

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JANUARY 16, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 16, 2013. Chairman Stainthorpe called the meeting to at 7:30 p.m.

Those present:

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

Others: Jeffrey Garton, Township Solicitor
 Mark Eisold, Township Engineer
 Kenneth Coluzzi, Chief of Police

Absent: Terry Fedorchak, Township Manager

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road, asked that the Pennsbury community to lobby their Legislators to authorize the School District to increase the amount that they can borrow so that they can execute his plan to pay for the unfunded liabilities.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, asked that the **Board** write a letter to Representative Fitzpatrick asking him to support a ban on assault weapons when it comes before Congress. Mr. **McLaughlin** stated he would not want to **approve** anything he has not read. He stated once it has been proposed, and he can read it, he would consider writing such a letter. Mr. Stainthorpe stated at the last meeting he expressed that he does not feel the Board should vote on Resolutions that involve National or State policy, and they should conduct the business of the Township. He stated later on in the meeting, they will discuss a Resolution to eventually go to the Pennsylvania State Association of Township Supervisors supporting changes in Legislation regarding guns in parks. He reminded the Supervisors that they are each individually free to write a letter to Representative Fitzpatrick on Township letterhead and sign it as a Supervisor. Mr. Cohn stated he feels it would have more of an impact if the entire Board did this on behalf of the Township and that other Townships may then do this as well.

Mr. Fran McDonald, 937 Randolph Drive, asked for an update on the EMS situation. Mr. Stainthorpe stated the Township is requiring that an audit be done. Mr. McLaughlin stated Mr. Fedorchak met with the new auditor and scoped out the project of auditing the EMS. Mr. McDonald asked if funding for the EMS is okay for January and February, and Mr. Stainthorpe stated it is as far as the Board knows. He stated Mr. Fedorchak had surgery today and will be out of the office for a while. Mr. Stainthorpe stated the Township has insisted that the Emergency Squad Board become more involved, and he believes they will now meet every other month; and Mr. Stainthorpe stated he will be serving as liaison to that Board, so the Township will have a much better understanding of their day-to-day operations. Mr. Stainthorpe stated the goal is to make sure that they are providing for the Township citizens the best possible Rescue Squad that they can provide.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to Approve the Minutes of December 19, 2012 as written.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to Approve the Minutes of January 7, 2013 as written.

APPROVAL OF PRELIMINARY/FINAL PLAN FOR SAMOST TRACT BASEBALL FIELDS

Mr. Stainthorpe stated since the Township owns the property, they will be voting on their own Development. He stated the Township received a Grant from Harrisburg in the amount of \$1 million to do enhancements to the Township recreation opportunities. He stated they have re-surfaced the tennis and basketball courts, and they all agreed that two baseball fields were needed by PAA. He stated assuming they approve the Land Development this evening, they will move forward with advertisement for Bids.

Mr. Eisold showed a copy of the Plan. He stated they have been working with PAA and Park & Recreation for the past five months to refine the Plan. He stated they have proposed a 90' Babe Ruth field and a smaller Cal Ripken field. He stated it includes one hundred parking spaces, stormwater detention basins, rain gardens, dugouts, and fencing. He noted one field sits up five to six feet higher than the other field and he showed this on the Plan. He stated they were limited by the topography of the site and the Water Company property. He stated they have a set of Plans that are ready to go out to Bid.

Mr. Stainthorpe stated PAA indicated that they were concerned about drainage on the fields, and he asked how this has been handled. Mr. Eisold stated they have designed an under drain system for the in-fields of both of the fields. The fields would then drain off into the rain gardens which will help the fields dry out quicker and be able to be played on more quickly after a rain. Mr. Stainthorpe stated this is an issue at Stoddard, and Mr. Eisold stated he is aware of this and that there are times when they are unplayable for days. He stated both PAA and Park & Recreation wanted to make sure that the under drains were in the Primary Bid and not as an Alternate.

Mr. Dobson asked if the fields will be playable in twenty-four hours after a two inch rain; and Mr. Eisold stated while there are a lot of conditions that go into this, with this under drain system in the in-fields, the water will drain down into slits and the water will be carried away.

Ms. Tyler asked Mr. Eisold if he feels what is being done at these fields will help alleviate some of the water problems on the existing Stoddard fields. Mr. Eisold noted the location of rain gardens that will catch some of the water that is running that direction.

He stated the Park & Rec field staff has also re-graded some swales as well. He stated there is also money in the Grant to install under drains at one of the Stoddard fields.

Mr. Benedetto asked if the parking proposed is gravel; and Mr. Eisold stated ultimately they would like it to be paved; but since there are budget constraints, it may not be paved from Day 1 depending on how the Bids come in. He stated when they do the annual Road Paving Program, they typically get good numbers which would probably be better than they would get for paving for this project since the contractor who builds the fields would probably have a subcontractor do the paving.

Mr. Benedetto stated the original Grant was \$1 million and included the fields, the special needs playground, and the resurfacing. He asked the estimate for the ball fields, and Mr. Eisold stated it is estimated to be \$650,000 to \$675,000. Mr. Benedetto stated he assumes that figure is for a gravel parking lot, and Mr. Eisold stated paving the parking lot is estimated to cost \$80,000 so it will depend on how the numbers come in. Mr. Benedetto stated he would like to see the paving done in the beginning; and Mr. Eisold again stated it depends on how the numbers come in, but this would be a decision for the Board.

Mr. Stainthorpe stated they wanted this approved to go out to Bid as soon as possible since you normally get better prices at this time of year from contractors. Mr. Eisold stated at this point the earliest they will be able to play on these fields would be fall of 2014. He stated there will be a Base Bid, and there will also be a list of Alternatives to be decided on individually depending on the Budget; and one of the Alternatives would be the paving.

Mr. Dobson asked about the use of pervious paving, and he asked if they could include this in the Alternatives to see what the difference in cost would be; and Mr. Eisold stated they will do that. He stated the walkways and paths will be bid as an Alternative in both pervious and impervious paving, and they could do this for the paving as well. He stated it is somewhat more difficult to do pervious paving if they do not do it right away because part of what makes it pervious is not having it be compacted.

Mr. McLaughlin asked about congestion in the area when the Pool is open and all five fields are in use. He noted there is only one access out proposed for this facility. Mr. Eisold stated they will open this one access up as it is a little tight. Mr. McLaughlin asked if there is enough parking for all the facilities. He also expressed concern with drivers making left-hand turns out of the new facility. Mr. Eisold stated scheduling games will make a difference. He stated when there are large Tournaments, they have to make arrangements for parking elsewhere.

Mr. Greg Caiola, PAA, stated they recognize that during Tournaments they need to have parking elsewhere, and they will make sure that they adjust what they are doing to make sure there is ample parking for the different programs. He stated they discussed this as soon as they understood that the Community Center will be on the site as well. He stated they will make sure that people know where they can and cannot park. Mr. Caiola stated for the two new fields they would be adding approximately forty-five players plus parents/spectators; and they will have to be due diligent to make sure people are parking where they can legally and safely.

Mr. McLaughlin stated he is concerned about left-hand turns into the site which could cause drivers to possibly back up past the light at Oxford Valley Road and Edgewood. Mr. Caiola stated they do have control over the schedule, and it also depends on their numbers. He stated they will now be managing five fields as opposed to three. Mr. McLaughlin stated he is concerned about all the activities in this whole area. Mr. Caiola stated the Pool parking is across the street. Mr. Caiola stated it is also true that as the baseball players get older, there are often fewer parents coming to watch, and you actually get more crowds at the smaller fields.

Mr. Dobson asked the time of year that all five fields would be used. Mr. Caiola stated it is primarily April through June. He stated while there are Tournaments after June, they do have control over that parking. He stated the Babe Ruth fields may be used later in the year as well, but this is used only by the older players.

Mr. McLaughlin asked if any of the fields will have lights; and Mr. Eisold stated while they will not, there is a Bid Alternate for conduits so that if they want to have lights in the future, they would not have to dig everything up.

There was discussion about the proposed batting facility which was shown on the Plan. Mr. Caiola stated they do not have the funding for this, and PAA's primary focus now is to get these two fields built. He stated they will work internally in the future to try to secure funding for the batting facility adding that there are benefits for having this facility in the community.

Mr. Caiola stated he is very pleased that the drainage has been included in the Base Bid so that it will be done right the first time.

Mr. McLaughlin asked if the proposal for the ball fields impacts the two possible locations for the Senior Center, and Mr. Eisold stated it does not. Mr. Eisold showed a Plan showing these two options on the site. Ms. Tyler stated she was the Park & Rec liaison; and one of the first questions they asked the engineering team was whether they could have shared services, but due to the nature of the property, they are completely distinct other than a possible shared water bib.

Mr. McLaughlin asked where the leaves/mulch piles will go once these facilities are operational. Mr. Stainthorpe stated a final decision has not been made on this. He stated they will be able to use Patterson Farm for a while, and they may use the Snipes Tract. Mr. Eisold stated they are looking at the Snipes Tract at this time which is secluded. Mr. McLaughlin asked if residents will still have access to the free mulch; and Mr. Eisold stated they will, although he is not sure exactly where it will be located.

Mr. Benedetto stated he has concerns about parking because of the Community Center, and he wants to make sure people do not park in the neighborhoods off of Oxford Valley. He stated this happens currently, and now they will be adding two fields. Chief Coluzzi stated it is difficult to control this because it is legal to park in the street provided you are not blocking any driveways. He stated signage would probably be the best way to handle this initially; and if this does not work, they will have to see what they can do. He stated they can do temporary "No Parking" signs.

Mr. Benedetto stated the EAC did an extensive review including the issue of replacement trees. Mr. Eisold noted areas on the Plan where trees will have to be removed. He stated the EAC wanted to make sure that the engineer calculated the replacement tree numbers. He stated this calculation has not been done yet, and they will do it before any trees are removed. He stated the Township will then have to decide how they want to proceed as to replacement trees on the site or at some other location. Ms. Tyler stated she assumes that no matter how many trees they take down, they will replace that number to comply with the Ordinance. Mr. Garton stated the Township is subject to their own Zoning regulations.

Ms. Tyler asked about the review by the Township traffic engineer; and Mr. Eisold stated the Township traffic engineer did look at the traffic flow, and they made some recommendations including an area he showed on the Plan where it would be one way in and then have another location on Edgewood Road where it would be one way out although he is not sure where this would be. Mr. McLaughlin asked if they could restrict left-hand turns so that they could only exit the site toward the right; and Mr. Eisold stated while they could have signs, there would be need for enforcement. Mr. Garton stated they could design the exit with the appropriate “pork chop” etc. so that you could only make a right. He noted that the Planning Commission was not in favor of an additional access point. Mr. Eisold stated the parking lot is not conducive to a second access point because it is narrow. At the request of Ms. Tyler, Mr. Eisold showed on the Plan where the access to the Pool is located in relation to the entrance to the proposed ball fields.

Mr. Garton stated he has proposed an extensive list of Conditions for the Township’s proposal to develop Tax Parcel #20-34-47 with two ball fields and facilities related to the ball fields; and in addition there will be parking for approximately one hundred vehicles, and a five foot wide pedestrian trail linking parking areas to the fields, etc. Mr. Garton stated the Planning Commission has recommended Approval with Conditions. Mr. Garton stated he will review potential Conditions and ask that the Board make decisions as they go through the discussion.

Mr. Garton noted the EAC letter. He stated the EAC, as did the Planning Commission recommended that the replacement trees be replaced by new purchase and not from another project. Mr. Garton stated the EAC questioned truck traffic, and responses were provided in the Boucher & James report dated 12/10/12. He stated the EAC also asked for a left field dimension modification on the smaller ball field; however for reasons set forth in the Boucher & James report dated 12/10/12, this cannot be incorporated. Mr. Garton stated Boucher & James also included a response to the EAC comment regarding stormwater calculation methodology.

Mr. Garton noted the Historic Commission suggested in their report that the hedgerow goes back to the William Penn era and should be preserved; however, Boucher & James had their landscape architect inspect this and a copy of that Report was provided to the Township and indicates that the hedgerow trees are in fair to poor condition with the oldest tree being ninety-three years old and not back to the William Penn era.

Mr. Garton noted the Traffic engineer’s comments and stated the Plan does not include an additional driveway at this point.

Mr. Garton stated the Planning Commission wanted the Board to take into consideration interconnectivity between the adjacent tracts and try to provide a pathway to Edgewood School. He stated they are also not recommending that trees from other properties be used to meet the standards, but that there be new trees.

Mr. Garton stated the Planning Commission asked the Board to restrict signage on the Babe Ruth field to only times when Tournaments or activities are ongoing at that facility, and the Board should make a decision on that this evening. Mr. Stainthorpe asked if this refers to advertising signs, and Mr. Garton stated he assumes that this is what they mean. Ms. Tyler stated they were concerned that the Babe Ruth field will come out at the corner of Oxford Valley and Edgewood which is a high-volume traffic area, and the Planning Commission did not want to see the kind of signs that you see at the existing Stoddard fields other than during Tournaments and games; and then they wanted them taken down permanently. Mr. Stainthorpe stated the signs face in. Ms. Tyler stated they were still concerned that you would see the back side of all the signs. Mr. Stainthorpe stated he feels the policy on signs at the ball fields should be consistent, and they should do the same thing that they do at Stoddard.

Mr. Bob Smith, 1476 Brookfield Road, stated the backs of the banners face out, and they are all green. He stated the banners bring in revenue which helps PAA offset costs to families and help with improvements. Mr. Stainthorpe stated when the Board approved the signs at Stoddard there was considerable discussion; and he feels that people understand that the signs in the outfields of the baseball fields are revenue for the organization and help keep the prices down for families. He stated he feels they should continue to be consistent with what goes on at Stoddard. Mr. Smith stated he is also on the Township's Economic Development Commission, and almost 100% of the banners are from local businesses. Mr. Stainthorpe stated the parents of the players who are involved in the organization do a lot of work at the fields; and if they have to take the signs down after every game, this another task they would have to do.

Mr. Smith stated they feel that these new fields will alleviate crowding and will get them in and out faster. He stated he feels there will be a small increase in players but there will also be more fields for the players to play on. He stated the parking problems are only an issue during two to three large Tournaments.

Mr. McLaughlin asked if the banners are a uniform color, and Mr. Smith stated they are all green on the back.

A majority of the Supervisors were in favor of advertising signage consistent with what is at Stoddard with respect to color

Mr. Garton stated the Planning Commission asked that the comments of the Township traffic engineer be addressed at the next Road Program. He stated they also wanted the drainage for the infield and the water service for the fields be included in the Primary Bid. He stated they also asked that the re-planting of the trees to be removed be coordinated with the EAC.

Ms. Tyler moved and Mr. McLaughlin seconded to approve the Preliminary/Final Plan for Samost Tract Baseball Fields Plans dated 10/2/12, last revised 12/18/12 subject to the following Conditions:

- 1) Receipt of all Permits and Approvals from any agencies having jurisdiction over such matters including but not limited to PennDOT, the Bucks County Conservation District, DEP, etc.
- 2) Compliance with the Bucks County Planning Commission Report dated 11/7/12 with the understanding that Waivers requested by the Township were granted from the following provisions of the Subdivision and Land Development Ordinance:
 - a. Section 178-13.A to not require a pre-Application meeting prior to Plan preparation
 - b. Section 178-13.B. (3) (b), to not require a comprehensive analysis of existing conditions of areas within 500 feet of the site
 - c. Section 178-13.C, to not require a site visit
 - d. Section 178-13.D, to not require a pre-Plan conference
 - e. Section 178-13-E, to not be required to conform to the four step design process, and inclusive requirements
 - f. Section 178-20-C.9, to not be required to depict underground utilities within two hundred feet of the site
 - g. Section 178-20-C.10, to not be required to depict existing trees 8 inches in caliper or greater
 - h. Section 178-20-E.15, to not require a lighting plan
 - i. Section 178-39, to not require an off-site public transportation impact fee
 - j. Section 178-47, to not require sidewalks along streets
 - k. Section 178-48, to not require the establishment of a bike path

- l. Section 178-50, to not require the installation of street lights
 - m. Section 178-53, to not require parking lot lighting
 - n. Section 178-57.E, to not require the installation of curbing for parking lots
 - o. Section 178-85.H.4, to not require replacement trees
 - p. Section 178-86, to not require recreation land or Fee-In-Lieu
 - q. Section 178-87, to not require open space
 - r. Section 178-95.D.1, to not require proposed grades that not exceed four feet horizontal to one foot vertical, and
 - s. Section 178-95.C.4, to not require edges of slopes be offset five feet from a property line, or right-of-way
- 3) In addition to the aforementioned Waivers, the Board of Supervisors granted Waivers from the following provisions of the Stormwater Management Ordinance:
- a. Section 173-12.K, so as to not require that the stormwater runoff detention facilities completely drain, including both the volume control and rate control capacities, over a period of time not less than 24 hours from the end of the design storm
 - b. Section 173-14.C.(6)(g), so as to not require a ground water mounding analysis, and
 - c. Section 173-15.A, so as to not require that the two-year storm post development peak runoff rate be less than or equal to the one-year predevelopment peak run off rate

- 4) With respect to the report received from the Lower Makefield Township Environmental Advisory Council the comments shall be addressed as follows:
 - a. An evaluation of the utilization of pervious paving shall be made by the Township engineer and shall be incorporated into the Bid specifications so as to permit the Board of Supervisors to decide, when awarding Bids, as to whether to utilize pervious paving in whole or in part
 - b. Compliance with the Township's Tree Replacement Ordinance with the understanding that the measurement and count of trees to be removed will be conducted prior to the commencement of construction after the limits of disturbance are marked out on the site. Once the size and number of trees to be removed is determined, the tree replacement requirements shall be calculated in accordance with the Township Ordinances. The reforestation will then occur based on the number of trees required to be planted, the trees shall be new trees and not drawn from other projects, and
 - c. The Plans will be revised to show a future bike path along Oxford Valley Road and also the Plan should reflect the Alternate Sketches to show the location of the Community Center and how it will interconnect with the ball fields in future

- 5) The Traffic engineer's comments are to be addressed by noting:
 - a. The existing driveway from Edgewood Road is offsite and will be considered as part of the Township's upcoming paving project
 - b. Item #5 will be complied with by the Township, and
 - c. Item #6, the installation of the sign will be deferred to a later date after a consultation between the Township Supervisors and Township engineer

- 6) With respect to the Lower Makefield Township Planning Commission the comments shall be addressed as follows:
 - a. The signage on the Babe Ruth Field shall be the same as the signage on the Stoddard Field as it relates to the color of the signs
 - b. The drainage for the infields and water service to the fields shall be included in the Primary Bid
 - c. No additional access to Edgewood Road shall be permitted as part of this Plan, and
 - d. The Township shall coordinate with the EAC as to the location of the tree replacement to occur on site related to the removal of trees and replanting in compliance with the Zoning Ordinance noted previously.

Mr. Garton stated he shared these Conditions with Mr. Fedorchak who was satisfied with these Conditions. Mr. Eisold stated he also Agrees with the Conditions of Approval.

Ms. Linda Oberkofler, 587 Saxony Lane, expressed concern with the potential for foul balls along the third base line and into left field of the Babe Ruth field hitting parked cars. She stated she does not feel people will park in this location after the first game. She stated she does not feel a tree will stop a ball from hitting a car. Mr. Eisold stated the closest parking to the Babe Ruth field would be 200' from home plate, and he does not feel there should be many balls going that far. Mr. Eisold stated they did go with higher fencing along the field. Mr. McLaughlin asked about liability; and Mr. Garton stated anyone parking there does assume the risk; but both the Township and PAA are insured. Mr. Dobson asked if this is something that could be addressed if they find that it is a problem, and Mr. Eisold stated something additional could be done if it is determined that it is a problem.

Mr. Fran McDonald stated he is 100% behind this project. He stated he felt they had \$550,000 left out of the \$1 million, and Ms. Tyler stated they have \$585,000 left for this project. Mr. McDonald stated Mr. Eisold has estimated that project would be \$650,000 to \$675,000 recognizing that the bids are not in yet. Mr. McDonald asked if there is any consideration of using the Matrix money that will be coming in for this project, and Mr. Stainthorpe stated he feels that money was already included in the Township Budget.

Mr. McDonald stated his concern is that the project will come in close to \$650,000 to \$700,000, and he is concerned about the drainage. He stated if the infield drains are not put in, there will be a problem. Ms. Tyler stated they have been put in the Base Bid – not as an Alternate. Mr. McDonald stated he is concerned that this could get cut if the bids come in at \$650,000 to \$700,000. Ms. Tyler stated they will have to look at the whole project again. Mr. Garton stated if the Primary Bid includes the infield drainage, and the Bid numbers are higher than the budget, you cannot pick and choose from the Primary Bid that which you going to do and not do; and they would have to re-design and do a re-bid. He stated this re-design would include involvement from Park & Rec and PAA.

Mr. McDonald stated he understood that the original resurfacing of the tennis and basketball courts was estimated to be \$125,000; and Ms. Tyler stated while this was the estimate, it came in at approximately \$196,000 including the resurfacing and fencing. Mr. McLaughlin asked if the work has been completed; and Ms. Tyler stated while it was completed, it was subsequently damaged by Hurricane Sandy, and the fences were knocked down. She stated the contractor has provided an estimate for repair, and some of it may be warranty work; and Ms. Liney is working on this. Mr. McLaughlin asked if it will be covered by insurance, and Ms. Tyler stated it should be. Mr. Benedetto stated if the damage was caused by Hurricane Sandy, there was approval for the County and State to get additional money; and Ms. Tyler stated it is a potential source of recompense for that damage, but this has not yet been determined.

Ms. Tyler stated out of the \$1million Grant for recreation, they spent \$196,000 for the resurfacing, and they also have the all-inclusive playground being considered which was estimated to be \$220,000. She stated this leaves approximately \$580,000 for the ball fields. Mr. McLaughlin asked if they have looked again at the playground to see if there is a way to use some of those funds for the ball fields. Ms. Tyler stated the engineers and Disabled Persons Advisory Board indicated it would take an estimated \$350,000 to do the playground as they would like to, and they pulled those numbers back to \$220,000 which would therefore only be a Phase I for that playground. Ms. Tyler stated the Board needs to balance where these community dollars go.

Mr. Dobson stated it was his understanding that one Grant for \$1 million was for the Community Center and the one for \$1 million was to be put into ball fields first. Ms. Tyler stated one was a Recreational Grant. Mr. McLaughlin stated he does not feel the Board ever felt that 25% of the Grant would go to a playground. Mr. Stainthorpe stated they have not approved any of it so he feels they should move forward with the ball fields and get Bids and see what they can do. Mr. Dobson stated at this point the only amount that has been spent was the \$196,000, and Ms. Tyler agreed adding that it was only estimated that it was going to be a \$125,000 project. She stated the reason they began with that project was that they wanted to get a project moving so that they could get the Grant money flowing, and Mr. Fedorchak had indicated that project was the most

sensible place to start. Mr. Dobson stated they actually have \$804,000 of the Grant left as of now. Ms. Tyler stated she met with the Grant facilitators last week, and the Township has not received any Grant money as yet. Mr. McLaughlin stated he feels the emphasis was the ball fields and to then see what else they could do. Mr. McDonald stated his understanding was that the Grant was mainly for ball fields and other things were going to be rolled into it. He agreed that the resurfacing was estimated to be \$125,000, and the overage is what is causing some of these difficulties.

Mr. Benedetto stated he reviewed the meeting Minutes of June 1, 2001, and the ball fields and Community Center were in the Grant Application; but it also included the resurfacing and the special needs playground. Mr. McLaughlin stated he agrees that was the intent, but he feels the priority was the ball fields, then the playground, and then resurfacing even though they have done the tennis courts first. He stated he wants to make sure that the ball fields are done properly, and they can then discuss other things. Mr. McLaughlin stated the resurfacing was estimated to cost \$120,000, and it cost \$196,000; and if the ball fields are estimated to cost \$600,000, he expects that it could result in \$700,000. He stated he wants to be prepared to have some buffering to build the ball fields, and then they will talk about other things.

Mr. Benedetto asked if the tennis courts were always a part of the resurfacing since he understood that was not a part of it originally. He asked if the reason it cost \$196,000 was due to the fact that it was not originally included. Mr. Benedetto stated they could review this with Mr. Fedorchak when he is available.

Mr. Alan Dresser, EAC, stated he is happy that they are going out with the Alternative Bid for the pervious paving parking lot. He stated one of the advantages of pervious pavement is you get much less stormwater run off so as part of that Bid option, and they should be able to downsize the drainage basin since most of the water going in there was coming from an impervious parking lot. Mr. Eisold stated he could look into that. He stated use of pervious paving would not change the rain gardens. Mr. Dresser stated if they could downsize the basin, they would not have to go so far into the woods. Mr. Dresser stated he also hopes they comply with the Tree Replacement Ordinance, and Mr. Garton stated it is a Condition of Approval. Mr. Dresser stated if they cannot put the trees at this site, there are a number of other places in the Township where they can use them.

Motion to Approve carried unanimously.

**AUTHORIZE STAFF TO SEEK BIDS FOR THE CONSTRUCTION OF THE
BASEBALL FIELDS**

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to authorize the staff to seek Bids for the construction of the baseball fields.

Mr. Garton stated this will be a Prevailing Wage Contract.

Mr. Garton noted the Board met in Executive Session for one hour before the regular meeting primarily discussing a personnel matter but also a matter of litigation involving an Appeal by a property owner from the Zoning Hearing Board Decision effecting the development in Edgewood Village. No action with respect to either item will occur at this evening's meeting.

**DISCUSSION AND MOTION OF THE PREEMPTION DOCTRINE AS RELATED
TO FIREARMS ON PUBLIC LANDS**

Mr. Garton stated this was discussed at prior meetings. He stated the Township does not have the ability to regulate the possession of firearms in a public park, although the Township can regulate their discharge. He stated this arises from the fact that the State preempts local regulation of firearms, and only the State Legislature can pass Statutes or Law to regulate firearms under the Uniform Firearms Act. He stated they have adopted through provisions in the School Code prevention of firearms on School properties. Mr. Garton stated most of the litigation in this field comes from the City of Philadelphia where the City tried to do things about registering firearms, etc.; and the Pennsylvania Supreme Court has indicated they are preempted by the State. He stated the initiative to make a change would have to go through the process to the Pennsylvania State Association of Township Supervisors and others to get the Legislature to consider adopting something similar for public parks that it has for Schools.

Mr. Stainthorpe stated the Township did have an Ordinance that prohibited anyone from bringing a firearm into a Township Park; however, Mr. Garton stated that predated the Supreme Court Decisions on preemption. Mr. Stainthorpe stated in order to be in compliance with the Supreme Court Decision, they had to change the Township Ordinance. He stated at the Reorganization Meeting last Monday, Mr. Zachary Rubin brought up the fact that the Board should advise their Legislators or have a Resolution in front of certain organizations to help change the law so that the Township could in fact ban guns from the Township Parks. Mr. Stainthorpe stated while he supports the Second Amendment, he does not feel there is any good reason why you would need a weapon in a Township Park.

Mr. Stainthorpe stated the Pennsylvania State Association of Township Supervisors (PSATS) meets in April, and the Delegates vote on certain Resolutions. He stated a Resolution would direct PSATS' lobbyists that these are things that they would like to see changed in the Law, and it is the lobbyist's job to look out for the interests of Township. Mr. Stainthorpe stated in order to have a Resolution considered at the Convention in April, it has to be brought to PSATS through the local organization, which would be the Bucks County Association of Township Officials (BCATO); and they only meet twice a year, with the next meeting being the first Saturday in February. He stated if they want to put something in front of PSATS it must be in front of the Bucks County Association the first week in February, and the Board does not have another meeting before that time.

Mr. Garton stated he would suggest that the Board authorize himself, Mr. Stainthorpe, and Mr. Fedorchak to draft the appropriate letter with the appropriate information to be forwarded to BCATO with the understanding that the actual draft will be sent to each Supervisor for comment before it is actually sent. He stated in this way they could have something sent to BCATO before the deadline and make it to a PSATS Agenda in April.

Mr. Dobson moved and Mr. McLaughlin seconded to authorize Mr. Garton, Mr. Stainthorpe and Mr. Fedorchak to draft the appropriate letter with the appropriate information to be forwarded to BCATO.

Mr. Benedetto stated he understands that they are making a direction to PSATS; and Mr. Garton stated they will send a letter to BCATO indicating that the Township has concerns about how the preemption doctrine permits people to have firearms on public property, and they want to change that and want BCATO to send forward a Resolution to PSATS to consider at their Convention in April for possible delivery to the State Legislature. Mr. Garton stated the State Legislature would then do the same thing with respect to public parks that they have done for Schools. He stated they would have to **Adopt** a Statute signed by the Governor that **regulates** that there can be no **firearms** in public parks.

Mr. McLaughlin asked if this will not just be re-challenged at the Court level; and Mr. Garton stated the Township is not adopting an Ordinance, but are just making a **recommendation** to PSATS who will hopefully then lobby the State Legislature who can regulate firearms in parks. It stated this is within their purview, and the Legislature is just regulating where firearms can be possessed.

Mr. Benedetto stated Pennsylvania is fairly pro-gun. Mr. Stainthorpe stated he has attended PSATS for a number of years, and he feels the chances of all the Delegates endorsing this are relatively small. Mr. Garton stated it depends if they look at it as a safety issue or as a gun rights issue. He stated this does not really impose any restrictions on gun rights.

Mr. Stainthorpe stated he does feel they should try, but added the rest of the State is very different from the Philadelphia area. Mr. Garton stated they could make it applicable to Counties of a specific Class, and there are many ways that it could be accomplished to be more relevant in more urban areas. Mr. Dobson stated if they do not try to do something, nothing will get done; and he sees no reason to carry a gun in a park.

Mr. Benedetto stated when they had the Ordinance in the past, it was unenforceable; however, Chief Coluzzi stated it was unenforceable because of the State Regulations and State laws. He stated he feels this is a great first step to try to do something.

Mr. Arthur Cohn stated if they are doing this at the State level, he feels it would apply to the National level as well.

Motion carried unanimously.

GRANT EXTENSION OF TIME TO FIELDSTONE AT LOWER MAKEFIELD

Mr. McLaughlin moved and Mr. Dobson seconded to grant an Extension of time to Fieldstone at Lower Makefield to 7/31/13.

Mr. Benedetto stated he is concerned that they continue to grant Fieldstone these Extensions, and he would like to have them come in and explain why they need the Extension. Mr. Dobson noted that if the Board does not grant the Extension, it would be approved automatically. Mr. Garton stated since this Plan has been around for an extended period of time, when he sends the letter granting the Extension he could, at the Board's request, advise the developer that before any further Extensions are granted, they will need to appear before the Planning Commission with an update and demonstrate why they feel they should be granted another Extension; and the Planning Commission can make a recommendation to the Board.

Mr. Dobson moved and Mr. Benedetto seconded to amend the Motion to approve the Extension with the caveat that Mr. Garton will include in the letter to the Applicant that no further Extensions will be granted unless they appear before the Planning Commission and state why they need further Extensions.

Ms. Tyler asked what will happen if they send the letter and the Applicant does nothing; and Mr. Garton stated when the Extension is up, the Board can deny the Plan.

Motion as amended carried unanimously.

SUPERVISORS REPORTS

Ms. Tyler stated the next Lower Makefield Seniors Meet and Greet will be held on February 12 with free food and marketing companies looking to sell their products, and they will bring samples of their products. She stated the Meet and Greets are held the second Tuesday of the month at 10:00 a.m.

DISCUSSION OF SCUDDERS FALLS BRIDGE IMPROVEMENT NOISE STUDY

Mr. Eisold stated he did provide information on this in the Board's packet. He stated originally his firm was asked to look at the Study to see if they could determine how the Study was done. He stated they did a significant amount of review, and did not find any problems with the Study. He stated the Board did ask what it would take to recreate some of the calculations. He stated this is a specialized field, and they contacted four companies in the vicinity; and they indicated that it would be a major process to do this, and it could cost \$15,000 to \$50,000. He stated he did receive a phone call from a resident questioning some numbers, and he is still working on this one section; however, even the firms they contacted indicated that the company that did the Study was one of the leaders in the area, and they were reluctant to go against them and prove them wrong.

Mr. Stainthorpe stated there are sound barriers proposed along I-95 between the Scudders Falls Bridge and the Newtown By-Pass, but it is not a solid wall, and there are certain places where they are not going to build sound barriers because they indicated the Study did not warrant them. Mr. Stainthorpe stated a number of Township residents from that area disagreed. Mr. Stainthorpe stated he does not feel the Township has an additional \$50,000 to re-do the Study. He stated the Township's State Representative has been involved in this, and he feels the Township should continue to work with him and be proactive on behalf of the residents.

Mr. Eisold stated they did review the Study, and there were areas which definitely qualified for walls which have been put in. He stated there were then some marginal areas where they added \$3 million of additional walls, but there are some areas that are quite far back from the highway, and the walls become less realistic. He stated he feels they did follow all the requirements, and even went over and above, but they did not do everything, and the people in those sections feel they were discriminated against; and while he understands that, the facts bore out that those areas did not qualify.

Mr. McLaughlin asked Mr. Eisold if he feels the results would be any different if the Board were to agree to fund an additional Study, and Mr. Eisold stated he feels it would take a lot to ever change that and this was not something that was taken lightly.

No action was taken by the Board.
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APPROVAL TO INCREASE POLICE OVERTIME FEE

Chief Coluzzi asked the Board to adjust the fee schedule regarding Police Overtime reimbursement to \$65 per hour. He stated this is the fee charged to private concerns for Police services. Currently the fee is \$60 per hour.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to increase the Police Overtime Fee to \$65 per hour.

There being no further business, Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to adjourn the meeting at 8:50 p.m.

Respectfully Submitted,



Dan McLaughlin, Secretary



Township of Lower Makefield

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

JANUARY 2013 WARRANT LIST AND DECEMBER 2012 PAYROLL COSTS FOR APPROVAL FEBRUARY 20, 2013 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
01/07/13 Warrant List	\$	523,872.50
01/21/13 Warrant List	\$	688,210.50
Manual Checks:		
01/07/13 Warrant List	\$	-
01/21/13 Warrant List	\$	-
Total Warrant Reports		\$ 1,212,083.00
Payroll Costs:		
December 2012 Payroll	\$	343,706.65
December 2012 Payroll Taxes, etc.	\$	146,460.35
Total Payroll Costs		\$ 490,167.00
TOTAL TO BE APPROVED		\$ 1,702,250.00

