

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – APRIL 2, 2014

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 2, 2014. Chairman Dobson called the meeting to order at 7:30 p.m.

Those present:

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

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

**PUBLIC COMMENT**

Mr. David White, Yale Drive, stated two weeks ago they discussed the Railroad and the train horns; however, at that time Mr. Eisold did not yet have the information he needed to discuss the warning circuitry. Mr. White stated Mr. Dobson had indicated at that meeting that they would put this matter on the next Agenda; however, this matter is not listed on the Agenda. He asked if there is an update.

Mr. Eisold stated one of his tasks was to determine the costs to create the Quiet Zones. He provided this evening to the Board a letter he had put together that did not get in time for the packet. Mr. Eisold stated they did research into the Quiet Zones and there were two main components – one being the configuration of the road and how to make it safer which are called supplemental safety measures. He stated they looked at a number of options one of which was gates with a median to prevent the cars from going around the gate. He stated they estimated the cost to do this at each of the three crossings in the Township, and the price was approximately \$120,000 per crossing.

Mr. Eisold stated previous concerns had been with the constant warning time circuitry which is something special that needs to be done so that the train “talks” to the gates in a little different manner than it does currently. Mr. Eisold stated he discussed this a few times with CSX but they could not provide any answers and indicated that with SEPTA there as it is currently, they cannot construct that system.

Mr. Eisold stated CSX did discuss the upgrade of the third track and stated that maybe when it changes, it may be easier for them to work together better.

Mr. Eisold stated in his discussions with SEPTA he learned that they are evaluating and putting together their Permit which will be submitted in approximately one month to the PUC. Mr. Eisold stated he discussed the constant warning signal with SEPTA, and they did not feel this would be an issue and indicated that most of that work is going to be included in their project. Mr. Eisold stated they also agreed with him that this was probably the best and least expensive way to do the Quiet Zones.

Mr. Eisold stated in the last few weeks SEPTA has started to seriously look at each of the intersections as to what needs to be done; and while they did not say exactly what they were doing, they indicated they were looking at how they could make accommodations for a Quiet Zone. Mr. Eisold stated he will be meeting with SEPTA representatives on Monday to look at each of the crossings and discuss exactly what they are planning on doing and how this could work to create the Quiet Zones at the three intersections. He stated they have not agreed that they are going to take care of it all, but he was led to believe that they are taking it into account in their design.

Mr. McLaughlin stated a number of years ago, there was discussion about \$1 million, and Mr. Stainthorpe stated most of that involved the constant warning circuitry. Mr. Eisold stated CSX could not provide a price indicating that it could be \$50,000 to \$200,000 per crossing. Mr. McLaughlin asked if the reduction from \$1 million to \$360,000 is due to the fact that this is going to be done anyway as a result of the third track; and Mr. Eisold stated SEPTA had indicated that they did not think this was going to be a problem, although this was not 100% and has not been finalized. He stated they felt that what they were planning on installing would handle the constant warning requirements. Mr. McLaughlin asked if SEPTA has to talk to CSX to validate this; and Mr. Eisold stated SEPTA will be using two lines and CSX will use the third; and SEPTA has indicated that SEPTA is taking the lead, and they believe that once everything is up to date, CSX should not have a “big deal” complying with this requirement. Mr. Eisold stated once he meets with them on Monday, he feels he will have a better idea of what they plan to do and they may be able to take care of some of these supplemental safety items. Mr. Eisold stated he could provide an update at the next Board of Supervisors’ meeting.

Mr. McLaughlin asked if it would be appropriate to bring the CSX representative back to the Supervisors meeting, and Mr. Stainthorpe stated he feels they should wait until after the meeting on Monday with SEPTA. Mr. McLaughlin stated he feels CSX could be contacted about being a good partner with the Township in terms of contributing the \$360,000 needed.

Mr. Eisold stated SEPTA indicated that they were looking to see what they could do to address the Township's concerns. He stated SEPTA will be going to the PUC in approximately one month, and he feels the Township will be notified when the Application is submitted so that the Township can provide comments and questions.

Mr. McLaughlin asked if he feels SEPTA will want to do the Quiet Zones on their own; and Mr. Eisold stated he was led to believe by SEPTA today that they heard very clearly the Township's concerns, and they were willing to deal with the situation although he is not sure exactly what this meant.

Mr. Benedetto stated he feels the Township needs to coordinate with SEPTA to get the work done at the same time.

Ms. Gudrun Alexander, 256 S. Fieldstone Court, stated she feels the law should be enforced requiring people to shovel their sidewalks since she fell and broke her hip. Mr. Stainthorpe stated Ms. Alexander and other residents from her neighborhood have brought up this topic in the past, and he agreed that in this neighborhood people are chronically not shoveling their sidewalks; and he feels the Township needs to enforce this regulation, and this neighborhood deserves particular attention.

Mr. Josh Waldorf stated he lives in Yardley Hunt and is also the liaison to the Township from the Pennsbury School Board. He requested the opportunity to make a presentation about Pennwood Pool at the upcoming Park & Rec meeting on Tuesday, April 8 and to be added to that Agenda. He stated the School Board is considering whether to refurbish or close that pool. He stated that 82% of the people who use that pool are from Lower Makefield, and 95% of those who pay for lessons and for the use of the pool for adult swim are from Lower Makefield. He stated possibly they could do some cross marketing with the Township Community Pool so that everyone can benefit.

Mr. John Lewis, 1550 Surreybrook Court, stated last Wednesday there was a four-hour power outage affecting a circuit in the northern part of the Township. He stated he had previously provided a draft of a Resolution that would address the issues with PECO to hold PECO accountable.

Mr. McLaughlin stated at the May 7 Board of Supervisors' meeting, Representative Steve Santarsiero will be present; and they will ask him questions about the progress of PECO's accountability and Mr. Santarsiero's advocacy for the Township in front of the PUC. Mr. McLaughlin stated Mr. Lewis is asking good questions, and the best person to ask about these issues is Mr. Santarsiero who is the Township's representative to the State who actually has influence over PECO.

Mr. Lewis stated Mr. Santarsiero has been a leader on this issue for at least four years, and he has done a tremendous job. Mr. Lewis stated he feels this is only one part of the equation which is why he put the Resolution together. Mr. McLaughlin questioned why they still have power issues if he has done such a good job, so they will ask Mr. Santarsiero what progress he has made with PECO on the Township's behalf. Mr. McLaughlin advised Mr. Lewis that he hopes he will be present on May 7 to ask Mr. Santarsiero his questions. Mr. Lewis asked if the State Senator was invited, and Mr. McLaughlin stated they have made that invitation although they are not sure that he will attend.

Mr. Lewis stated he still feels there are things the Board can do on its own. Mr. McLaughlin stated while the Board could pass a Resolution to show their resolve, he does not feel a Resolution by the Board of Supervisors has any "teeth" to PECO. Mr. McLaughlin stated PECO does not answer to the Board of Supervisors, and he does not feel a Resolution would do much. Mr. McLaughlin stated he feels PECO can be held accountable at the State level to serve the thirty-eight Bucks County Townships. Mr. Lewis asked why they would not offer a Motion to approve the Resolution at this time.

Mr. Stainthorpe stated he does not feel the Resolution is the way to go as he does not feel it has any "teeth." He stated he feels they should appoint Kristin Tyler who has been working on this issue to be the Board's point person on infrastructure issues. He stated she already has a Committee of people that she has been working with. He stated he also feels they should get outage information from PECO, and he feels the neighborhoods which have the most outages should get fixed first.

Mr. Lewis stated he feels the Board could remove the Sections they found objectionable from his Resolution. He stated he included the ones at the end for negotiating leverage. He stated he is willing to work with the Township to make edits. He stated he would like there to be a willingness to work and have a statement that they are going to push forward and hold PECO accountable.

Mr. Stainthorpe stated he would like to proceed with the plan he just suggested to bring some accountability to PECO. Mr. Stainthorpe stated he wants to have facts and work at this together with PECO to make progress. Mr. Lewis stated he feels the beginning of his Resolution is open and even-handed in its wording, and Sections 1-4 do give a structure to get the answers the Board is looking for. Mr. Lewis stated he agrees that Sections 5 and 6 are tougher, and he is willing to compromise and remove those Sections.

Mr. McLaughlin stated the Board does not need Mr. Lewis to write their Resolutions, and will not compromise with Mr. Lewis. He stated Mr. Lewis is not an elected official. Mr. Dobson stated at this time, they are not going to consider this Resolution although this does not mean that they would not consider it after the May 7 meeting if they are not happy with what they hear. Mr. McLaughlin stated he feels the Board is proceeding appropriately by bringing their Representatives in. He stated they also want to form a Committee to work with the State Representative to apply pressure to get results. Mr. Lewis stated he feels this is barely a start. Mr. McLaughlin stated he does not feel a Resolution that has absolutely no weight is a better option.

Mr. Lewis stated at the February 19 Board of Supervisors' meeting, the Board indicated that they would Move a Resolution and that was seconded; but at the next meeting nothing happened. He stated he came to the next meeting and indicated that he would provide a Resolution to consider which he presented. Mr. Lewis stated while the Resolution reflects his opinions, he is open to changes. He stated he feels he provided a lot of the Board's ideas back to them, and he felt that with the exception of Sections 5 and 6, the Board supported the rest previously. Mr. Lewis stated he does not feel they have taken any action; however, Mr. McLaughlin stated they have taken action by scheduling the meeting on May 7 and putting together a Committee. Mr. Lewis stated the Board has not taken any action to form a Committee, and Mr. McLaughlin stated they can take that action now.

Mr. Benedetto stated he cannot believe the continued "punting" to Steve Santarsiero. He stated the Board of Supervisors is an elected Board, and they have the power to do things. Mr. Benedetto stated Mr. Lewis and a number of other people have come to the Board with good suggestions, and Mr. Lewis took the time to come up with this Resolution which he feels has more teeth than anything any other Township has done. He stated other Townships have actually already met with PECO, and Lower Makefield has not done anything. Mr. Benedetto stated a number of residents have indicated that they would be willing to serve on a Committee.

Mr. Benedetto stated the Township has done other things that have "no teeth" and he noted specifically the action taken to pull Permits from Toll Bros. with regard to the Dobry well issue. Mr. Benedetto stated this action taken by the Board had no results, and Toll Bros. has proceeded. He stated the Toll Bros. attorney contacted the Township attorney and indicated the Township could not do this, and Mr. Benedetto stated the Township has not done it.

Mr. Benedetto moved to approve the Resolution as is.

Ms. Tyler asked Mr. Garton's opinion of the Resolution. Mr. Garton stated he did receive a copy, and there are numerous elements to it. He stated the Township can express its opinion with respect to whether Exelon should be permitted to merge with another power company; but if you want to actually oppose it, they would have to engage in an administrative process with the Department in Washington that deals with mergers of entities such as that. He stated while the Township can say they are opposed, it is nothing more than a public statement.

Mr. Garton stated with respect to the Pension Fund holdings, the Township Pension Funds do not hold individual stocks, the Board of Supervisors does not make decisions on buying and selling stock, nor do they vote on members of the Board of Directors. He stated most of the Township investments are Mutual Funds, and those decisions are rendered by Managers. He stated the Pension Fund is not managed by the Board of Supervisors, it is managed by the Pension Committee which includes Police Officers and other individuals.

Mr. Garton stated with respect to establishing a Committee, the Board is empowered to do this for the purpose intended.

Mr. Garton stated with regard to the enforcement rights they have with respect to PECO issues, his initial reaction is that this is PUC regulated; however, he does have someone researching this nuance to make sure he is correct.

Mr. Garton stated the Board can request power outage reports that PECO maintains.

Mr. Lewis stated he feels Mr. Garton's only items of concern are in Section 6, and suggested that Section 6C be removed.

Mr. Benedetto stated Section 5 discusses future merger requests, but also discusses requesting comprehensive outage data, enforcing Township Codes, working with the Bucks County Commissioners and Bucks County Association of Township Officials and the State Senator and State Representative, and appointing a Board. Mr. Benedetto stated he feels this is a good start to actually doing something.

Ms. Tyler stated she has been doing something for quite some time with a Committee working on PECO issues although they have not formalized it as a Township Committee. She stated this Committee has done a tremendous amount of work. Ms. Tyler stated Mr. Benedetto had indicated that other Township's had met with PECO, but those Township's had met with PECO at the request of their State Representatives which is how those meetings were set up.

Ms. Tyler stated she feels it is counter-productive to argue when they are all seeking the same goal. She stated they will form the Committee; and anyone who would like to apply to be on the Committee is welcome to do so. She stated support from the Board of members would be greatly appreciated.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to appoint Kristen Tyler as the point person on infrastructure and formalize the seven-member Committee as an official Township Committee.

Mr. Lewis asked if the Board would be willing to approve his edited Resolution, and a number of Board members indicated they were not. Mr. Benedetto stated he does not understand the resistance to this since these things are what they want to accomplish.

Mr. Benedetto asked about his Motion, and as there was no Second, Mr. Benedetto's Motion died for lack of a Second.

Mr. Benedetto stated he would like to know if the individuals who have already been working with Ms. Tyler will be part of the Committee, and Mr. McLaughlin stated the Board has to vote on those who will serve on the Committee. Mr. Benedetto asked if they are giving them any specific duties such as reviewing outage data provided by PECO, and Mr. Stainthorpe stated he feels that will be one of their key functions as well as bringing pressure to bear on PECO to fix those outages. Mr. Stainthorpe stated he feels they will be much better served if they are organized, deal in facts, and try to get results together. Mr. Benedetto asked if there is any time frame of them reporting to the Board of Supervisors, and Ms. Tyler stated she will probably have this set up much like they have with all the other Committees with monthly meetings.

Motion carried unanimously.

Mr. Lewis stated he would be willing to work with the Board in any way that would be helpful.

Ms. Kelly Wilson, 988 Lehigh Drive, stated last night Yardley Borough Council approved a Resolution to jointly apply for a Grant to put in a sidewalk from Lookover Lane in the Borough up to Lehigh Drive; and she encouraged the Board of Supervisors to also pass a Resolution to jointly apply for that Grant.

Mr. Eisold stated over the last week, he received information from Remington Vernick who represent Yardley Borough about a project to establish a path on the south side of Afton from Lehigh to Breece Drive in the Borough where the sidewalk currently ends. He stated over the last few days he has received information regarding cost estimates, approximate length etc. He stated the estimated construction costs per the information provided is \$400,000 with contingencies with a 20% match from the Municipalities. He stated this would equal a total project cost of \$600,000. He stated he has not researched if there are any right-of-way issues that need to be addressed, and this could be an additional cost that has not been included. Mr. Eisold stated Remington Vernick believes that the right-of-way is in place, but he has not had the opportunity to look into this. Mr. Eisold stated the Application is due this Friday.

Mr. Stainthorpe stated in general he feels this is a good idea which should be pursued, but they would need time to look into this; and he does not feel that they should have to act on this by Friday. Mr. Fedorchak stated he was provided the Resolution at 1:35 p.m. today.

Mr. Garton stated if they authorize applying for a Grant, this does not commit them to the money unless they sign the Grant Agreement if it is approved. He stated if the Grant is approved, and the Board is advised that they have to contribute a certain amount of money, the Board is not committed until they sign the Grant Agreement.

Mr. Fedorchak stated at the end of the Resolution it states: "Be it further resolved that the Township commits to the expenditure of matching funds equivalent to all preconstruction activities including engineering design, environmental clearances, right-of-way acquisition, and utility relocation as may be necessary." Mr. Fedorchak stated in order to get to a position where they can understand what the costs will be exactly, they will have to spend a certain amount on engineering services so that he cannot advise the Board how much it will cost to get to a position where they understand what the construction costs will be. Mr. Fedorchak stated he also believes that there will be a right-of-way acquisition that will be required.

Mr. McLaughlin asked if Yardley Borough conducted any kind of cost estimate; and Mr. Eisold stated he did receive a cost estimate from Remington Vernick for this work, and the estimated construction cost is \$400,000 with contingencies it was brought up to \$500,000 and with the 20% match it is a total of \$600,000. He stated he did not feel this included any right-of-way purchase. Mr. McLaughlin asked what percent of the project is in Lower Makefield versus Yardley; and Mr. Eisold stated he did look at this, and it seems that approximately 45% is in Lower Makefield and 55% in Yardley. Mr. McLaughlin asked if Lower Makefield did not participate,



would they build it to the end of Yardley Borough; and Mr. Eisold stated while they could, you do get points for inter-Municipal cooperation so they may have a better chance if Lower Makefield participates.

Mr. Stainthorpe stated if Lower Makefield agrees to apply for the Grant, they would not be committing to the Yardley Borough Resolution unless they endorse it or adopt their own Resolution. Mr. Garton stated the Board could indicate that they consent to submitting the Grant, but that they are not signing this same Resolution since he does not feel Lower Makefield can commit to the numbers until they know what they are. Mr. Stainthorpe stated he is in the support of the idea, but feels it is bad fiscal management to do this with two days to submit the Grant and with a lot of unanswered questions.

Ms. Tyler stated she did get a phone call from one of the Yardley Borough Council members approximately two weeks ago, and she asked Mr. Fedorchak to have Mr. Eisold contact their engineer to get additional information.

Mr. Rich Wayne, Yardley Borough Council, stated there are some easements that would be needed, three in the Borough and one in Lower Makefield Township. He stated the reason this is so last minute is because they just learned of the Grant two weeks ago, and they asked their engineer to come up with the costs and to reasonably divide it between the Borough and the Township. He stated if two Towns jointly apply for the Grant, they have a much better chance of winning. He stated he agrees with the Township solicitor that applying does not make them liable for anything; and if the terms of the Grant are not good, they can say no. Mr. McLaughlin asked for more information about the right-of-way needed, and Mr. Wayne stated the right-of-way is 50' and there are some minor additional easements required from four properties. Mr. McLaughlin asked if this is included in the cost estimates, and Mr. Wayne stated it is. He added that the easement costs are eligible costs as part of the Grant. He stated it is the Delaware Valley Regional Planning Commission Transportation Alternatives Grant, and a number of Towns are applying for it. He stated if they apply jointly, they feel they will have a better chance of winning it.

Ms. Tyler asked how much total money is available through the Grant, and Mr. Wayne stated he is not sure if it was \$4 million or \$7 million.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to apply for the DVRPC Grant with Yardley Borough with the contingency that they are not committed to any dollars in any way should they decide not to accept the Grant.

#### APPROVAL OF MINUTES

Mr. Stainthorpe moved and Ms. Tyler seconded to approve the Minutes of March 19, 2014 as written. Motion carried with Mr. McLaughlin abstained.

#### DOBRY ROAD WELL EVALUATION DISCUSSION

Mr. Eisold stated there was a report that came out from Toll Bros. disputing the concerns with the wells and their responsibility for same. Mr. Eisold stated he was directed to have his hydro geologist look at their report and all background information and put together a report on his evaluation. This was completed in mid-March, and they met with Mr. Garton on March 14 to discuss the issue.

Mr. Eisold stated there were three properties effected. The Hibbs' property was effected both from a water quality standpoint as well as quantity of supply to the house. Mr. Eisold stated the other two properties were more of a water quality issue with a filtration-type process. It was discussed to contact Toll Bros. about drilling a new well for the Hibbs' property and some type of filtration process being installed at the other two properties to minimize the discoloration and particles in the water.

Mr. Garton stated he forwarded the report to Mr. Murphy, who is the attorney for Toll, and indicated that contrary to what the Toll experts indicated, we believe that there is a correlation between the Toll Bros. project and the impact on water quality for at least two properties and water quantity for the other. Mr. Garton stated he also told him that the "fix" would not be that expensive in terms of dollars for the two properties that need a filter, and one well for the neighbor who has been adversely effected, and it is not unreasonable. Mr. Garton stated that Mr. Murphy agreed to discuss this with his client; and while he has discussed it with them, Mr. Murphy indicated they have not made a decision and they would be back to him shortly. Mr. Garton stated in addition the Township has not issued any additional Building Permits for Toll Bros. for Regency at Yardley, and that restriction is still in place.

Mr. Benedetto asked if the Township notified the three residents adding that while Mr. Hibbs is present this evening, he had talked to him, and Mr. Hibbs had not received notice. Mr. Eisold stated Mr. Hibbs has been in contact with one of his staff personnel, and they have tried to give him an update as they have gone along although it has not been the answer he has been looking for yet that he is going to get a new well. Mr. Benedetto stated he feels that when these items are on the Agenda, the residents should be notified. Mr. Benedetto provided Mr. Hibbs a copy

of the report this evening. Mr. Garton stated he feels the report sustains Mr. Hibbs' analysis that his well has been adversely effected with respect to both quantity and quality.

Mr. Benedetto asked about the Permits, and asked if it was Mr. Murphy's position that the Township was not able to do that; and Mr. Garton stated while that was his position, the Township indicated they were going to do it anyway although it is possible it may come to a point where a Judge will have to make a decision on whether this is right or not. Mr. Benedetto stated it does not appear that they have ceased operation, and Mr. Eisold stated this was for new Building Permits only. Mr. Garton stated no new Building Permits have been issued. Mr. Eisold stated they are still doing work, but there have been no new Building Permits issued as that was the Motion made by the Board. Mr. McLaughlin asked if there have been any requests for new Building Permits, and Mr. Fedorchak stated he believes two to three have come in; and while they are processing them, they are not approving them. Mr. Eisold stated he believes they are being held in the Zoning Office.

Mr. Dobson stated he feels Toll Bros. has to fix this problem.

Mr. McLaughlin asked Mr. Eisold what he feels this would cost; and Mr. Eisold stated they originally saw an estimate for the well of \$8,000 to \$10,000, but Toll Bros. could probably do it for less than this. He stated the filtration system would be much less than this at possibly \$1,500 to \$2,000.

Mr. McLaughlin stated while they could continue to hold off on new Building Permits, this does not solve the problem, and possibly the Township could subsidize the actions they want but still not issue the Permits to Toll Bros. so that this could be brought to a conclusion. He stated he is concerned that Mrs. Hibbs is not able to take a shower or live in the home, and this could take a long time to get resolved. Mr. Stainthorpe stated he feels Tolls Bros. must fix this, and they need to keep the pressure on them to fix it. He stated Toll Bros. can do it for less money. Mr. Dobson stated the way to keep the pressure on them is to not issue Permits.

Mr. McLaughlin stated when people tie into the sewers, the Township offers a loan arrangement with an interest rate; and he asked Mr. Hibbs if he would be interested in this. Mr. Hibbs stated he was not prepared to answer this tonight. Mr. Stainthorpe stated he does not feel the Township should take this on, and they have already possibly put the Township in some jeopardy legally. He stated it appears that they may get some results, and he would not be in favor of taking on any more responsibility at the Township level.

Mr. Benedetto stated the Hibbs family has been waiting at least six months since he was out to the property in November. Mr. Benedetto stated he feels the Township approved this, and now the homeowner is left with the consequences. He stated he feels Toll Bros. could drag this out even longer. Mr. Hibbs stated they were fortunate that it has been wet, but they will be having more problems once it dries up. He stated the water used to come right to their property and they never had problems, and now the water does not come to the property. He stated the well is shallow, and it will dry up once the weather is dry. He stated it will be a major problem when they have no water.

Mr. McLaughlin stated the well is shallow as it is only 17'; and Mr. Hibbs stated while this is correct, the area used to be farm fields or trees, and the water came. Mr. McLaughlin stated normal wells are approximately 200' deep; and Mr. Hibbs stated while he agrees, they have been there since 1955 and have never had a problem. He stated when Toll Bros. came in they had a problem as the water was re-directed, and they are not getting it around them any more. He stated he does not feel they should have to dig another well when they know that someone redirected the waterway from their property. Mr. McLaughlin stated Toll Bros. disagrees with this, and the short-term issue is that they are not going to have water. He stated while they are waiting for a determination as to who is responsible, there is a real urgency to get the well dug to a proper level so the house can have water. He stated he would be willing to make a Motion that they grant Mr. Hibbs a loan program similar to what they do with people who tap in to sewer so that they can get the well to a proper level, and then they can determine who will pay for this. He stated if Toll Bros. agrees that it is their responsibility the loan would be forgiven and Toll would pay the bill.

Mr. McLaughlin moved and Mr. Benedetto seconded that the Township offer the financial loan program to the Hibbs family to dig the well to a proper depth for adequate water separate from who is ultimately found to be responsible; and if Toll Bros. is ultimately found that it is their responsibility, the loan could be forgiven.

Mr. Garton stated they should remember that this is taxpayer money and it is not Sewer Authority money that is a ratepayer that is being contributed toward the overall system which will bring in additional revenue, and they need to be very cautious about spending taxpayer money on a private improvement. Mr. Benedetto stated it could be considered Toll Bros. money because they are paying a significant fee to the Township. Mr. Garton stated it is not Toll Bros. money, it is Township/taxpayer money. Mr. McLaughlin asked if they are allowed to do this, and Mr. Garton stated it is questionable whether the Township is legally allowed to lend a private person money.

Mr. Stainthorpe stated the Hibbs family came to the Board and stated they had a problem but no one from the Hibbs family has asked the Township for a loan.

Mr. McLaughlin stated his concern is that this will not be solved in a timely fashion.

Mr. Benedetto stated he agrees with Mr. McLaughlin and stated he feels he is making a very generous offer since Toll Bros. has dragged this out already.

Mr. Hibbs stated he agrees that this has taken too long, and added they have been taxpaying citizens since 1955.

Ms. Tyler stated the engineering report is dated March 19 which is the first time that they have established factually that the position that Toll Bros. took is perhaps not the correct position. She stated they have paid the Township engineers to undertake this investigation on private property so the Township has already committed Township resources to resolving this. Ms. Tyler stated Mr. Garton just reported that he has an ongoing dialogue with counsel for Toll Bros. and is expecting to hear back from Mr. Murphy as to their position on remediating the three properties. She recommended that they allow the Township solicitor to try to bring this to a resolution before they enter into loaning tax dollars for a private property.

Mr. McLaughlin stated while he agrees with Ms. Tyler, he questions how long is too long. Ms. Tyler stated the clock started ticking when the Township came forward with factual information that the development has impacted the wells.

Mr. McLaughlin stated they have not had water for six months; and while he is uncomfortable to loan taxpayer money, in this situation the house is unlivable and there is no water. He stated if they proceed with the loan, the Township will have solved the problem and will get their money back through the loan with interest; and if it is Toll Bros. problem, they will have to pay for it. Mr. McLaughlin stated he feels Mr. Hibbs is responsible for the well they have, but Mr. McLaughlin stated he is willing to help them dig it; and if it is Toll Bros. problem, they will have to pay for it. He stated this would get the house back to a functioning entity. Mr. McLaughlin stated he is willing to loan taxpayer money with a fair interest rate to get them what they need.

Mr. Zachary Rubin, 1661 Covington Road, stated he applauds the Board for taking strong action; but he would suggest that the Township not only deny Building Permits but also deny them Certificates of Occupation. He stated the homes are being settled for close to \$600,000. Mr. Rubin asked Mr. Garton if denying them COs is any different than denying Building Permits. Mr. Garton stated it is because there are people who have sold their homes to move into these new homes; and if they are not given a CO they could lose their mortgage and not have a place to move into. He stated if the Township does not give them a CO, they will have expanded the problem beyond the Hibbs family to all the people that have Agreements of Sale with Toll Bros. Mr. Garton stated this causes problems for other people who are not

a Party to these proceedings. Mr. Rubin stated he understands this which is why he feels this would be more pressure and more leverage which will hurt Toll Bros. He stated not issuing the CO is the real “stick” that they can hold on Toll Bros.

Mr. Garton suggested they Amend the Motion to include “upon the request of the Hibbs’ family.” Mr. McLaughlin moved to Amend, and Mr. Benedetto seconded.

Motion did not carry as Mr. McLaughlin and Mr. Benedetto were in favor and Mr. Dobson, Mr. Stainthorpe, and Ms. Tyler were opposed.

#### DISCUSSION AND APPROVAL TO AWARD CONTRACT TO CONSTRUCT ALL-INCLUSIVE PLAYGROUND

Mr. Eisold stated they received five Bids for the Memorial Park Inclusive Playground; and they are recommending that the Board award the Base Bid plus Bid Alternate #9 which is an alternate play surface that would be used throughout the playground. He stated in the Bid this was left as an Alternate if the Bidder could propose a different kind of system that would be evaluated to see if it would be acceptable. Mr. Eisold stated they did evaluate the low Bidder’s request for this system, and they found it to be just as good as the one in the spec and the warranty is actually longer. He stated one of their staff members also went to look at an installation using this in New Jersey. He stated this company has constructed a lot of these playgrounds in New York City. He stated the use of the alternate surface will be a cost savings of approximately \$55,000. Mr. Eisold stated this brings them down to a low Bid of \$324,289.78 which is close to the Budget and possibly there could be some change orders during construction which could bring that down a little further.

Mr. Garton stated the Township has a Responsible Contractor Ordinance, and the Board cannot award the Bid tonight because there are certain procedures to go through before the Bid can be officially awarded. Mr. Garton suggested wording of a Motion that the Board could make this evening.

Mr. Stainthorpe moved and Ms. Tyler seconded to authorize the notification of the apparent low Bidder, Brighton Builders LLC, that they are the low Bidder and require them and any subcontractors to comply with the Responsible Contractor Ordinance; and if they do, after the passage of thirty days, the Motion is further that they get the Bid.

Mr. Benedetto stated only two of the five Bidders had the alternate surface in their Bid; and Mr. Eisold stated it was put in as an Alternate that if the Bidder had another system that they believed was an equal they could submit it in their Bid, and they would evaluate and determine if it was actually as good as what they had originally had in the Specs. Mr. Eisold stated only two of the five Bidders chose to do that, and the two that put it in had substantial reductions in the Bid. He stated the alternate system actually seems to be better for a lower price.

Mr. Benedetto asked if Brighton Builders have done any projects in Bucks County, and Mr. Eisold stated they have not. He stated they have done a lot in Philadelphia and New York, and they seem to be in the bigger cities.

Mr. Benedetto stated the original Grant was budgeted at \$150,000 for the Playground plus there was \$250,000 so they were looking at a budgeted amount of \$400,000 with the money they floated in the Bond. Mr. Fedorchak stated the Grant amount was actually approximately \$100,000 plus there is the \$250,000 which the Board of Supervisors financed earlier in the year. He stated it appears as if they will be at the Budget of \$350,000.

Ms. Lynn Buie-Carter, Disabled Persons Advisory Committee, asked about the alternate surface and whether it was wheelchair friendly. Mr. Eisold stated it is. He stated Ms. Liney has a sample of the surface. He stated it is actually a little more stable than the other surface.

Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF MARKETING PROGRAM FOR TOWNSHIP POOL

Mr. Rodger Owen and Mr. Joe Menard from the Citizens Budget Advisory Council were present. Mr. Menard stated from 2009 to 2012 there was a 7% decline in Family Memberships, and from 2012 to 2013 there was a 13% decline.

Mr. McLaughlin asked if they have done any kind of polling of people who have not renewed their Membership to understand why this is occurring. Mr. Stainthorpe stated he feels the data is the same for the School District, and there is a decline in school-age population in Lower Makefield which has been going on for awhile and will probably continue for awhile.

Mr. Menard stated they want to look at the database and analyze what is going on. He stated part of the program they are proposing will reach out to those who did not renew to find out why. He stated they know that the trends are that they are down

in families, up on Seniors, and up on caregivers and this correlates to the population trends of the Township. He stated there is not a growing population in the Township, and the population is aging.

Mr. McLaughlin stated he would like to know why people are not renewing their memberships. Mr. Menard stated they came up with a number of potential reasons, but they need to contact the people somehow to find out why they did not renew. He stated they could also request a narrative providing their experience with the Pool to get feedback. He stated any business with a declining customer base would want to reach out and find out why.

Mr. Benedetto stated people do provide reasons on Facebook, and they have indicated they do not like the Pool hours in June in particular, and they would like to have an adult swim. Mr. Benedetto stated residents have had issues about certain things and they have not listened.

Mr. Menard stated they are going to try to address these issues. He stated they are also going to provide a way to receive complaints and try to address them. Mr. Menard stated their goal is to attract new members and satisfy the current members.

Mr. McLaughlin stated he feels the NAC is taking away Lower Makefield Township customers, and he feels they will continue to do so if the Township does not come up with something comprehensive. He stated he does not feel the Pool's infrastructure is relevant anymore in light of the competition. Mr. Stainthorpe stated he does not feel they know this for sure, adding that the NAC is very expensive, and you have to join the whole facility and not just the Pool.

Mr. Owen stated they were asked by Mr. Fedorchak to develop a strategy and ideas to increase Pool membership. He stated they looked at what the physical needs of the Pool were, and they have concluded that the Pool needs very little. He stated the Pool is a fantastic facility, and they do not need any major improvements. He stated they are adding a pergola to increase the shade. He stated they have made some recommendations for upgrading the snack bar which will be done by Opening Day.

Mr. Owen stated it has been determined by their Committee that a new branding or re-imaging of the Pool is the best way to enhance the excitement of existing and prospective members. He stated they are suggesting the hiring of an outside consulting firm to implement a marketing and promotion plan for 2014 and beyond. They feel the declining membership can be quickly reversed by making the LMT Pool an exciting place to be. He stated the only competition is Brookside and the Newtown Athletic Club where he is a member. Mr. Owen stated Breezypoint and the Newtown Swim Club have closed so there is really no other competition.



Mr. Owen stated after looking at three excellent proposals from Lower Makefield Township companies, they are recommending hiring FZ Media, a Yardley Business located in the Grist Mill and owned by a Township resident who has been a Pool member for twelve years. Mr. Owen stated FZ Media proposes to design a new logo for uniforms, the Website, Facebook, and all collateral material. The first month plan will include four e-mail campaigns, one per week, with links to the LMT.org Website. He stated they will not use postcards or other mailings as they want to use social media. Mr. Owen stated they will target events that are coming to the Pool for Moms, children ten and under, and Tween and Teen years. FZ Media has also suggested two colorful banners to be displayed now on the exterior fence at the Pool to promote the Pool. Mr. Owen stated they will post relevant contact on an LMT Pool Facebook page twice a week, including coming events, a monthly calendar, Swim Team schedules and Team results, and approved photos.

Mr. Owen stated they are also considering a number of events at the Pool including “Dollar Dog Night” every Friday, exercise classes for the Moms such as Zumba, fitness, and yoga sponsored by local businesses, Sunday splash events, and movie nights with free popcorn which Ms. Liney has already scheduled. Mr. Owen stated they also propose pavilion parties featuring face painters, magic shows, and pony rides. Mr. Owen stated Ms. Liney has also scheduled bands for the holidays this summer. He also noted the possibility of birthday parties to be organized by Pool staff with a birthday cake provided. Mr. Owen stated they also have considered basketball tournaments – three-on-three and free throw contests adding the Township has a huge property with a lot of facilities.

Mr. Owen stated they are also considering new member specials with sign ups for two years with a \$50 coupon for free food. He stated those signing up early for 2015 could receive a \$20 coupon for free range balls at Makefield Highlands.

Mr. Owen stated they also recommend a Pool Steering Committee which would recommend the events that need to be organized, execute all weekly events, and make sure that they are properly implemented. He stated the Committee should include Donna Liney, Charles Barrett from FZ Media, the Snack Bar Manager, and the Pool Manager.

Mr. Owen stated FZ Media’s annual fee is \$27,000 to be paid monthly. He stated this recommendation was the least expensive.

Mr. Dobson asked if they feel they have the right Pool Manager running the Pool on a day-to-day basis. He stated he recognizes that Ms. Liney is ultimately responsible, but she cannot be there running the Pool day-to-day since she is too busy.

Mr. Dobson stated he feels they need to have someone who has a good grasp of what will attract people to the Pool. He stated he feels on-site management is very important.

Mr. Fedorchak stated he agrees with Mr. Dobson and stated this year they will approach Pool Management a little differently. He stated he is assigning Ms. Liney, the Director of Parks & Recreation, more of the administrative functions and tasking her with the responsibility to implement these ideas and initiatives that are coming from the marketing program. Mr. Fedorchak stated he has hired a new Assistant Manager who had been the Manager of the Newtown Swim Club for several years, and he is very excited to be part of the team.

Mr. Menard stated he feels the Steering Committee will be a very critical aspect of their plan. He stated if they are going to run a business, they need to brand it and set some standards and goals. He stated they need to have a daily operating discipline plan. He stated when guards are on duty, they should be on duty wearing their uniforms and sitting properly. He stated the customers should know who the guards are and who is the Manager. He stated they would also like to see the Pool Manager occasionally standing at the front gate and greeting those coming in. He stated the Pool Manager should also occasionally walk around the facility and hand out comment cards and ask the members to put completed cards in a box at the front desk. He stated they need the Steering Committee to determine how the Pool is going to be run from now on.

Mr. McLaughlin asked why they need a Steering Committee as he felt this was the job of the Park & Recreation Board, and he asked how the Park & Recreation Board is involved. Mr. McLaughlin also asked how they will determine whether the new program that is costing \$27,000 is a success. He also asked if this is a long-term program. Mr. Menard stated they cannot answer all of these questions yet. He stated the marketing campaign ties in with how the Pool is going to be run. He stated this is a new approach to running the Pool. He stated if they do not do the operation side, the marketing side will not be as successful. He stated the cost is actually going to go over two years with half spent in the 2014 Budget and the other half in the 2015 Budget. He stated by this time next year, they will have gone through the initial phase of renewals since the Discount Period would be over by this time next year. He stated they have one year to try to attract new people and the whole summer to try to make it more attractive for the people they want to retain. He stated they will then have the ability next year to see where this has taken them. He stated this is combined with a committed effort to run the Pool in a more disciplined and operational way.

Mr. McLaughlin stated they outsource the management of the Township Golf Course to experts in the golf field, but they manage the Pool themselves. Mr. McLaughlin asked if it is time to look at opportunities to have the management of the Pool outsourced because of the more competitive environment.

Mr. Benedetto stated he feels they could get the word out better, but he does not feel they have a real marketing problem. He stated he feels they are forgetting the residents and reaching out to non-residents and making it easier for non-residents to join. He stated the most recent application came out asking members if they were willing to sponsor a non-resident family that they do not know. He stated there were 71 non-resident families last year, and he feels that number will go way up because there will be people coming from Newtown who were displaced from the Newtown Swim Club. Mr. Benedetto stated he feels this is going to drive away even more Lower Makefield Township residents. He stated he feels they need to change the hours, look at a more visible and proactive Manager, and include more events which he feels would bring back more residents.

Mr. Owen stated the Membership is declining, and the only way to improve it is through a really good marketing and promotions program so that everyone feels excitement about the Pool. Mr. Owen stated it is a fairly short season, and he is not sure that there are management companies that would do for the Pool what Spirit Golf does at the Golf Course. Mr. Owen stated he feels they should task FZ Media to come up with answers so that at the end of the Pool year they understand why people dropped away.

Mr. Stainthorpe stated the management of the Pool is definitely an issue, and there has been a mindset going back years that they do things a certain way and they are not changing. Mr. Stainthorpe stated changes to the hours and adult swims could be done with a smart Manager who listens to the customers.

Mr. Owen stated they were not tasked to do this so he could not answer this. Mr. Menard stated this is why he indicated that there should be a Steering Committee that needs to be proactive in setting standards so everything comes together. He stated they need to reach the residents, and they need to retain those who are here by making them have a good experience and want to come to the Pool. He stated they need to have job descriptions for staff so that they know that they will be held accountable.

Mr. Benedetto stated Ms. Tyler has had good ideas about the Pool, and they had discussed upgrading the facilities including the bathrooms. He stated it would not cost that much money to make a big difference. Mr. Owen stated he feels this should also go on their list to be considered.

Mr. Owen asked what percentage of non-residents play golf at Makefield Highlands, and Mr. Dobson stated it is more than 60%. Mr. Owen stated this is how the Golf Course supports itself, and they may need that going forward at the Pool to make this work. Mr. Owen stated they also considered taking Makefield Highlands and the Pool and developing a joint marketing program so that they are marketed together as they are both strong assets for the Township.

Mr. Benedetto stated there is a difference between the Golf Course and the Pool. He stated there is a capacity at the Pool, and there is a point where people feel it is too crowded and will not come. Mr. Benedetto stated he feels if they get more non-residents coming in, he feels they will drive down the number of residents. He stated he is concerned that it will get too far away from being an LMT Community Pool.

Ms. Tyler asked if they spoke to any other marketing companies other than FZ Media, and Mr. Owen stated they spoke to three companies. Ms. Tyler asked if the Steering Committee would be separate from FZ Media, and Mr. Owen stated FZ Media would be a part of it the Steering Committee.

Mr. Fedorchak recommended that the expenditure come out of Park & Recreation Fee-In-Lieu Fund rather than the Pool Fund, and he noted they do have the money to do this in that Fund.

Mr. Stainthorpe stated he feels that they should commit to this for the two-years as it takes time to establish a brand. He stated the Township has not done anything to market the Pool to his recollection. He stated in the 1980s there was a Waiting List, but when they built the newer pools, it eliminated the Waiting List. He stated if they do nothing, he feels the Pool membership will continue to decline; and if they do something it is possible they may stabilize it or turn it around, and he feels they need to try this. Mr. Stainthorpe stated one of the “drivers” is school-age children; and if they feel that the Pool is a good place to be and their friends are there, then the families will join. Ms. Tyler stated they are losing them at twelve, thirteen, and fourteen.

Mr. McLaughlin stated a number of his children’s friends live outside the Township, and the guest program is lacking. Mr. Menard stated he feels this is part of why they need the Steering Committee because there are a lot of issues like this that need to be considered.

Mr. McLaughlin moved and Mr. Stainthorpe seconded to approve \$27,000 from the Park & Recreation Fee-In-Lieu Fund for the commissioning of FZ Media Design to develop a marketing plan for the LMT Pool as well as the creation of a Steering Committee to manage the Pool activities.

Mr. Zachary Rubin stated with regard to Mr. McLaughlin's comment about bringing in a for-profit private management company such as what Spirit does at the Golf Course, he has been involved in an HOA and pool management for over twenty-two years; and over those years they have interviewed numerous pool service companies to run the pool and everyone provides lifeguards, chemicals, and upkeep for the pool but none of them really manage the facility. He stated they do not do the marketing or run the food concession.

Mr. Menard stated the Citizens Budget Committee will work with the Steering Committee, and they will do whatever is necessary to help the Pool be successful.

Motion carried unanimously.

Mr. Garton stated the Board met in Executive Session for approximately forty-five minutes prior to the meeting to discuss real estate matters, on-going labor negotiations with the Police Benevolent Association, the Zoning Hearing Board issues to be discussed later, and some personnel issues.

#### APPROVE GRANT OF EXTENSION TO CAPSTONE TERRACE AND JENNINGS TRACT

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to grant the following Extensions:

Capstone Terrace – July 31, 2014  
Jennings Tract - July 30, 2014

#### ZONING HEARING BOARD MATTERS

With regard to the Scott & Carolyn Roth Variance request for the property located at 1571 Jockeys Way in order to permit construction of a swimming pool with accessory pool house within a special setback of I-95, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Elizabeth Fineburg Variance request for the property located at 2 Milton Drive in order to permit construction of a sunroom and driveway turnaround resulting in greater than permitted impervious surface and encroachment into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the William J. and Kelley A. Cwiklinski Variance request for the property located at 317 Yardley-Newtown Road in order to permit construction of an addition resulting in greater than the permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Benedetto stated on April 5 there will be a Trees 101 Seminar held in the Township Building. He stated Opening Day for PAA is this Saturday, and Lisa Gage from EMAC will be filming Opening Day. Mr. Benedetto stated the Veterans Committee is soliciting Bids for the Veterans Monument.

#### APPROVAL TO ESTABLISH FOX HOLLOW AND LONG ACRE LANE AS A FOUR-WAY STOP

Mr. Fedorchak stated there has been a request made by a number of residents to establish a four-way stop at the intersection of Fox Hollow and Long Acre Lane. He stated that in accordance with State law, they are required to have an engineering evaluation; and Gilmore performed this evaluation in September, and they determined that a four-way stop is warranted at that location.

Mr. Stainthorpe moved, Ms. Tyler seconded and it was unanimously carried to establish a four-way stop at Fox Hollow and Long Acre Lane.

#### SNIPES TRACT DISCUSSION

Mr. Benedetto stated the Supervisors received an e-mail this afternoon regarding the Snipes Tract, and there was concern by residents across from the Snipes Tract about the chain link fence which is unsightly. He stated they were also concerned about attracting bugs. Mr. Benedetto stated under the Master Plan this was supposed to be soccer fields.

Mr. Kall stated with the Samost Tract closing and the ball fields being built, they needed another place to store leaves, mulch, and recycling items; and one of the best locations was the Snipes Tract as it was not being utilized for anything at this time. Mr. Kall stated it was in very poor condition and was open to vagrants and young people hanging out on the property. He stated with the approval of the Township Manager, Public Works was given permission to clean up the property so that they could stockpile a portion of their leaves. Mr. Kall stated they removed approximately 600 feet of fencing directly across from Elm Lowne after having

discussions with neighbors in the area one of whom was the owner of Elm Lowne who gave some suggestions; and Public Works took their suggestions and came up with the best solution which was a chain link fence which will keep people off the property and is somewhat appealing to passersby. He stated the fence was installed the end of 2013, and they had received praise for the fence and the condition of the property. He stated today was the first time that they were notified that there was any displeasure with their actions. He stated they have kept traffic down to a minimum at that location but they do stockpile leaves there.

Mr. Kall stated a few weeks ago the recycling yard at the Township Building was 99% full as a result of the storm which occurred on February 3; and in order for them to accommodate the residents of the Township, they needed to accept recyclable materials, and they opened the Snipes Tract for one Saturday. He stated they would like to continue to bring recyclables there, although at this point the recycling yard at the Township Building has been cleaned up and they have done a tremendous amount of grinding of both leaves and recyclable material so they can limit their activity at the Snipes Tract.

Mr. Kall stated the Snipes Tract is posted that it is a leaf compost facility as a number of residents had expressed an interest as to what the Township was doing at this location. He stated most of the residents were concerned that there was going to be a housing tract built on the property which is not the case. Mr. Kall stated they are trying to make it as aesthetically pleasing and eye catching as possible. He stated they have talked to local farmers, Sam Stewart in particular, about farming the two to three acres of land in the front and planting corn there so that it fits the model they like to promote in Lower Makefield. He stated this is a work in progress which has taken time and a tremendous amount of resources. He stated they are trying to make it as appealing as possible, and it is much better than what it was.

Mr. Dobson stated the e-mail mentioned dumping, and Mr. Kall stated from the fence line from the gate back to where the recycling area is located is 1,000 feet; and there is no way that anyone could see any activity going on at the property even in the winter. He stated the material that is stored in front of the property is the fencing that was peeled down and topsoil that was stored there when the front of the property was stripped. Mr. Dobson asked if there are any lit signs, and Mr. Kall stated there is not. He stated there are two signs on the fence one of which has the Township logo and indicates Leaf Compost Facility 1325 Dolington Road. He stated the signs are 3' by 4'. Mr. Dobson asked if there is anything they could do such as installing trees on the other side of the fence to make it look better, and Mr. Fedorchak stated he is certain that they can soften up the look. He stated at this point it is a work in progress.

Mr. Benedetto asked if it is fair to say that this is not a temporary operation, and Mr. Kall stated it is a disposable property which could be “flipped” at any time if something else needs to take place there. He stated it is their intent to store leaves there, grind leaves there, create mulch, and transport or sell the mulch off the property. Mr. Kall stated the residents can still pick up mulch at the Township Building, and the reason why there was mulch stockpiled outside the fence was part of the enhancement program; and they wanted to transplant shrubs and bushes that are currently on that property and move them out to the front to create the buffer along the fence. Mr. Kall stated this process will take some time with the limited resources they have in funding. He stated it is in their best interest to make the property as appealing as possible. Mr. Dobson stated he feels they need to accelerate this just a little bit.

Mr. Rubin asked what the Snipes Tract is Zoned, and Mr. Fedorchak stated he believes it is R-1. Mr. Rubin asked if cyclone fences permitted on R-1 parcels, and Mr. Fedorchak stated he believes they are. Mr. Rubin asked if they are still putting leaves on the Patterson Farm, and Mr. Fedorchak stated they are.

#### BRIGHT FARMS UPDATE

Mr. Benedetto asked for an update on the glare issue at Bright Farms. Mr. Eisold stated based on the Zoning Ordinance, there is a Section that deals with light intensity which states that no glare can go off the property, and the minimum amount of illumination must be less than 0.5 foot candles at all property boundaries adjacent to residential properties. He stated he took out the light meter for two nights recently and calculated the glare at many locations on the Patterson Farm. Mr. Benedetto asked what nights he went out, and Mr. Eisold stated he went out last night and the night before.

Mr. Eisold stated by the Artist’s building it was 0 foot candles and also at the common property line adjacent to the Miller property he calculated it to be 0 foot candles. He stated he also did a number of readings around the greenhouse when it was fully illuminated; and while right next to the greenhouse it was quite high, toward the property to the south it was below a half foot candle by the time you got to the property although at that location it is not Residential. He stated the light disperses pretty quickly, and it was all within the requirements of the Township Ordinance.



Mr. Eisold stated Mr. Fedorchak had also asked him to check out a number of other locations in the Edgewood Village area which he did. He stated he looked at the CVS; and while it is higher in the parking lot, at the street line at the edge of the road it was 0.0 foot candles at all locations. Mr. Benedetto asked if this is across the street from Mr. Miller, and Mr. Eisold agreed. Mr. Eisold added that this does not mean that you cannot see the lights as he was measuring the intensity of the light and not whether or not you can see light in the distance.

Mr. Eisold stated he also measured some other areas in the Township including the Masonic Hall, and at the property line there was 0.0 light intensity.

Mr. McLaughlin stated this means that there is no light glare problem, and Mr. Eisold stated they are within the requirements of the Township Zoning Ordinance.

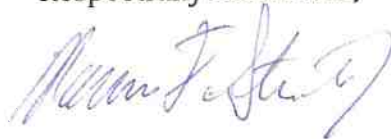
#### APPOINTMENTS

Mr. Stainthorpe moved, Mr. Benedetto seconded and it was unanimously carried to appoint the following:

Cynthia D'Alessio – EAC  
Matthew Conley – EAC Alternate  
Adam Reiss – Golf Committee

There being no further business, Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:45 p.m.

Respectfully Submitted,



Pete Stainthorpe, Secretary

