

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JULY 18, 2012

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 18, 2012. Chairman Stainthorpe called the meeting to order at 7:30 p.m.

Those present:

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

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

PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, stated he is a member of the Executive Board of Residents Against Frankford Hospital Relocation (RAFR) and he is speaking on behalf of RAFR to thank the Supervisors for their unwavering opposition to the granting of a Special Exception for the Hospital. He stated the Board of Supervisors demonstrated this by retaining Mr. Truelove as the legal counsel for the Township who did an outstanding job and also directed the Zoning Hearing Board's meetings to be televised so that the residents could see what was going on.

Mr. Harold Koopersmith, 612 B. Wren Song Road, noted the previous discussion by the Board regarding firearms in the Township Parks. He stated he was at Judge Burns' office yesterday, and there was a sign on the door that firearms could not be brought into that building unless you have a Permit. He expressed his concerns with the State legislators and the Federal Government.

Ms. Donna Doan, 1584 Edgewood Road, asked the status of the sale of the Satterthwaite parcel. Mr. Fedorchak stated they publicly bid the potential sale and opened one bid on July 11. He stated the bid is currently being examined by the Township staff and solicitor. Ms. Doan asked the status of the Application for the Conservation Easement, and Mr. Fedorchak stated they anticipate that they will be submitting the Application sometime in October.

Ms. Doan stated she looked into the Patterson Farm Cost Survey which was a survey of six years of the Township's ownership of the Farm and the expenses. She stated the Township had stated that they had spent \$600,000 maintaining and improving the Farm. Ms. Doan stated she had to obtain the information through the Right-To-Know Law and had to file an Appeal through the State in order to get these documents because the Township was reluctant to release them. Ms. Doan stated the Township had indicated that the Farm was excessively expensive to keep; but when she analyzed the information she was given by the Township using their receipts and checks, she found that for the Janney-Brown House, the average monthly expenditure was \$867 during the six year period. She stated the stone cottage was \$230 a month, the Satterthwaite House was \$584 a month, and the general maintenance of the Farm was \$883 per month. She stated she does not feel this is excessive. She stated she knows there were some large expenditures, but she also knows that there was a total of \$483,000 which more than covered those expenditures that was received from the sale of the I-95 land parcel when the loop was built. Ms. Doan stated the repairs to the Satterthwaite House and the expensive repairs to the barn were covered by those receipts.

Ms. Doan stated she feels the Township needs to move in the direction of having a Patterson Farm Land Trust that would manage the Farm appropriately, would be watching the expenditures, and eliminate some of the "blunders" that have happened in the past. Ms. Doan stated she found that the Township spent over \$18,000 to tarp the roof on the Satterthwaite three times. She reviewed comments made by the contractor who did a temporary repair indicating that the work has held up more than expected, but is still only a temporary solution and not meant to replace an actual roof. Ms. Doan stated she feels money could have been spent in a more judicious way. Ms. Doan stated a corn crib was also repaired and painted at a cost of \$7,159, and she would not have prioritized that repair as the Township did since at the time the Satterthwaite House needed a roof. Ms. Doan stated she is also very concerned that there was a garage on that property that had been an apple cellar; and the Boy Scouts had taken the initiative to restore that building, and after the building was brought back to good condition, the Township demolished it at a cost of \$3,978. Ms. Doan stated she does not feel that the management of the Farm has been appropriate; and she feels it is time that they move in the direction of preserving it properly, and move quickly ahead with the Conservation Easement Application that would net the Township \$2 million. Ms. Doan stated a Patterson Farm Preservation Fund should be set up to hold up all the money that is received including the rent which was over \$800,000 in income. She stated she feels the property should be rented, and there should not be any free rent. She stated the Artists of Yardley do not pay any rent, although they are supposed to paint. She stated she feels someone should take an interest in the Farm; and if the Township does not want to do it and the Township Manager has other matters he has to take care of which she understands, it would be in the best interest of the people not to let the Farm go down.

Ms. Doan stated she asked the Township to release documents pertaining to the Agreement of Sale, and there were not many documents released so that matter is now under Appeal with the State. Ms. Doan stated what was released was a notation in a letter from the Pattersons to the Township where they indicated “three wishes” they would like to have included in the Agreement of Sale, and the first one was “that the Township would not place any more liens on their Farm if they agreed to the sale.” She stated they also wanted it known that the “buildings were in habitable condition and that they would warrant that the occupied buildings were habitable,” and they asked for a \$7.5 million price for their farm. Ms. Doan stated no other documents were provided to her to indicate what the negotiations were after that request was made, but she knows that the Farm was condemned, the price was not \$7.5 million as the Pattersons had wished, the Township has let the buildings fall into disrepair, and the leaf depositing on the Farm kept on so the Township has “ignored” the wishes of Mr. Patterson. She stated she feels it was insulting to Mr. Patterson for him to live on the Farm knowing that he had to give it up, he had no choice as his Farm was condemned, and the Township did not follow his wishes. She stated the Pattersons were charitable people and had the means to leave an endowment to the Township, and she feels it is indicative of what their feelings were about the Township that they did not leave an endowment. She stated they left a six figure donation to St. Mary’s Hospital.

Ms. Doan stated the Township is about to sell off the only access, the Satterthwaite driveway, that the farmer and the large equipment the Township uses to access the Farm. She stated the Farm cannot be accessed by the small driveway by large equipment. Ms. Doan stated if the veterinarian is the ultimate purchaser, she has already indicated she is not willing to share the access to the Farm, so the Township is effectively cutting off the access that the farmer has. Ms. Doan stated different sites have been considered for the driveway, but most have been found to be unsuitable. She stated she feels it is a bad choice to proceed with the sale, and it should not go through.

Ms. Mary Anne Edwards, 775 River Road, was present. Mr. Stainthorpe stated if she wishes to speak about the Byway, they will discuss this further on the Agenda. Ms. Edwards stated she is concerned that the notice was only sent on Monday, and the time of the meeting was not listed.

Ms. Gudrun Alexander, 256 S. Fieldstone Court, thanked the Township for taking care of some problems she had discussed at prior meetings. She stated she is still concerned about speeding on Bluestone Drive. She stated she invited Dave Frasier to discuss volunteer work with the Board since they did a lot this past week in Falls Township and they planted over 500 trees. Mr. Frasier stated Ms. Alexander has been working with them for some time, and he has also attended a few Lower Makefield EAC meetings. He stated the Township’s EAC is well known throughout Lower Bucks County as doing great work. Mr. Frasier stated he is with the Greenbelt Overhaul Alliance of Levittown which was started in 2009. He stated they organize volunteers in the community, obtain

the supplies and equipment, and clean up the creeks, streams and woods, and take out a lot of the invasive plants that are harming the local environment. Mr. Frasier discussed their 30/30 Program; and if the Township provides thirty volunteers from the community and thirty-days notice, they will get all the supplies, food, and equipment and will work on projects. He stated they have done work in Newtown, Bristol Borough, and Morrisville. He stated at their latest event they had over 100 volunteers and planted approximately 520 native trees, shrubs, and wildflowers and took out approximately 50 cubic yards of invasives from a half mile stretch in Falls Township on Martins Creek.

Mr. Bill O'Neil, Rocksville Road, noted Item VIII on the Agenda which indicates "Consideration of a Resolution Supporting the Request;" and he stated he feels when they use the word "supporting" it sounds as if they have already voted on this, and he feels it should be voted on after public discussion. He stated hopefully there was no private discussion among the Board; and Mr. Stainthorpe stated there was no private discussion, and this will be discussed thoroughly in public, and there will be an opportunity to make comments.

Mr. Vincent Polisano, 190 River Road, stated there is a home across the street from his home which has been abandoned which he feels is a health and safety hazard. He stated he pays a lot of taxes, and the abandoned house is bringing down the value of his property and bringing down the lifestyle and beauty that they want to have. Mr. Stainthorpe asked that he provide the address of the property to the Township Manager, and they will have the Code Enforcement people look into this.

#### APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of June 20, 2012 as written.

#### APPROVAL OF JULY 2 AND JULY 16, 2012 WARRANT LISTS AND JUNE, 2012 PAYROLL

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the July 2, 2012 and July 16, 2012 Warrant Lists, and June, 2012 Payroll as attached to the Minutes.

### CITIZENS TRAFFIC COMMISSION UPDATE

Ms. Virginia Torbert, Chair of the Citizens Traffic Commission (CTC), was present and thanked the Board for the opportunity of providing an update on CTC activities during the last two years. She stated the CTC was created in 2006 to prioritize already identified traffic improvements needed in the Township and to apprise the Board of other traffic concerns within the Township. She stated they appreciate the support of the Board and the assistance of the Township Manager, Police Department, and other Township staff in resolving residents' traffic concerns and providing safe driving education to the community.

Ms. Torbert stated the Scudder Falls Bridge/I-95 Taylorsville Road Interchange project is in the final design phase which could take up to eighteen months to complete with construction activities anticipated to begin in 2014. She stated it could then take three to four years to complete all construction activities. She stated this schedule could change if the project is pursued as a public/private partnership; but the deciding body, which is the Delaware River Joint Toll Bridge Commission, has not yet set a date for making that decision.

Ms. Torbert stated future traffic improvements on the Newtown By-pass between the I-95 Interchange and Stony Hill Road are still "up in the air." She stated there continue to be safety and traffic congestion issues as evidenced by the many accidents in this corridor.

Ms. Torbert discussed Edgewood Village where two developments have received Approval but only Edgewood Crossing has been built. She stated there are some traffic improvements that have been scheduled as part of the Flowers Field Development, but going forward this will require close monitoring to maintain both a Village feel including on-street parking and lower speed limits yet also safely and efficiently move a lot of traffic through this area which is an important commuter corridor.

Ms. Torbert stated the CTC receives resident communications about traffic concerns most of which are referred by the Township, but also via e-mail, verbal requests, and social media. Ms. Torbert stated typically these concerns involve speeding and cutting through neighborhoods, safety issues at intersections, timing of traffic lights, and other dangerous conditions. She stated their process is that they discuss the concern, research the issues, usually make a site visit, consult with the Township Police and Manager, and if necessary request input from the Township's traffic engineer via the Supervisor Liaison who this year is Ms. Tyler. Ms. Torbert stated once they believe they have sufficient information, they propose solutions and consult with the Township personnel to implement a solution, and then advise the resident what the course of action will be. Ms. Torbert noted the twenty-seven page update Report which was provided to the Board, and she stated this Report outlines a number of resident concerns they have addressed with the assistance of Township staff.

Ms. Torbert stated the CTC also advises the Township on traffic issues, and they routinely review Development Plans and related traffic studies for projects in the Township; and they communicate either with the Planning Commission or to the Board of Supervisors directly as appropriate. She stated they recently reviewed traffic congestion and safety issues related to the Regency at Yardley Development and also the Edgewood Village Development.

Ms. Torbert stated they have also conducted five safe driving events for parents and teens since 2008 to encourage more responsible driver behavior particularly related to distracted driving. She stated in doing this they have collaborated with the Pennsylvania School District, community organizations, insurance companies, and health care providers to promote safe driving behaviors.

Ms. Torbert stated going forward the CTC will continue to provide an informal venue for residents to air their traffic concerns, and they encourage all residents as well as the Board of Supervisors to bring traffic issues of concern to the CTC's attention. She stated they will also continue to review Township Development Plans and provide feedback, and they will also continue their efforts to promote safe driving practices as driver behavior is a major cause of concern within the Township. She stated they are now in the process of trying to decide the nature of the next safe driving event and would welcome suggestions from the Board and residents. Ms. Torbert stated the CTC usually meets on the third Monday of the month at 7:30 p.m. or residents can send correspondence to the CTC through the Township.

Ms. Tyler stated the CTC is a pleasure to work with. She stated they are volunteers who put in many hours and turn out very professional work. She stated the Board appreciates the CTC liaising with the public on the Board's behalf.

**DISCUSSION AND DENIAL OF RESOLUTION NO. 2251 SUPPORTING THE REQUEST THAT STATE HIGHWAY 32 (RIVER ROAD) BE KNOWN AS THE DELAWARE AND LEHIGH DRIVE AND BE DESIGNATED A PENNSYLVANIA BYWAY**

Mr. Stainthorpe stated this matter first came before the Board in approximately 2008. He stated there were some concerns and objections brought up at that time, and the Board chose to take no action. Mr. Stainthorpe stated the Township was approached again earlier this year to reconsider this matter but did not vote on it at the first meeting when it was considered. He stated they discussed it in June. Mr. Stainthorpe apologized that some people felt the letters came out too late. He stated the Board is discussing this matter again because the Board felt that it was important to involve the residents. He stated the Board's interest is in representing the residents and doing what is right for them.

Mr. Stainthorpe stated they have asked Ms. Elissa Garofalo to be present this evening. He stated she represents the Delaware & Lehigh Historic Commission; and she will discuss the program. He stated they will then take questions from residents from River Road and questions from non residents as well as the Supervisors.

Ms. Elissa Garofalo stated she is the President of Delaware & Lehigh National Heritage Corridor and has been with the organization since 2000. She stated she attended Penn State and was an Urban and Regional Planning Major. She stated she was involved early on in the Main Street revitalization program which is a program that uses historic preservation as a method to help preserve and revitalize communities. She stated she also spent ten years as a private business owner in Jim Thorpe, PA. She stated she has worked for Government, business, and for non-profits.

Ms. Garofalo stated the Delaware and Lehigh National Heritage Corridor started as a Federal Commission because of the Nationally-significant landscape they are dealing with. She stated in 2005 they realized that being a Federal Commission was unwieldy and not conducive to working with the communities and partnerships, and they are now a 501C3 non-profit. She stated they receive funding from public and private sources.

Ms. Garofalo stated they have a Management Action Plan which was adopted in 1992 which addresses a lot of different issues. She stated an update was done in 2006, and this document is available to those interested and is on their Website. She stated one of the items recommended in the Plan in 1992 was the establishment of a variety of methods in order to travel through this corridor – the rivers, canals, towpaths, railroads, and the driving roads which is where the interest in a Byway originated. She stated this Byway they are proposing has more to do with the heritage that is located through the five Counties. She stated the proposal before the Board is the portion that goes through Bucks County, and it is really more of a management tool since in Bucks County most of the things that are recommended and encouraged through having a Byway are already in place since they already have an Environmental Advisory Council, a Historic Architectural Review Board, a Historic Commission and a wide variety of planning tools. She stated the Township also has Signage Ordinances that are far more restrictive than anything that would be required by having a Byway.

Ms. Garofalo stated since she was last before the Board, there has been a new Federal Transportation Bill passed; and in that Bill the Federal Scenic Byway Program was abolished. She stated what is before the Board is a Pennsylvania Byway and would be a designation that would only be for the Commonwealth. She stated while they are still reviewing the new Transportation Bill, they believe that while the program is going away, some of the benefits including funding to improve the gateways, produce signage, and to promote the Byway will still be in place.

Ms. Garofalo stated this is a management practice which is a way to stimulate public interest and attention to a road and incorporate a philosophy related to conservation and smart planning, agricultural preservation, view shed conservation, and other smart growth type tools. She stated it also provides a framework to coordinate the management of the Drive because it goes through multiple Municipalities. Ms. Garofalo stated Lower Makefield surrounds Yardley and is adjacent to Washington Crossing, and there is a lot of interest in helping bring up the recognition of Washington Crossing as a place of very significant National history. Ms. Garofalo stated this is a way for jurisdictions to work together toward a common goal.

Ms. Garofalo stated she has heard a lot of misinformation. She stated there are only a few Municipalities left to sign up; and once they sign up, a Planning Committee will be set up of representatives from every single community who are chosen by their own community. She stated this becomes a very public process. She stated that Committee makes sure that each Municipality's goals are considered. She stated while New Hope's goal may be more business, Lower Makefield's goal may be to preserve the River front and make sure that people are driving and parking in certain places. She stated this is a management tool to help make that happen.

Ms. Garofalo stated she has been involved with the Delaware & Lehigh National Heritage Corridor since its inception on the private side as well as an employee. She stated they do not own anything, and there will never be a case where eminent domain is used as a tactic. She stated they only work with Municipalities and partners that want to work with them. She stated she was a private business person for ten years, and she respects the rights of individual business; but she also knows that there are times when the public officials can work with the residents for the greater good.

Mr. Stainthorpe asked Ms. Garofalo to describe the location of the Byway as it is planned now. Ms. Garofalo stated the Byway that is proposed would go from Tinicum Township to Bristol, and it would include River Road and a circuitous route that goes from Morrisville down to Bristol (Route 32). Mr. Stainthorpe asked who has not yet signed on besides Lower Makefield; and Mr. Garofalo stated only Tinicum, and she has an appointment with them next week although they have already seen a presentation which they then tabled. Mr. Stainthorpe asked Ms. Garofalo the benefits to a community of signing on. Ms. Garofalo stated it would benefit the Township because they would have a better voice with PennDOT with road modifications; and because of its historic nature, in the case of a bridge replacement, they would be in a better position to have that replacement done in a context-sensitive way. Ms. Garofalo stated it would also put the Township in position for funding for amenities such as directional signage, waysides where the traveling public could pull off and access the River or towpath, provide another tool in order to preserve land, and would give the opportunity if a property would come up for sale to acquire a site



where a billboard would be located, although there are none at this point in the Township. and is a marketing tool for the entire region including the importance of Washington Crossing.

Mr. Stainthorpe stated Lower Makefield is only a very small piece of this as they have a piece between Morrisville and Yardley and a piece between Upper Makefield and Yardley. Ms. Garofalo stated the problem is that if Lower Makefield opts, there can be no Byway. Mr. Stainthorpe stated in Lower Makefield River Road is built out, and they already have banned billboards. He stated the concern is that the property owners could lose some of their rights, there could be some restrictions placed upon them, and it is very important to the Township that this not be the case if they went forward with this. Ms. Garofalo stated you can have sale signs and yard sale signs. Mr. Stainthorpe stated they would have the expectation and the requirement that the Township Ordinances would take precedence over **anything** that would happen here. Ms. Garofalo stated the Ordinance that the State is requiring is much less stringent than Lower Makefield's own Ordinance, but they do require that it be passed. She stated currently in Pennsylvania there are numerous jurisdictions – Municipalities, School Districts, Counties, etc.; and if they are all going in different directions, it is very hard to be able to manage something like River Road so this is basically a management tool.

Mr. Stainthorpe asked what types and sizes of Grants would be available to communities if this were to go through. Ms. Garofalo stated she does not know now since the new Transportation Bill just came out last week, and they are trying to figure it out. She stated in the past, there have been six figure Grants for the Federal designations, but they are far down the line if they were to ever go to get a Federal designation.

Mr. Stainthorpe advised that Ms. Garofalo had indicated that they are a 501C3 which is a charitable organization; and he stated they have no power of eminent domain, and only Municipalities have that so questions of eminent domain should not be a concern.

Mr. McLaughlin asked Ms. Garofalo if she has any statistics that would help the Board understand what would be the increase in traffic that would be placed on the road. Ms. Garofalo stated she tried to research this, and she was unable to find anything as it is very difficult to do definitive counts. Through word of mouth, she has heard that there is no significant growth. She stated she has been on some of these roads in other parts of the Country, and typically they are fairly quiet roads. She stated these are places that people go to take in the scenery, and it does not seem that there is significant traffic.

Mr. McLaughlin stated it seems that there is an implication that there is a scenic component to this such that they are encouraging drivers to stop to look at and enjoy what they are driving through; and Ms. Garofalo stated this is an option. She stated after this part of the process, there is a planning process that begins; and this planning process is made up of people from each of the Municipalities and takes into account the plans, geography, and intrinsic characteristics of each of the Municipalities. She stated while there may be opportunities for people to pull over in Washington Crossing because it is public land, in a place like Lower Makefield, this would probably not be the case. She stated it would be up to Lower Makefield if they wished to identify a good pull-off place although it does not seem that this is something Lower Makefield would be interested in. Mr. McLaughlin stated if this is not going to be a component of this for Lower Makefield and there is somewhat of a burden placed on the people who live in this area such that there could be increased traffic due to marketing being done for others to come through their neighborhood, he does not see the value of the Byway to the Lower Makefield community. Ms. Garofalo stated the value is people being able to travel from Point A to Point B and to travel through. She stated it is a way to keep people from going into neighborhoods and to keep them on the road that you would prefer them to be on which is the scenic road as opposed to going up into a development.

Mr. McLaughlin asked if it is fair to say that Lower Makefield is an integral part of the Byway system since the whole has to be completed before it can be considered a Byway. Ms. Garofalo stated they do need Lower Makefield to be part of this for it to exist, and Lower Makefield also has something that is an integral part of it because it is a very beautiful stretch of River front with a State Park going through it. She stated they do need Lower Makefield.

Mr. Stainthorpe stated River Road from Morrisville to Tinicum is beautiful already; and unless they can see that there is something that will make it better, he feels the fear is that there are going to be things that they are going to give up. Ms. Garofalo stated Lower Makefield is already on the books as a Pennsylvania Byway as this was done Legislatively many years ago; but added that while Lower Makefield has the designation, it is not recognized by any of the funding agencies, and it is in name only. She stated what this will do is kick in some of the benefits such as working with PennDOT when there is a road project that is needed. Mr. Stainthorpe stated those who live on River Road know that PennDOT does not take good care of this road; and if this designation would get PennDOT to take better care of the road, maybe it is worth considering provided they do not give up anything else.

Mr. Benedetto stated Ms. Garofalo has indicated that there are no definitive traffic studies, and it seems counter-intuitive to indicate that they are trying to bring in tourists to the area but they do not see that there is an impact on traffic. Ms. Garofalo stated she feels if there was a community that was marketing specifically to increase its traffic such as Bristol and New Hope, she feels it could be used as a tool to promote and attract more traffic. She stated in the case of Lower Makefield, she feels it would be better utilized to help preserve what is there and make sure that for the coming generations that the beautiful things and historic qualities remain intact. She stated it can be fine tuned what happens in each of the Municipalities.

Mr. Benedetto expressed concern with the late notice of the meeting that was provided to the residents.

Ms. Tyler stated she has done research on this matter and there is frequent use of the phrase “view shed protection,” and she asked Ms. Garofalo what this means and what impact this would have in Lower Makefield. Ms. Garofalo stated there would be the option in the Plan as it gets developed if this is something that a Municipality or the Byway Planning group believes is important, that there could be recommendations for easements; and they could then go for funding to help preserve a view shed. She stated a view shed would be “as far as you can see.” Ms. Tyler asked if it prevents any change to the landscape, and Ms. Garofalo stated this would be a local decision and is not something anyone else would decide for them; and while it is one of the things you can do, they would not have to.

Ms. Tyler stated she also understands that in addition to the proposed Resolution, there is a document called a “Memorandum of Understanding.” Ms. Garofalo stated because there are multiple Municipalities, there is one entity that can serve as the Applicant to the State for the Byway; and they are asking that the Township designate the Delaware & Lehigh as that Applicant. Ms. Tyler asked what authority does that give them, and Ms. Garofalo stated it gives them the authority to file the Application and proceed through the process. She stated they would form a steering committee, and it would be up to the partners as to what happens within a menu of items to work on. She stated they would be the facilitator. Ms. Tyler stated if River Road were to become part of this Scenic Byway there would be a group of partners, and Lower Makefield could be outvoted by the partners within the designation. Ms. Garofalo stated they could not for anything that effects Lower Makefield. Ms. Tyler asked if a view shed protection issue came up, would it come up before that body to make a determination; and Ms. Garofalo agreed that body would decide if this was something they wanted to try to protect. Ms. Tyler stated this is her concern since if they are in this with partners, and six of the partners wanted Lower Makefield to do something, and Lower Makefield did not want to, Lower Makefield would then be placing themselves in a position where they were going to be out voted. Ms. Garofalo stated although this is a hypothetical, she guesses that this

could happen although she is not aware of this ever happening. Ms. Tyler stated her job as Supervisor is to look at the worst-case scenario. Ms. Garofalo stated her job is to work with communities that want to work with them; and if this is not the case, she is fine with that.

Ms. Tyler stated one of the documents provided on the benefits of a Scenic Byway designation in Section G, paragraph 3 says, "Improvements to enhance access to existing recreational areas. Usually these projects must be located within the road right-of-way; however, funds can be used for right-of-way acquisition to accommodate proposed improvements;" and she asked Ms. Garofalo what this mean. Ms. Garofalo stated this means that if there is a piece of property where the planning group is interested in creating a wayside area, and it was for sale or they wanted to try to negotiate a purchase, they could apply for funds to make that purchase. Ms. Tyler asked if this could be through use of eminent domain, and Ms. Garofalo stated she guesses that it could, but they would not do that as eminent domain can only happen by the Municipality. Mr. Stainthorpe agreed and stated it could not be done by a Committee or by a 501C3. Ms. Garofalo stated they are building a 165 mile long trail, and they have never used eminent domain; and they do not ever intend to.

Ms. Tyler stated paragraph 4 says, "Protection of intrinsic resources directly related and adjacent to the road using Conservation Easements," and she asked Ms. Garofalo what this means. Ms. Garofalo stated there are organizations like the Heritage Conservancy that will take on Conservation Easements. She stated there could be something important that they want to preserve, and they could apply for funds to help purchase that Conservation Easement. She stated they do not take easements, and they would have to deal with somebody like the Heritage Conservancy to take that easement.

Mr. Benedetto stated with regard to eminent domain, while he understands the 501C3 cannot do it, the problem he has is the Township can, and they have in the past with Patterson Farm and in order to build Makefield Highlands. Mr. Benedetto asked if it is true that Durham Township voted down the D and L Scenic Byway; and Ms. Garofalo stated this is correct, and this is why they are starting it in Tinicum. Mr. Benedetto asked about Nockamixon, and Ms. Garofalo stated they also turned it down based on similar things she is hearing tonight, but she feels this is misinformation.

Mr. Benedetto stated what the Resolution refers to is "Delaware & Lehigh National Heritage Corridor Commission," and he stated he feels this is no longer their name; and Ms. Garofalo stated it is Delaware & Lehigh National Heritage Corridor Inc. Mr. Benedetto stated the name he read is what it was in 1988 when it was first formed as a Federal Commission. Ms. Garofalo agreed and stated this has been "sunsetting" and no longer exists. Mr. Benedetto stated they switched over to a non-profit in 2007, and Ms. Garofalo agreed. Mr. Garton stated the form Mr. Benedetto was referring to was in the package of materials that was provided previously by the Applicant which served as

the basis for the Resolution. Mr. Benedetto stated the form is wrong. Ms. Garofalo stated she believes that they parallel each other in their mission, and they still have documents that say “Commission,” but they are the same; although they could make the change.

Mr. Benedetto stated the Management Action Plan is a 358 page document, and Ms. Garofalo agreed. Mr. Benedetto stated that Plan was done in 1993, and Ms. Garofalo agreed adding that they did an update “Report Card,” which she has tonight which was published in 2006, which is called “Connecting Stories, Landscapes, and People Exploring the Delaware & Lehigh National Heritage Corridor Partnership.”

Mr. Benedetto asked if it has to go to the Federal Highway Administration after it is approved by PennDOT; and Ms. Garofalo stated she believes this is true only if they are going to become a Federal Byway, and that program has been abolished. Mr. Benedetto stated there will therefore be no Corridor Management Plan, and Ms. Garofalo stated there will be a Corridor Management Plan, and this is what she has been referring to. She stated they should not confuse their Management Action Plan with the Corridor Management Plan. She stated there is a separate document that will be developed for the Byway. She stated if Lower Makefield decides to proceed with the Resolution, it does not tie the Township into their Management Action Plan that was published in 1992. Mr. Benedetto stated he therefore understands that the Management Action Plan will no longer have precedence, and Ms. Garofalo stated it has precedence for the Delaware & Lehigh and that is only who it ever had precedence for. Mr. Benedetto stated he has concerns with that Management Action Plan. Ms. Garofalo stated it was published in 1992, and there are a lot of things that are no longer relevant. She stated she just put an RFP out today to do an update on it, and she does have the 2006 document with her which she will leave with the Township. Mr. Benedetto noted Page 14 of the Management Action Plan which specifies “Municipal Government” and states, “Local Governments are asked to accept the Plan and its concept ....” Ms. Garofalo stated this is all voluntary and since 1992 as Counties and Municipalities have done their Comprehensive Plans, some of them have recognized it on a voluntary basis.

Mr. Benedetto stated the other part of the Plan discussed private property rights taking precedence over public, and he asked if that is no longer in the document. Ms. Garofalo stated she looked at that comment, and it seemed to be a comment that this was a potential challenge that was up and coming in 1992, and occasionally it does come up. She added she has been with the organization since 2000, and they only ever work with Municipalities and partners who want to work with them. She stated they only go where they have been invited, and they have not had any real issues with property rights because they do not own anything.

Mr. Benedetto stated his concerns are primarily traffic, which he does not feel has been adequately explained and is intrinsically a part of this and the increased cost. He stated if there are no long Federal funds available and there are only State funds, he understands that there is a component of matching funds up to and including possibly 20% or more. Ms. Garofalo stated she did not understand the question; and Ms. Tyler stated Mr. Benedetto is indicating that there are no longer available matching funds from the Federal Government so any funds would come from the State, and within some of the documents they have researched there is a matching requirement placed upon the Municipality. Ms. Garofalo stated this would be if there are Applications; and much like any Grant, you would search from where the match may come. She stated it could come from the Municipality, from another Federal agency, a Foundation Grant, etc. Ms. Tyler asked how that would play into River Road considering that it is a State road, and she asked if there would be a scenario where the Township would be required to match funds under this Corridor Program; and Ms. Garofalo stated there would not unless Lower Makefield wanted to. Ms. Garofalo stated if they identify a project that might specifically benefit the Township and felt that they wanted to put in matching funds, that would be up to Lower Makefield.

Mr. Benedetto stated he understands that purchasing an easement would be the Township's responsibility, so he is concerned that there will be additional costs for this program since the stakeholders would find importance with whatever they wanted to purchase – such as a façade easement or a bike path, etc. and the Township would then enter into “friendly condemnation.” He asked if that has happened in any other Municipality; and Ms. Garofalo stated not with the Delaware & Lehigh, and they have had no condemnations whatsoever. Mr. Benedetto stated he saw in the packet that there were eminent domain situations for the Blue Route, and he asked if that was prior to the designation. Mr. Stainthorpe stated the Blue Route is a highway, and he does not feel it was a Scenic Byway. He stated the eminent domain that took place there was to acquire the land for the highway and had nothing to do with it being scenic. Ms. Garofalo stated the reason the Legislature established that was because they did not want there to be billboards. Mr. Benedetto stated it indicates on Page 20 of “Shaping the D & L Drive” that the Blue Route is classified as a Scenic Byway; and Ms. Garofalo stated that was because they did not want to have billboards. She stated there is another way of getting a Byway designation, and that would be by going directly to the Legislature and asking them to designate it. She stated they chose not to go that route because they felt that the Municipality should have a say in it.

Mr. Benedetto asked if there is a cost involved in the Corridor Management Plan adding that Ms. Garofalo had indicated previously that they may decide to hire someone to assemble the Plan such as the Heritage Conservancy, and Ms. Garofalo stated if they accept the designation, PennDOT provides a Planning Grant.

Mr. Benedetto stated with regard to the billboards, Ms. Garofalo indicated that the billboard requirement would be less stringent than the Township's current billboard requirement; and Ms. Garofalo stated the one thing the State Sign Ordinance requires is that there be no billboards, however, if there is a billboard in place, it is grandfathered. She stated the stipulation is that if that billboard goes into disrepair or non use for a period of time which she believes is a year, then that billboard could come down. Mr. Stainthorpe stated this is a non issue. Ms. Garofalo stated she believes there is only one billboard on the entire route, and it is in Durham.

Mr. Benedetto stated he does not understand the value of this for the Township as he does not see additional funds being made available. He stated in Lower Makefield it is a Residential area, and he does not see the value of just being a good neighbor to Yardley, Morrisville, and Bristol. Mr. Benedetto asked Ms. Garofalo to explain any value this would bring to the Township other than being a good neighbor; and Ms. Garofalo stated it has to do with the future of Washington Crossing, and they need as much help as possible to give that site its just due, rehabilitate it, and promote it. She stated she feels the biggest reason to do it is to be a good neighbor. Mr. Benedetto asked Ms. Garofalo if it is her understanding that there is an interest on the County's part for this to happen, and Ms. Garofalo stated there is an interest on the part of the stakeholders in a lot of places for it to happen. She stated she left a CD with the Township Manager, which shows the long list of supporters beyond the Municipalities. Mr. Benedetto stated the reason he asked about the County was because it seems as if it would be something that the County would like to see from a regional perspective, and this is the only positive he can see from the County perspective. Mr. Garofalo stated they do have letters of support from the Bucks County Planning Commission, the Bucks County Convention and Visitors Bureau, and some of the Legislators.

Mr. Benedetto asked if it fair to say that there is not really a value to any person in Lower Makefield particularly River Road residents; and Ms. Garofalo stated she feels the value is that it gives another layer of protection for what they have that is so beautiful and historic.

Ms. Tyler asked Ms. Garofalo if she has a Memorandum of Understanding which is in use; and Ms. Garofalo stated she does not have one with her this evening, but it is on the CD which she previously provided to Mr. Fedorchak.

Mariatta Pratico, 821 River Road, stated her concern is for the overall security that would be compromised for the homeowners along River Road. She expressed concern with additional vehicular, bicycle, and foot traffic. She stated it is impossible for River Road residents to monitor if there are unfamiliar vehicles or people in their area. She stated groups of bicyclists may stop and rest in their front yards. She stated since the athletic fields have been operational north of her home, there has been a marked increase in traffic that during certain times makes it difficult for them to leave their driveway, and

she is concerned about the increase in traffic the additional vehicles would make. She stated this would not be the tranquility and quality of life that River Road residents have opted and paid for through taxes and property upkeep. Ms. Pratico stated many residents use their river front as part of their private living space, and have the right to do so paying for maintenance, upkeep, etc. She stated her mother has paid to maintain her river front for over forty years at much expense and with much pride. She stated a long traditional of home ownership cannot be arbitrarily re-defined at the whim of the Municipal Government. She stated there are already public areas where the population can enjoy the scenic River. Ms. Pratico stated if there were commercial businesses that rent canoes, their property values would plummet as the privacy and tranquility of river front property would decline. She stated with increased traffic there would be an increase in trash. Ms. Pratico asked if the Zoning laws will be suspended at the whim of the Municipal Government and activists to seek privileges for the public at large. She asked if an individual homeowner along the River could sell their river front to someone for a commercial project and add profit for themselves. She stated recreational areas along the River would draw teen and older populations with the potential for the abuses that often go along with that demographic, and she feels that they are opening themselves up to providing a venue that would enable and even promote raucous behavior.

Mr. Vince Polisano, 190 River Road, stated he is a stakeholder in Lower Makefield and Washington Crossing where he has a business that is in a very prominent location; and when they did the gateway there, they “overdid” it with signs, and he does not feel they need more signs up and down River Road as that will not beautify anything. Mr. Polisano stated he has traveled all over the World and everyone knows where Bucks County is. He stated he does not see any added value in the Scenic Byway for the Township. He stated he does not feel people will take the route from Bristol all the way to Easton. He stated it appears that everything is currently under control on the road in the Township. He stated if they want to bring more people into the community, he feels money would be better spent on a marketing program or with the Bucks County Tourist Commission which would bring people to the roads that are already Scenic Byways. He stated he has lived in Lower Makefield for thirty years and they did not need a sign to tell them where to drive to see the beauty of this community.

Mr. Martin Knapp, 219 River Road, stated he has a Transco Gas Pipeline going through his property which takes up half his property. He stated he is not sure what the impact would be on the property value assessment; and Mr. Stainthorpe stated all assessments are done by the County, and an existing property is only re-assessed if you make a significant addition to it, and this would have no impact on the assessment value. Mr. Knapp stated he is concerned about eminent domain. He stated he lives where there is a clearing, and Transco annually clears it which gives a good vista. He stated when they do this, there are cars that stop to look at it on the River side. He stated the fisherman park their cars there and then walk onto the River to fish. He stated while it has been indicated that eminent domain is not going to be possible, he feels that if



something were to be pushed, this could change. Mr. Knapp stated he is also concerned about traffic since he has a broad opening where people can stop and look. He stated he is very close to the corner of Mt. Eyre and River Road where there are accidents each year. He stated if there is more traffic on the road, those accidents may increase and it may be decided that a stop light is needed which he would prefer not to have. He stated during the weekends, there is a lot of noise already from motorcycles using River Road. He stated making it more attractive will draw more motorcycles, which he is not in favor of.

Judy Curlee, 551 River Road, stated she feels this is a very bad idea. She stated the residents received late notice; and some of her neighbors were unable to attend because they are on vacation. She stated there have been fatal accidents on River Road. She stated she has a two acre property and already has a lot of debris. She stated twelve streets access this section, there are soccer fields, a cemetery, and homes. She stated she does not see a benefit for the residents and asked the Board to re-consider. Mr. Stainthorpe stated with regard to her use of the word “re-consider,” he advised that the Board has not yet made a decision; and they are listening to the concerns of the residents.

Mr. Jorge Czuczuk, 789 River Road, asked Ms. Garofalo where most of their funding comes from since they are a non-profit; and Ms. Garofalo stated the majority comes from the Department of Interior and the Department of Conservation of Natural Resources. Mr. Czuczuk asked if they are getting any funding from private businesses and contractors, and Ms. Garofalo stated they are. Mr. Czuczuk stated he feels it would be in the best interest of private businesses and contractors to have this project go through. Ms. Garofalo stated they have a total of approximately one hundred members and the memberships range from \$25 to \$100. Mr. Czuczuk stated he has reviewed their Website which indicated that up to 80% can be funded by her organization with 20% coming from the local Municipalities; and Ms. Garofalo stated this was in the publication “Shaping the D & L Drive” which was referring to the Federal Highway Administration’s Program, and it remains to be seen if that Program is even going to exist. Mr. Czuczuk stated while it was noted that any approval for funds from the local Municipality would need approval by the Board, the Supervisors present this evening may not be in office when a decision needs to be made on this. Mr. Czuczuk stated Ms. Garofalo discussed Washington Crossing which he feels already has a National exposure. Ms. Garofalo stated many Nationally-significant sites are designated as National Historic Places and as National Park sites; but Washington Crossing is not as it is a Pennsylvania Historic and Museum Commission site, and is not even a State Park. She stated it is struggling. Mr. Czuczuk stated he felt it was under construction currently; and Ms. Garofalo stated they received a Capital Grant and they are re-doing the Visitors’ Center, but this is only a “drop in the bucket.” Mr. Czuczuk stated the residents have made an investment to buy property on River Road, and they have to deal with people coming there. He stated he has had to call the Police because of the amount of drug packets, etc. that he finds on the Road.

He stated he sees no benefit to the residents of River Road. He stated this could effect taxpayers not just on River Road, but Lower Makefield in general if the existing Board is no longer serving and the new Board decides to raise taxes or funds to install a sign or decide to buy a property on River Road.

Ms. Garofalo stated she has been writing Grants for thirty-five years; and typically if there is a Grant for an 80/20, you do your best to get your 20% from sources other than the local Municipality.

Mr. Tom Gallagher, 601 River Road, stated he agrees with the prior speakers. He stated there are two large stone houses south of Black Rock Road, and he owns the more north one; and immediately to his north is a paper road that goes from River Road to preserved land behind his property. He stated he believes the parcel immediately behind his property is owned by Bucks County and beyond that to the Canal, he believes it is owned by the Township. Mr. Stainthorpe stated the Canal is a State Park. Mr. Gallagher stated the owner of the property immediately to his north had a blue tarp on one corner of the house for about two years, and that property owner has already dug up the Bucks County land and the land behind that; and Mr. Gallagher stated he is concerned that if this Resolution were to pass and word gets out that such land is available, there would be even more destruction to land that they have very little of in Lower Makefield, and other people coming in would take advantage of this. He stated he feels Bucks County and Lower Makefield have paid a lot for this land. He stated there are already people driving on River Road that come into his front lawn during very early morning weekend hours and often leaving bottles on his property. Mr. Gallagher stated Ms. Garofalo indicated that there were funds available, but earlier in her discussion she stated that the Federal legislation had “sunsetting” and that some of their funding comes from private sources and businesses. Ms. Garofalo stated she had indicated that the National Byway Program was abolished in the latest Transportation Fund. She stated another individual had asked her where the Delaware & Lehigh got its funding, and she indicated that they are 501C3 separate from anything to do with the Byway; and they have a much-broader mission. She stated the funds to support her organization come from State, Federal, and private sources. Mr. Gallagher asked if the private sources include businesses, and Ms. Garofalo stated some funding comes from businesses. Mr. Gallagher stated Ms. Garofalo is present this evening promoting something that indirectly is supported by business, and he feels they are doing this because they might benefit from this. He stated he feels they are being visited by a “wolf in sheep’s clothing.”

Mr. Kevin Fisher, 1385 River Road, stated he purchased his home in the 1980s and raised their children there. He stated they love the area, but he has always had concerns about the traffic on River Road. He stated they have lost two dogs to the Road. He stated they own the property across the street which they bought because they had riparian rights, but this past weekend he had to get two trucks off the property as they feel it is public property currently even though it is posted “No Trespassing.” He stated they cannot

afford any more of this behavior or more traffic volume and trash. Mr. Fisher stated he does not trust this program and does not want it. Mr. Fisher stated he voted for the Supervisors to protect the residents and not to be friendly neighbors. He stated the residents need the protection. He stated this is a Residential area and not a Commercial throughway. He stated he does not see that there are any benefits, and it will place his and his neighbors' properties at risk. He stated he just received notice of this two days ago; but if someone wants to put a garage in their yard, they get notice two months in advance. He stated he heard that there was a document of four hundred pages and asked if the Board has read and understands all of this material.

Mr. David Cornelsen, 561 River Road, stated he has lived there approximately fourteen years. He stated he was an avid cyclist and while using the single lane Canal path was difficult, it was worse trying to cycle on River Road because it was not safe. He stated he is in a wheelchair, and it is even unsafe to go to his mailbox because of the speeding. He stated he feels there could be a vision for River Road that would still be an improvement to River Road and work with a project like this. He stated he has seen other Scenic Byways which did not result in a lot of trash. He stated in other areas, they have lowered the speed limits and it has protected the wildlife. He stated he feels that those people would be coming as a result of this, he would hope that they would be looking at the community and not speeding. He stated the Scenic Byway may result in lower speeds, and it would be possible to be on the road and feel safe. Mr. Stainthorpe asked Mr. Cornelsen if he feels the Byway is a good idea; and Mr. Cornelsen stated he feels they need to get a clear vision of how they can work with the people who want to put the Byway in so that it will benefit the community and not just benefit Washington Crossing, and he feels they have the ability to work with the community in this way. Mr. Cornelsen stated Ms. Garofalo has indicated that they want to work with people who want to work with them, and if there is a way that they can improve River Road as it goes through Lower Makefield, he feels they should consider this.

Ms. Garofalo stated further north there was an issue brought up with the speed that trucks are traveling, and one of the modifications that was referred to is a speed limit which is something they could petition for.

Mr. Joe Cammarasano, 835 River Road, stated he has had three accidents in front of his house where the cars were totaled. He stated speed may be a problem in the early morning and evening; however, he is more concerned that Ms Garofalo is discussing scenic pull-offs and at night, they become staging areas for crime. He stated currently on River Road, while drivers can slow down and look at the scenery, they still have to keep moving; but if they take easements and start making places where traffic can stop, it will not be good for the trash and possible staging areas for crime. He stated it is a beautiful area to drive through, and there is no need for this designation. He stated he feels this is the first step of getting PennDOT involved; and once they get involved, the eminent

domain issues will come up in the future. He asked the Board not to relinquish any of their authority to any State-run situation as he feels they will do better with the Board in control.

Mr. Jerry Fisher, 1773 River Road/71 Mt. Eyre, stated he is the northernmost home on River Road. Mr. Fisher stated Ms. Garofalo does not realize that River Road is a neighborhood. He stated she indicated she would not propose a Byway to go through a neighborhood, but that is what they would be doing.

Ms. Joan Breward, 743 River Road, stated River Road is a neighborhood which goes from Calhoun Street to the bridge overpass. She stated there are trash trucks with four haulers going from River Road into the neighborhoods along with fuel trucks, school buses, FedEx, landscape companies, motorcycles, and reckless drivers. She stated while it is beautiful, she feels it is for those who live there.

Bill Kolick, Upper Makefield, stated he lives in Washington Crossing; and he would like the people of Lower Makefield to understand that this Resolution was passed in Upper Makefield by a three to two vote. He stated the reason two Supervisors voted against it was because they were never given the details of the Plan, and no one in the Township was notified of what was happening. He stated if it was not for one of the Supervisors who had called some of the River Road residents and asked them to come, there would not have been anyone at the meeting. Mr. Kolick stated the person who was present to support this was the Mayor of New Hope because this is all business oriented and has nothing to do with scenic routes. Mr. Kolick stated the Plan calls for landings and kiosks. Mr. Kolick asked that the Board consider the residents of Lower Makefield in a better manner than they were considered in Upper Makefield. He stated they are not finished fighting this in Upper Makefield because the residents were never notified.

Larry Weiderspahn stated he previously addressed the Board of Supervisors regarding this matter. He stated he is concerned about the view shed which is anything that can be seen from the road once it is designated. He stated this could be the hilltop of a farm ten miles away so it is an expansion of an area that is already protected since Peter Kostmayer was instrumental in having this named a Heritage River Corridor so there is already a level of control over what goes on along the Corridor. He stated there is no benefit to the residents of laying on another level of bureaucracy. Mr. Weiderspahn offered a Fact Sheet on research he has done on view sheds. He stated Scenic Byways are geared for the benefit of the traveler and a few local business, but there appear to be no advantages to the landowner who provides the scenic view; and in fact, the Federal Register makes it clear that the landowner will receive nothing but controls. Mr. Weiderspahn stated when questions were asked of Ms. Garofalo at a prior meeting about possible downsides, she indicated she did not know, and they should discuss this with the Township solicitor. He stated all the benefits were noted, but some of the things that could be a downside were tactfully avoided.

Mr. Weiderspahn stated a Corridor Management Plan is required at the beginning of the process of becoming a designated Scenic Byway, and this Plan can be submitted to the Department of Transportation via a group, an individual, or a Government Agency. He stated after the Department of Transportation has made the designation, Grants are made available to local communities. He stated this “carrot” dangled in front of County Boards and Municipalities causes them to forget to check the controls and the potential effect it has on the community. Mr. Weiderspahn stated the Grant money is very plentiful but is actually limited as to how it can be spent. He stated in one twenty mile strip along an Illinois Scenic Byway, there are five Visitors Centers. Mr. Stainthorpe stated they have established that the Federal Government is no longer involved. Mr. Weiderspahn stated this will be renewed as a Federal Program, and this works hand in hand. He stated it is a National program administered on a State by State basis; and once this is designated, they are going to be under a set of rules and restrictions that are designated by the National Transportation Authority. He stated there has not been a “divorce” that has been expressed. He stated he has a ream of examples of places across the Country that have gotten into this and have had a very difficult time trying to get de-designated once they found out what they had bought into. He stated there are restrictions on the rights of the property owners, and there is no upside for them whatsoever.

Mr. Weiderspahn stated with regard to the Illinois Scenic Byway, he questions why they needed a Visitor Center every four miles. He stated all of the Centers were built using tax dollars.

Mr. Weiderspahn stated under a Land Use and Control tutorial that he did in the course of his research it states, “When a highway is designated as a Scenic Byway, everything within the view shed of the highway is subject to the control of the Stakeholders Council created by the designation. The Stakeholders Council may prevent the landowner from using his land if the Council determines that the proposed use diminishes the view shed.”

Mr. Weiderspahn stated they have not been told a lot about the stakeholders including who they are, and he wonders how many property owners along River Road have been offered an opportunity to become a stakeholder as it does not seem to include the people whose property this will effect. Mr. Weiderspahn stated he is glad that notice finally went out, late though it was, to the people whose lives and property this will effect. He stated the people who own land along the Byway have never been asked whether or not they want to participate in the Corridor Management Plan was the complaint of one Municipality in New York that chose not to be a part of this. Mr. Weiderspahn stated many people do not understand that the Corridor encompasses all the visible land surrounding the Byway. Mr. Weiderspahn stated the Municipality in New York which turned this down indicated they were doing so “because of the irreparable effect this approval might have on the people of the town and the potential impact on their property rights and decided not to be included in the Corridor.” Mr. Weiderspahn stated whenever they asked for information about property owners’ rights, rules, and regulations, they did

not receive them. Mr. Weiderspahn stated the people should have all the information made available to them, and they are not interested in adopting a Resolution that has hidden clauses.

Mr. Weiderspahn stated the residents pay the taxes that provide the funds for the good things that are done in the Township which is appreciated; and he feels the Board needs to answer to the residents before they answer to an outside organization coming in with a “feel good” Resolution about how to make River Road better than it already is. He stated he feels the Board has done a fabulous job of watching after the best interests of the residents and the Township, and he asked that they not stop now.

Bill O’Neil, Northampton Township, stated Northampton Township is named in the Scenic D & L Drive documents. He stated he feels this about money as there is Grant money available. He stated non-profit does not mean non-funded, and it does not mean that there are people who work for free. He stated if this is designated as a Scenic Byway, there are going to be a lot of problems for the residents, and the Board has heard from some of them tonight. He stated someone from Upper Makefield also indicated that they did not get all of the information but the Mayor of New Hope was there to try to get that Resolution passed there. Mr. O’Neil commended the Lower Makefield Supervisors for allowing this process, which is rather unique to the United States, where citizens can come and address the Government on a one-to-one basis. Mr. O’Neil stated a Byway is the land alongside the highway, and this is a plan to take control of that land, not in an outright basis by buying it or by taking it by eminent domain, but is a process to get control away from the residents and the Townships and put the control of certain elements of the properties along River Road, 611, and Route 32 under the control of an outside corporation, outside of Bucks County. He stated the headquarters of Ms. Garofalo’s corporation is in Easton. He stated it seems that to Ms. Garofalo the most important part of Lower Makefield is Washington Crossing which is not even in Lower Makefield. He stated there are many important things in Lower Makefield including the 9-11 Memorial and the Delaware Canal which are already preserved. He stated Washington Crossing is a Park which is already preserved, and he does not feel it needs to be preserved a second time.

Mr. O’Neil encouraged the Board to vote no on the Resolution and added he feels the Resolution is going to be “walked back” in Upper Makefield from what he has heard from some of the residents and officials of Upper Makefield. Mr. O’Neil stated if the Board does not vote no tonight, he asked that they at least take it under further consideration and make a listing of the reasons why it should be passed and why it should not be passed.

Mr. O’Neil stated this Corridor is 165 miles long and they are going twenty to thirty miles on either side of the roads. He stated the viewscape is all that you can see which means that the properties will be impacted if they can be seen from any of the roads.

Mr. O'Neil stated they are not going to be able to grow trees along the roads to prevent people from seeing the viewscape. He stated this takes control out of Lower Makefield, and he is glad to see that the Township's requirements are more strict than the Delaware & Lehigh Drive. He stated if the Township requirements are more strict, he questions why they need to loosen them up and give control to an outside, private corporation that is not responsible to the taxpayers.

Ms. Carolyn Abramson, 701 River Road, thanked all of the River Road residents for expressing their concerns with regard to traffic, safety, garbage, etc. She also thanked the Board for listening to their concerns even though the notice was a little late.

Ms. Abramson stated during the presentation it was mentioned that if the Municipalities did not align to this particular Resolution, there was the option to go to the State Legislature. Ms. Garofalo stated they opted not to go that route, and they will not go that route. Ms. Abramson stated she that if Lower Makefield votes no, this will not go to the State; and Ms. Garofalo agreed.

Mr. Michael Marino, 1425 River Road, Upper Makefield, stated he is present because this passed through Upper Makefield Township without his receipt of any notification. He stated he was made aware of what had happened in Upper Makefield by a neighbor after which he did research into what a Scenic Byway really is. He stated he learned that it is a stated goal in the D & L Management Action Plan on Page 9 that "private property rights taking precedence over public is a threat to its success." Mr. Marino stated this tells him that he is a direct enemy as a River Road resident of the Corridor Commission's overall goals which he finds scary. He asked the Board to at least put a stay on this so that they can all become more informed about it.

Mr. Stainthorpe stated according to Parliamentary Procedure, he should have had a Motion and Second before there was discussion; but he feels this still deserves a vote and the Board should be on record for how they voted.

Ms. Tyler moved and Mr. Dobson seconded to deny Approval of Resolution No. 2251. Mr. Garton stated an affirmative vote would mean that this is turned down. Motion carried unanimously.

Mr. Stainthorpe stated they have listened carefully to everything the residents had to say, and to him the most important piece of this decision was making sure they protect the interests, the rights, and the property of those people who live in Lower Makefield; and it became clear early in public discussion that the neighborhood was not in favor of it.

APPROVE GRANTING CERTIFICATES OF APPROPRIATENESS

Mr. Stainthorpe stated these were approved by HARB.

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to approve granting Certificate of Appropriateness for 1730 Langhorne-Yardley Road, Edgewood Crossing Building 1, to alter the structure by installing a chimney for kitchen ventilation hood.

Mr. McLaughlin moved, Ms. Tyler seconded and it was unanimously carried to approve granting Certificate of Appropriateness for 748 Stony Hill Road, Children's Learning Center, for replacement of roof shingles.

CONSIDERATION TO CONTRACT WITH JERSEY PUBLIC MANAGEMENT TO PERFORM A STUDY OF THE PUBLIC WORKS DEPARTMENT

Mr. Stainthorpe stated the Public Works Director, Hank Hoffmeister, retired last Friday; and they are going to take this opportunity to look into something they have not looked into for over thirty years. Mr. Stainthorpe stated they have interviewed this company which has previously done business with the Township including helping to recruit the Police Chief.

Mr. Fedorchak stated at the direction of the Board he put together an RFP in April which was put out to public bid during May. Mr. Fedorchak stated he also reached out to three companies that he was familiar with who have in the past performed this type of work. He stated only Jersey Public Management has submitted a proposal to the Board of Supervisors. He stated the Township hired this company twelve years ago to serve as the executive search firm when they were looking for a new Police Chief, which led them to Chief Coluzzi. He stated they were all well impressed with the way Jersey handled that particular task. He stated they have been around for over twenty years, and they have done numerous of these studies throughout New Jersey and Pennsylvania; and they are highly recommended. He stated they have presented a price of \$24,850. He stated if the Board were to award the Bid this evening, they would be able to start in approximately two weeks, and their recommendation to the Board is to allow them at least three months so they can do a thorough job.

Mr. Stainthorpe stated he interviewed this firm and many of their employees are former Township officials, Township Managers, and Public Works Directors, and he was impressed with their competency and list of references.



Ms. Tyler asked what resources they will be dedicating to this project and what they will do. Mr. Fedorchak stated they will have a Project Manager who will be supported by either one or two other staff members. He stated they will be on site on an average of four hours a day for at least a two month period. Mr. Stainthorpe stated they will shadow public employees and go out on the jobs. He stated they will look at schedules and inventory equipment. He stated there is a thorough description on the file.

Mr. Dobson stated since they are hiring a new Public Works Director, he feels it is a good idea to take this step at this time.

Mr. McLaughlin moved and Ms. Tyler seconded to award the Contract to Jersey Public Management. Mr. McLaughlin asked that they not exceed the stated amount, and Mr. Fedorchak stated they understand that it shall be a not-to-exceed figure.

Mr. Rubin stated when the Finance Director took another position, that position was eliminated; and he asked if the Public Works Director position will stay and if so, what is the procedure to replace Mr. Hoffmeister. Mr. Stainthorpe stated the replacement has been hired, and he is present this evening. Mr. Rubin asked if he was a Township employee; and Mr. Stainthorpe stated he was an outside applicant, adding that they went through an interview process where Mr. Fedorchak did the original screening of resumes and interviews, and once there were three finalists, the Board met with those three finalists and he was their first choice and took the job.

Motion carried unanimously.

Mr. Garton stated the Board met in Executive Session for thirty minutes prior to the start of the public meeting to discuss the Zoning Hearing Board Applications and to discuss litigation related to sewer issues.

#### ZONING HEARING BOARD MATTERS

With regard to the Brian and Louise Murphy, 1675 Delaware Drive, Variance requests to construct a fence in the front yard and to allow an existing fence to remain, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Maureen Hayes and Guilleremo Diclemente, 76 Black Rock Road, Variance requests to permit construction of an in-ground pool and fence located within the 100 year flood plain, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Dianne Marrasso, 1031 Victory Drive, Variance request to permit construction of a paver patio with sitting wall resulting in encroachment into the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Margaret Mandeli, 655 Long Acre Lane, Variance request to permit extension of existing fence into the easement it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Benedetto stated the Veterans Committee event at the Trenton Thunder Game will be this Friday.

Ms. Tyler stated the Lower Makefield Swim and Dive Teams are running a food drive at the Lower Makefield Township Pool for the benefit of the Fenndel Food Pantry. She stated donations can be dropped off at the front or back gates of the Pool, and they will deliver the donations on Tuesday.

#### APPROVE SALE OF USED VEHICLES

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the sale of the 1990 GMC Pickup to PCS Auto Sales in the amount of \$1,000 and the sale of the 1999 Crown Victoria in the amount of \$3,185 and the 2004 Crown Victoria in the amount of \$2,225 to CS Harris Constructors.

There being no further business, Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,



Dobby Dobson, Secretary



# Township of Lower Makefield

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

**JUNE / JULY 2012 WARRANT LIST AND  
 JUNE 2012 PAYROLL COSTS FOR APPROVAL  
 JULY 18, 2012 BOARD OF SUPERVISORS MEETING**

<b>Accounts Payable Warrant Report:</b>		
<b>Printed Checks:</b>		
07/02/12 Warrant List	\$	982,505.78
07/16/12 Warrant List	\$	923,225.37
<b>Manual Checks:</b>		
07/02/12 Warrant List	\$	25.00
07/16/12 Warrant List	\$	12,750.00
<b>Total Warrant Reports</b>		<b>\$ 1,918,506.15</b>
<b>Payroll Costs:</b>		
June 2012 Payroll	\$	341,532.77
June 2012 Payroll Taxes, etc.	\$	141,282.28
<b>Total Payroll Costs</b>		<b>\$ 482,815.05</b>
<b>TOTAL TO BE APPROVED</b>		<b>\$ 2,401,321.20</b>

