

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – APRIL 3, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 3, 2013. Chairman Stainthorpe called the meeting to order 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:                         Terry Fedorchak, Township Manager  
                                      Jeffrey Garton, Township Solicitor  
                                      Mark Eisold, Township Engineer  
                                      Kenneth Coluzzi, Chief of Police

**PUBLIC COMMENT**

Mr. Harold Koopersmith expressed concern with the educational funding crisis in the Commonwealth of Pennsylvania. Mr. Koopersmith stated the community should consider if they are willing to pay according to a means test with those with a higher income paying more of the School taxes. Mr. Stainthorpe stated under the State Constitution, all taxes have to be equal, and there is not a graduated income tax. He stated there is a Bill which has been introduced in the House which is a combination of raising the sale tax and the income tax to 7% and they would therefore be able to eliminate property taxes. Mr. Stainthorpe urged the residents to study the Bill and contact their State legislators about this issue.

Ms. Donna Doan, 1584 Edgewood Road, asked for an update of the Dalgewicz lawsuit, and Mr. Stainthorpe stated they have no further information. Ms. Doan stated there is a petition to preserve Patterson Farm, and they have over 900 signatures. She stated those interested in signing can do so and leave a comment on Patterson Farm Preservation.com or on the Facebook page. She also asked those interested to volunteer as she feels there are people in the community who are willing to paint or do masonry work to fix the Satterthwaite House. She stated she hopes the Zoning Hearing Board proposal is quickly dispensed with, and they can get back on track for a plan to preserve the Farm. She stated they should keep the Satterthwaite House so that a farmer can occupy it as they have done for over two hundred years.

approved and over 160 of the 220 acres is preserved, for all intents and purposes everyone's objective to properly preserve the Farm will have been accomplished. Ms. Herman stated she would like to preserve all 220 acres. Ms. Herman asked if they could invite the Ag Board to a meeting, and Mr. McLaughlin suggested that they let the process proceed further, and they could ask questions if they are successful. Ms. Herman stated she feels they should be invited now as opposed to waiting for the process to continue. Mr. Fedorchak stated they are farmers who are very busy this time of year.

Mr. Stainthorpe stated both he and Mr. Fedorchak have had discussions with Mr. Harvey. Mr. Stainthorpe stated he has also had discussions with Doug Wolfgang at the State level; and they all want this to succeed.

Ms. Tyler stated she feels possibly a more appropriate forum to address the County Board would be at the County Agricultural Board meeting rather than at a Township meeting. Ms. Herman stated she is asking the Township local elected officials to make this happen, and she feels the Board of Supervisors can be extremely persuasive.

Ms. Tyler stated she feels the Ag Board members were very clear that they did not want the mulch staging area in the Conservation Easement. Mr. Fedorchak stated his recommendation is to proceed as they have, and they should let the Ag Board react and get some sort of approval and have a conversation with them at that time.

Mr. Benedetto stated he feels the bigger question is what they will do with the money if they are successful, and he asked if they will put it back into the Farm or will it be put in the General Fund. Ms. Tyler stated she feels they will make a separate account for Patterson Farm; however, Mr. Benedetto stated they did not do that with the funds from Bright Farms even though he made a Motion to that effect. He stated the Board has not done the right thing with Patterson Farm in the past. Ms. Tyler stated she disagrees with the comment that the Township has not done the right thing with Patterson Farm. Mr. Benedetto stated he said the Board did not do the right thing using the money from Bright Farms to maintain the buildings on the Patterson Farm. Ms. Tyler stated the Bright Farms rent is approximately \$1,000 a month.

Mr. McLaughlin asked the amount of rent from Bright Farms, and Mr. Fedorchak stated it is approximately \$20,000 a year. Mr. McLaughlin asked the amount of expenditures at the Farm; and Mr. Fedorchak stated there are operating expenses of approximately \$30,000, and the Township will pay this year approximately \$620,000 in debt service. He stated the Farm was purchased in 1978 for \$7.2 million, and there are approximately eight years left on the debt service. Mr. Benedetto asked about the Bright Farms rent versus expenses at the Satterthwaite House, and Mr. Fedorchak stated the Township is definitely paying more in terms of expenses than they are receiving in rent.

Mr. McLaughlin stated they are therefore funneling the rent into the House, and Mr. Fedorchak agreed. Mr. Benedetto stated this is disingenuous, and they have not spent any money recently on Satterthwaite recently. Mr. Benedetto stated there is not a separate Patterson Farm Budget like there is for the Golf Fund or the Pool Budget. Mr. McLaughlin stated there is a line item for the Satterthwaite House. Mr. Fedorchak stated they are putting the rental income from Bright Farms back into the Farm. Mr. Benedetto stated there is no way to know that because they do not have money going into a fund called Patterson Farm. Mr. Benedetto stated he could not get a second to his Motion to have the Bright Farms money go into the Patterson Farm. Mr. Benedetto stated he had a discussion at the Bright Farms VIP Event with Mr. McCaffrey Jr. who stated he agreed that the money should have gone into the Patterson Farm. Mr. Benedetto stated he feels what got in the way of the money from Bright Farms going to the Patterson Farm was “personalities.”

Ms. Tyler asked Mr. Benedetto if they had the \$4,000 received from Bright Farms to date put into a separate account what would he have liked to see done with that money. Mr. Benedetto stated they would have painted the barns and the Satterthwaite House. Ms. Tyler stated they would not have been able to do all that with \$4,000. Mr. Benedetto stated they also get money from Mr. Stewart every year, and they have not used that money toward Patterson Farm either. Mr. Benedetto stated it is difficult to hear the other Supervisors say they are for preserving the Patterson Farm when he is the only one of the five Supervisors that has actively kept his promise to preserve Patterson Farm. He stated the Township had fifteen years to file this Conservation Application and are finally doing it now. He stated the Township got \$300,000 to \$400,000 for the cut out for 95 and for the Conservation Easement of approximately \$600,000 and this was never put into a Patterson Farm fund. Ms. Tyler stated most of that money went into paying the debt service, but Mr. Benedetto stated they have no idea if it did that or not. He stated there should be a separate fund for Patterson Farm so that it is a transparent process and they will know exactly where the money went. He stated it should not be a line item, but it should be separated out as they do for the Golf Budget, Public Works, and the Pool; and the money should be spent on Patterson Farm so everyone in the Township knows the money goes to Patterson Farm, and not just trusting someone when they are told the money was used for Satterthwaite upkeep. He stated if the Township spent the amount of money they say they spent on Satterthwaite, the House would not look like it does. Other Supervisors disagreed with Mr. Benedetto.

Ms. Herman stated the citizens recognize that it is a huge job to preserve Patterson Farm and takes a lot of vigilance. She asked the Board to correct the “murky accounting” that makes it less likely that the money is flowing to Patterson Farm so that it works better for the Farm. Ms. Herman stated she is grateful to live in the Township when she looks at the Farm.

Mr. Stainthorpe stated in its current state, Patterson Farm is in fine shape, and the farm land is being farmed with Sam Stewart having a record year last year. Ms. Herman stated they continue to whittle away at the Farm. Mr. Stainthorpe stated they are trying to do something about the buildings. He stated there is also another 350 acres of farmland which has been preserved in the Township under Farmland Preservation. She stated she is concerned that the farmland may go away, and they need to preserve it with a vengeance. Ms. Herman asked what citizens can do to help the process have the best outcome. Ms. Tyler stated the Application is before the Ag Board now, and it rests in their hands. Ms. Tyler stated residents could write letters to them if they wish. She stated they hope that the process will turn out favorable for the Township, and there will be a sizable amount of money that could be dedicated to the preservation and the debt service associated with Patterson Farm. Ms. Herman asked what should be put in the letters to the Ag Board. Mr. McLaughlin stated the Ag Board meetings are public meetings, and anyone can attend and speak on the Township's behalf with regard to the Easement.

Mr. Benedetto stated the reality is that Patterson Farm is not fully preserved and only seventy-two acres are deed restricted. Mr. Benedetto stated the Agricultural Board may give the Township money; but in the last fifteen years, the Township has not been the greatest of stewards of Patterson Farm and he is glad that residents come out and ask them to do more and question why they are building a greenhouse on the Conservation Easement for the County. He stated the rest of the Board approved a 50,000 square foot commercial operation greenhouse, and he does not feel this preserved open space.

Mr. McLaughlin stated the Board did hear from the residents. He stated Ms. Doan made them aware of the Conservation Easement, and the Board approved instructing the Township Manager and Solicitor to put in the Application.

Ms. Herman stated she asked if the citizens could be sent a "script" of what to include in a letter to the Ag Board that would be the most influential. Ms. Tyler stated she feels what Ms. Herman has already discussed about her feelings about the Farm would be what should be sent to the Agricultural Board.

Ms. Doan stated with regard to overall farmland preservation in the Township people do not know that there is a clause in the Farmland Preservation covenant that says if a farmer from within the Township cannot be found to farm the land, it can be converted; and she feels this should be re-evaluated since as population increases and farmland diminishes, they should open it up to farmers in other Townships as it will be harder to find a farmer within the Township to farm those lands. She stated it is also possible that the farmland could be converted to ball fields or other uses, and they need to make a stand that the farmland, and especially Patterson Farm, should be farmland.

Mr. Stainthorpe stated the land in Farmland Preservation is owned by the Farmland Preservation Corporation and not the Township. He stated he believes that the way the Covenants are written, if it can no longer be farmed, it would go back to its natural state. Mr. Stainthorpe stated it cannot be sold without a Referendum. Mr. Garton stated to his knowledge, there is no restriction that it be farmed by a Lower Makefield Township farmer. Ms. Doan stated she felt she saw within the Covenants that it had to be someone from the Township; and Mr. Garton stated this is incorrect unless it is a rule that was adopted by the Corporation. He also noted that Mr. Stainthorpe is correct that it cannot be sold without a Referendum so there is no likelihood that it will be anything other than farmland or open space.

Ms. Doan stated the Patterson Farm is prime with Class A soil types. She stated in order to keep it in farming, they need to have a place for a farmer to live. She stated the roof at the Satterthwaite House was leaking for nine years, and the repair could have been done since there were funds available. She stated she has looked at the Patterson cost survey and had requested all the receipts for repairs done at the Satterthwaite House during the time covered by the cost survey; and she averaged out the cost of maintenance which showed that the Township spent less than \$500 a month to maintain the House. She stated the roof was expensive, but this was neglectful maintenance that could have been done. She stated there are citizens who are talented who will do the work, and there was a painter that was willing to paint the house for time and materials. She stated they are spending \$500,000 a year on interest on the Golf Course. Ms. Tyler stated they are paying \$620,000 on Patterson Farm. Ms. Doan stated everyone read in the paper when the Farm was taken that there would be a slight tax increase, and now they are saying there is a problem because there is a mortgage, but the mortgage was pre-calculated. She stated now they are taking every available dollar that comes in from the Farm but cannot repair anything because they have the Debt Service. She stated if this is the case, and there is no funding to repair the Farm, she questions why it was ever condemned and taken from the people who loved it, would have taken care of it, and would have passed it on to the next generation of farmers. She stated this is why there is frustration when they listen to bureaucrats, and when they drive past the property and they see it “going downhill.” Ms. Doan stated other communities are able to get properties preserved .

Ms. Tyler stated Ms. Doan is talking about people who will come and help take care of the Satterthwaite; and if the pending matter is denied by the Zoning Hearing Board, there will have to be another Plan. Ms. Tyler stated Ms. Doan could start assembling these people to see if they will pledge their time and work. Ms. Tyler stated the Board’s position is that out of the Township’s \$23 million Budget, they are not going to put \$600,000 into fixing up the Satterthwaite House. Ms. Doan stated she does not feel \$600,000 is needed. Ms. Tyler stated the Board has to go by the estimates provided from the professionals. Ms. Tyler stated there is not a “conspiracy” to destroy the Farm.

Mr. Stainthorpe stated this has been discussed previously particularly during the Budget season. He stated he feels they need to take steps to market the Pool differently and find new ways to keep it self-financing so that they do not have to use tax revenue. He stated the School District includes Falls, Tullytown, and Lower Makefield borders Morrisville, Newtown, and Upper Makefield; and lots of families have friends who do not live in Lower Makefield who do not have pool. He stated this is also the last year of operation for the Newtown Swim Club, but the Newtown Athletic Club has made a big investment in an outdoor pool. He stated he feels the Township needs to find ways to retain membership and get additional members, and he feels the family sponsorship is a good way to go.

Ms. Tyler stated she agrees with the proposal. She stated with regard to marketing the Pool and in conjunction with the Associate membership, there is a re-Districting taking place currently of the Elementary Schools; and it may be a good idea to include in the letter to the members that they invite some families who may in fact be re-Districted. She stated this may be an opportunity to get their children to know some of the children they will be going to school with. Ms. Tyler stated the Park Board did recommend that the Board of Supervisors consider the Associate Membership.

Mr. Dobson stated he agrees they need to do something to try to get the Membership up.

Mr. Stainthorpe asked what they would set the Associate Membership at, and Ms. Liney stated they recommended \$495. At Discount the current Township family membership is \$395, and at regular rate it is \$440. Mr. McLaughlin asked how the Associate Membership would work; and Ms. Liney stated a member would register an Associate family, much like they currently register a caregiver, and there would be a drop-down category for an Associate Family Membership. Mr. Stainthorpe stated once they get their Pool Card, the Associate Members can come whenever they want. Mr. McLaughlin asked if Yardley Borough residents can currently join, and Ms. Liney stated they can. Ms. Liney stated the Associate Membership they are now considering would be a one-year program, and they would consider how they would address this in 2014.

Mr. Stainthorpe stated he feels they should see how it works; and if it is successful, they will probably continue it. Mr. McLaughlin stated he feels they need to come to grips with this trend and there may be competitive forces that are overwhelming the traditional way people used to go to the Pool. He stated there are a lot of competing factors. He stated he agrees that they need to do something short-term to stabilize this, but at some point they will have to consider what is the answer to a situation that may not recover.

Mr. Stainthorpe stated it is true that the school-age population is declining in the Township. He stated there are residents living in the Township whose children are all grown, but they are still in the same house where they raised their children. He feels what they are suggesting is a good program to try, and if it is not successful they may have to hire a consultant. He stated a number of Pool memberships do come in late, but he does agree they need to be proactive. Mr. McLaughlin asked if they have marketed the Pool as well as they could, and Mr. Stainthorpe stated although they have added classes, they have not changed anything in terms of how they communicate about Pool memberships. Ms. Liney stated they did include advertising in the tax bill. Mr. Stainthorpe stated they could have events such as Teen Nights, but they need to weigh this out to determine if it is worth it.

Ms. Tyler stated they started the Camp Program last year which was very successful, and she feels expanding this could be a driving force to attract more people particularly if they expand the Camp hours.

Mr. McLaughlin stated they also need to remember that they will have to continue to put capital into the Pool; and with declining enrollment, it makes this even harder to balance. Mr. Stainthorpe stated they added the competition pool some years ago and installed the slide in 2008. Ms. Liney stated they did have a jump in enrollment in 2008. Ms. Liney stated all four pools are heated, and it is a terrific complex. She stated they are already at Budget for the Senior Memberships. Mr. McLaughlin stated this speaks to the demographics. Ms. Liney stated their goal is to get everyone back at the Pool, and they will continue to work with anyone who has a suggestion.

Mr. Benedetto asked when the Discount Period ended, and Ms. Liney stated it was in early March. She stated they will probably pick up an additional 300 to 350 families. She stated they do send out periodic e-mails. Ms. Tyler stated the School year does end later this year, and they will be going back to School early this year. Ms. Tyler also noted that people who are members of NAC are being forced to pay for that pool this year so those who were members of the NAC and LMT are probably not going to join LMT because of this. She stated NAC is scheduled to open by Memorial Day, but they may not be on schedule so this is a variable.

Mr. Benedetto asked about recruiting from the Newtown Swim Club since they are closing after this year; and Ms. Liney stated while they could do that, she felt they should wait until after they were closed. Ms. Tyler stated Newtown has a Swim Team so those children will now not have a pool although NAC will be having a competition pool in their Phase II of construction. Ms. Tyler stated Lower Makefield may be able to accommodate swimmers from Newtown who will no longer have a Swim Team if the Lower Makefield memberships are expanded to those living outside of the Township.

Ms. Herman stated she feels the Township Pool still offers a lot. She stated Newtown Township sends out a great brochure about all of their recreational events, and she asked if Lower Makefield does this. Ms. Liney stated the Township does not send out a Newsletter. Ms. Herman stated they might want to do this since it would allow families to plan their social schedules and events for the year. Ms. Liney stated they do list Camps on the Website. She stated Lower Makefield Park & Rec is not a programmer – they are a facilitator. She stated Lower Makefield does not run programs like some of the surrounding Townships do.

Ms. Tyler stated she also feels they should re-visit the discussion about Teen Nights. She stated they may also want to consider expanding the Pool hours until 10:00 p.m. since it may attract the people who do not get home from work until 7:00 who may be able to come to the Pool a little later. She stated the email being sent should also make note of the WiFi at the Pool.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to implement the Associate Pool Membership as described by Ms. Liney.

#### SUPERVISORS REPORTS

Mr. Dobson stated the Veterans Square Committee will be hosting a Texas Hold'Em this Saturday at Michael's Restaurant at 6:30 p.m.

Mr. Benedetto stated he sent an e-mail to Mr. Fedorchak and Chief Coluzzi about traffic concerns on E. School Lane where people are cutting through and speeding. He stated a number of recommendations were made by the Citizens Traffic Commission, and he asked for an update. Chief Coluzzi stated all the information was forwarded to the traffic engineer, and they came back with a cost estimate of approximately \$2,200 to do the survey of that area. Ms. Benedetto stated this is constantly being used as a cut through, and not just for those dropping children off at Makefield School. Mr. Benedetto stated there are a number of small children in the area and there is speeding and people disregarding the School crossing guard. He feels the traffic engineer should look into this.

Ms. Tyler asked if the Police Department has done any increased enforcement in this area; and Chief Coluzzi stated they did and have put up the speed sign on Makefield Road in front of the School, but it is difficult to do much effective enforcement at this location because it is such a small area. He stated they do get occasional complaints about this area; but the Police Department is not in a position at this point to do a study



themselves, and he would suggest if they want a study done, the traffic engineer be authorized to do it. Mr. McLaughlin asked what the outcome would be; and Chief Coluzzi stated there is a list of suggestions that the residents and the Citizens Traffic Commission have recommended be considered including signs indicating no traffic through the area during certain times of the day, reduced speed limits, speed bumps, etc.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve the traffic study of E. School Lane up to \$2,200.

Ms. Tyler stated on Tuesday, April 9 the Park & Recreation Board will meet to discuss the Samost ball fields. Ms. Tyler stated the Seniors elections are coming up, and those interested in serving should contact the Nominating Committee.

#### APPROVE PURCHASE OF MOWER

Mr. Kevin Kall stated Department of Public Works stated he is seeking permission to purchase a new 2012 boom mower. He stated the boom mower they currently use is approximately twenty-five years old and has exceeded its life expectancy. He stated the mower they would like to purchase costs approximately \$109,000, and they will trade in a piece of equipment they currently do not use which is a 1996 backhoe with a trade-in value of approximately \$13,000 so the overall price of the new mower will be \$96,000.

Mr. McLaughlin stated a number of Municipalities are shedding assets; and when it was made known that Mr. Kall was going to discuss this matter tonight, he went on-line and found a similar piece of equipment for substantially less. Mr. McLaughlin stated while he is not trying to do the job of Public Works, he wanted to make sure that they have considered all possible avenues. He stated he feels that they may be able to get almost new equipment for less money. Mr. Kall stated one of his mechanics did the research on this piece of equipment, and he did research used equipment and discussed it with vendors as well. Mr. Kall stated Mr. McLaughlin did provide him with the information he found on-line; and Mr. Kall stated they did in fact look at this piece of equipment but it did not meet their specifications since it was two-wheel drive, and they need four-wheel drive based on the work they do in the Township. Mr. McLaughlin stated he just wanted to make sure they were considering all the options. Mr. Kall stated a tremendous amount of effort went into researching this piece of equipment. Mr. Kall stated this in the Budget, and will be paid for with Liquid Fuel Funds.

Ms. Tyler moved and Mr. Dobson seconded to approve the purchase of the mower requested by Mr. Kall.

Mr. Benedetto stated the Jersey Professional Management study that was done six months ago estimated that the cost of this piece of equipment could be from \$125,000 to \$150,000, and he commended Mr. Kall for finding a mower that is significantly below this.

Motion carried unanimously.

#### APPROVE GOLF MANAGEMENT REQUEST TO BID SALE OF USED EQUIPMENT

Mr. Fedorchak stated the Golf management company has requested the Board of Supervisors authorize them to bid the sale of nineteen different pieces of equipment including mowers and utility carts.

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to approve the Golf management request to bid the sale of used equipment.

#### APPOINTMENTS

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to re-appoint the following:

Scott Weaner – Citizens Traffic  
Ellen Slott Fisher – Economic Development  
Alan Dresser – Environmental Advisory Council  
Rick Ewing – Environmental Advisory Council  
Chip Kern – Golf Committee

and to appoint Tom Taylor to the Golf Committee.

There being no further business, Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,



Dan McLaughlin, Secretary