

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 7, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 7, 2012. Chairman Stainthorpe called the meeting to order at 7:30 p.m. He noted that the Board met in Executive Session for one hour and discussed legal and real **estate** matters.

Those present:

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

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

PUBLIC COMMENT

Ms. Kaaren Steil stated she was present on behalf of the Historical Commission, and she thanked the Board for re-appointing her for an **additional** two years. She **stated** she will do her best to keep the lines of communication for **all events and** future needs. She stated on Sunday, February 19, thirty people **attended** a presentation **given** by Dr. Helen Heinz with the theme of William Penn's religious tolerance and the *First* Amendment. She stated all **religious** groups have been **contacted** to participate, a DVD has been made and is ready for circulation, and they would welcome contribution to the Commission's recording of Lower Makefield's **history**. Ms. Steil stated they would also welcome another appointment to the Historical Commission.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated this week the Patterson Farm preservation effort received commendation from the Secretary of Agriculture for Pennsylvania; and he pledged the support of his Department and commended the Patterson Farm preservation effort for their work to preserve the Patterson Farm as a productive farm.

Mr. Dave Kimble, President of BOWMA, welcomed the new Supervisors. He stated they harvested 101 deer this year, **and there** were no incidents. He **stated** they are looking forward to coming back next year if the Board sees fit, and they **appreciate** the

opportunity. Mr. Stainthorpe thanked BOWMA for their work. He stated this runs very smoothly, and there were no incidences. He thanked them for their organization and management and stated this is making a difference. Mr. Stainthorpe stated he would like the Police Chief to put together numbers regarding car/deer accidents to see if this is effective. He stated this program is also at very little cost to the taxpayers. Mr. Kimble stated thirty deer were donated to the local food banks.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of February 15, 2012 as written.

DISCUSSION AND MOTION ON BRIGHT FARMS PROPOSAL TO CONSTRUCT A GREENHOUSE ON PATTERSON FARM

Mr. Stainthorpe stated Bright Farms initially contacted the Township in December. He stated they would like to build a hydroponic greenhouse in the Township to provide locally-grown, high-quality fruits and vegetables to McCaffrey's Supermarket. He stated this is cutting edge in food merchandizing and fits in with a lot of trends in farming including a farm-to-table concept. Mr. Stainthorpe stated Bright Farms made a presentation in February, and the Board indicated at that time that they would have them back the first meeting of March for further discussion and input from the public.

Mr. Jim McCaffrey, owner of McCaffrey's Markets, was present and stated McCaffrey's has always tried to be a good, corporate citizen. He stated a number of years ago they decided as a company to try to reduce their carbon footprint as much as they could and they invested heavily in technology to reduce energy costs to run the stores. He stated they also decided to try to source their products locally as much as possible to reduce the energy cost for products delivered to their stores. He stated they recycle all of their cardboard; and they are now recycling more plastic bags than their company buys, and are doing this with the help of Goodwill Industries which profits from that arrangement. Mr. McCaffrey stated last year their Princeton store was the first store in the State of New Jersey to do food composting with all of their food waste, and they reduced what they sent to the landfills by over 40%. He stated they started this program this week in Lower Makefield and in their store in West Windsor. He stated they are also doing single-stream recycling.

Mr. McCaffrey stated he feels the Bright Farm proposal fits in well with what they are trying to do in that they will have locally-grown produce and not need trucks coming across the Country to supply them. He stated he has heard some previous comments and people discussed this as being a commercial aspect and added it is the commercial part of

the program which makes it work and pays for the project. He stated it is also really an extension of what is already happening **at** the Farm, and is just a new way of farming. Mr. McCaffrey stated he spoke to a local resident who knew Mr. Patterson, and he indicated that he felt Mr. Patterson would be thrilled if his farm was being used for such an innovative farming technology. Mr. McCaffrey stated he feels this would be a great partnership. He stated children in the School District will also benefit from this as they will tour the facility and benefit from the educational programs that will be brought with this use.

Mr. Paul Lightfoot stated Bright Farms would like to be part of the local produce supply to meet the area needs three hundred sixty five days a year. He **stated** they are committed to increasing the availability of locally-grown produce by putting greenhouses at or near their clients, and their partnership with McCaffrey's **meets** McCaffrey's desire to purchase even more local produce. He stated currently the demand for locally-grown produce is greater than the supply. Mr. Lightfoot **stated** they want to insure year-round availability of locally-grown produce **at** competitive prices. He stated Bright Farms has designed twelve greenhouses, built five, and two of them are being **farmed** to produce lettuces for retailers for sale.

Mr. Lightfoot **stated** they have a rich **history** of partnering with Schools and facilitating science education which they are **eager** to continue. **He stated** they would like to build a greenhouse classroom as part of the facility, and they hope to have it open by the beginning of the 2013 School year to **teach** area students the science of local food production and sustainability. Mr. Lightfoot stated they recently reached out to the School officials, and they seemed excited about this opportunity. **Mr.** Lightfoot stated they would also like **to** work with local farmers.

Mr. Lightfoot **stated** they have been listening to the community and enjoyed warm responses from the two public meetings which they hosted since they were last before the Board of Supervisors. He stated one was **held** February 8 **at** McCaffrey's and the other was at the Township Building on February 15. **He stated at** the February 8 meeting nearly everyone was in favor of the project with two **people** expressing concerns. He stated members of the EAC and **the Board** of Supervisors, political staffers, supermarket shoppers, and members of the community came to voice support and ask questions. **He stated at** the February 15 meeting they served fresh produce from one of their greenhouses to the guests and more than 30 people attended. **He stated** two attendees directly expressed opposition to **the** Patterson Farm site, but otherwise expressed support for **Bright Farms** being in the **area**; and the **majority** of those attending expressed their support. Mr. Lightfoot **stated** they **published** an e-mail address and a phone number dedicated to getting feedback from the community, and 100 percent of the responses were supportive of the proposal.

Mr. Lightfoot stated they are working with local farmers who wish to partner with them, and they are trying to make sure that Sam Stewart has a part in the project and are encouraging other local farmers to reach out to them as well.

Mr. Lightfoot stated the Environmental Advisory Committee has considered the project; and Jim Bray, their Chairman, has advised that the EAC supports the project with several conditions. Mr. Lightfoot stated they would like to continue working with them to insure that they exceed all environmental sustainability expectations.

Mr. Lightfoot stated they are also establishing a relationship with Delaware Valley College to give students a real-world application of modern farming techniques. He stated they hope their greenhouse farm will be an extended classroom for the College, and they plan to employ their graduates. He stated he has a meeting scheduled with the Dean on March 22, and he hopes to create an alliance among Bright Farms, DelVal and Dave and Paul Fleming on Shady Brook so that they can share modern farming technique knowledge in the community.

Mr. Lightfoot stated they are listening to the community every step of the way since it is the involvement of the community that makes local produce truly local. He stated they have hired life-long resident Patricia Bunn as their community liaison, and they are forming lasting relationships with lots of residents in Lower Makefield and Bucks County.

Mr. Lightfoot stated with input from the community they have evaluated eighteen sites in addition to various locations on Patterson Farm and remain open to other sites based on the feedback of the community and the Board of Supervisors. He stated the Patterson Farm still stands out as the most suitable site. He stated according to the Restrictive Deed for the property, the land is to be used for "agriculture and horticultural uses, active and passive recreation, and open space." Mr. Lightfoot stated according to the Mission Statement of the working group for Patterson Farm in 2007, "the Patterson Farm will be a permanently protected, sustainable resource **that** will provide agricultural, open space, historic and educational benefits to the citizens of Lower **Makefield Township.**"

Mr. Lightfoot stated Bright Farms, McCaffrey's, and everyone who is involved in partnership with them wishes to continue using Patterson Farm for its long-intended purpose to be an active and productive farm. He stated they are proposing putting an agricultural structure on Patterson Farm to increase its fulfillment of its agricultural purpose. He stated they would like to use a parcel of the Farm that Sam Stewart told them he felt was one of the least productive areas on the Farm, which is less than 1% of the total Farm, and they want to make it the most productive part of the Farm. He stated they want to do this in a way that is more sustainable as to year-round produce consumption, reduces stormwater run off, is not visible to nearby homes, and would educate local school children.

Mr. Lightfoot stated they would like to pay a fair market rent to the Township for the use of the property and bring economic activity to the Township as well.

Mr. Lightfoot stated they have enjoyed the experience of listening actively to the Township, and they have enjoyed the enthusiasm from the community. He stated the demand for local produce in the Township is strong, and they are eager to make this project a reality, and are grateful for the Board's consideration and their time.

Ms. Julie Chang stated she is a local resident and represents the consumer side of the Bright Farms and McCaffrey's project. She stated she has three young children and she teaches them about the importance of taking care of their bodies and their environment, and this is a "win-win" situation. She stated currently they only shop locally, and they drive wherever they have to in order to do so. She stated winter is a long season, and it is difficult to find what they need. She stated this would enable them to have year-round local produce such as lettuce and tomatoes. She stated she feels it is important to develop and support ideas like this.

Mr. Stainthorpe stated he feels they could vote to move forward, vote not to do it, or decide they need more time. Mr. Stainthorpe **stated** he feels this is a great program and likes what it does for the community. He stated Lower Makefield has been cutting edge with regard to the environment for a long time, and they are seen as leaders. He stated proceeding with this is taking a leadership role in not only the environment but also with regard to farm-to-table food production. He stated it also reduces the carbon footprint and the energy involved in shipping food. He stated it will support a local retailer by being cutting edge and will give a competitive advantage. Mr. Stainthorpe stated while Mr. McCaffrey is a very successful part of the community, he is not a big corporation; and he competes well with the larger stores. He stated he feels it is in everyone's interest to support a local businessman.

Mr. Stainthorpe stated he also feels it will be good for the farm community as he knows Bright Farms representatives have reached out to the Flemings. Mr. Stainthorpe stated the Township frequently deals with developers, but he has never met any developers that have been willing to meet with the community like Bright Farm has. He stated the Board did not tell them to do this, and they did it all on their own.

Mr. Stainthorpe stated he feels the Patterson Farm is the place to put this. He stated it will provide some revenue for the Township, and they will have to negotiate the final terms. He stated these funds could go toward other things for the Patterson Farm or could go into the General Fund.

Mr. Stainthorpe stated he was present when they had the discussion with Sam Stewart; and he heard him say this was the least productive acreage on the Farm, and he did not have a problem giving it up. Mr. Stainthorpe stated to take the least productive acreage and make it the most productive, he feels is a win. He stated he feels the quality of the food will also be a win for the community. He stated he does not see that there is a downside.

Mr. Dobson stated he feels this is a great idea, and an idea whose time has come. He stated it will reduce the carbon footprint and provide quality food for the residents.

Mr. Benedetto commended Bright Farms for reaching out to the community. He stated his issue with this has never changed, and he is not in favor of a greenhouse on perfectly tillable land. He stated he wants this in the Township, but he is not in favor of having it on Patterson Farm. He stated there was discussion about this being on the Snipes Tract which would also be close to a number of Schools. Mr. Benedetto stated he does not want this to go outside of the Township. He understands that they have talked to Shady Brook Farm who will have the produce there as well. Mr. Benedetto stated he just feels it is the wrong location being on Patterson Farm, and the right location would be the Snipes Tract.

Mr. David Miller, 1648 Yardley-Langhorne Road, stated his property abuts the Patterson Farm on two sides of his property with the proposed location right next to his property. Mr. Miller stated he did not know about the earlier meeting in February, and he asked why no one within a certain distance of the property was officially notified that this would be on the Agenda this evening. Mr. Stainthorpe stated typically they do not do notifications for the Board of Supervisors meetings although they do for the Planning Commission and the Zoning Hearing Board. He stated in February it was a brand new idea, and they did not take any action. He stated this matter has been written about in the paper, and he feels that there has been plenty of publicity.

Mr. Miller stated he disagrees adding he does not see people present this evening from the Village; and he feels for a project of this size, the Township is negligent in not letting the residents know personally by the mail that this would be on the Agenda this evening. Mr. Miller stated the Agenda indicates that there is to be a discussion about Bright Farms, but he now understands that Mr. Stainthorpe may want to vote on this tonight. Mr. Miller stated this has not been discussed by the people who are going to be most effected by it who are the people who live in Edgewood Village.

Mr. McLaughlin stated this will go through normal Land Development, and at that point the notification would occur. Mr. Miller stated he feels notification should have been sent out for these meetings being held by the Board of Supervisors particularly if they are going to vote tonight.

Mr. Miller stated he did not know about the meetings Bright Farm held until the very last minute. He stated two people from Bright Farms did speak to him personally at his home so he is not uninformed, but he feels it is very unfair to vote on something tonight when there are people who live in the Village who were not personally notified of this evening's meeting.

Mr. Miller asked if someone came into the Township and wanted to build a greenhouse in what Zoning would this be permitted. Mr. Stainthorpe stated he believes that it would be Agricultural. Mr. Miller asked about Industrial, and Mr. Stainthorpe stated he does not feel Lower Makefield has Industrial Zoning. Mr. Garton stated while he does not have the Zoning Map available this evening, normally Agricultural uses are permitted in most every District. Mr. Miller stated this is not Agricultural as it is not farming or planting seeds – it is a structure. Mr. Garton stated Agriculture means more than just planting corn in the field and it could mean horticulture such as growing flowers. He stated the mere fact that it has a structure does not mean that it is not Agriculture. Mr. Miller stated he can “spin” it any way he wants to but he is talking about a huge building being built, and he feels someone should do a study on this to find an answer to his question.

Mr. Miller asked about the height of the side of the greenhouse, and Mr. Lightfoot stated it is approximately 20'. Mr. Miller asked the height of the peak, and Mr. Lightfoot stated it is approximately 25'. Mr. Miller asked the dimensions of the footprint, and Mr. Grasso stated it is 50,000 square feet which would be approximately 200' by 150'. Mr. Miller asked the weight; and while Mr. Grasso stated he could not answer this, it is a lightweight steel structure. Mr. Miller stated he feels this would be important to know.

Mr. Miller asked about the foundation that the building will be on; and Mr. Grasso stated the columns are on a small concrete footing, but the growing systems are on plain dirt – the soil that is at the farm and a geo-textile fabric that is laid out over the dirt with the growing system sitting on top. Mr. Miller asked the number of columns; and while Mr. Grasso stated he did not have the exact count, he estimated it to be 150 to 200 columns. Mr. Miller stated each of these will be on concrete. Mr. Miller asked how much a column weighs, but Mr. Grasso did not have this answer. Mr. Miller stated he had a garage destroyed by the hurricane last summer, and they had to put concrete footings all around his little, lightweight wooden garage to meet the Building Code. He stated what is proposed is a one acre building with 150 supports in 150 pots of concrete which he feels will have to be deeper and bigger than the concrete he had to pour for his garage.

Mr. Miller stated he was shown a drawing of the building when they came to his house, and he believes that the drawing showed it running east/west but he was told it would run north/south so that when the sun comes up from the east it would hit the long side and the other long side when it sets in the west, and Mr. Grasso agreed. Mr. Miller stated he was also told that they wanted to use the old farm road, but Mr. Miller stated today that is a woods. He stated these are mature trees that started growing forty years ago. He asked how many trees are in the wooded area where they propose the road. Mr. Grasso stated he feels it would be about one dozen trees; however, Mr. Miller stated he feels they had better count them because there are a lot more than one dozen trees, and there will be a lot of lumbering going on to remove the trees.

Mr. Miller asked if they have talked to other Municipalities, and Mr. Grasso stated they have although they have not appeared in meetings like the Supervisors' meeting which they have done in Lower Makefield.

Mr. Garton stated they checked the Zoning Ordinance while Mr. Miller was speaking and greenhouses are permitted uses in the R-1 District and this is where the Patterson Farm is.

Mr. Miller provided handouts this evening including a copy of the Plot Plan of the area including his property, a neighboring property, and the Patterson Farm. He showed the area where the proposed road would be located. He stated he has mature trees on his property and the sun does not hit his house until 11:00 a.m., and he does not feel the sun will hit the greenhouse until at least 11:00 a.m.; and he advised the representatives of Bright Farms of this when they met at his home.

Mr. Fedorchak stated the location shown by Mr. Fedorchak is not where the greenhouse is proposed to be located. Mr. Miller stated this is the location he was shown by the representatives of Bright Farms. Mr. Grasso stated after he met with Mr. Miller he consulted with the engineer, and they shifted the greenhouse further to the west away from Mr. Miller's property. Mr. Miller asked if anyone else knew about this. Mr. Grasso stated they discussed it being in the general area, but a final location has not been decided. Mr. Stainthorpe stated they have not engineered this, and it would have to go through Land Development. Mr. Miller stated he is concerned that they are going to vote on this with all of these unknowns.

Mr. Miller stated they also discussed that sewers are not in this area although it will be coming to the area. He stated he does not know when they will be able to hook up. He stated they would have to tie into this, and the line that comes from Edgewood Road to that area will require pumps on the laterals. He stated he does not know how much sewage they will have although he knows they will have wastewater that will have to be

put in the sewers. He stated he does not know how this will effect him if they start tying into this line that was originally put in for just a few properties. Mr. Miller stated they also do not have water. He stated they will need water so this is another problem that will have to be faced.

Mr. Miller stated it was indicated that Mr. Stewart indicated the area they are looking at is not good, farmable land because it is so wet. Mr. Miller showed another drawing showing how the water runs in the area. He stated currently the water runs right down the proposed road bed, makes a left-hand turn and crosses the property next to his and then comes into his property. He noted a low area on his property which floods. He stated it then makes a right-hand turn down to the road. He stated it runs parallel to the road in a ditch, underground for about 20' and then into the stream that runs from his property parallel to Mirror Lake Road. He also noted where the road floods whenever it rains. Mr. Miller stated they must control the stormwater run off.

Mr. Grasso stated the greenhouse will capture all the rainwater that hits the roof of the greenhouse and hold it in cisterns to be used to irrigate the plants which may help the flooding problem. He also stated the site will have to go through the engineering process and any flooding problem will have to be fixed in the area they are using.

Mr. Miller stated no Planning or Zoning Board should allow a building to be built there unless the water run off is controlled. He stated it does not just come from that one acre, but comes from a large area and it runs to that spot and then follows the path he showed in his drawings.

Mr. McLaughlin stated this condition exists today, and if rain water is captured and held in cisterns, it should help the situation. He stated it would not be their job to fix an existing condition. Mr. Miller stated he does not feel they should allow building to go on with the existing condition.

Mr. Miller suggested a different location where they could run the road near the Nursery School property where it is dryer and more hidden.

Mr. Benedetto stated he feels Mr. Miller is making some good points, and he agreed that they need more time to discuss this and answer his questions since he is one of the people effected the most by this. Mr. Miller stated the proposed building will be twice the size of the existing Township Building, and will be abutting his property.

Mr. Stainthorpe stated a lot of the questions Mr. Miller has asked have not been answered yet because this has not yet been engineered or designed. He stated step one, if they decide that the Patterson Farm is the right place, would be to work out a suitable lease with Bright Farms which would be voted on in public. He stated the building would then

have to be finally located, fully engineered and reviewed by the Planning Commission and approved by the Board of Supervisors all of which could take approximately six months. He stated it is during this process where the issues raised by Mr. Miller get addressed such as trees, road location, and stormwater run off. He stated the Township has a strong Low Impact Development Ordinance and an active EAC. He stated the project will get significant scrutiny.

Mr. Miller stated he feels he is a little “shell shocked” from Flowers Field since he came to the advertised meeting for their Application for Preliminary Approval. He stated it was the first time that Flowers Field came before the Board of Supervisors, and at that meeting the Board gave the project Final Plan Approval. He stated this was before he knew that Flowers Field was going to put their excess stormwater into the stream on his property. He stated this is why he feels they should not vote on this and instead get a lot more information.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she has already advised the Board why she feels this project should not be on the Patterson Farm. She stated she is in favor of the concept, but it is not accurate to say that only two people at the last meeting which she attended were against it and everyone else was for it. She stated she only heard one or two people express unqualified support at the meeting, and one of them now works for Bright Farms. Ms. Torbert stated everyone else expressed support for the project but were against putting it on the Patterson Farm or had more questions. Ms. Torbert stated she agrees Bright Farms has done a lot of listening, but she does not feel they have heard what people are saying. She asked why there is a focus on the Patterson Farm, and she asked why other farmers were not contacted. Mr. Grasso stated they did reach out to other farmers. Ms. Torbert stated she does not feel that the other properties were given fair consideration, and she would be in support of tabling this to get more information. She stated this is a huge commercial development, and she does not feel the Ordinance contemplated this.

Ms. Donna Doan stated she feels Mr. Miller made some very valid points. She stated ever since the CVS was built the road floods badly, and the Township has to shut the road off. She stated to add anything else that will take up ground space does not make sense. She stated she was told that Mr. Troilo was allowed to run his run-off water onto the Patterson Farm field which is exacerbating the flooding problem. She stated she feels this was an oversight by the EPA when this was done. Ms. Doan stated this is not a greenhouse issue, but is really an effort by a few people to “chip away” at the Patterson Farm and encourage development. She stated she feels the Patterson Farm is being targeted because people perceive a farm as not having a purpose. She stated the Board has no understanding of farming. She stated she does not feel that Mr. Patterson would approve of produce grown in a chemical solution.

Ms. Doan stated she previously suggested to the Board that a Conservation Easement program be pursued which would have brought in almost \$1.9 million in revenue, and the Board did not make a “peep.” Mr. Stainthorpe stated the Board agreed to pursue this and apply for it. Ms. Doan stated while she understands this, a comment was made that it would take months to fill out the Application. Mr. Fedorchak stated they were told by the Bucks County Ag Board that once a year they review the Applications, and the next window of opportunity will be next February so they have ample opportunity to put a Grant Application together; and they are pursuing this. Ms. Doan stated she does not understand why this was not addressed from 1999 to the present.

Ms. Doan stated she advised the Board earlier this evening that the Secretary of Agriculture for the Commonwealth of Pennsylvania endorses the preservation of the Farm. Mr. Stainthorpe stated his concern is that when the Application is reviewed, and they see that the land is owned by a Township and not by a farmer who is trying to keep his property out of development, and that the County owns a Conservation Easement on part of the property, he is not sure they will get the \$1.9 million although he hopes he is wrong. Ms. Doan stated she did address this issue with Rich Harvey at the Doylestown Office, and he indicated this would not be a problem because a Township is considered a “person” for purposes of Application. Mr. Stainthorpe stated he hopes that this is correct.

Ms. Doan stated with regard to the education program by Bright Farms she feels that this is already being done at Shady Brook Farm and they have education programs there already.

Ms. Doan stated she feels it is curious that the Township would not give the Patterson Farm Preservation Website a link on the Township Website, but they would give Bright Farms a room at the Township Building several times to push through this development. She stated she feels like Government is being done behind the backs of the people. She stated she feels that there are connections being made between developers, businessmen, and perhaps the Board of Supervisors that are encouraging development on the Farm. She stated she feels it will also usher in more and more commercial use. She stated they already have the Artists of Yardley having an Art School on the property, and that purpose is not intended for Residential Zoning. She stated this Friday they are having a gathering for 400 people, and that is not a Residential Use, and the Township is ignoring the Zoning.

Mr. McLaughlin asked Mr. Garton if he would agree that renting out the Farm to a farmer is a Commercial Use, and Mr. Garton stated farming has a commercial component because you do not farm with the hopes that you will not make any money. Mr. McLaughlin asked if the act of the Township charging rent to a farmer would be considered a Commercial use, and Mr. Garton stated it does have components of a Commercial Use.

Mr. McLaughlin stated they already rent Patterson Farm to a farmer for which they charge rent, and he tills the land and sell crops. Mr. McLaughlin stated he does not understand the comment about a “conspiracy” of Commercial Use when they currently rent the Farm out to a farmer who pays them rent to till the land. He stated he does not see this project any different other than it is an innovative idea that will be positive for the community, the corporation, and the Township. He stated they are using 1% of the Farm for farming in a different way, and he does not feel that this is bad. He stated they are trying to find new and better ways to do things. He stated this is not back-room dealing when Bright Farms has held public meetings even though they were not required to do so. He stated they also met personally with Mr. Miller at his home, and he questions why Ms. Doan would construe that something is being done that is not above board, and it is misrepresenting the Board. He stated the Board’s motives are for the betterment of the Township.

Mr. McLaughlin stated the Farm is being preserved, and farming will continue on the Patterson Farm. He stated putting this use on the Farm will not change this nor will the fact that they might potentially sell the Satterthwaite House. He stated they are farming the Farm, and he is concerned that Ms. Doan keeps telling people they are not and misconstruing the facts.

Mr. Benedetto stated while they did talk about different sites, he does not feel they have investigated them enough. He stated if it is the Board’s decision to pursue Patterson Farm, they should use the proceeds generated from leasing the property to maintain and preserve the Farm, and it should not go into the coffers of the Township.

Ms. Patricia Bunn stated what is being voted on tonight is not to allow Bright Farms to construct anything; but they are voting to have them enter into negotiations to put it on the Patterson Farm, recognizing that they do not yet know where it would be located on Patterson Farm.

Mr. Stainthorpe stated if there is a vote it would be to authorize the Solicitor and Township Manager to enter into negotiations with Bright Farms, and this would then have to be voted on at a public meeting. It will then have to go through the whole Land Development process which will also allow for additional public comment.

Ms. Bunn stated she has been working with Bright Farms,; but she also supports them as a resident of Lower Makefield and feels it is an appropriate use of the site, feels it is an innovative way to use the land, and would be in favor of bringing money into the Township. She stated she is also in favor of the education component which was part of the preservation for Patterson Farm. She stated she also feels the Township should support Mr. McCaffrey who is always willing to make donations to the Township.

Ms. Doan stated the Township does engage in discriminatory rental practices because the Artists of Yardley do not pay rent and Mr. Stewart must bid in a closed-bidding process for the privilege of occupying the Patterson farmland. She stated she does not feel that it is fair that the Artists of Yardley were “ushered in” and allowed to give a small security deposit and pay zero rent. She stated Colleen Attara pays less rent than what the previous residential tenant paid.

Ms. Doan stated what the Township has done with the Patterson Farm has not been right. She stated the Township got over \$460,000 for the I-95 exit loop, and some of it was spent on the Farm.

Mr. Stainthorpe asked Ms. Doan to limit her discussion to the greenhouse issue, and Ms. Doan stated she does not feel the greenhouse is appropriate for the site and would be fine on Mr. McCaffrey’s office building or on the roof of his store for which he could request a Zoning exception. She stated she does not feel a structure should be constructed on farmland. She asked what would guarantee the taxpayers that when the lease is done or if it is not a successful business venture, that the structure will be taken away. Mr. McLaughlin stated at the last meeting he asked this question, and it was noted that there would be an escrow fund established for that very reason.

Ms. Doan asked if the browns field issue been ruled out as she feels the public was in favor of the browns field as a site. She feels the Patterson Farm is being pushed.

Ms. Helen Heinz stated the Miller house is one of the most beautiful homes in Lower Makefield and improves all of our property values. She stated the Millers have suffered terribly with the CVS across the street from them, and it is one of the biggest “travesties” that ever happened in the Township that it was built across from that historic home.

Ms. Heinz stated what she is hearing is that there is a group that wants to build a greenhouse and then leave town and do it somewhere else. She stated while she agrees in principal with the idea to build greenhouses, she is questioning what will happen next on the Patterson Farm as there has already been discussion about possible windmills on the Farm and solar panels. She stated if the Board is going to make this a “money-making racket” for Lower Makefield, they should call in the developers and put in townhouses.

Mr. McLaughlin moved and Ms. Tyler seconded to direct the Township Manager and Township solicitor to proceed with Bright Farms to prepare a Lease and legal documents and enter into negotiations with relation to the construction of a greenhouse on Patterson Farm and the leasing of Township land on Patterson Farm for the location of such greenhouse.

Mr. Benedetto stated he still does not understand why they are not going to consider other locations as he feels they are proceeding way too fast.

Motion carried with Mr. Benedetto opposed.

AUTHORIZATION TO ADVERTISE ORDINANCE NO. 391 AMENDING THE TOWNSHIP CODE RELATING TO FIREARMS AND OTHER WEAPONS IN TOWNSHIP PARKS

Mr. Garton stated Lower Makefield Township, like most other Municipalities in the Commonwealth, back in the time when rules and regulations were developed for activities and behavior in parks included a restriction about firearms which was appropriate. He stated subsequent to that, the Commonwealth of Pennsylvania adopted its Crimes Code and Section 6120 prescribes that the Municipalities may not regulate firearms if the person in possession of the firearm complies with State law. He stated in addition, the Pennsylvania Supreme Court has ruled on many occasions about the regulation of firearms and the Courts have indicated that this is a State issue and not a local issue and the Township has been preempted. Mr. Garton stated there are also ongoing efforts in the Legislature to provide the right to sue Municipalities if you include this offending language and recover monies even if you have no damages.

Mr. Garton stated he feels it would be prudent for the Township to consider authorizing advertisement for a Public Hearing of the proposed Ordinance which would amend the rules and regulations related to activities in parks with regard to firearms. He stated the Township does have the right to regulate discharge.

Mr. Garton stated the Chief would also like to include a definition of “firearms.”

Mr. Dobson moved and Mr. McLaughlin seconded to authorize advertisement of Ordinance No. 391 and to also include a definition for firearms within the confines of the Ordinance.

Mr. McLaughlin stated as he understands this, the current Ordinance does not comply with State law and it puts the Police force in a difficult situation and puts the Township at risk for a lawsuit, and Mr. Garton agreed.

Mr. Benedetto stated last year this matter was discussed in relation to a letter received from an individual. Mr. Stainthorpe stated while he does not recall the individual’s name, this issue has been pushed before and the Township has no choice but to act on this. He stated there are gun owners who are most anxious to challenge these Ordinances wherever they can, and he feels they should make the changes before they face such a challenge.

Mr. Stainthorpe stated he did note in Executive Session that there is a Bill before the House and Senate in Harrisburg to actually allow individuals to sue Townships that have this Ordinance and the damages are significant.

Ms. Virginia Torbert stated she understands why the Township has to do this, but she is alarmed about the trend where they are taking away the power of local Governments. She stated she hopes that the Board will express their displeasure about this trend if they have the opportunity in the future. Mr. Stainthorpe stated he agrees with Ms. Torbert, and there is a continuing, on-going trend to usurp local authority at the State level. He stated the State Association is opposed to this, and they try to fight it whenever they can. He stated there is a local Bucks County Association of Township Officials, and they are going to try to raise their visibility. He stated the Townships are losing their authority and their ability to make decisions on behalf of the citizens. He stated the public needs to put on pressure about this.

Motion carried unanimously.

GRANT EXTENSIONS TO ARIA HEALTH HOSPITAL, FIELDSTONE AT LOWER MAKEFIELD, AND TOWNSHIP RAILROAD PROPERTY

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

Aria Health Hospital - June 30, 2012
Fieldstone at Lower Makefield - September 28, 2012
Township Railroad Property - June 8, 2012

ZONING HEARING BOARD MATTERS

With regard to the Gregory and Karen Gagliardi, 1576 Brock Creek Drive, Variance requests to place a shed on their property which will exceed the allowable impervious surface and encroach into the special setbacks, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Joseph Maxian, 1673 Morris Lane, Variance requests to construct an addition which would encroach five feet into the special setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Suzanne and Kevin Mueller, 536 Countess Drive, Appeal of the Determination of the Zoning Officer and Variance requests to place a shed on their property which will exceed the allowable impervious surface and permit placement different than the requirements of the Ordinance, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORT

Mr. Benedetto stated the Veterans Committee will have a Night at the Trenton Thunder on July 20, and he asked those interested in getting tickets to contact him through the Township Website.

APPOINTMENTS

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to appoint Ed Kuszmar to the Economic Development Council.

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to appoint Joe Sundeen to the EAC.

There being no further business, Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,



Dobby Dobson, Secretary