe storms in July. He stated usually the flows going through this metering station are between 200,000 and 250,000 gallons per day with a peak flow being approximately 600,000; but they saw a surge in July of close to 900,000 gallons per day.

Mr. Birtok stated in response to some of the residents' comments Mr. Fedorchak, Mr. Kall, Mr. Koopman, and himself met in late July and decided as a temporary course of action, they would install a pump to collect a portion of the excess flows and convey it into another gravity system that could better convey it and alleviate the problems to some degree that the residents were facing.

Mr. Birtok stated the flows that go through the meter station go to Falls Township, to Bucks County Water and Sewer's infrastructure, and then to Philadelphia. He stated the manhole they are proposing to tie into is served by the Morrisville Municipal Authority so there are jurisdictional issues. He stated they met with the DEP in August to discuss the proposal, and they were receptive to this and advised them of the Permits they needed to apply for. Mr. Birtok stated over the last few months they have been finishing the Plans, Contract documents, and technical specifications, and are now at a point where they can go out to bid. He stated they are waiting for the DEP to issue the Permit which they understand will be available by early next week.

Mr. McLaughlin stated Mr. Dobson explained that by diverting it to the Morrisville jurisdiction and away from Philadelphia, that there would be a significant savings; and Mr. Birtok agreed. Mr. Birtok stated it has been a goal over the last few years to divert all the flows that go through this metering station to Morrisville although this would be a bigger administrative hurdle. He stated they are envisioning in the future a pump station that could convey this into the Morrisville system. He reviewed the possible options to do this as well as the plans for this temporary measure they are discussing this evening. Mr. Birtok stated until the Township is ready to go forward with a full-fledged pump station, this proposal being considered will address a portion of the extreme wet weather flows. Mr. Birtok stated the DEP Permit will allow them to take up to 131,000 gallons per day to Morrisville.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to authorize the staff to advertise for bids for the Derbyshire Pump Station.

#### DISCUSSION AND APPROVAL OF AUTHORIZING ADVERTISING FOR BIDS FOR MEMORIAL PARK INCLUSIVE PLAYGROUND

Mr. Mark Eisold provided this evening a hand out of the proposed inclusive playground for Memorial Park. He stated they have been working with the Disabled Persons Advisory Board and the Park & Recreation Board to come up with the Plan to construct the inclusive playground at Memorial Park. He stated they are seeking authorization to go out to bid to start construction when the weather cooperates.

Mr. McLaughlin asked if every apparatus listed is accessible to children with disabilities. Ms. Lisa Huchler-Smith from the Disabled Persons Advisory Board, was present and thanked everyone involved in this project including the Disabled Persons Advisory Board and the Board of Supervisors, particularly Ms. Tyler who understood from working with Park & Rec last year the importance of getting it done properly up front including the integrity of the surface which needed to be poured all at once. She also thanked Ms. Liney who has been a tremendous help,

and Mr. Fedorchak for continuing with this over the past four years. She also thanked the architects, particularly Micah Lewis who came up with the Secret Garden concept. She also thanked the Park & Recreation Board for approving the project, and Mr. Santarsiero for the Grant.

Ms. Huchler-Smith stated the ADA guidelines require the removal of physical barriers but do not guarantee social acceptability or the opportunity to participate. She stated play environments may be accessible but not usable, and they wanted to encourage the construction of an inclusive playground designed to insure that children of multiple abilities can play together. She stated the equipment proposed can be used by children of different abilities in different ways.

Mr. McLaughlin asked if they have a marketing plan that envisions getting people to use this Park. Ms. Huchler-Smith stated they have discussed this many times; and they want to get it up and going, and then will market it through the Schools and by reaching out to the disabled in the community. She stated they have a plan to get information out on the Township Website as well. She stated they will have a ribbon cutting ceremony, and would like to get residents involved in this as well. Mr. McLaughlin asked when they anticipate the project will be completed, and Mr. Eisold stated they anticipate a ninety-day construction time, and they hope it will be done by late summer. Mr. McLaughlin stated they could possibly advertise this during the Memorial Day Parade which is well attended.

Mr. Benedetto asked why Memorial Park was chosen as the site for this playground. Ms. Huchler-Smith stated ten years ago there was a Plan for Memorial Park, and there was always a playground proposed for that Park. She stated in 2010 when the Disabled Persons Advisory Board was considering this they asked that if and when there is a playground built, they asked that it be an inclusive playground. She stated they were then able to get the Grant money. Mr. McLaughlin stated he also feels this is a great way to get people into this severely-underutilized facility. Ms. Tyler stated there are already fixed bathrooms there and ample parking for handicap stalls. She stated there are numerous facilities near the Township Building, but the northern part of the Township does not have a lot of facilities; and those previously on the Board approved a Plan that would serve the upper part of the community as well. Mr. Benedetto asked if they could post signs similar to what they did with the ball fields that this playground is “coming soon.” He also asked that they include the actual drawings. Ms. Huchler-Smith stated there is a huge white sign that has pictures of some the equipment there now. Ms. Tyler stated she does not have the worry that people will not come since as a Mother she knows that parents will come here once they know it is up. She stated this will be an incredible, beautiful playground.

Mr. Benedetto stated originally the part of the Grant going toward this project was \$150,000, and the Board approved an additional \$250,000. Mr. Fedorchak stated they are looking at approximately \$350,000 total budgeted between the Grant and the additional money.

Mr. Benedetto asked about the reimbursements coming in from the State; and Mr. Fedorchak stated the entire Grant amount was \$2 million, and they have successfully gone through the reimbursement process and received approximately \$190,000 for Phase I which was the tennis courts/basketball court renovations next to the Pool. Ms. Tyler asked if they are hopeful the process will get easier as they go forward, and Mr. Fedorchak stated he is hopeful. Mr. Benedetto asked that they reach out to Mr. Santarsiero about this as he has indicated that he will help insure that there is a timely reimbursement.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to authorize advertising for bids for Memorial Park Inclusive Playground.

Mr. McLaughlin stated at a future meeting they will review the drawings for the proposed Community Center.

**OPENING OF PUBLIC HEARING AND TABLING ORDINANCE NO. 395 AMENDING LOWER MAKEFIELD TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR AN IMPERVIOUS SURFACE CREDIT FOR PERVIOUS PAVEMENT SYSTEM**

Mr. Koopman stated they have advertised for a Public Hearing this evening Ordinance No. 395 which is an Amendment to the Township Zoning Ordinance. He stated this was originally proposed by the Township EAC, and he understands that Mr. Dresser, who was active in the drafting of this Ordinance, is not available tonight and asked that it be tabled to the meeting of March 19. Mr. Koopman stated he would recommend that the Chairman open the Public Hearing for record purposes, and then have a Motion to table until March 19; and in this way, they will not have to re-advertise. Mr. Koopman stated Mr. Dresser will be available on March 19 to address the Board.

Mr. Koopman stated that the proposed Ordinance has been duly advertised for consideration of a Public Hearing to amend the Township Zoning Ordinance to provide for an impervious surface credit for pervious pavement systems.

Mr. Dobson opened the Public Hearing for consideration of the adoption of Ordinance No. 395.

Mr. Moffa asked if the public can review the Ordinance in advance of the meeting, and Mr. Koopman stated it is on file at the Township Office and it has been advertised.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to table consideration of Ordinance No. 395 until March 19, 2014.

#### APPROVAL OF DEED OF CONSERVATION EASEMENT WITH RUTH O. WRIGHT

Mr. Koopman stated the Board approved a Lot Line change for Mrs. Wright some time ago which allowed her to acquire approximately 1.3 acres of an adjoining property, and one of the Conditions of the Approval was that she grant to the Township a Conservation Easement over that 1.3 acres which would be the same type of Conservation Easement that already exists in favor of the Township over the remainder of the Wright Farm. Mr. Koopman stated the Conservation Easement has been prepared which was available for the Board in their packet, and it has already been approved by Mrs. Wright and her attorney, Edward Murphy.

Mr. McLaughlin moved and Mr. Stainthorpe seconded to approve the Deed of Conservation Easement with Ruth O. Wright.

Mr. Benedetto stated this Farm is approximately 82 acres, and there is a Conservation Easement on the 82 acres that they got in 2004. He stated next to that property is Ruth Wright's brother who is not protected which is roughly the same size, and Mr. Fedorchak agreed. Mr. Benedetto stated he has a relative who lives in Bridle Estates, and they were under the impression that there was a one hundred year protection on the entire farm which has been found to be untrue.

Mr. Koopman stated what is being considered this evening is only 1.3 acres and was to extend the Conservation Easement on Mrs. Wright's holdings and was a Condition of Approval by the Board of Supervisors. Mr. Koopman stated it allows agricultural use and structures but otherwise is to remain in open space use.

Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF PRELIMINARY/FINAL PLAN FOR FLORAL VALE PHASE III & SOUTH CAMPUS INTERNAL DRIVEWAY CONNECTION

Mr. Bob Dwyer was present and stated the request is to install a driveway connection between 1000 Floral Vale and the Lower Makefield Township Corporate Center. He showed the property on the Plan and noted the 1,200 liner feet of

driveway connection which will connect one parking lot to another. He stated he is requesting a Waiver as the Ordinance requires a cartway width of 24', and he is requesting 18' as they are only connecting one parking lot to the other. They will provide lights, shoulders, and sidewalks. Mr. Dwyer stated BPG is involved with both properties, and they wanted to take advantage of both lots on both sides which makes for better connectivity between the two properties rather than requiring drivers to go out to Township Line Road.

Mr. Koopman stated the Planning Commission did recommend Approval along with approval of the Waiver of the 18' driveway.

Mr. Stainthorpe moved and Mr. Benedetto seconded to Approve the Preliminary/ Final Plan for Floral Vale Phase III & South Campus Internal Driveway Connection subject to the following Conditions:

- 1) Compliance with Boucher & James report dated 1/23/14 with the understanding that the Board will approve a Waiver from SALDO Section 178-40.B to waive the 24' wide cartway requirement in favor of an 18' wide proposed interconnecting driveway as shown on the Plan;
- 2) Compliance with the review letter dated 1/13/14 from Captain Roche regarding the need to install stop signs at both ends of the connector driveway;
- 3) Receipt of all Permits and Approvals from any agencies having jurisdiction including but not limited to the Conservation District;
- 4) Applicant shall pay all review and professional fees in connection with all reviews as required by the Township Subdivision and Land Development Ordinance at the applicable rate structure;
- 5) Applicant shall execute a Declaration of Unilateral Restrictions and Covenants as set forth on Notes on the Plan which Declaration shall be filed of Record with the Final Plans;
- 6) The Plans shall be ADA compliant;
- 7) All lighting shall comply with all Township Ordinances;
- 8) Execution and funding of Township Development and Financial Security Agreements

- 9) Nothing in this Approval will modify the prior Approvals for the two adjoining Land Development Approvals.

Mr. Dwyer agreed to the Conditions of Approval, and the Motion carried unanimously.

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#### APPROVAL OF GRANTING EXTENSION OF TIME TO FIELDSTONE AT LOWER MAKEFIELD

Mr. McLaughlin moved to grant an extension of time to Fieldstone at Lower Makefield to June 30, 2014.

Mr. Koopman stated the Applicant recently met with the Planning Commission and as a result of that meeting, they are revising their Plans. He stated they expect to be back before the Board of Supervisors sometime in March or April.

Mr. Stainthorpe seconded, and the Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF SCAMMELL'S CORNER FAÇADE EASEMENT

Mr. Koopman stated when the Board of Supervisors granted Subdivision Land Development Approval, one of the Conditions was that the Developer grant to the Township a Façade Easement over the southern façade of the Scammell's House which faces Yardley-Newtown Road. He stated this Façade Easement has been prepared by the Township solicitor's office and reviewed by the developer who he believes has already executed the Easement. Mr. Koopman stated he understands that Ms. Steil and other members of the Historic Commission have reviewed the Easement, and they are satisfied with the terms of the Easement. He stated this was the façade that was determined to be worth preserving, and this Easement will preserve the side of the house that faces Yardley-Newtown Road.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to Approve the execution of the Deed of Façade Easement for Scammell's Corner.

Mr. Benedetto asked for an update on the proposed buyer. He also stated while this is a good intent, he feels the Façade Easement at the Satterthwaite House actually restricted the amount of bidders on that property; and he would not want the Façade Easement in this instance to be so restrictive to the point where they only get one bidder. He stated the property is in a very poor state of repair, and there will be problems if they do not get a buyer soon. Mr. Stainthorpe stated it is his



understanding that the proposed buyer has “fallen through.” He stated this is not a Township property so whatever is the burden, it will fall on the developer. He feels this Façade Easement is necessary to make sure that the House is preserved.

Ms. Tyler stated the developer is constructing new homes on the property, and they will not be able to sell the homes to the left and right of the Scammell House if it is not fixed. Mr. Benedetto stated his concern is that the developer will state that he cannot find a buyer because it is too restrictive.

Ms. Steil stated she did speak to Mr. Schorr who indicated that the original person who was interested in purchasing the House has “disappeared,” and it will now be up to A. P. Orleans to take over the House and restore it.

Motion carried unanimously.

**DISCUSSION AND TABLING AUTHORIZING ADVERTISING AMENDMENT TO  
ORDINANCE NO. 132 ALLOWING BUILDING INSPECTOR/CODE ENFORCEMENT  
OFFICER POSITION ON HARB TO BE A NON-RESIDENT**

Mr. Koopman stated currently HARB has seven members, and the Ordinance provides that members be residents of the Township with the exception of the Licensed Architect and Licensed Real Estate Broker. The Ordinance proposed to be authorized for advertisement would also allow the Code Enforcement Officer of Lower Makefield Township, who is a member of the HARB, also be a non-resident. He stated this is an amendment to the Township Zoning Ordinance because the HARB Ordinance is part of that Zoning Ordinance provisions.

Mr. Stainthorpe stated while he would like to see this happen, he feels there are some other changes that they should consider and he feels for now this should be tabled. Mr. Stainthorpe stated he would like to see this Board cut down to five members as opposed to seven, and they have also discussed merging the HARB and the Historic Commission. He stated he would like to consider everything at one time.

Mr. Stainthorpe moved and Mr. Benedetto seconded to Table.

Ms. Tyler asked if this will put them in a bad position as to a quorum and their obligations. Mr. Stainthorpe stated based on the current membership of HARB, a quorum would be two people. He stated they met last Monday and had a productive meeting so he does not feel they are in any jeopardy right now. Mr. Benedetto stated if there are to be seven members, how would two be a quorum. He stated he does understand that currently there are only three members. Mr. Koopman stated

a quorum would be a majority of the members that are present under normal circumstances. He stated he understands that there could be a problem if there are supposed to be seven members. Mr. Stainthorpe stated currently there are only three actual members. Mr. Koopman stated two would then represent a quorum.

Mr. Dobson stated they struggle with both the Historic Commission and HARB, and he feels there should be further discussion about merging those two Committees.

Ms. Tyler stated during the meetings with the Bucks County Planning Commission on the Comprehensive Plan, Ms. Bush noted that it is unusual for a community to have both a Historic Commission and a HARB; and Ms. Tyler stated she would be in favor of merging them.

Mr. Benedetto stated he would not be in favor of this. He stated he agrees that they could cut the HARB down to five members, and he noted there are people in the community who have applied who would be great additions. Ms. Tyler stated they do have to comply with the requirement for having an architect, a Relator, and the Code Enforcement Officer. Mr. Benedetto stated when he was the liaison to HARB, there were four individuals two of whom were architects, and they did not have a Real Estate broker on the Board. He stated they did not comply with it in the past. Mr. Benedetto stated the way the Ordinance reads currently is, "Code Enforcement of Lower Makefield Township" without any changes. Mr. Benedetto stated the Code Enforcement Officer of Lower Makefield Township is Bob Habgood. Ms. Tyler stated Mr. Habgood does not live in Lower Makefield Township; and Mr. Benedetto stated while he understands that, he has not had a voting role and so they do not need to fill all these positions because they have been operating without a Real Estate Broker for years. Ms. Tyler stated she feels they need to get it right.

Mr. Benedetto stated in order to get five members, they do not need to get someone from outside the Township who lives an hour away and expects to be compensated; and they were trying to change the rule for one person when they have people already who have indicated that they would like to be on HARB. Mr. Benedetto stated he also feels they are incorrect about a quorum, and he feels you need to have four people in order to have a quorum. Mr. Benedetto stated there are interested residents who are interested in preserving the historic structures in the Township, and he questions why they are trying to change the rules for Rich O'Brien.

Mr. Stainthorpe stated currently the Motion on the floor is to Table, and the Motion carried unanimously.

Mr. Zachary Rubin stated the Ordinance indicates that “a majority of the HARB shall constitute a quorum,” and it does not state the number of the people present. He stated if there are seven people on the HARB, a quorum would be four. He stated it does not state “numbers present.” Mr. Koopman stated the Ordinance also states that it is to be “composed of seven members, one of whom shall be an architect, one of whom shall be a Relator...” Mr. Rubin stated the Ordinance states there should be “a Registered Architect, a Licensed Real Estate Broker” but says, “The Code Enforcement Officer of Lower Makefield which is a definitive article “the” and not the indefinite article “a” so therefore according to the Ordinance Bob Habgood is on that Board. Mr. Rubin stated there is a contradiction as it states that if he is not a resident, there is a vacancy. Mr. Rubin asked if Bob Habgood attends the meetings is he compensated, and Mr. Fedorchak stated it is part of his salary. Mr. Rubin asked if they amend it to a Building Inspector and not the Code Enforcement Officer of Lower Makefield will that person be compensated, and Mr. Fedorchak stated they will not.

Mr. Benedetto stated the person they are talking about is Rich O’Brien who already interviewed for the position and lives an hour away in Delaware County, and he did expect to be compensated. Mr. Benedetto stated when he earlier this evening discussed Keystone Municipal Services that went out and inspected Bright Farms, that is Rich O’Brien’s company so he actually performs work on behalf of the Township as the Building Inspector. Mr. Rubin stated the Township Manager has already stated that he will not be compensated, and Mr. Fedorchak agreed. Mr. Benedetto stated Mr. O’Brien initially stated that he wanted to be compensated, but when the interview ended and he realized it was against the Ordinance, Mr. O’Brien was talked to and then indicated that he would accept not being compensated. Mr. Benedetto stated this is about changing the Ordinance for one individual.

Mr. McLaughlin stated his understanding of the non-resident clause was to make it possible for Mr. Habgood to become a member of the Board, and this was his interpretation of why they were adding the non-resident clause. Mr. McLaughlin stated he did not know who Rich O’Brien was because he was not present when he was interviewed. Mr. Fedorchak stated he feels they were opening the door to consider Rich O’Brien or anyone else who would be qualified who would be a non resident. Mr. Benedetto stated this is why there are two technical changes as there is a change to the language around Code Enforcement Officer to also include Building Inspector and then there is a change to the residency requirement. He stated if they just left it at allowing the Code Enforcement Officer position to be a non-resident, Bob Habgood would qualify, and this would be fine.

Mr. Rubin stated he agreed with Mr. McLaughlin's interpretation and felt they were just amending this to allow the Code Enforcement Officer to be able to be a member of HARB. He feels this is how it should be worded and they should strike out "Building Inspector."

Mr. Benedetto stated following Mr. O'Brien's interview he advised the Board that under the Ordinance he did not qualify because he was the Building Inspector and not the Code Enforcement Officer, and the Code Enforcement Officer needs to be a resident; and Mr. O'Brien did not qualify in either case. Mr. Benedetto stated the comment was then made that they would have to change the Ordinance.

Mr. Benedetto stated he is disappointed that this was advertised and on the Agenda since it was changed for one person, and this is bad Government at its worst.

Mr. Koopman noted that the Board met in Executive Session to discuss certain matters involving pending litigation including Zoning Hearing Board matters.

#### ZONING HEARING BOARD MATTERS

Mr. Koopman noted that the Peter Orrin Appeal from the Determination of the Zoning Officer and Variances for property located at 605 A. South Dove Road in order to construct a concrete patio on the rear of the dwelling was approved last evening by the Zoning Hearing Board.

Mr. Koopman noted that the Wesley and Julie Scheiring Variance requests for the property located at 1417 N. River Road in order to construct a platform for an air conditioner unit was approved last evening by the Zoning Hearing Board.

With regard to the Joseph Magee Variance request for the property located at 21 W. Ferry Road in order to permit construction of an addition resulting in a side yard encroachment, it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Benedetto stated the Citizens Budget Commission had a meeting where they discussed ideas for the Pool trying to attract some of the Newtown Pool customers. He stated Electronic Media met recently and at the next Supervisors' meeting there will be a presentation about a proposal for programming for the Township Channel.

Mr. Benedetto stated the Environmental Advisory Council met recently, and they have six properties they have recommended for the Township to preserve. Mr. Benedetto stated the Township has open space money available, but it must be used by the end of the year.

#### APPROVAL OF RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN SPECIFIC RECORDS

Mr. Fedorchak stated this is a “housekeeping” item, and the State Records Retention Law requires that the Township keep various documents for a certain number of years. He stated they have identified various documents from 2006 which could be destroyed. He stated this will save a tremendous amount of space.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve the Resolution.

Mr. Benedetto stated he feels they should be careful about the records they are destroying as he knows that people have made Right To Know Requests and have not received information because it was indicated that it had been destroyed. He stated he would like to see these records digitalized rather than destroyed. Mr. Fedorchak stated the only person over the last ten years that has requested information is Donna Doan. Mr. Benedetto stated there were also health records that he had requested that were not available. He stated he recognizes that there is a space issue, but he would like to see them digitalized.

Motion carried with Mr. Benedetto opposed.

#### APPROVAL OF RATIFICATION OF TWO DECLARATIONS OF DISASTER EMERGENCY

Chief Coluzzi stated these are for the storms of February 4, 2014 and February 12/13 2014. He stated when the Governor declares a State of Emergency if there is any funding reimbursement for Townships, they would be eligible for it with ratification of these two Declarations.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to ratify the two Declarations of Disaster Emergency.

POLICE DEPARTMENT DISCUSSION

Chief Coluzzi stated in November they applied for a Grant from the Office of Schools Department of Education, and they were awarded the Grant in the amount of \$55,384. He stated there are no matching funds required from the Township. He stated the funds will be used to reimburse the Officers who are in Schools for School safety programs and for School Resource Officers.

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APPROVE DONATION OF POLICE VEHICLE

Chief Coluzzi stated Ivyland put out a request for used Police vehicles, and Lower Makefield has a 2009 vehicle with the last four digits of the VIN 6474 that will be put up for sale shortly. Chief Coluzzi stated they have not had a good response selling their Police vehicles, and they usually only get \$200 to \$300. He asked for the Board's approval to donate the car to Ivyland.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to donate the 2009 vehicle to Ivyland.

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 10:50 p.m.

Respectfully Submitted,



Pete Stainthorpe, Secretary



# Township of Lower Makefield

BOARD OF SUPERVISORS  
 Dobby Dobson, Chairman  
 Daniel McLaughlin, Vice-Chairman  
 Pete Stainthorpe, Secretary  
 Kristin Tyler, Treasurer  
 Jeffrey Benedetto, Supervisor

**JANUARY/FEBRUARY 2014 WARRANT LIST AND  
 JANUARY 2014 PAYROLL COSTS FOR APPROVAL  
 FEBRUARY 19, 2014 BOARD OF SUPERVISORS MEETING**

<b>Accounts Payable Warrant Report:</b>		
Printed Checks:		
01/21/14 Warrant List	\$	951,827.15
02/03/14 Warrant List	\$	317,726.52
02/18/14 Warrant List	\$	527,606.18
Manual Checks:		
01/21/14 Warrant List	\$	300.00
02/03/14 Warrant List	\$	117,925.50
02/18/14 Warrant List	\$	-
<b>Total Warrant Reports</b>		<b>\$ 1,915,385.35</b>
<b>Payroll Costs:</b>		
January 2014 Payroll	\$	526,434.70
January 2014 Payroll Taxes, etc.	\$	227,207.75
<b>Total Payroll Costs</b>		<b>\$ 753,642.45</b>
<b>TOTAL TO BE APPROVED</b>		<b>\$ 2,669,027.80</b>

