TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 2, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 2, 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 Kristin Tyler, Treasurer Jeff Benedetto, Supervisor
Others:	Jeffrey Garton, Township Solicitor Mark Eisold, Township Engineer Kenneth Coluzzi, Chief of Police
Absent:	Dan McLaughlin, Secretary, Board of Supervisors Terry Fedorchak, Township Manager

PROCLAMATION IN RECOGNITION OF HANNAH VENABLES FOR HER SILVER AWARD PROJECT

Mr. Stainthorpe stated Ms. Hannah Venables did work for the Five Mile Woods for her Girl Scout Silver Award Project. Mr. John Heilferty, Naturalist for the Five Mile Woods, was present; and Mr. Stainthorpe stated the Township has owned the Five Mile Woods for thirty years, and it is a very special piece of property.

Mr. Heilferty introduced Ms. Venables, a fourteen year old Township resident who is a Girl Scout in Troop 2684 who approached him a year ago expressing interest in the Five Mile Woods Preserve as the location to perform her Silver Award Project. Given her artistic talents, they agreed that she would make event signs that would boost knowledge of and interest in attendance at activities at the Five Mile Woods.

Ms. Venables stated she and Mr. Heilferty agreed that she would do two signs that advertise special events at the Five Mile Woods one of which was displayed at the meeting this evening. Ms. Venables explained the process including the design of the signs, purchase of materials, and assembling a team of workers. She stated the signs were made so that they could be used for years to come by having numbers which can be changed in case the dates change in the future. Ms. Venables stated she was glad to be able to help the community by working at the Five Mile Woods.

Mr. Heilferty complimented Ms. Venables on the signs which were delivered in time for the events and were made out of quality materials. He stated these signs allow him to put the signs out earlier since the numbers can be changed to show the actual date and time of the event. He stated individuals have already commented that they found out about the Five Mile Woods because of the new signs.

Mr. Stainthorpe presented Ms. Venables with the Proclamation recognizing her hard work.

PUBLIC COMMENT

Ms. Caroline Fogel, 12 Dogwood Drive, stated she is Hannah Venables' Girl Scout Leader; and she stated she was very pleased to be present this evening to see her get this award. Ms. Fogel stated she is present this evening on behalf of the Makefield Women's Association and to express their appreciation to the Supervisors, the Park & Rec Department, Public Works, and the Police for their assistance with their Harvest Day Event at Shady Brook Farms which was a tremendous success and would not have been possible without the support of the Township. She thanked the entire community for supporting MWA and in turn supporting their worthy beneficiaries.

Mr. Stainthorpe congratulated the Makefield Women's Association for having this great event. He stated they are proud to have them as part of the Township, and they will work on the traffic issues next year. Ms. Fogel stated they were all surprised with the numbers attending, and the Police Department did a great job that day.

Mr. Harold Kupersmit, 612 B Wren Song Road, stated the Pennsbury School Board was unenthusiastic about his proposal; however, he has learned that there is a Representative from Cumberland County who will introduce a proposal to try to bridge the gap on the unfunded pension liability. Mr. Kupersmit asked that everyone get behind this proposal.

Mr. John Lewis, 1550 Surrey Brook Court, stated last month he brought to the Board's attention that the Township had not completed the FEMA paperwork required to get residents up to $800 reduction in flood insurance; and he asked for an update. Mr. Eisold stated a number of things have been done in regard to the Community Rating System (CRS); and in September they forwarded the Township Floodplain Ordinance to FEMA, and a letter of intent was sent that the Township was interested in joining the program. Mr. Eisold stated they also prepared a Quick Check Spreadsheet which was submitted to FEMA. He stated FEMA will contact the Township with a time to meet to review these issues probably some time in

November; although they did indicate that the Colorado floods have taken up a lot of their time, and with the Government shutdown there may be some delay. Mr. Stainthorpe thanked Mr. Lewis for bringing this matter to their attention.

Mr. Lewis asked how much money they are spending on road improvements this year, and Mr. Stainthorpe stated this year they are spending approximately $750,000 as they did last year. He stated in the past, they had been spending approximately $350,000 so this has been a significant increase. Mr. Lewis also asked if the Township was ever reimbursed for costs associated with the visits by George Bush and Mitt Romney, and Mr. Stainthorpe stated they were not. Chief Coluzzi stated they did bill the Republican National Committee for both events, but have not heard anything. He added he feels that this would be the same for any campaign for any candidate or elected official that came here. Mr. Lewis stated he feels the Township should be more aggressive in trying to collect this.

Mr. Mark Moffa, 1531 Derbyshire Road, stated on Tuesday in the Township Building that Makefield Seniors are having a Candidates Forum. Mr. Stainthorpe stated while he will be out of town, Ms. Tyler will be present. Mr. Moffa stated he and Mr. Lewis will be in attendance. He stated he and Mr. Lewis had asked for a debate sponsored by the League of Women Voters; however, Mr. Stainthorpe and Ms. Tyler declined. Mr. Stainthorpe stated while he will provide a response, he reminded Mr. Moffa that the Supervisors meetings are for Township business and not for campaigning. He stated he and Mr. Santarsiero were Supervisors at the same time they ran for State Representative, and they tried to keep politics out of the Township meetings. Mr. Stainthorpe stated he finds that typically the debates do not change anyone's mind since the room is usually filled with supporters for each candidate. He feels it is better to get the message out in other ways by going door-to-door and meeting the voters, and they feel that this is a better use of their time. Mr. Moffa stated he feels it would make a difference if the forum were televised; and since the cost is only $500 to televise it, their campaign would be willing to pay half this charge. Ms. Tyler agreed with Mr. Stainthorpe that the Supervisors' meeting is not a time to discuss politics. She added that she spoke to the President of the Lower Makefield Township Seniors today, and they had not yet received the RSVP from Mr. Moffa or Mr. Lewis. Mr. Moffa stated he did receive an e-mail confirmation some time ago, but he will re-confirm.

Ms. Sue Herman, Citizens Traffic Commission, stated the CTC partnering with Pennsbury LYFT, United Way, and the Pennsbury School District, held the End Distracted Driving Program today for 1,100 students; and it was a great success. She stated they look forward to presenting this program to the other half of the student body in April. She thanked the Board of Supervisors for their support.

APPROVAL OF MINUTES

Ms. Tyler moved and Mr. Dobson seconded to approve the Minutes of September 18, 2013 as written. Motion carried with Mr. Benedetto abstained.

DISCUSSION OF TRAFFIC CALMING MEASURES FOR EAST SCHOOL LANE

Ms. Amy Kaminski, Traffic Engineer for Gilmore & Associates, was present and stated she was asked by the Police Department to perform a traffic-calming analysis for East School Lane and to make recommendations about potential traffic-calming improvements. Ms. Kaminski stated the results came in low using the point system; and while traffic-calming was not indicated from the analysis, there were extenuating circumstances on the road that she felt should be addressed since there is a nearby elementary school, no sidewalks, a narrow roadway, and elementary school-age students walking to and from school. Ms. Kaminski stated she made a recommendation of possibly installing speed humps. She stated in July they were asked to prepare an estimate of different alternatives they might recommend for the roadway, and these have been presented to the Township. Mr. Stainthorpe stated the Board received one paper that pointed out the potential locations of speed humps and also a sheet showing pavement markings.

Ms. Kaminski stated the alternatives she discussed in the July letter to the Township had discussed turn restrictions as there was indications of cut-through traffic circumventing some of the traffic signals. She stated they could do turn restrictions which would be the least-expensive method; however, this does require Police enforcement to make sure motorists are obeying those during the restricted hours. Ms. Kaminski stated they also recommended the possibility of a temporary speed hump; and if there are situations in the Township where traffic problems like this might arise, you could move this around the Township to different locations. She stated using these temporary speed humps allows the Township to do before and after studies and gauge how the residents in the area felt they were working and whether they liked them or not since there is sometimes noise associated with speed humps as vehicles go over them. She stated if they decide a permanent installation is warranted, the Township could then remove the temporary one and put it in another location to test it out at that location. She summarized the recommendations – turn restrictions, temporary speed hump, and permanent solution.

Mr. Stainthorpe stated no final decision will be made on this tonight. He stated they have learned from past experience that in these situations they need to get a lot of public input before making a final decision.

Mr. Stainthorpe asked how the traffic count was done, and Ms. Kaminski stated they used Milevision which is video-recording equipment and a tracking device. She stated for speeds, they dropped automatic traffic recording device tubes on the roadway, and set them up for several days to gather volumes and speed data. Ms. Kaminski stated they did not install the automatic traffic recording devices on Makefield Road; however, they used a radar gun to obtain that information since she felt that while they were charged with looking at School Lane, she also wanted to see what was going on at Makefield at the same time in case there was a problem the Township needed to be alerted about.

Mr. Stainthorpe stated he understands from Ms. Kaminski that based just on the traffic count, traffic calming would not be warranted; but because of the proximity of the elementary school, she felt it should be considered. Ms. Kaminski agreed and stated when you follow the PennDOT point system for a traffic-calming program, it did not qualify; but because of the school, the fact that there is no sidewalk, and the narrow roads, it was determined that the point system did not truly reflect everything they wanted to consider.

Mr. Stainthorpe asked the trip count, and Ms. Kaminski stated on average there were 332 vehicles passing on E. School Lane the entire day. She stated during the peak hour, there were approximately 70 to 80, and usually 100 is the threshold when they start considering any kind of traffic calming.

Mr. Stainthorpe asked for a description of the speed hump being suggested. Ms. Kaminski stated this would be a speed table where you come up at a flat location with enough width that the axel of a typical vehicle can lift up onto the table before it takes off and comes down the other side so that there is not additional sounds. She stated this is usually 12' in width. She stated it would be the width of the roadway with a 3" to a 4" profile.

Ms. Tyler asked again about the point system, and Ms. Kaminski stated it is a 100 point system and usually a 50 is something that would indicate you may want to consider traffic calming. She stated this is just a guide, and there were concerns about safety of children. She stated for this area they were at 28 points, and the speed was only five miles over the speed limit.

Mr. Stainthorpe asked if they know how many elementary children are in the neighborhood who walk to Makefield, and Ms. Kaminski stated she did not know this. She stated there is a flashing warning device so there would have to be some children crossing that road.

Ms. Tyler asked about the direction the cars were travelling, and Ms. Kaminski stated it appears to be used as a cut-through one direction in the a.m. and the reverse in the p.m. Ms. Tyler asked if they would do some kind of remediation such as speed humps, would they be diverting traffic to another neighborhood; and Ms. Kaminski stated they would if there was a parallel facility that would service it, and they would need to look at this carefully before making any decisions.

Mr. Benedetto stated in May, 2010 he was advised by a resident about a problem on E. School Lane; and since there are only twelve houses on the street, it must be cut-through traffic to avoid lights. Mr. Benedetto asked about the appearance and location of a temporary and permanent speed hump and whether there are any PennDOT requirements for the location. Ms. Kaminski stated she did provide to the Township a packet which shows both the permanent and temporary installations. Mr. Benedetto stated he had provided to Ms. Kaminski pictures of the speed humps in Yardley Borough on Canal Street. He asked if this is something she would recommend as a permanent solution that would be at minimal cost. Mr. Kaminski stated she had asked Mr. Fedorchak if Public Works would be able to do the installation which would make it significantly less expensive. Ms. Kaminski stated looking at the photograph Mr. Benedetto provided this would be something they could consider. She stated included in her letter to the Township she showed the pavement markings that would lead to and from the speed hump; and if they were in a high speed location where there were a significant number of vehicles, they would want to have this additional warning system. She stated because of the limited cartway width, she feels the speed humps would be the simplest solution and the least expensive.

Mr. Dobson asked if they could post a sign indicating "No Through Traffic;" and Chief Coluzzi stated while you can post this, it would be difficult to enforce. He stated he had discussions with Ms. Kaminski about this, and the Police Department would not agree with that solution. He stated they are not opposed to speed humps if the residents are in favor of them. Mr. Dobson asked if the current posted speed limit is 25, and Chief Coluzzi agreed.

Mr. Harold Kupersmit asked if the Township has an Ordinance that prevents people from walking in the street, and Mr. Stainthorpe stated they do not. Mr. Stainthorpe stated this particular neighborhood does not have sidewalks which is one of the issues. He stated this is an older neighborhood; and while they require sidewalks in the newer developments, they were not required at that time. Mr. Kupersmit stated he is concerned when he sees people walking in the streets even when there are sidewalks.

Mr. Bruce Sattin, 2001 Yardley Road, stated his home is at the corner of Yardley Road and E. School Lane; and looking at the aerial photo they received in the mail yesterday the proposed speed hump is in front of his driveway and in front of an adjacent driveway that is on his property but serves the two houses going north up Yardley Road. He stated none of them want a speed hump at that location. Mr. Sattin stated from the information received from the Township the recommendation is that speed humps should be at least 50 from driveways, but looking at E. School Lane it would be difficult to find a place where they could put a speed hump that would not be within 50' of a driveway. He provided information he obtained from the Website of the Institute of Transportation Engineers which recommended that speed humps should be mid-block and not at or near an intersection, and they are not recommended for streets that are bus routes or roads used for emergency response. He stated there are a lot of buses on E. School Lane going to Makefield Elementary.

Mr. Benedetto stated the buses are not supposed to do that, and they are using it as a cut-through. He stated the Pennsbury School District advised him that they were told not to use that street.

Mr. Sattin stated the speed hump will also act as a block to water flow as his end of E. School Lane is at the end of the slope going down to Yardley Road. He stated he recently had to have his basement waterproofed as water was collecting around his house. He stated the water flows down E. School Lane and tends to collect near the intersection with Yardley Road. He stated it collects far from his house, but if they put the speed hump where it is proposed, it will divert the water into his yard and his neighbor across the street; and it will run right up to the edge of the house.

Mr. Sattin stated according to the Institute of Transportation Engineers, speed humps also have a tendency to slow down the response time for fire trucks and ambulances and will jostle children in school buses and patients in ambulances. He stated there are also trash trucks on the street, and he questions what will happen when they go over a speed hump as he feels trash could fall out of the truck.

Mr. Sattin stated he is concerned not only about the appearance of the speed hump itself but also the signs that will have to be posted; and the one that is proposed close to Yardley Road will be in his front yard.

Mr. Sattin stated there have also been studies which indicate that speed humps are not particularly good where there are people on bicycles; and there are some recommendations that a groove be cut in the speed hump to allow for a bicycle to pass through, but this would force the bicycle into a specific path and does not give the rider the opportunity to maneuver if there is traffic coming.

Mr. Sattin stated with regard to the cost, according to ITE, the cost for a speed hump was approximately $2,000 in 1997 dollars; and he would estimate that today it would cost $4,000 to $5,000 plus there would be the cost for the signs so they could have an expenditure of approximately $10,000 to install these two speed humps. He also asked what will happen when the snow plows go through, and he feels there will be constant maintenance.

Mr. Sattin stated he has lived in his home for fourteen years, and he has never heard of an incident when a child was hit by a car or even any cars being involved in an accident on E. School Lane.

Mr. Sattin stated he does not feel a speed hump makes sense at the proposed location near Yardley Road since traffic going eastbound toward Yardley Road has to slow down anyway because there is a stop sign, and traffic going the other direction has just turned off of Yardley Road so the drivers would not even have an opportunity to accelerate before they get to the location where the speed hump is proposed.

Mr. Benedetto asked Mr. Sattin if he is only opposed to it because he does not want it in front of his house, and Mr. Sattin stated he does not think it is necessary. Mr. Benedetto asked if he feels there is a problem with cut-through traffic, and Mr. Sattin stated he does not feel it is a problem other than the very rare occasion when someone speeds down the road. He stated the traffic counts were not very high.

Mr. Benedetto asked Ms. Kaminski the estimated cost of the speed humps on Canal Street, and Ms. Kaminski stated she feels it would cost $6,000 per speed hump if it goes out to bid. She stated it would be less if it were installed by Public Works.

Mr. Sattin stated Canal Street is very narrow and there are numerous businesses and Municipal Buildings which results in a lot of traffic. He stated E. School Lane is much wider, and there are no businesses. Mr. Sattin stated he would not have a problem if they had a way to reduce the amount of cut-through traffic, but he does not feel there should be speed humps. Mr. Sattin stated they could run a speed trap; however, Mr. Benedetto stated the issue is not the speed, it is the cut-through traffic.

Mr. Stainthorpe asked Ms. Kaminski if stormwater has been taken into account or would additional stormwater management be needed. Ms. Kaminski stated they could either not take it to the full extent of the roadway or they could put grates on top and create a tunnel, although this does add expense. She stated any time you do traffic calming there are some negatives. She stated what has been provided was only approximate locations for the speed humps.

Mr. David Wood, 11 E. School Lane, stated he does see speeding during rush hour where his home is. He stated there are children living near his home who are playing in the road, and people are walking in this area as well as riding bikes. He stated he does not feel it is worthwhile to put the speed humps at the end of the road since at that point people are slowing down anyway. He stated there is space between his driveway and the adjacent driveway, and he would not be opposed to having it in front of his home. He stated it is also difficult to back out of the driveways onto the road. He stated he feels that people are using the road as a cut-through.

Mr. Todd Milhollen, 8 Townsend Road, stated the road is used as a cut-through at rush hour; but he feels it is minimal, and he would estimate three people coming through the street. He stated he estimates four children are walking to the school from his neighborhood. He stated the neighborhood is beautiful, and he would never want to have a speed hump on his street. He stated he does not feel it is necessary. He stated he has a young child, and he has educated him with regard to the danger of the road, and he supervises him when he is in front of the house.

Mr. Milhollen stated he has a letter from his neighbor at 4 E. School Lane who was unable to come this evening. He suggested that there be a survey of all the neighbors similar to the one that was done at W. Ferry Road some time ago to get their opinions on a speed hump.

Mr. Benedetto asked Mr. Milhollen if he is opposed to a speed hump being on Townsend, and Mr. Milhollen stated he does not want any in his neighborhood. He stated according to what he was provided in the mail there will be lines on the street that are 100' from the hump with reflectors going up to the hump and than another 100' after the hump, and he would not be in favor of this in his community. Mr. Benedetto asked if he has seen the one in Yardley Borough, and Mr. Milhollen stated he has. Mr. Benedetto asked if he has an issue with that, and Mr. Milhollen stated he did not feel it was necessary to have it on Canal Street. Mr. Milhollen stated he does not want the speed humps in his neighborhood.

Mr. Mitch Livingston, 8 E. School Lane, stated it is a cut-through to avoid the light. He stated drivers are also speeding. He stated there is debate about the look and feels what has been shown with reflectors 100' on either side is not necessary, but feels what is on Canal Street would be fine. He stated since these are repetitive drivers, the first time they go over it, they will decide whether it is saving them time. He stated even if they decide to still use the street, they will go slower so it will make it safer even if it does not reduce traffic. Mr. Livingston stated he does instruct his children on road safety, but sometimes they make bad decisions. He stated there could be other alternatives such as installing a stop sign as you get to Townsend which could help slow down the traffic. He stated something needs to be done to

slow down the traffic. He stated the buses are no longer using E. School Lane; and if they see a bus on the street, they call the School and it stops. Mr. Livingston stated he does not feel the one-time expense is that great considering the situation. He stated he does not see the need for the large distance of reflective area on either side of the ramp, and he would be in favor of the speed bump they have on Canal Street. He stated there are drainage issues on both sides of the street, but he does not feel the way the road is designed it will change anything if the speed bump is installed. He stated even if they do not proceed with this option, something needs to be done. He stated if they could do an unobtrusive speed bump the way it was done on Canal Street, this would be a good solution.

Ms. Maryanne Carroll, 13 E. School Lane, stated she has children; and is looking for a permanent solution as this has been very stressful for a new homeowner who did not anticipate when she bought the home that she was moving into a neighborhood that was going to have sixty to eighty cars at peak times driving down the street where there are only nine homes fronting the roadway. She stated traffic is occurring at all times of the day in each direction. She stated the traffic is speeding, and there are no sidewalks on this narrow street. Ms. Carroll stated she understands that when Black Rock and Yardley-Morrisville were closed a few years ago, E. School Lane was one of the detours; and she feels this changed local driving patterns. Ms. Carroll stated someone was clocked going 55 miles per hour going down their street, and she has a hard time going 20 miles an hour on E. School Lane; so she feels 30 miles per hour is a pretty significant speed for their little street.

Ms. Carroll stated she would be in support of a speed hump as it would only be 3" of asphalt. She stated a number of communities call speed humps "the silent Policeman," and one of the advantages of speed humps is that they do not require Police enforcement. She stated a speed hump would be a quick, long-term remediation for what they are experiencing. She stated speed humps naturally slow drivers down, and they are proven to be effective in a number of Bucks County communities. She stated one of the examples is the Canal Street project; and she spoke to the Assistant Administrator in Yardley Borough who indicated they were overwhelmingly received, it has slowed drivers down, and noise has not been an issue. Ms. Carroll also noted an area in Upper Makefield on Woodhill Road which has three speed humps which were requested by the residents. She stated she spoke to the Public Works Director in Upper Makefield who indicated that they worked beautifully, the residents are thrilled, and they have received no complaints. They do take extra care with snow removal. She is also aware of effective speed humps installed in New Hope and New Britain Borough. She stated she is looking for a permanent solution which will improve the quality of life on the street.

Ms. Carroll stated many of her comments have been echoed by others from E. School Lane who were unable to attend this evening. She provided copies of some letters from her neighbors. She stated the Harris family on Yardley Road expressed concern with the danger of backing out of their driveway and concerns for the safety of children. She stated a resident at 16 W. School Lane indicated that they are part of the cut-through and have seen drivers speeding and running stop signs, and there was a major accident on their front lawn when two cars collided. They are also concerned about children walking to Makefield, and they support the installation of speed humps on E. School Lane. Ms. Carroll stated the Maguire family have also written in support of the proposed plan for the installation of speed humps adding they have observed an increase in the speed of traffic over the five years they have lived in their home. They feel it is a safety problem. Ms. Carroll stated the Sadloch family at 9 E. School Lane have expressed concern with drivers racing down the narrow street when they are walking their dog. Ms. Carroll stated her husband has also written that there is a need for a permanent solution to the severe traffic conditions, and he feels speed humps will significantly improve the quality of life. He added that one of the proposed humps will abut his property, and he would welcome its installation.

A women who lives on Townsend Lane stated something needs to be done about the traffic, and there are quite a few drivers who come down Townsend Lane who want to miss the light at Black Rock. She stated the drivers are also going quite fast to make the light at Edgewood. She stated she does not feel speed humps should be put in, but she does not feel these small roads should be thoroughfares for people who do not want to stop at red lights. She stated maybe they could post it ten miles per hour or install signs indicating it is not a thoroughfare.

Mr. Jeff Shanks, 2003 Yardley Road, stated he accesses his home off of E. School Lane, and he has lived in his home for twenty-two years. He stated he does not support the installation of speed humps on E. School Lane and neither does his neighbor who also accesses E. School Lane off his driveway and would have the speed hump right in the middle of where they access E. School Lane which makes no sense. Mr. Shanks stated he is on E. School Lane six to eight times a day, and he has never had a problem. He stated he heard earlier this evening that they consider speed humps when there is a score approaching fifty, and the score was twenty-eight. He stated he reviews maps on a daily basis; and he did not see a scale or a north arrow on this map, and he questions the engineering that has been done.

Ms. Barbara Crane, 1909 Yardley Road, stated she has been walking dogs on E. School Lane for fifty-five years; and the traffic is getting worse every year. She stated something needs to be done for the pedestrians and the children in the neighborhood.

Mr. Stainthorpe stated there are clearly diverging opinions, and they will discuss this again at one of their meetings in November; and hopefully they will have additional input from the neighborhood. He stated he feels the Board of Supervisors will have to make a decision based on further input, and it will probably make some people happy and others unhappy.

CONFIRMATION OF CONDITION OF APPROVAL RELATED TO SCAMMEL HOUSE

Mr. Garton stated toward the end of the last meeting, there was discussion about returning this evening with specific enumerated language related to the Scammel House, and he has a suggested Condition that would be imposed as follows:

> The southern façade of the Scammel House and the structural elements of the roof shall be preserved to maintain the character and design of the original 18th Century farmhouse and the 20th Century Scammel additions along with those structural elements necessary to maintain the southern façade. The southern façade shall be incorporated into a single-family dwelling without demolishing the entire remains of the structure. Prior to the execution of the Development Agreement, the Façade Easement shall be prepared and Recorded which sets forth the standards for preserving the southern façade which said Façade Easement shall be mutually agreeable to the Board of Supervisors and the Applicant and the Façade Easement shall be binding upon the Applicant and any successors in Title in order to maintain the structural integrity of the southern façade and the character of the Scammel House.

Mr. Garton stated he feels this is consistent with what Ms. Heinz discussed at the last meeting. Mr. Garton stated he shared this language with Mr. VanLuvanee today, and he has no objection; and the Board should decide if this meets their needs. Ms. Tyler stated this does address what they were discussing at the last meeting and safeguards that portion of the House that they felt needed to be done in order to comply with the paragraph in the Settlement Agreement.

Mr. Benedetto stated he feels an individual Board member can vote against a proposal even if the proposal does not violate any local Ordinances.
Mr. Benedetto stated he is concerned about protecting quality of life for existing residents, and there are certain issues he would like to vote against even if the developers are doing what they are supposed to do and they are not in violation of any Ordinances. Mr. Garton stated Mr. Benedetto as an elected official always has the right to vote as he chooses; however, someone who will be reviewing that action at a higher level may say even though they are expressing their opinion by their

vote, there was a legal obligation to approve it because under the Municipalities Planning Code, you would have to cite specific sections of the Ordinance that the Applicant did not comply with. Therefore, while a Supervisor has the right to vote as they see fit, someone else may state that they did not vote appropriately. Mr. Benedetto stated he understands that they could challenge it in Court. Mr. Stainthorpe stated typically you would not be challenged in Court if it was just one Supervisor that voted against it. Mr. Stainthorpe stated they have had decisions made by the Board challenged in Court, and they had Settlements forced on the Township which have turned out badly 100% of the time. He noted particularly the Kohl's Shopping Center traffic patterns which were imposed on the Township by Court. He added that what is being voted on this evening is just this one element of Scammel's Corner as the rest of it was previously approved.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the Condition as read by Mr. Garton.

GRANT EXTENSION OF TIME TO ST. IGNATIUS AND ARIA HEALTH

Mr. Garton stated with regard to the request for an Extension for St. Ignatius, there are still outstanding sewer issues with Yardley Borough. Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to approve the Extension of time to St. Ignatius to January 9, 2014.

Mr. Garton stated with regard to the request for an Extension for Aria Health (f/k/a Frankford Hospital) he stated they made a public presentation at the last meeting. He stated they also cannot get through Subdivision and Land Development without getting the Zoning resolved, and this is still in Court. Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve the Extension of time to Aria Health to December 31, 2013.

APPROVE EXECUTION OF DEVELOPMENT AGREEMENT WITH LOWER BUCKS PEDIATRICS, P.C./AURLIZ, LLC

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve the Execution of the Development Agreement with Lower Bucks Pediatrics.

ZONING HEARING BOARD MATTER

Mr. Benedetto asked if an Appeal has been filed with regard to the Satterthwaite House, and Mr. Garton stated to his knowledge the Zoning Hearing Board has not approved a written Decision yet. He stated the Applicant would have thirty days from that time to Appeal unless there are Extensions granted by all the participants.

APPROVE RESOLUTION ESTABLISHING A LIAISON BETWEEN THE TOWNSHIP AND BERKHEIMER FOR THE PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION

Mr. Stainthorpe stated they would be appointing Mr. Fedorchak and one of the staff from the Accounting Department to be a liaison with Berkheimer to discuss tax matters regarding the emergency services tax. Mr. Garton stated when you are a tax collecting entity, you have access to confidential information; and you have an obligation to secure that information from dissemination to the general public. He stated because of the need to have accurate records to know whether someone who has been billed for emergency services still lives in the Township, there is an interaction between the taxing body who in this case would be the Township and the collection body which would be Berkheimer. He stated the need for this is to be able to exchange information, and there would only be discussion of confidential information with Mr. Fedorchak and one of the staff from the Accounting Department, and no one else will have access to any information that the tax collector has.

Ms. Tyler moved, Mr. Benedetto seconded and it was unanimously carried to approve the Resolution.

OTHER BUSINESS

Mr. Zachary Rubin, 1661 Covington Road, asked if there was an Executive Session this evening, and Mr. Garton stated there was not.

SUPERVISORS' REPORTS

Ms. Tyler noted that the Artists of Yardley will have an Oktoberfest this Saturday starting at 10:00 a.m. with craft demonstrations, food concessions and workshops offered for $20 plus materials fee. She stated more information is available on their Website. There will also be craft vendors, live music, and at 6 p.m. there will be a catered pig roast. There will also be an art show with works of art available for sale.

Ms. Tyler stated the Veterans Committee is continuing to sell pavers but this program will end soon.

Ms. Tyler stated on October 18, 2013 at 7:30 p.m. in the Township Building the Township is hosting a storm preparedness seminar. PECO will be the presenter, and there will also be input from the Chief of Police and the Public Works Department. She stated information on this will be posted on the Township Website.

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

Respectfully Submitted,

Pete Stainthorpe, Chairman