

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES-AUGUST 18, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 18, 2010. Chairman Smith called the meeting to order at 7:33 p.m. Mr. Maloney called the roll.

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary
 Dan McLaughlin, Treasurer
 Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Harold Koopersmith asked Mr. Smith if he was satisfied with the current governance paradigm in the township wherein they have five supervisors, if he would like to see that continued, or is it faulty, or can it be improved. Mr. Smith stated there was a study commission not that long ago in this township, and Mr. Stainthorpe can probably speak to that. Mr. Stainthorpe stated the makeup of the board is set by the state. We are a township of the second class, and you either have a three-person or a five-person board of supervisors. He stated if you want to change that, it is a fairly complicated process called home rule where you have to vote either yes or no to have a study done, and then you elect people to be commissioners on a study group who come up with another form of government. Mr. Stainthorpe stated it was proposed in 2002, but it was defeated at the polls. Mr. Smith stated there was a referendum on it.

Mr. Koopersmith stated he raised the issue because he became aware through an article in the Inquire that the legislature in Pennsylvania wants to do away with all township and local governance bodies such as Lower Makefield's and replace it with some kind of super authority. Mr. Stainthorpe stated there is a bill in Harrisburg that would basically put all the powers that now reside with the townships and boroughs in the hands of the county. The idea is that there is a duplication of services; why should Yardley Borough have a police force and Lower Makefield. And the solution is to go to the county level.

Mr. Stainthorpe stated he is opposed to this, absolutely opposed to carte blanche doing away with local government. He thinks a case can be made in many places for shared services. He stated both parties have to be interested in doing that. Lower Makefield shared fire coverage with Yardley Borough. He believes Newtown rents their police out to Wrightstown. Mr. Stainthorpe stated there are ways that costs can be saved without eliminating local government which is close to the people. You make one government for the whole county and suddenly you have a different version of the Philadelphia City Council. He thinks that is the last thing that any of us want to see.

Mr. Koopersmith asked how do you stop it. Mr. Smith stated he read the article, and the essence of the article came down to the fact that it's not going to get done. Mr. Smith stated he is pleased with this system of government that we have now. He would not want to go to a government with supervisors or a council and a mayor, which is one of the proposals. He would not want the Township to be eaten up in the county. There are issues out in Quakertown which are separate and distinct from the issues down in Bensalem as to Lower Makefield.

Mr. Koopersmith stated with all due respect to Mr. Smith it is not in his hands to decide. If the legislature decides that they want to grab more power, they are not going to have any say in it unless they organize to prevent it. This is his point. Mr. Koopersmith stated he personally thinks what the Supervisors are doing is great, but that's just one person's opinion. In his opinion, it's the only thing that is working in America anymore. Harrisburg and Washington doesn't work, and they are dragging the country down with three years into this great recession. He sees no evidence that anything positive is changing other than words.

Mr. Koopersmith stated he wanted to embellish what was said last month about the open space concept, and he wants everybody to understand why the Supervisors had to modify it, and it is the same issue. The great recession has forced the Supervisors to limit the budget because nobody wants new taxes. Harrisburg doesn't want to do anything, Washington doesn't want to do anything, and you've got 70 million people roughly that are about to fall off the wagon because there is no leadership. He stated his opinion regarding the U.S. economy.

Mr. Simon Campbell, liaison to the Pennsbury School Board, thanked the Township for the accommodation on the permit fees, and he appreciates \$150,000. He stated Mr. Fedorchak will square up the remaining balance at project completion. Makefield is scheduled for completion at the end of February. They are a couple months behind. They are on track, and there are no lawyers involved, and he likes that.

Mr. Campbell stated he told Mr. Smith he would come down once in a while and do a little liaison being the school board liaison. He stated when he hears folks talk about local government and taxes, he thinks the Township is 9 percent of everyone's property taxes. The school board is like the 800-pound gorilla at 80 percent of everyone's taxes. Mr. Campbell stated if the Township's residents carry on about taxes, you are allowed to send them down to the school district because they welcome taxpayers at the Pennsbury School District. It makes a refreshing change from the teachers' union shouting at him. He thanked the Township for their offer to use their room, but they are using Fallsington Elementary School. They have about 300 people coming.

Mr. Campbell stated meetings are televised now. Anybody that wants to watch Pennsbury School Board can watch. It is televised. It is not live. It is recorded. It can be viewed on the Pennsbury channel.

Mr. Campbell stated Pennsbury passed the budget which was a 1 percent school property tax increase. He acknowledged the Township had a zero increase. He stated there was four Pennsbury School Board members who wanted to do a zero increase, and he was one of them, but they had a five-four vote with a 1 percent school tax increase.

Mr. Campbell stated that moving into the next school year, some people may have heard that they have teacher-union contract negotiations going on. They are some what challenging. The union's latest demands are for a 4.8 percent salary increase over five years. They want to contribute just 11 or 12 percent toward their health care premiums. He stated the school board members are elected to deal with this, and they deal with it in a situation where if the union does not like what the School Board is doing by saying, No, our taxpayers can't afford this, they have the right to walk out on strike.

Mr. Campbell stated people are asking now that the contract is expired, will there be a strike. He stated he responds by telling people his personal opinion, and his answer to that is no. He does believe they are heading towards a strike for the simple reason that the community is not there for the union, and the union needs the community support to do something like that. He stated they are more likely heading towards a Neshaminy situation where they will have had an expired contract for a prolonged period of time. He stated his opinion is one of nine board directors. The union has not even mentioned the word "strike" at the negotiating table, and he thinks that is because the union knows in this economic climate demanding 4.8 percent salary increases is completely unacceptable. The School Board would have to gut just about every educational program under the

sun in addition to raises taxes to meet anywhere near those demands.

Mr. Campbell stated the School Board budgeted for 0 percent for additional teacher labor costs this coming school year. When the contract expires, the school district still has to set a budget, and you have to figure out a certain amount for salaries and benefits. What the School Board did was set the amount that they knew they would be legally obliged to pay which is status quo, meaning the current level of salaries and benefits. That's what they budgeted for. If they settled for more than that, it means cuts, and he stated he does not think there are too many folks on the board willing to make cuts to accommodate increased public employees' salaries and benefits demands. Mr. Campbell stated he noticed the Township received significant concessions from the police department. He realizes the police can't strike. They put their lives on the line routinely, and he thinks a lot of people are expecting a lot more from the local teachers' union.

Mr. Campbell stated the other issue coming up in the news is Mr. Truelove is becoming famous. There is a legal situation with one of the school board directors, Wayne DeBlasio. He has been challenged as holding his seat illegally. Mr. DeBlasio ran unopposed in 2007 in Region 2. The Board of Elections made a mistake categorizing his house at the time in Region 2. They changed his residence and corrected their mistake in May of 2008 to say that he actually lives in Region 3. Mr. Campbell stated like any elected official, you have to live in the region that you represent. These are residency requirements that apply under the rules. Mr. DeBlasio should have resigned in 2008 when he was notified of the mistake. It was not his fault; however, he should have resigned. Mr. Campbell stated Mr. DeBlasio has come under challenge through the District Attorney who has declared that he is holding his seat illegally, and instead of doing the honorable thing of resigning, he has retained Mr. Truelove to fight the District Attorney.

Mr. Campbell stated the reason he has a problem with this and why the public should know about this and why it is a public issue, any financial item that a school board votes on above \$100 requires a majority of the nine elected members, in other words, five people to pass it. If they have a vote that passes five-four, such as the budget passed five-four, the 1 percent tax increase, and that includes the illegal Wayne DeBlasio vote, that issue in and of itself could be subject to a legal challenge by taxpayers in the community, meaning the school district is a liability risk carrying the Wayne DeBlasio vote if it turns out there is a five-four vote.

Mr. Campbell stated his opinion as one member of the board is that the extended protracted legal battle, which he does not appreciate the Township solicitor being involved in, is a risk to the school district, and the taxpayers will be picking up the legal bills if they get sued because Wayne DeBlasio is voting when he is not lawfully entitled to his seat. He stated he knows Mr. Truelove probably doesn't like hearing this, but the fact of the matter is that there is a certain amount of politics involved behind the scenes. A lot of them feel it is inappropriate. They think the school board governance should be left to the eight lawfully elected school board members. Mr. Campbell stated they should be in the process of interviewing and replacing Mr. DeBlasio instead of staring down the barrel of court cases and wondering if every vote Mr. DeBlasio casts is going to be challenged later on.

Mr. Maloney stated he wanted to make a suggestion to Mr. Smith and make a comment. He thinks the purpose of these are to get updates from the School Board as the liaison. Speaking on his own behalf as a single member of the School Board is somewhat out of line with the intent, and Mr. Maloney also thinks it is inappropriate for Mr. Campbell to use this lectern to bad-mouth the Township's solicitor. Mr. Maloney stated that it is a personal vendetta, and it has nothing to do with Mr. Campbell's position on the school board. Mr. Maloney stated Mr. Campbell is out of line and he is abusing this privilege the way he abuses every other access he has to communication facilities in this area, and he will not have it. It is absurd, and it is out of line, and Mr. Campbell is crossing the line. Let us focus on the school district.

Mr. Campbell stated to Mr. Maloney he does not know what it is that Mr. Maloney hates about the First Amendment to the Constitution. If Mr. Maloney ever wanted to come in front of the school board and speak, Mr. Campbell will not interrupt him or tell him what he can or cannot say. That is a fundamental principle. Mr. Campbell stated what he just said is this is a liability risk to the school district carrying this vote. Mr. Maloney stated Mr. Campbell is speaking on his own behalf and he should speak on behalf of the board.

Mr. Smith interrupted both gentlemen and asked Mr. Maloney to let Mr. Campbell finish; otherwise, they can spend a half hour fighting over whether or not Mr. Campbell has a right to speak.

Mr. Campbell thanked Mr. Smith. He stated he has a right to stand as an individual Lower Makefield resident and be displeased with Mr. Truelove.

Mr. Maloney stated Mr. Campbell does have the right, but he should not represent it as the views of the board. Mr. Campbell stated he has not said that. Mr. Campbell stated when Mr. Maloney speaks into that microphone, he speak the views of Matt Maloney. Mr. Maloney stated that is right. Mr. Maloney stated to Mr. Campbell that he approached the microphone saying that he was giving one of his updates as the liaison to the board. Mr. Campbell stated that is correct, but it still comes with him, with all of his personal views, and he prefaces it by saying this is his personal view. It is his personal view that there is a liability risk. Mr. Campbell stated there are other board directors, but he does not speak for other board directors if they are not physically present who feel the same way.

Mr. Campbell stated they are carrying an illegal Wayne DeBlasio vote, his view, and this situation is very, very significant for the constituent taxpayers of Lower Makefield Township. For example, if the teachers' contract is approved five-four and that vote gets challenged in court, the district's taxpayers are getting shafted left, right, and center because they will be paying legal fees not to mention challenging the whole contract vote. When he says he is displeased with Mr. Truelove, that is his right as an individual. Mr. Maloney suggested in the future Mr. Campbell gives updates on the actual educational system. Mr. Campbell stated when Mr. Maloney wants to tell him how to speak, he will be happy to tell him how to speak.

Mr. Smith asked Mr. Campbell as the school board liaison to work with Mr. Fedorchak on upcoming deer management involving the schools and to convey it to Pennsbury because he wants to get them updated. Some of the grounds where deer management is going to take place is up in the northern end near some of the schools, and if Mr. Fedorchak could work with him, he would appreciate it. Mr. Campbell asked if it is sharpshooters or archery. Mr. Smith stated archery.

Ms. Dorothy Vislosky stated she is a taxpayer in Lower Makefield and a taxpayer in Falls Township. She stated she probably pays as much combined taxes in school taxes, and Lower Makefield is her most expensive property; so she pays very high taxes there. Ms. Vislosky stated she lives in Falls Township because the people prevailed upon her to come back to Falls to do what she has been doing for 46 years, which is to watch the government. She knew about the Wayne DeBlasio seat for two-and-a-half years.

Ms. Vislosky stated that she agreed with the gentleman who was speaking here about the home rule charter. They tried that in Falls, and it did not fly. She stated she likes this government. She does not know all of the Supervisors. She knows Mr. Smith. She knows and

respects Terry Fedorchak. She respects the chief of police. She likes Lower Makefield. Ms. Vislosky stated is she far more proud of Lower Makefield's government than she is of her own, because the fellows that are presently the majority are not doing what needs to be done for the taxpayers. She stated her perspective here is that the Supervisors care about everyone as taxpayers.

Ms. Vislosky stated she wanted to address the issue of the solicitor, and she hoped no one would dare to interrupt her. She has the right to address any subject she wishes at the beginning of this meeting. She stated if she knew Mr. Campbell was going to be present and touched some of the things that she wanted to say, she does not think she would have come, because she has been out of the state all day. Ms. Vislosky stated she takes issue with her tax dollars being used to pay Mr. Truelove. She believes that he is in a conflict of interest. When she knew that Mr. DeBlasio was sitting on the Pennsbury School Board representing the district in which she lived and he does not live there, it annoyed her because she had to move from her beautiful home in Lower Makefield when she went to Falls Township to be an elected official there, but she followed the rules.

Ms. Vislosky stated years ago she filed a quo warranto. It is from old English law, and it is a challenge to the individual holding an elective seat, and it simplistically says: By what right do you sit there. She stated when the school board was split four to four with Wayne DeBlasio, whom she considers to be the illegal person on her school board, casting the deciding vote to raise taxes for four municipalities, all of us got it: Tullytown, Yardley, Falls, and Lower Makefield. She stated 1 percent was not much. It is not what she sees coming. Next year has her scared to death.

Ms. Vislosky stated if her tax dollars are being used to pay David Truelove, then he has taken a position contrary to his constituents who he works for. This is her opinion, and she feels very strongly about it. When she saw that the vote went four to four with the illegal vote raising our taxes, she made them a promise. She stated they will all be replaced next spring, because she will see that good school board members run who love children and who love the people. Ms. Vislosky stated that is not a threat, that is a promise, and she believes she can accomplish that. However, we have this teacher contract now, and it disturbed her to see Mr. Truelove giving advice to the school board and to Mr. DeBlasio that she strongly disagrees with. She stated she is expressing her opinion, and she is going to define why she came to that conclusion.

Ms. Vislosky stated when she saw that Mr. DeBlasio passed the deciding vote to raise all of our taxes, she thought, now is the time to do something about that seat which he holds, because as an individual who lives in Fallsington, she only has two representatives on the Pennsbury School District. She should have three. There should be three from each region. If she had to move from Lower Makefield to represent Falls Township as an elected official, she feels Mr. DeBlasio should do the honorable thing and resign. Ms. Vislosky stated she has not found the DeBlasios to be very honorable, and she has a long history with them. She stated she has started to do the research. She circulated petitions in Region 2, and some other taxpayers circulated those petitions when she was out of town. She stated there is very, very strong sentiment, and it is anger in Region 2 for lack of a representative.

Ms. Vislosky stated she sent the packet to Doylestown. She stated she has a great deal of respect for the District Attorney, and she asked him if he will examine these sections of the Pennsylvania School Code and examine the petitions from Region 2 to decide whether or not that seat is legal. She stated she does not pretend to know the law like Ex-President Judge Heckler, who is now the DA. He read the materials that she sent to him, and without consulting her at all, he called her one day. Mr. Heckler called her and stated he had sent a letter to Wayne DeBlasio asking him to turn in his resignation to the district attorney's office in one week. She stated she has not seen that letter, but she certainly knows Judge Heckler to be a truthful man. That's how it came about. It was not any kind of political high jinks, and she resented the statements made by her Lower Makefield solicitor indicating that there was some kind of chicanery. She stated she knows that that is the image that her detractors like to give her, but she would not be around 46 years without some support from the people and without some common sense and a tiny bit of intelligence.

Ms. Vislosky stated she resents Mr. Truelove telling this illegal seat on her school board in her district that he can continue to vote. She stated that is the stupidest advice she has ever heard, because until his status is solidified as a bona fide school board member, there is no way that he can vote. Therefore, she made a statement to the Courier Times, and she said she will personally will file a lawsuit if his vote causes us to embrace the demands that the teachers' union are now giving our board.

Ms. Vislosky stated it will be about a 25 percent increase, because it is four point something, almost five percent the first year, the second year it gets compounded, etc., etc., until we go out five

years, and she is looking at 25 percent. She stated her next newsletter is going to show the people at Falls Township exactly what that cost in mean dollars, and it is an outrageous amount. People cannot afford it. People are working two jobs now to try to make ends meet. Ms. Vislosky asked her solicitor, Mr. Truelove, whom he will be representing should Mr. DeBlasio vote for a teachers' contract that will bankrupt our district. Will he be representing his client Mr. DeBlasio, or will he be representing his client Dorothy Vislosky, because he works for her out in Lower Makefield. Ms. Vislosky stated until Mr. Truelove is ready to answer that, she promises him, and it is not a threat, that she will fight this fight to the finish. She believes that she is on solid legal ground, and she is wondering why he is not. Ms. Vislosky stated she would like to hear some sensible, logical explanation for that advice that he gave that illegal person on our school board.

Mr. Smith thanked Ms. Vislosky. He stated he thinks they have the issue. He knows she has outlined the issue, and if the solicitor wanted to respond -- Ms. Vislosky interrupted Mr. Smith and stated she did not expect Mr. Truelove to answer, but that challenge is out there because no matter what he says to her, she does not believe it is going to make sense if he is as familiar with the school code as she am. She once sat on the school board.

Mr. Zachary Rubin, 1661 Covington Road, stated he rises to a point of order. Public comment should be germane to township business. They just spent almost 20 minutes discussing a civil suit with the Pennsbury School District. That is not germane to this meeting or to the public comment, and he thinks the chair should recognize how to keep this germane.

Mr. Smith stated he disagrees with Mr. Rubin. He thinks this has some impact locally. He stated he is not saying it is the most important, relevant thing for the agenda tonight, but he believes it impacts our residents and our township. Mr. Smith stated he does not cut off people. He stated to the school board representative that several years ago there were two of them that went to a meeting. They were given five minutes, and they were told to sit down. That was before Mr. Campbell was on that board. He stated he does not believe that is the way you handle public comment. You allow the people an opportunity to get up here and if it has some relevance, we may disagree as to that, but if it has some relevance to township business, then the people have a right to hear it.

Mr. Rubin stated to Mr Smith he will bring out the point of order. It is a parliamentary procedure that it is not germane to discussion. We

are not discussing freedom of speech in the First Amendment. We are discussing how a chair should discuss a meeting. Mr. Smith thanked Mr. Rubin and stated he appreciates his advice.

Mr. Rubin stated on his second point, he rises to a point of information. He asked if David Truelove is an employee of this township. Mr. Smith stated he is not. Mr. Rubin stated that is very clear that Mr. Truelove's firm is contracted, and he has a right to pursue his personal business because that is his livelihood, and again, he is not an employee, not getting wages nor benefits from this township. Mr. Rubin asked Mr. Smith if that is correct. Mr. Smith stated Mr. Truelove has the right to represent anybody that he wants to represent, but he also has to look at whether or not there is a conflict of interest in representing parties. Mr. Smith stated he appreciates Mr. Truelove's advice. He has come to know him for a long time. He believes he is a good lawyer. Mr. Smith stated Miss Vislosky raised the issue. Mr. Truelove himself has to decide whether or not there is a conflict. If he feels there is a conflict, Mr. Smith is sure Mr. Truelove will make the right move at that time. He stated as the Board of Supervisors, if they feel there is a conflict, and that has not been brought to their attention up until now, they will talk to their solicitor about it. And if he has to step down in some respect from one or the other or modify or have somebody else in his firm doing it, he will do the right thing.

Mr. Rubin asked Mr. Smith should we be discussing legal civil suits in front of this board during this meeting. Mr. Smith stated this is public comment. Mr. Rubin said he is asking Mr. Smith a question. Mr. Smith stated if it is part of public comment, they have a right to speak. Mr. Smith stated Mr. Rubin may not like what they have to say, some people on the other side may not like to hear what they have to say, but he does not shut it off because one party likes it or another party likes it. He stated he gives everybody an opportunity to speak. That's the way he handles business. Mr. Rubin stated that is why he rose to a point of order.

Mr. Rubin stated his third point is he believes when people get up in front of this lectern, they should speak accurately and know the facts. A previous speaker who claims he knows the Constitution of the United States has no idea what is in that document, and he will tell the Board what's in the Constitution. Mr. Rubin stated the previous speaker said that like all elected officials, they must live in the district that they represent, that is total nonsense. Any member of the House of Representatives does not have to live in that Congressional district. He stated he thinks people who cite the Constitution should know the Constitution.

Mr. Smith stated to try to keep this respectful and move ahead with public comment.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she agrees with Mr. Rubin's comments. She does not believe that most of the comments of the first speaker and all of the comments of the second speaker are germane to Township business. She does not believe that Lower Makefield residents either belong in Region 1, 3, or Region 2. She could be wrong about that. Ms. Torbert stated as a resident of Lower Makefield, she resents people would come in here and really insult her intelligence, the intelligence of our residents to suggest that our professionals cannot represent other clients and that somehow there is something nefarious if they do. She thinks it is very insulting, and it's just inappropriate.

Mr. Smith stated to Ms. Torbert that he is not agreeing or disagreeing with her, but she will notice that none of the Board of Supervisors have made any statement whatsoever as to whether or not it is appropriate for our solicitor to handle another case no matter who the client is. Ms. Torbert stated she understands, and she is not commenting on what the Board has said. She is commenting on the previous speakers, but she also thinks that the chairman has said before that he would like to limit the people to five minutes.

Mr. Smith stated he did not say that. Ms. Torbert stated she thinks he has asked people to try to limit themselves to five minutes. Mr. Smith stated he said he would like people to limit themselves as best they can. He has never put a time limit on it. Ms. Torbert stated people should speak as to Township business, and she hopes in the future that when we are talking about Pennsbury, we talk about what is germane to residents. There is a political fight, a political tug of war on the Pennsbury School Board, and it is not germane to Township business.

Mr. Robert Ciervo from Newtown Township stated he wanted to talk briefly about the Aria Hospital relocation. As the Board is well aware, back, he believes, in 2008, the board had asked Newtown Township to get involved with the Zoning Hearing Board application for Aria, then Frankford, for putting the hospital in the location of the Bypass and Stony Hill Road. They had agreed. They became a party. Their former chairman had gone to those Zoning Hearing Board meetings and was not treated too nicely, but that is another issue. He wanted to give the Board an update.

Mr. Ciervo stated back in late June, they did pass a resolution, and it passed unanimously where they continue their opposition to placing

a hospital at this location. They continue their opposition of the special exception that was granted to Aria Hospital. He stated he will send a copy of it to the Board, but he wanted to make sure that the Board was aware of the Township's position. The resolution stated that the Newtown Township Board of Supervisors formally requests that the Lower Makefield Township Board of Supervisors continue its appeal of the Zoning Hearing Board decision granting the special exception to Aria Hospital to build a full-service hospital located at Lower Makefield Township. His board also continues to oppose the granting of the special exception because of the increase in traffic, the degradation to the open space, and the unreasonable burden it will place on the residents of Newtown Township.

Mr. Ciervo stated he said at Newtown's meetings, especially when they were about to pass this resolution, he thinks the biggest impact of putting this hospital at the location will be on Newtown Township residents. Certainly it's going to affect Lower Makefield Township residents, but if you are in Newtown and you want to get to 95, you have to go through this intersection. The only other way is winding through back roads. Mr. Ciervo stated he does not think we want to put a hospital somewhere where now we are diverting Newtown Township residents to try to get to 95. It would be a mistake.

Mr. Ciervo stated this passed unanimously. They will be following the legal proceeding. They are a party so they can make perhaps a different decision than Lower Makefield's board. He hopes that they can work together to continue opposing this, and they hope that Aria will withdraw their application because they realize the community does not support this. He stated that Newtown Township when they are unified behind something and they think it is in the best interests of the residents, they take it as far as they can go. Mr. Ciervo stated recently they took Orleans all the way to the state supreme court, and they won at the state supreme court. He stated they are committed to this however long it is going to take. They think this is the worse thing for this intersection. They appreciate the board asking Newtown to intervene, and they will continue their intervention. Mr. Smith thanked Mr. Ciervo.

Mr. Caiola stated personally he thinks it is important that the two townships work together. He is not sure where Mr. McElhaney is on this. He stated he knows the gentleman opposing him, Mr. Santarsiero, feels very strongly as he does about what is going to happen in this area. Mr. Caiola stated it is a regional issue. There are things that they discussed with individuals at RAFR fairly recently. They are supportive of the fact that the two communities are working along with them to ensure that the right thing happens. Our goal is to stop

the hospital, and we all have to remain vigilant, both communities and anybody that is elected in or around this area, to ensuring that our quality of life is not impacted as we know it will be. Mr. Ciervo stated he appreciates it.

Mr. Maloney asked Mr. Ciervo about Newtown's intention. He stated they really appreciate the support having Newtown's council here to support Lower Makefield's council in all the deliberations despite maybe how some of the tensions may have played out between our Zoning Hearing Board and members of Newtown's board. Mr. Maloney stated so far he would say it has been their sense that Newtown has participated to retain the option to involve itself, but it is primarily to take a wait-and-see approach. He asked if Newtown Township is continuing to take that same view that until they feel like there is a strategic difference between the two townships, they will continue to let Lower Makefield Township take the lead on that legally.

Mr. Ciervo stated they are in discussions about that. They get a sense from their community they do not want this. He stated they are certainly willing to work with Lower Makefield. They are taking their legal advice, which gives them one strategy, and if they feel they need to shift strategies, they will consult with their attorney about that.

Mr. Smith asked if the supervisors seem united in Newtown in respect to fighting this out for the long hall whether republican or democrat. Mr. Ciervo stated it is not a partisan issue. Just like any of the zoning issues, they have been unanimous decisions, whether it was removing the rezoning by Toll Brothers or fighting Orleans to the state supreme court. It's always been unanimous. Mr. Smith stated good for Newtown. Mr. Ciervo thanked Mr. Smith. Mr. Smith stated they appreciate it.

Mr. Ethan Shiller, 367 Lang Court, Yardley, stated it is true when Mr. Smith had mentioned a few years ago when he and Mr. Santarsiero approached the school board regarding the redistricting during their public comment, it was limited to five minutes. Mr. Smith stated that is correct. Mr. Shiller stated Mr. Smith felt he was cut off, and that is where Mr. Smith comes with the thought process of allowing people to finish their thoughts, speak their mind, and carry through on a conversation. Mr. Smith stated he is correct. Mr. Shiller stated that issue you would still be cut off at five minutes, and the school board members including Mr. Simon Campbell, in fact, operate the clock. You have five minutes. That is it. You are also not allowed to go out of the purview and discuss other issues.

Mr. Shiller stated he has a very big concern that campaigns never run on transparency, and people are not given the pleasure of any real public comment or in depth discussion or finish a big thought. He appreciates what Mr. Smith is doing. It is a shame that they still have yet to learn to take or follow Mr. Smith's lead here on any kind of conversation or fully follow through.

Mr. Smith stated he appreciates Mr. Shiller's thoughts, and he does not attend school board meetings. Perhaps he should but he does not. But if that is still their practice, under a clock in five minutes, he personally thinks this is wrong. He believes that a person, an individual, should have the right to finish his or her thoughts, make their point, and respectfully sit down and get a response. Mr. Shiller stated that is correct and getting a response, which is very important, does not happen. They have even tighten up their public comment to that. He stated there are several other issues which are he feels that --

Mr. Smith interrupted Mr. Shiller and stated, once again, we are not here to discuss Pennsbury's way of conducting business. That's on them. Mr. Shiller agreed. He does not feel our Township meetings should be politicized, which this issue he does not know that the full story is getting out there, and it's not about David Truelove, our fine solicitor, because the school board, this issue has been over two years old and was not raised previous years when all of the votes did increase taxes more than 1 percent. Mr. Shiller stated this has been politically driven at this point in time. It was the school board's president, Mr. Greg Lucidi, himself supporting Mr. DeBlasio. Mr. Shiller feels in all fairness, their solicitor made the ruling that he is a member and the Board of Elections has certified him taking that seat; so it is not illegal. He is certified through the election process to hold it. And he just wants the full story and the politicalization stopped.

Mr. Smith stated he is not here to discuss whether it is right or wrong, and he understands the point; however, Mr. Shiller knows and Mr. Smith knows the closer we get to November, to the first Tuesday in November, unfortunately, it is a fact of life, people come in for both parties and raise political issues. And, hopefully, it is only for a short period of time, and as soon as the election is over, we go back to business. Mr. Shiller stated it should stop. Mr. Smith stated, hopefully, we can keep a limit, and everybody is respectful of everybody else. Nobody here has been disrespectful of anybody.

Mr. Smith stated the Township's solicitor has his full support. He is only speaking for himself. The fact of the matter is he will not

prevent or impede anybody's right to speak out if they have a position which is different than his, and he will be respectful of anybody that gets up for public comment whether or not he agrees with them or not. Mr. Smith stated some of the points raised tonight makes for good discussion, but that is for another day.

Mr. Shiller stated he 100 percent agrees with Mr. Smith, and he hopes knowing November is coming, any politicalization of issues or of individuals should be stopped immediately. Mr. Smith stated, once again, they are going to try to be respectful of everybody and allow everybody a chance to vent and speak. There have been episodes here where he has been criticized for not allowing the venting. He does not do that any more.

Mr. Caiola congratulated Ms. Wuenschel's son. Ms. Rosemarie Wuenschel from Representative Steve Santarsiero's office stated she wanted to speak on behalf of Representative Santarsiero to give the Board an update on his actions to oppose the proposed tolling of the Scudder Falls bridge. Earlier this week on Tuesday, the letter was presented to the Board into the record of the commission's meeting reinstating Representative Santarsiero's opposition and also again requesting the traffic study on the impact that that proposed tolling will have on nearby bridges and the neighborhoods. That letter that he actually wrote on August 13th was sent to the Township. She stated the meeting was not very well attended at all, but what occurred was they said there would be a traffic impact study, but without waiting for the results of that, they went ahead to vote to start the process for an RFP for the public-private partnership. Ms. Wuenschel thought it was timely that you had an update on that. She would be happy to share the letter again with anyone who is interested.

Ms. Wuenschel stated on a more personal note, she did want to come here to also thank all the families from Pennsbury Athletic Association and the others in the Lower Makefield community who so graciously supported Council Rock Newtown's Little League 12-year-old team during the Mid-Atlantic regional games earlier this month. She stated while we may sometimes be rivals on the baseball field, it was as a united community that we came so close to representing Pennsylvania in the Little League World Series. On behalf of her son, the team, and the entire Council Rock Newtown Little League Association, she stated it is that wonderful spirit that really makes this area a great place to live.

Ms. Sue Herman, President of Residents For Regional Traffic Solutions Inc., asked to obtain a copy of Representative Santarsiero's August 13th letter to the Delaware River Joint Toll Bridge Commission.

Ms. Herman stated on behalf of Residents how much they do appreciate Representative Santarsiero's hard work on the Scudder Falls bridge issue. She was in attendance at the Delaware River Joint Toll Bridge Commission public hearing at the Sheraton in Falls Township in January of this year when Representative Santarsiero presented compelling oral testimony not only to ask that the Toll Bridge Commission not toll the bridge without conducting an impact study that would evaluate the effect that a toll would have on the other Delaware River crossings and neighborhoods in this area, but also he gave compelling testimony for sound barriers. Ms. Herman stated it is thanks to his initiatives that the Delaware River Joint Toll Bridge Commission has agreed to provide sound barriers for most of the effected area in the Lower Makefield Township, and he gave them a plea to increase the sound barriers to cover the gap areas that they had not yet agreed to cover.

Ms. Herman stated in addition, Representative Santarsiero asked the commission to study the effect that the bridge expansion will have on stormwater management in Yardley, which we all know is a serious issue and we care about. Representative Santarsiero's two letters of written testimony that he submitted that evening were extremely compelling on behalf of the residents, and she trusts that the August one is, as well. Ms. Herman thanked Representative Santarsiero, and she asked Ms. Wuenschel to please take back their appreciation for all the work he has done on this issue.

Mr. Andy Raffle stated his comments were not vetted by the speech police, and he appreciates that they did not put that policy in place and that public comment is, in fact, opened for whatever he would like to discuss here. He thinks that is important to whatever other members of the audience and the public would like to discuss. He thinks it is absurd to put tight caps on that.

Mr. Raffle asked if anybody on the board or perhaps Ms. Wuenschel knows if there was any discussion with Representative Santarsiero about the \$10 million for the Arlen Specter library going towards the bridge that he voted for, spending that \$10 million instead on the bridge so that we did not have to toll it as opposed to building the Arlen Specter library. Mr. Caiola stated he has not had that discussion. Mr. Raffle asked about the John Murtha memorial that Representative Santarsiero voted in recent budget, spending that money on the bridge instead of at that John Murtha memorial. Mr. McLaughlin stated he did not know. Mr. Stainthorpe stated he does not get consulted on Harrisburg issues.

Mr. Raffle stated we are hearing a lot about them today and the work, and he is familiar with old money in that budget for ridiculous stuff

as opposed to that bridge. He stated he agrees that we should not toll that bridge. We have already paid for that bridge. That is one of the state's job, and that is why we pay taxes to the state, and that ought to be done. He stated he does not pay taxes to the state so that they can built memorials to John Murtha and Arlen Specter.

Mr. Smith stated no one else was standing for public comment and Mr. Caiola moved to close public comment. Mr. Smith closed public comment and thanked everybody.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. McLaughlin seconded, and it was unanimously carried to approve the Minutes of July 21, 2010.

FINANCE

Mr. McLaughlin moved, Mr. Stainthorpe seconded, and it was unanimously carried to approve the August 2 and August 16 warrant lists and the July, 2010 payroll as attached to the Minutes.

Mr. Smith tabled the July financial report due to Mr. McCloskey, Finance Director, being on vacation.

CONSIDERATION TO REFINANCE THE 2003 BONDS - \$5,590.000

Mr. L. Gordon Walker and Mr. Zach Williard, Public Financial Management, were present. Mr. Walker stated the news is very good as everyone will see in the report. The first couple of pages are on the market. He stated the interest rates continue to define all projections and are going lower, which means more savings to Lower Makefield on this refinancing. Mr. Walker stated very dramatic is on the third page, which is the ten year Treasury movement. Our market, tax exempt, is not directly tied to the ten year Treasury, but all interest rates run the same direction. The ten year Treasury was almost a 4 percent in April and the last few days at 2.59. He stated Lower Makefield is the beneficiary of these very, very low rates. That is the market update.

Mr. Walker stated the savings update is on Page 6 in the handout, and they have the two savings structures that they gave in July plus one other one that the Board asked for that evening. The savings structure on Page 6 is where the savings after expenses is realized in next year and the year after, 2011.

Mr. Smith asked Mr. Walker to break it down for not only people at the meeting but the people at home, it would be appreciated, so they know what we are saving.

Mr. Walker stated he is talking about saving in gross dollars on this structure, a reduction in debt service after all expenses, of 163,000 next year and 162,000 the year after, and basically breaking even for the remaining six years of the issue. We are not extending the debt. There is also the present value numbers in the right-hand column which put those numbers in today's dollars.

Mr. Walker stated the second structure under consideration is on Page 7. Because the refunding in the earlier part of this year, those savings, which total \$1 million in gross dollars, were realized in 2010, '11, and '12, the thought was, let's look at putting this savings in the years 2013 and '14. And those numbers are on Page 7. Those dollars, not in present value dollars but real dollars, are \$164,000 debt service reduction in 2013 and \$171,000 in the following year, and then breaking even the balance of the four years for a total 336,000.

Mr. Walker stated at last month's meeting he was asked to provide a third scenario to Mr. Fedorchak, and that is on the last Page 8. And that is simply taking the savings, since we saved money on the earlier refunding in '10, '11 and '12, what would it look like if we saved money evenly from 2013 through and including 2018. He stated those figures are on Page 8 and the total -- obviously, the later you take the savings, the more the dollars -- is \$361,000, and the average savings in those six years is around 60,000 a year if you were to take that structure.

Mr. Walker stated they would like to have a decision if the Board could tonight, because one of the big steps to move the process is to go to Moody's for a rating, and they like to know what the debt service structure on the issue is going to be. He stated they do not know exactly what the structure is until the Board gives them direction as to where they would like to realize the savings.

Mr. Maloney made a motion that the Board go with Alternative 3. He continues to think taking savings in as even a form as possible makes the most sense to avoid any big jumps and drops in revenue and expenses in the budget is always a desirable thing.

Mr. McLaughlin asked Mr. Maloney if he was talking about Page 8, and Mr. Maloney responded yes. Mr. Maloney stated it is roughly equal in terms of present value dollars. They are really not any different.

You are getting a little more money, but you are taking a longer time to get it.

Mr. McLaughlin seconded the motion.

Mr. Stainthorpe stated he thinks the right thing to do in this climate is to spread the savings out over a longer period of time and actually save the taxpayer more real dollars. He stated he is on board with Option 3.

Mr. Caiola stated he agrees with Mr. Stainthorpe.

Mr. Harold Koopersmith stated he assumes that they are going out eight years with this five-and-a-half million. The maturity will be in 2018. Mr. Walker stated the current issue goes out to 2018, and this issue will go to 2018. We are not extending the debt. We are simply reducing the payments in the years that we just talked about. Mr. Koopersmith asked if in 2018 you have to refinance it again. Mr. Walker stated no. It is paid off. It is the end of the mortgage. That is the last payment. Mr. Koopersmith asked if they are going to amortize this 5.5 million and it will be paid off 2018. Mr. Walker stated it currently pays off in 2018 and the replacement issue, i.e., the 2010, will pay off in the same term. Mr. Koopersmith stated the Township would not have this debt then. Mr. Walker stated not this one but the Township has other debts. Mr. Koopersmith stated that is great, and he recommended the Board move fast on this.

Motion carried unanimously to move forward to refinance the 2003 bonds with Option 3.

Mr. Walker stated the next step for them is to get the credit rating reaffirmed. There should not be any change, but we have to go through the process with Moody's, assembling any additional financial information. Mr. Walker stated it is probably a one-hour interview call with the Township Manager and the Finance Director and them. They would propose to have an Internet sale, a bidding process on the bonds on the 15th of September. He thinks there is a meeting that night, the third Wednesday; so they can have everything ready, and it will be locked in that night.

Mr. Smith asked Mr. Walker with the bond issue that he did earlier in the year for the Township, does he recall or perhaps Mr. Maloney would know how much money has Lower Makefield Township saved as a result of refinancing both issues. Mr. Walker stated the earlier one on total dollars was a million two thousand. That was the present value of 902,000. So they saved \$1 million on the earlier issue. He believes

these rates would be a little better, that the savings would be a little higher if we are doing it tonight, but let us use a number of 380,000. Mr. Walker stated we are talking about 1,380,000. He stated he has told some of his clients how well the Township has done this year, and it is pretty amazing.

Mr. Smith thanked Mr. Walker for his good work. The Board appreciates that, and hopefully, we can give him another one to do. Mr. Walker stated they are going to be looking at another one. These things keep coming up. As the call features get closer, it makes sense to do it; so if rates stay low, we might be doing another one next year.

Mr. McLaughlin asked Mr. Fedorchak when is the next tranche of bonds that come up for eligibility. Mr. Fedorchak stated the 2006 issue, which is a sewer issue, as Mr. Walker just pointed out, the call provision will allow us to refi that early next year. Mr. McLaughlin asked how much that bond is for. Mr. Fedorchak stated 6 million.

SEWER

CONSIDERATION OF AGREEMENT WITH BUCKS COUNTY WATER AND SEWER FOR INSTALLATION OF A LINER IN THE BUCK CREEK INTERCEPTOR

Ms. Danielle Farrell, from Remington, Vernick & Beach, was present with Mr. Hank Hoffmeister, Public Works Director. She stated they have looked at the condition of the Buck Creek Interceptor through televised records, and they find that it is a very good candidate for a lining improvement. They would like to ask the Board's approval-- and they have already posted this -- the Sewer Authority to recommend lining this under the Bucks County Water and Sewer Authority annual contract. Ms. Farrell stated Bucks County Water and Sewer Authority goes out for contract every year, and they are able to get lower pricing on a unit cost basis for improvement because they have larger quantities. They allow the Township to piggy-back onto their contract. We are looking at 2000 linear feet to be lined.

Mr. Smith asked Ms. Farrell if this is preventative maintenance. Ms. Farrell stated that is correct, but we need to engage into a contract with Bucks County Water and Sewer, and they are looking for the Board's approval to do so.

Mr. McLaughlin asked how do the economics work. Does the Township get a bill and pay it out of the sewer fund. Mr. Fedorchak stated that is correct.

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Mr. Maloney asked if this is something that was contemplated in our sewer budget for this year. Ms. Farrell and Mr. Fedorchak stated yes.

Mr. McLaughlin asked how much is the amount. Ms. Farrell stated about \$70,000.

Mr. Smith asked Mr. Fedorchak if this is one of the reasons that the Sewer Commission had recommended an increase so when issues like this come up, they will have the money on hand to take care of it. Mr. Fedorchak stated yes, to start covering the Township's capital improvement needs. Mr. Smith stated instead of getting caught off guard. Mr. Fedorchak responded exactly, to be proactive.

Mr. Stainthorpe stated he would abstain from voting.

Mr. Caiola moved, Mr. Maloney seconded, and it was unanimously carried to approve the agreement with Bucks County Water and Sewer for installation of a liner in the Buck Creek Interceptor.

DISCUSSION OF ACT 537 SEWER PLAN

Ms. Farrell stated the Act 537 plan is a waste water management tool that is required by the state. The Township has an Act 537 plan. It was adopted in 1999. In that plan it listed six areas to bring public sewer. Two of them have been sewerred. There are four that remain to be sewerred. They have identified the parcels in the township that are not sewerred. They have developed a map and sat down with the DEP and the Department of Health to review those. Per the direction of the DEP, they are looking to put together a sewage management program for those parcels. The Act 537 plan is being updated currently also at the direction of the DEP in conjunction with the DEP, and they are looking to have more information for the Board by the September, October meeting.

Mr. Smith asked Ms. Farrell if she can be a little more specific with the Act 537 sewer plan on how it affects the Township, what their obligations are and our responsibilities, and what we get for this or what we don't get for that.

Ms. Farrell stated it is a waste water management tool. We as a township are responsible for all the waste water generated within our boundaries. So this tool identifies for us where there is currently public sewer and where there is not. We want to make sure that the properties that are not currently sewerred have well functioning on-lot disposal systems. Therefore, we in conjunction with the Department of Health, who has a sewer enforcement officer assigned to this area,

will be looking at that through a sewage management program.

Mr. McLaughlin stated this is related to Mr. Miller's ongoing concern. Ms. Farrell stated it is important to note that the Act 537 plan is not for any one parcel. It is township wide, and it is required by the state.

Mr. McLaughlin asked what is the Township's jurisdiction to implement the 537 plan. He asked if the Township can mandate a resident to comply with the 537 plan. Mr. McLaughlin stated he is going on the assumption with Mr. Miller that his on-site disposal is not adequate.

Mr. Fedorchak stated that's correct, and it may be that there are a number of other homes in Lower Makefield Township in certain areas with a very similar set of circumstances. And as Ms. Farrell has pointed out, the Township is going through an analysis of these areas, and once our engineers have completed that analysis, they are going to determine if there is a problem and that problem exists, then what is the best way of correcting that problem. Most typically, it is bringing public sewers into the area. Mr. Fedorchak stated soon we will be talking about Edgewood Village. About roughly 30 homes in that area are on private on-lot systems. Delaware Rim, Sunnysdale is another area of the Township, about 70 homes, are on-lot systems. Mr. Fedorchak stated at the end of the day, it will be the Township that will be responsible to initiate the corrective action, and if that would be public sewers, if that's the determination, then it would be the Township's responsibility to initiate that project.

Mr. Smith asked Mr. Fedorchak when he stated it will it be the Township's responsibility, what is the obligation regarding the expense. Mr. Fedorchak stated the financing, that is up to the Board of Supervisors to determine. Typically, for the most part, it falls on the resident. It is done through assessments to the properties.

Mr. McLaughlin asked assume everything falls in line with the plan, these are determined inadequate or in violation with the plan, does the Township have the mandate or jurisdiction to force that kind of hookup with those noncompliant properties. Mr. Fedorchak stated yes.

Mr. Maloney stated based on his understanding, he thinks ultimately the Township is being asked to do that as a public safety and sanitary matter, and ultimately, it is a policy decision to decide to what extent the burden is shared just on the affected region or the entire township.

Mr. Stainthorpe stated in the township right now there are only three areas that do not have public sewers: Edgewood Village, Sunnyside Road and Delaware Rim. Mr. Smith stated there some properties on Big Oak that do not have public sewers. Mr. Fedorchak stated he believes there is some areas in the Taylorsville Road area. Ms. Farrell stated Yardley-Newtown Road near Cultipacker Road is an area that was identified. There are several properties in the township limits that are not sewerer or are on old systems. But the 537 plan only identified six specific areas where sewer would be brought to them. Ms. Farrell stated there were two that have been constructed, one in 2001 and 2002. There are four areas that remain, and she only identified one road. West Afton area is the other area. And those two, West Afton Avenue and Yardley-Newtown Road combined for 16 residential properties that are unsewered.

Mr. Fedorchak stated they are trying to get the board briefed here as far as what Ms. Farrell and our township engineers are doing in terms of revising our 537 plan and what to expect next. And what the Board can expect is that we will have another conversation with the board sometime in October, and Ms. Farrell will be bringing the plan in its final version before you, discuss it in more detail, and get your comments and, hopefully, approval.

RESOLUTION NO. 2212 AMENDING THE SEWAGE FACILITIES PLAN TO EXTEND SANITARY SEWER TO EDGEWOOD VILLAGE

Ms. Farrell stated the action that they are looking for is a resolution to be passed by the Board for the Edgewood Village area, which has been designed, to bring sewer into that area. They would like to apply to the DEP with their permitting process, and they do need a resolution from the Board in order to do that.

Mr. Smith stated there has been some discussion about who that is benefiting in respect to bringing public sewer into Edgewood Village. Are we doing something which the developer should actually be doing themselves, or is this the right thing to do just as a township. Mr. Fedorchak stated the way Act 537 is structured, it becomes the Township's responsibility to bring the public sewers into the unsewered areas; so in this particular case, it would be Edgewood Village. At the end of the day, it is the Township's government's responsibility to do that. Mr. Fedorchak stated as Mr. Maloney pointed out, the financing, that is the Board of Supervisors' decision.

Mr. Stainthorpe stated, however, for most of the Township, we pushed that expense onto developers. A developer comes into an area, we

require that they provide public sewer, and that expense was theirs and, of course, passed onto people buying the homes. Mr. Fedorchak stated that is correct. When there is a brand-new subdivision, the new Toll Brothers development, it was part of their responsibility. Mr. Fedorchak stated what we have here is a section of the township that's been around for 40, 50 years, quite sometime, and they do not have public sewers.

Mr. Smith stated this is an area that is going to be sort of a mixed commercial and residential, and it is a little different than your normal development, such as a Yardley Hunt. Mr. Smith asked Mr. Fedorchak how does this play out in that respect and is the developer getting a windfall benefit, or are we obligated to do this.

Mr. Fedorchak stated, hopefully, what happens, and this is the way it seems to be tracking right now, we have a couple of things working. First, we have the developer who is trying to advance his project within Edgewood Village. There will be responsibility placed on the developer to bring the public sewers and other infrastructure to service that development, and that would be done at his expense. So there is a good chance that a good deal of the cost of bringing the public sewers and our utilities will be borne by the developer. In addition to that, there is a grant that is being initiated by Representative Santarsiero, and if he would be successful, that could end up paying for pretty much all the cost of this project.

Mr. Smith stated the Township will be benefiting, as well. Mr. Fedorchak stated yes. In addition, we have somewhere in the neighborhood of 27 to 30 homes in that area, and it could be on the Township to bring public sewers to service those homes over and above the development that we have been talking about.

Mr. McLaughlin asked are we agreeing that the Township is taking responsibility to extend the sewer to Edgewood Village. Ms. Farrell stated we have completed a design that does bring the sewer into the area, and in order to submit that to the state, we need the Board's approval. Mr. McLaughlin stated we are not putting the Township's obligation on actually enacted this plan. Ms. Farrell stated it does put the Township in a position to carry this plan out.

Mr. Truelove stated we are, hopefully, getting a permit from DEP authorizing construction, if it does go forward, of the sewage facilities consistent with the design that has been submitted.

Mr. Stainthorpe stated this does not obligate us to build it. This is the next step. Mr. Truelove stated it gives the Township permission

to do it in that design once you decide to go forward. Mr. McLaughlin stated we are putting it into DEP, but we are not obligating the Township. Mr. Truelove stated correct. If the Township ever decides to go forward, at least in this phase, this is the design we are going to pursue. Would DEP approve it under these circumstances.

Ms. Farrell states it obligates the Township. Mr. Truelove stated at some point but not immediately. In other words, we have to follow through the 537 at some point, but we don't have to do it tomorrow or anything like that. This is the design. Ms. Farrell stated we have to provide a time frame. We have to give them a date, and we have to do it by that time frame.

Mr. Maloney asked what is the time frame. Ms. Farrell stated the end of 2013, between now and 2013.

Mr. Stainthorpe stated for perspective, the Township committed in our 537 plan that's in effect now to have completed these ten years ago. Ms. Farrell stated not ten years ago. The plan was adopted in 1999, and at that time, we had to set time frames out, and we went out five years and 10 years; so that took us to the end of 2009.

Mr. McLaughlin stated we should have been following this 537 plan and we didn't within that ten time frame. Ms. Farrell stated it is a planning tool that we should have followed.

Mr. Fedorchak stated if you look at our plan, what we anticipated and what we stated was that there would be a developer that would bring sewers into that. That was part of that 1999 plan, that proposal, and it is, hopefully, going to happen within the next two to three years.

Mr. Caiola stated we have spoken about the costs that would be borne by the developer also; so this is not all on the Township's shoulders. He has made a commitment to a certain amount and hopes to move forward successfully. This is a partnership in getting this resolved.

Mr. Truelove asked Ms. Farrell is the implication if we don't submit something soon, although we are mandated, the DEP would be more vigilant about forcing us to do something. Ms. Farrell stated they have not come out and said that directly. Mr. Truelove stated directly, no, but he asked Ms. Farrell if that is a possibility if we do not take some initiative. Ms. Farrell stated that is a very good chance.

Mr. Caiola moved, Mr. Stainthorpe seconded to approve Resolution No. 2212 amending the Sewage Facilities Plan to extend sanitary sewer to

Edgewood Village.

Mr. McLaughlin stated these are one of the things that he feels that they should talk a little bit more about. There seems to be a little bit of disconnect between Mr. Truelove and Ms. Farrell, which he would just like to clear up.

Mr. Truelove stated he misstated the part about the time frame. He knew there was a time frame. He did not know the specific ones that Ms. Farrell proposed. He would defer to Ms. Farrell on the impact of the necessity for 537. He stated his concern is if we do not take some initiative soon, DEP may force us to take an initiative we don't want to do.

Mr. Smith asked Mr. Truelove to clarify that. Mr. Truelove stated DEP if they decide to, and they have not said directly, but they can at some point say, If you do not enact something now, we will take other steps to force you to do that. He stated he is not saying they will do that in this case. What DEP likes to see is progress going forward to make sure we have a goal that we are trying to obtain.

Mr. Smith asked what will they tell us to do that we are not doing now or that we would do differently. Ms. Farrell stated DEP is allowing us to update the 537 plan, which is what we are here talking about tonight. We are allowed to re-evaluate the time frames that were once established in 1999. So they are allowing us to be proactive, continue to show progress, and provide them updated time frames that we will adhere to.

Mr. McLaughlin asked if are we self-imposing the 2013 or is that from DEP or from Ms. Farrell and the engineer firm. Mr. Fedorchak stated that is a number that the Township thinks DEP will react favorably to, and considering that our initial ten-year plan has already expired, to start pushing it out to five or six or seven years, we do not believe DEP will react favorably to that. Mr. Fedorchak stated one critical bit of information, we broke it into three different phases, and this first phase we believe is a very manageable piece for the Township. It does not involve the entire Edgewood Village but brings the main interceptor up into the heart of the village. Ms. Farrell stated that is correct. 2013 is not for all four areas, if that was confusing. 2013 is one for phase of one area, that area being Edgewood.

Mr. Bob Newbaum from Lower Makefield Township asked would the developer be paying for hookups to the sewer system. Mr. Truelove stated possibly. Mr. McLaughlin stated his understanding is that at a certain point he would have to pay for his connection or the amount to

what the development is, but this is part of our obligation as government to sewer the Township. Mr. Stainthorpe stated what we are trying to do is delay it enough so the developer will actually build it. By pushing that out to 2013, our hope is the developer will actually build it. We will not necessarily be building the whole thing. He will be building the bulk of it and pay for it. Mr. Smith stated if not, we are obligated to do it.

Mr. Newbaum asked would it be paid for fully if the grant was awarded. Mr. Stainthorpe stated there was a match to the grant, and the developer's piece of it would count toward that match. If the developer was not there, the match would have to come out of Township dollars. Mr. Newbaum asked if the developer was not there, would there be no need for sewer hookups. Mr. Stainthorpe stated we are required.

Mr. Smith stated forget about the development and the project, the commercial project, put that aside for a moment. Notwithstanding that fact, we as a township or municipal government are obligated to put the infrastructure in there whether or not anything is going in there because there are existing homes there. Mr. Fedorchak stated that is correct. Mr. Smith stated the fact that the developer is going to be there to put in the commercial slash residential, he believes the Township is going to benefit from that eventually.

Mr. Newbaum asked what will the grant provide. Mr. Fedorchak stated it was public water, public sewer, and road improvements for all of Edgewood Village. Mr. Newbaum stated it is quite a windfall for the developer. Mr. McLaughlin stated he has to put up 500,000. Mr. Caiola stated it is less than he would have paid otherwise if he did it all himself; however, it is not just for the development. Mr. Newbaum stated we have an obligation, but we are hoping that the developer comes through and covers the entire thing, but this grant will guarantee that he only has to pay for half.

Mr. Smith stated it will cover the majority of what the Township would have had to pay which we are obligated to do. Mr. McLaughlin stated the grant is not guaranteed at all. Mr. Caiola stated even the developer, once he starts, if shops go up and everything, there is a benefit back to us obviously with ratables. In the short term, it is going to take awhile to get all of that up and running, but the long-term benefits are very positive because it does bring in jobs, shops, it becomes a destination point, and it gives people who have been living there a benefit.

Mr. Newbaum asked is there four phases or three phases, new versus old. Ms. Farrell stated there are three phases to the Edgewood Village area. There is redevelopment in that area; so to say new development versus existing homes is challenging. There is development and redevelopment throughout the whole project.

Mr. Newbaum asked in the event when a developer comes in and builds out a development, who typically pays for infrastructure. Mr. Smith stated the developer. Mr. Stainthorpe stated typically he would pay for all the sewers, streets, the electric lines, waterlines, cable, all the infrastructure, and if he is required to make improvements to existing roads, he pays for all of that, too. Mr. Newbaum stated then the developer deeds it all back to the Township. Mr. Smith stated he will benefit from this, but we will benefit to a greater extent, the Township.

Mr. Maloney stated in context, the normal course of events the developer pays for something, but it is also when they come in and try to develop something completely on their own admission. Whereas in this case, the Township has tried to coax development in that area along because we think it is in the community's interest as well for that region. We think there is a reason for public dollars to be spent in that case as opposed to building a community of mega mansions.

Mr. Smith stated Mr. Dave Miller was in here on several occasions making his concerns known about the lack of sewer service. We have to do it anyway, and this is just one facet of it.

Mr. Zachary Rubin, 1661 Covington Road, stated he wanted to amplify what Miss Farrell said. There are 27 existing homes that do not have public sewers. There is going to be a survey done to see if those septic systems are failing or not. If they are failing, that is a danger to our public health and safety of this township. Therefore, that is what this 537 sewer plan should address and that is what Miss Farrell is talking about. So the interceptor should be built if those septic systems are failing. The 27 residents there could affect all our groundwater and our health; so that's why it is important to pass this resolution.

Mr. Smith stated it is not only Mr. Miller but Dr. Cimino and his wife were here voicing concern about the quality of water on his property.

Mr. Maloney stated the only thing that he hesitated on is whether or not the 2013 date is right, and he has been compelled based on what he has heard that we have done our diligence, and it is the right thing

to do.

Motion carried unanimously.

PUBLIC WORKS

CONSIDERATION OF 2010 ROAD RESURFACING PROGRAM

Mr. James Majewski, Township Engineer, and Mr. Hank Hoffmeister, Public Works Director, were present. Mr. Majewski stated he would like to just briefly review the Township's road paving program that we go through every year. Typically when they do the road paving program, they assume a 20- to 25-year average paving life for the roadways. Some roads fall apart a little faster than others and need to be paved before the 20-year time period. Other roads that have less traffic or perhaps are built on more solid ground can often last longer 25 years, up to 30 years. Mr. Majewski stated every year he goes out with the Public Works Department and relooks at problem areas that are in the Township primarily due to bad winter weather. And Mr. Hoffmeister is good every year with spotting areas that he thinks needs to be paved. In the spring, they go back and evaluate roads that are on the list. They have a list that goes out for up to 15 years of different roads that are projected that need to be paved within that time frame.

Mr. Majewski stated some of the problems that they typically see when they go out and look at the roads are if there is pavement cracking and fatigue. Mr. Majewski stated after the 20-year average life span, the roads start to deteriorate fairly rapidly. Usually there is minor cracking after perhaps 15, 20 years. Then after that, the pavement starts to unravel a lot quicker. The road that you see here in the slide is actually a road that we originally wanted to pave this year; however, due to the lack of sufficient funds in the budget, we were not able to pave this year, but we are looking to pave that road next year.

Mr. Majewski stated after they figure out what roads they want to pave, they develop cost estimates to see what can they do with the budget that is allotted by the Board of Supervisors. The major roads are a top priority. Sometimes they will let the less-traveled roads go longer, but the major roads, since they bear the bulk of the traffic, need to be addressed as the top priority every year. After they develop the road list, they review the budget with the Township Manager and the Public Works Director and come up with their recommendations of where they need to go out and pave for the coming year and go out to bid.

Mr. Majewski stated over the last couple of years when they have had their road tour in the spring, he has been mentioning that in another year or two that the amount of funds that will be needed to be allocated to the road paving program will need to increase significantly. Based on their projection of the paving needs for the next five years, the average budget needed to fund the paving program is \$680,450, and as we go through the next ten years after that -- he projected this out over a 15-year time frame -- the average budget needed over that entire time frame is approximately \$726,610, and that is in today's dollars. Mr. Majewski stated currently the Township has been budgeting a little under 300,000. The Township is going to have to double up on the amount of money that is budgeted for the paving program in order to keep up with the roads to have them in an acceptable condition.

Mr. Smith stated these are township roads, not state roads, which are within the township. Mr. Majewski stated that is correct. The reason why this little escalation in the amount of paving that needs to be done, it is primarily due to the rapid development that was done in the Township in the 1980s and 1990s. Those roads are now 20 to 30 years old, and besides the roads that we had to have paved over the last 50 years or more that roads have been paved, these newer roads that were constructed by the developers are due in their cycle to come up to be paved. The Township owns and maintains 136 miles of roadways, and that is exclusive of the state highway system, which is another 37 miles of roads that PennDOT is responsible for.

Mr. Majewski stated going forward past the 15-year time frame that he had projected, the amount is not going to decrease. This is not a little wave of funding that needs to be done. This is a higher level of funding that is projected out over the 15 years, and it will not decrease over time because it will be an ongoing obligation of the Township to pave those roads. The Township opened up bids for the 2010 road paving program, which contemplates repaving Creamery Road, Quarry Hill Road between Creamery and Dolington Road, and Makefield Road between Lawndale Road and South Homestead Drive. They also solicited an alternate bid that would install drainage improvements along Mount Eyre Road and some pavement reclamation or repaving from Taylorsville Road up past the existing guardrail that we replaced a few years ago.

Mr. Majewski stated based on the prices that they received, they would recommend that the alternate bid in the amount of \$246,794.40 be awarded to General Asphalt Paving Company. They did last year's paving program and have done several other jobs in the township.

They also recommend that the Township waive the 30-day contractor responsibility review period and reduce the public review period to 14 days since the low bidder has done a number of projects with the Township over the last several years, and they are very familiar with their qualifications and their capacity to do the work.

Mr. Stainthorpe asked about Mount Eyre Road being included in this price. Mr. Majewski stated they made that as an alternate bid, and they recommending that the Township go ahead with that alternate. Mr. Majewski stated that fits just barely within the budget that is allotted for paving this year.

Mr. Maloney stated Mr. Majewski mentioned in his presentation that there was a section that was attempted to be part of this year's program but was cut. Mr. Majewski stated that is the area that we want to pave next year, which is Daleview. Mr. Maloney asked if it was that part of the '10 plan or '9 plan. Mr. Majewski stated last year's plan that we had done, we had hoped to do that this year, but to do that development exceeded this year's budget. Mr. Maloney asked if it was the original budget that was passed the beginning of the year or the budget that was passed in the fall of last year or both. Mr. Fedorchak stated it was the beginning of this year. Mr. Maloney asked if this was one of the things that was cut out of the budget in the revised budget that was passed in January. Mr. Fedorchak stated they had originally put 290,000 in for road resurfacing for 2010, but because of the cost overruns with the snow removal and increased costs in labor and materials, they had to reduce that by 30,000. Mr. Fedorchak stated this year we have 260,000 left in our liquid fuels allocation, which they can apply towards the road resurfacing.

Mr. Maloney stated he was of the understanding in that conversation they had in the spring or early summer they were going to adjust the program, and going further, they were going to have a conversation about that. It sounds like that is not the case.

Mr. Majewski stated to clarify one thing, as he noted earlier, every spring they go out and re-evaluate some roads, and based on the re-evaluation, they were looking at Creamery Road as a road that was a little bit more in need to be paved than the road they had on last year's list. And once you added in that, that road combined with the other roads they had wanted to do, put it far above what was budgeted.

Mr. Maloney asked if the addition of Creamery altered the original plan for this year. Mr. Majewski stated correct. He stated it almost happens every year. They have a plan. They go out 1 year, 5 year, 10 years, 15 years, and every year the planned roads seem to get

jumbled because of different priorities.

Mr. Hank Hoffmeister, Public Works Director, stated Creamery Road is in desperate need. They had tried to save some money with Creamery Road by doing what's called a full depth reclamation. Unfortunately, with the type of subsurface and soil that's out there, we cannot do that. Mr. Hoffmeister stated we have already replaced two pipes for water purposes in preparation for this road to be redone. This is a major north-south freeway in the middle of Lower Makefield. When we had it shut down when we were doing the job, people had to detour into Yardley Borough or Lindenhurst Road. This is a major area, and it sees a lot of school traffic, a lot of regular traffic, and it has just been deteriorated over the years. Mr. Hoffmeister asked do they do a road that receives an awful lot of traffic and needs to be redone, or do they do a side road in a residential area where the residents would like to see it done. It is better to modify our program at least for a given year to accommodate a larger volume roadway.

Mr. Maloney stated he agrees with the value judgment for sure. What troubles him is that this is exactly why he was so ardently against adjusting the budget any further this past January, because we had these storms and now we are sitting here today saying we cannot do the road improvements that we have to do. We are going to move more projects into next year and further kick the can down the street. He stated we have just been told we have \$350,000 in additional costs in the next 15, 20 years, which is a going concern. Mr. Maloney stated we saved a bunch of money with the bond refinancing. It sounds like that has already been spent with that program and then some.

Mr. Maloney stated he is not talking to Mr. Majewski and Mr. Hoffmeister. He is talking to his colleagues. That is exactly why he said we need some slush in the fund so that when things go wrong, i.e., tremendous snow storms, we are not deferring capital improvements like road resurfacing. Mr. Maloney stated it is absolutely insane that we are sitting here today staring that future in the face of doubling in our road expenses, and because we didn't have the conviction and the guts to pass a proper budget this year, we are sitting here cutting and kicking more cans down the street for roads that should be fixed this year. He stated he finds that unacceptable, appalling, and disappointing.

Mr. Smith stated he was contacted by two residents. They were concerned about the mix that was being used to pave the roads. It seemed they had some problems with I-95, and there seemed to be a change in the noise that was generated by the mix that was being used.

They were concerned about the mix that was going to be used on Creamery. He asked Mr. Majewski if he knew of any change, or it is the same thing they have been doing year in and out.

Mr. Majewski stated approximately five to seven years ago, PennDOT and most townships switched over from one type of pavement to a slightly modified type of pavement that studies have shown holds up a little bit better and longer with traffic. He stated he is not aware of any issues with noise on that pavement. Perhaps PennDOT had some different types of mix that they used that generated more noise.

Mr. Smith stated but they are not the contractor who is going to be doing the work in the township. He noticed they were doing work on I-95 in our area recently, and there was a different noise factor. Mr. Smith asked Mr. Majewski if they are the same company that is going to be doing the work. Mr. Majewski stated he was not aware of General Asphalt doing that work.

Mr. Majewski stated one of the things that they do every year is they actually take samples to make sure that it meets the specifications so that the roads will last longer. That was something that was started years ago at the suggestion of Mr. Fedorchak that we should be making sure we are getting what we are paying for. Mr. Smith asked if the Township is getting what they paid for and Mr. Majewski stated yes.

Mr. Stainthorpe made a motion to go ahead and award the contract to General Paving and Asphalt including the alternate and that we waive the 30-day responsible contractor period and reduce the public period of comment to 14 days. Mr. Caiola seconded.

Ms. Virginia Torbert asked if Creamery and other townships roads that are heavily used by truck traffic leads to making those road surfaces last less time. Mr. Majewski stated that's correct, and that is why smaller cul-de-sacs and less traveled roads can last up to 30 years, whereas the more heavily traveled roads typically last 15 to 20 years.

Mr. Hoffmeister stated there were also some repairs done on Quarry Road because of the damage, not so much from the truck traffic as from the heavy school traffic. The buses, if you want to consider them trucks, contributes to it. That is part of the reason he had said to Mr. Majewski that we really need to do Creamery Road. Mr. Hoffmeister stated you almost have two different roads. You have a piece of road from 332 to Doe Trail, which has been there for years and is totally deteriorated, yet you have another piece of the road out to Quarry Road that because of somewhat recent development work is somewhat improved; so it is not as damaged. Therefore, you have two different

roads, but you cannot treat it in two different ways. Mr. Hoffmeister had hoped to do so simply because of trying to save money and saving material, but that is not working. We are going to treat this road as one whole operation, and yet at the same time, build the area that Ms. Torbert is talking about, build that up so that we don't have the deterioration that we have seen in the last 10, 12 years because of increased bus traffic.

Ms. Torbert stated her understanding is that trucks except for local traffic are not allowed on Creamery Road. Mr. Hoffmeister stated that is correct, but you have to allow the school buses to go through, and you are going to have weight.

Ms. Torbert stated the signs are missing from Creamery. A lot of trucks use Creamery Road, a lot of out-of-town trucks use Creamery Road. They are putting a lot of wear and tear on that road, and they are not even supposed to be on there to begin with. She stated she realizes signage only does so much, but that is a problem, and it is a big problem on Creamery Road. She is particularly concerned about it.

Ms. Torbert stated earlier they were talking about the Scudder Falls bridge. They are talking about charging \$4 per axle with the new tolling. In the future, we are going to have a lot of diversion onto local roads and a lot of truck diversion onto our local roads, and she thinks that is going to put a lot of wear and tear.

Mr. Koopersmith stated he wanted to address Mr. Maloney's point. In this township, 35,000 is relatively small when you put it in the context of 380 million. Now he understands why America doesn't work any more because what the Township is doing is they don't have the money to do these things; so they have to defer it and it builds up. At some point, when you have a crisis, you deal with it. That is the way America works today. Isn't it much better to find a new way of doing things and address Mr. Maloney's point and the point that he himself tried to make unsuccessfully because nobody pays attention. Mr. Koopersmith stated his frustration with America and the economy.

The motion carried unanimously.

CONSIDERATION OF REQUEST FOR DEDICATION OF THE RELOCATED PORTION OF OLD OXFORD VALLEY ROAD

Mr. Hoffmeister stated this is a little dog leg that replaces the straight through of Old Oxford Valley Road to accommodate the two new commercial facilities. They would appreciate the Township taking dedication of that.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the dedication of the relocated portion of Old Oxford Valley Road as submitted subject to an 18-month maintenance bond and payment of any outstanding invoices for the project.

The motion carried unanimously.

ZONING, INSPECTIONS & PLANNING

APPROVE EXTENSIONS FOR FLOWERS FIELD AT YARDLEY, DOGWOOD DRIVE, AND FREEMAN'S FARM AT MAKEFIELD

Mr. Caiola moved, Mr. Stainthorpe seconded, and it was unanimously carried to approve extensions of time for the following:

Flowers Field at Yardley	-11/20/10
Dogwood Drive	-12/7/10
Freeman's Farm at Makefield	-12/5/10

CONSIDER GRANTING CERTIFICATES OF APPROPRIATENESS

Mr. Caiola moved, Mr. Stainthorpe seconded, and it was unanimously carried to approve Certificates of Appropriateness for the following:

1669 Edgewood Road - repair chimney, replace roof shingles, repaint building, erect a replacement sign

1730 Yardley-Langhorne Road - repair building

Zoning Hearing Board MATTERS

With regard to the Benjamin Rogers, 752 Canterbury Drive, Variance request to construct a storage shed resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Tim Moore, 8 Patrick Lane, Variance request to construct a shed resulting in encroachment into the rear and side yard setbacks for accessory structures, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Jason and Tabitha Peters, 1707 Dyers Lane, Variance request to create additional parking and to construct a deck resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Wesley Gardner, 221 Elm Avenue, Variance request to construct a garage addition resulting in encroachment into front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Greg and Robin Frank, 908 Hamilton Drive, Variance request to construct a patio, walkway, and gazebo resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Cameron and Jean Troilo Variance request to create a Traditional Neighborhood Development at the intersection of Stony Hill and Yardley-Langhorne Roads, it was agreed the Township would participate.

Ms. Torbert asked on Item F can the public know at this stage what the variances are that are being requested because this TND is a brand-new ordinance. Mr. Majewski stated the list of the variances and public notice is posted right outside the door on the bulletin board. Ms. Torbert asked if there is a public notice. Mr. Truelove stated yes and he appreciates Mr. Majewski bringing that to everyone's attention. There is a plan attached, and you can go through the grid where they are requesting some of the different changes.

Ms. Torbert stated this is for Flowers Field, and this is a brand-new ordinance that she understands was drafted in consultation with the developer. Mr. Truelove stated to some extent, yes. He thinks the answer to her question, not everything could be foreseen at the time, and so there is some areas that may require tweaking, so to speak. Mr. Truelove stated that is why most of it, the TND and the intent, remains intact; however, there are some specific areas given the plan and the topography and some of the other issues that they are requesting relief. It does not mean they are going to get it. It means they believe with the concept that they are presenting that some of the relief is required. He thinks the rule is still the TND is intact. It is the few exceptions that they are requesting.

Mr. Truelove asked Mr. Majewski if that would be a fair statement. Mr. Majewski stated basically Mr. Truelove's first assessment summed it up. They wrote it and there were some things that were unforeseen when they wrote the ordinance they did not anticipate, and that is why they need some relief.

Ms. Torbert stated the Township does not have the Flowers Field development plan yet. Mr. Majewski stated the plan has been submitted for Flowers Field. It has been reviewed by his office and discussed

at the Planning Commission, and based on those reviews, the developer actually is in the process of revising the plans. And based on the revisions that they have been working with Carter VanDyke and Historic Commission and Planning Commission, they still feel they need some relief from the zoning ordinance for specific items that are listed on the notice.

Ms. Torbert stated they are still asking for an extension. Mr. Majewski stated correct, because they anticipate that they will not be able to go in front of the Zoning Hearing Board, present their case, and then have time to revise the plans and work through various issues with PennDOT prior to the current expiration date. Therefore, they need to extend it out an additional three months.

Ms. Torbert asked if they are going to be getting all their approvals from the Zoning Hearing Board before they come to the board for the approval for the preliminary plan. Mr. Truelove stated that is what they are requesting for this. That has actually happened in other circumstances. Mr. Truelove stated that they have granted approvals for some land development, and part of the approval is compliance with the Zoning Hearing Board decision made prior to the case. So it is not unusual for a simultaneous approach to be taken especially in larger developments.

Ms. Torbert stated her concern is this is a major development. She asked if this is the first time that the ordinance is being used. Mr. Majewski stated the second time. Mr. Truelove stated Edgewood Crossings was the first time.

Ms. Torbert stated they are going to the Zoning Hearing Board. They may or may not get a whole series. The Township is just going to participate, and the Township is not going to take any position. They are going to participate. Mr. Truelove stated "participate" means that they are not opposing it because they are not sure that it requires opposition. Participation generally means we are taking a close look, and Mr. Majewski will be there. They will ask a lot of questions about how necessary it is, and the Zoning Hearing Board will have a lot of questions.

Ms. Torbert asked if, for example, the Historic Commission is against certain aspects of it, do they then go to the Zoning Hearing Board and make their views known there. Mr. Truelove stated they can go in front of the Zoning Hearing Board. Nobody is precluded from doing that. Mr. Maloney stated if they are compelled with concerns, they can also relay them to the Supervisors, and to the extent the board agrees, they can direct the solicitor to challenge it. Participation

does not mean we cannot challenge certain items. It means we are not taking outright opposition.

Ms. Torbert asked if the board met with the Historic Commission and are they aware of all of their concerns. Mr. Stainthorpe stated he does not even know what the zoning issues are. That is for the Zoning Hearing Board, but we agree that it is a large enough development and the first time for this traditional neighborhood development that our solicitor should participation.

Mr. Maloney stated in the meantime, if the Historic Commission approach the board, we can have those conversations, and in between now and then direct the solicitor to make sure that we probe and comment on those topics and see if the Board of Supervisors agrees.

Mr. Truelove stated this is before the Zoning Hearing Board on September 7th. Our next meeting is September 1st. If there are more concerns Ms. Torbert has or other agencies, they can bring them to the board and say, When you participate, please take this into account as part of your process.

Ms. Torbert stated she has not read through it, but they want to increase Heston Hall 50 percent, and it has already been increased 100 percent. This is a major development, and her understanding is there are major concerns. It just seems cart before the horse here. Mr. Smith stated we have some time. If she has the opportunity, check outside the hall and voice it to them by e-mail, letter, or phone, call to our township manager, and we will address it.

Ms. Roseanne Friehs, Chairman of the Historical Commission, thanked Ms. Torbert for voicing her concerns. They are concerned, as well. She stated she just briefly stopped in at the township and reviewed the variances. There are 14 different variances to change the traditional neighborhood development at the intersection of Stony Hill and Yardley-Langhorne Road. That intersection is the heart of the Edgewood Village, which is the historic district. She stated she would like ask that the Historic Commission be a part of the zoning hearing at that time so that they can discuss those 14 different variances.

Mr. Smith stated most certainly. Mr. Stainthorpe stated they need to come to the hearing, and they need to request party status. Mr. Truelove stated they can tell the board to address that to the Zoning Hearing Board that night. If the Historic Commission as a body wants to do that, they should at their meeting have minutes that authorize a representative to go and appear at the meeting and request

party status in order to air their concerns and state their position. Ms. Friehs confirmed they need to ask the zoning board to be a party. Mr. Stainthorpe stated they do that at the meeting.

Mr. Smith stated the Historical Commission is actually an arm of the Township. Mr. Truelove stated that is correct. Mr. Smith stated it is an advisory commission; so he really does not see how the Historical Commission can have party status. Mr. Truelove stated in a technical sense they may not want to be the Historical Commission, per se; although, he is not sure they are precluded from it. However, they certainly can go as individuals and say, We are members of the Historical Commission, and in that capacity, we are requesting party status, and we are expressing our concerns.

Mr. Caiola stated you can tell them you are representing the views of the Historical Commission as the Chairperson.

Mr. Maloney stated the Planning Commission has been granted separate status from the Board of Supervisors to comment and make such commentary. He expects the Zoning Hearing Board to rule the same way for the Historical Commission. Mr. Maloney stated Mr. Truelove's point is not to be missed. When they have those meetings and she wants to speak on behalf of the commission, having minutes that evidence that authorization by the rest of her commission are critical because, otherwise, they wouldn't hear them as such.

CONSIDER AUTHORIZING ADVERTISEMENT OF ORDINANCE ADOPTING THE POLICE PENSION PLAN

Mr. Truelove stated as a result of the most recent police negotiations, they successfully negotiated a police contract as well as recent State Legislation Act 51, Killed In Service Benefits, and review of a fairly recent auditor general's report, he recommends that certain modifications be made to the police pension which have to be enacted by ordinance. They are not major ones, but they certainly are ones that bring it up to date with respect to the different items that he mentioned. Mr. Truelove stated it clarifies disability, retirement. It clarifies early retirement issues, especially the ratio of a 20-year veteran for a 25-year total of service.

Mr. Truelove stated with issues with intervening military service, he also mentioned Killed In Service, which is a new state legislation, he wanted to make sure the pension ordinance reflects incorporation of the state law as well as not to diminish the rights of officers under the current Killed In Service. Hopefully, that will never happen, but it is something that we have to have in the ordinance. They are not

major issues, but they are ones that we need to update. Mr. Truelove requested authorization to advertise.

Mr. McLaughlin made a motion to authorize the advertisement of the ordinance adopting the Police Pension plan, Mr. Caiola seconded, and the motion was carried unanimously.

APPOINTMENTS TO BOARD AND COMMISSIONS

Mr. Stainthorpe moved, Mr. Caiola seconded to approve the appointment of Gail Stringer to the Environmental Advisory Council.

Motion carried unanimously.

SUPERVISORS' REPORTS

Mr. Stainthorpe stated the Economic Development Commission is going to hold their second meet and great of the year November 9th from 5 to 7, and it will be held at Sunrise Assisted Living. Mr. Stainthorpe stated these have turned out to be pretty successful events. The last one was at the golf course. It is a great opportunity for area business people as well as the government to meet each other on a social basis, exchange business cards and ideas.

Mr. Stainthorpe stated the Electronic Media Advisory Committee started out looking at ways for the Township to stream video of these meetings on the website, and as we have talked to different vendors and suppliers, it has grown somewhat. They are in the process of reviewing vendors who possibly could do a total web redesign as well as provide streaming video. He stated they have more work to do, but they will prepared to make a recommendation prior to our budget deliberations.

Mr. McLaughlin stated the Citizens Budget Committee met yesterday, and there is a lot of good work being done by the group. Mr. Fedorchak was in a attendance setting good groundwork and framework for the Board of Supervisors to use for the budget coming this fall.

Mr. Maloney stated he believed they skipped over the reports last time, if he is not mistaken. They had a Park and Recreation road tour. That was a success and attended by most of the board. It was a good event. He appreciated the Parks and Rec Committee putting that forward especially Donna Liney's coordination. She does a phenomenal job.

Mr. Maloney stated the Golf Course overall it has been a good year. He continues to say he is very optimistic about the new management group, and he thinks they have done a phenomenal job.

Mr. McLaughlin stated he played the golf course, and he noticed obviously it has been a victim of the drought. He asked if there is a lot damage to the course because of that drought. Mr. Maloney stated it is a \$16 million course and probably about \$15 million worth of that is in the grass. They had issues over the years associated with drought causing damage to the turf. It is a perennial issue for any golf course. He stated there is interesting agronomy to develop things such as waterproof soil, soil that actually does not take water. There are all sorts of challenges, but he thinks the management team is targeting the important spots. Mr. Maloney stated what is important is that we conserve water in those cases because they oftentimes are limited in the amount of water that they can use and also limited in what places they can get water. They focus it on the greens and the places where the damage would be most severe.

Mr. McLaughlin stated he felt bad because he knows they are trying their best. Mr. Maloney stated they have had to buy quite a bit of water this year, which is always something they try to avoid doing. They try to rely on the wells, but it has been a tough year.

Mr. Smith asked Mr. Fedorchak to schedule the golf committee to come in the end of September or first meeting in October to give the Board a review of the season and everything else. Mr. Maloney stated it might be well to be timed with the follow-up with the Budget Committee, the conversation they were having about the overhead fees that were going to be charged to the golf course. He stated he hoped by the second meeting in September or first in October they will be in a position to comment on that.

Mr. Smith stated the Disabled Persons Advisory Board is trying to come up with a plan to award businesses in Lower Makefield Township which have made their business accessible to disabled individuals, and they are looking for candidates. If anybody in the public knows of businesses that have done a good job, please get the information into our township manager who can convey it to the board so that those businesses can be recognized. There are some businesses which really have done a great job, and some which are working on it, and hopefully, we can get recognition out there in the public for those businesses.

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Mr. Caiola stated the Citizens Traffic Commission has an October 23rd safe driving program at William Penn running from 10 to 12:30. There is a lot of support this year from different organizations, funding and in kind service and everything. And Ginny, Sue, and the rest of the CTC has done a great job and Arthur.

Mr. Caiola stated the Sewer Authority, you heard from them today.

Mr. Caiola stated the Veterans Committee has scheduled for Labor Day a car show.

Mr. Caiola stated the Bucks County Performing Arts Center has a scheduled fund raiser for September 16th.

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded, and it was unanimously carried to adjourn the meeting at 9:53 p.m.

Respectfully Submitted,



Matt Maloney, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Ron Smith, Chairman
Greg Caiola, Vice-Chairman
Matt Maloney, Secretary
Daniel McLaughlin, Treasurer
Pete Stainthorpe, Supervisor

**AUGUST 2010 WARRANT LISTS AND
JULY 2010 PAYROLL COSTS FOR APPROVAL
AUGUST 18, 2010 BOARD OF SUPERVISORS MEETING**

Accounts Payable Warrant Report:		
Printed Checks:		
08/02/10 Warrant List	\$ 487,673.01	
08/16/10 Warrant List	\$ 213,663.22	
Manual Checks:		
08/02/10 Warrant List	\$ 41,089.65	
08/16/10 Warrant List	\$ 11,013.85	
Total Warrant Reports		\$ 753,439.73
Payroll Costs:		
July 2010 Payroll	\$ 348,051.53	
July 2010 Payroll Taxes, etc.	\$ 150,289.33	
Total Payroll Costs		\$ 498,340.86
TOTAL TO BE APPROVED		\$ 1,251,780.59

