

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
AUGUST 21, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 21, 2013. Chairman Stainthorpe called the meeting to order at 7:30 p.m. Mr. Stainthorpe noted the new Township signs outside the Township Building and Library as well as the fact that the Township Building had been painted, and he thanked Mr. Kall, Public Works Director, for initiating this work.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Dobby Dobson, Vice Chairman
 Kristin Tyler, Treasurer
 Jeff Benedetto, Member

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

Absent: Dan McLaughlin, Board of Supervisors Secretary

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road, stated he has been officially nominated as the funding lobbyist for education by the Governor, Mr. Santarsiero, and Mr. McIlhinney. He stated he will be making a presentation on his new proposal for educational funding at the August 29 Pennsbury School Board meeting. Mr. Koopersmith stated he can provide the details to the Board of Supervisors at their next meeting.

Mr. Jim Ferraro, 1002 LaFayette Drive, asked for an update on the development of the Scammell property. He stated he has put requests in as far back as 2011. Mr. Stainthorpe stated the developers made a presentation in the spring, and there has been no activity that he is aware of since that time. Mr. Stainthorpe stated at that meeting, they made a proposal that they would try to market the old home on the property; and if they could not find a buyer, they were going to tear it down. Mr. Stainthorpe stated this is not acceptable, and there is a Court Order in place.

Ms. Tyler stated while the developer requested to be on the Planning Commission Agenda this Monday, there will not be a Planning Commission meeting this Monday; and she would suspect that the developer may be on the Planning Commission Agenda two weeks from Monday. She suggested that Mr. Ferraro contact Ms. Frick to find out when this matter will be on the Planning Commission Agenda.

Mr. Ferraro stated he sent a number of e-mails in 2012 about the problems with trees on the Scammell property. He stated every year since 2009 there have been incidents with the black locust trees falling in the woods behind his home. He stated he is aware of approximately seventeen trees which have fallen. He stated one of the trees which came down in 2010 demolished his \$5,000 swing seat. Mr. Ferraro stated when the developer's tree person came out at that time to clear the trees from his yard, he indicated that all of the trees were a hazard. Mr. Ferraro stated he has contacted Mr. Casey numerous times, and he has been ignored. He has been advised by a neighbor on Yale Drive that a tree fell in his yard three weeks ago, and Mr. Casey has not responded.

Ms. Tyler stated she recalls that they did discuss the trees, and the EAC was going to go to the site and mark trees that should come down. She stated there were some who wanted the trees to stay and others that wanted the trees to come down. Mr. Ferraro stated he is concerned about the safety of his home and his family.

Mr. Benedetto stated he spoke with Mr. Ferraro about this issue some time ago, and he recalled that nothing was going to be done as far as taking trees down since they were on the developer's property. Mr. Stainthorpe stated he feels something can be done if something poses an imminent threat. Mr. Garton agreed and stated if they fall on a neighbor's property something can be done, and he suggested sending someone out from the Township to look at this situation. Mr. Stainthorpe stated this should be done since Mr. Casey has not been responsive to the residents' calls. Mr. Ferraro stated he does not feel that there are that many trees that are a problem, and it would be helpful if they were just "topped."

APPROVAL OF MINUTES

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of July 17, 2013 as written.

APPROVAL OF AUGUST 5, 2013 AND AUGUST 19, 2013 WARRANT LISTS, AND JULY, 2013 PAYROLL

Ms. Tyler moved, Mr. Dobson seconded and it was unanimously carried to approve the August 5, 2013 and August 19, 2013 Warrant Lists, and July, 2013 Payroll as attached to the Minutes.

APPROVAL OF SALES AGREEMENT WITH BUCKS COUNTY AND STATE OF PENNSYLVANIA FOR ESTABLISHING AN AGRICULTURAL EASEMENT FOR PRESERVATION OF THE PATTERSON FARM AND AUTHORIZATION FOR SOLICITOR TO PREPARE A DRAFT DECLARATION OF COVENANTS

Mr. Stainthorpe stated they have been successful in receiving an offer from the County to buy an Agricultural Easement for between 83 and 93 acres of the Patterson Farm. He stated the survey has not been completed. The County will pay the Township between \$750,000 and \$800,000 for that Easement, and this will essentially preserve all of the agricultural land at the Patterson Farm. He stated there are some pieces that are not included, but they have some ideas on how to preserve those acres as well. He stated the Township applied for this in October; and while it has been a slow process, the Agricultural Board has been out to look at the Farm, and were impressed with it. Mr. Stainthorpe stated this is an opportunity to preserve the land in perpetuity.

Mr. Stainthorpe stated there have been some rumors circulating that the Supervisors had put language in the Easement that would supersede the Zoning Hearing Board's recent decision with regard to the Satterthwaite property, but this is not true. He stated while he is personally disappointed in the Zoning Hearing Board's decision, he supports their decision; and the Board of Supervisors will not take any action to overturn that decision. He stated the Zoning Hearing Board action speaks only to the 5.4 acres that is the Satterthwaite Parcel, and this Easement under discussion does not include that parcel. Mr. Stainthorpe stated they do not know if Dr. Bentz has any plans to Appeal the Zoning Hearing Board's decision which is her right. He added her Agreement of Sale with the Township is good through an Appeal through the Court of Common Pleas.

Mr. Stainthorpe stated this evening the Board needs to vote to approve the Agreement with the County, recognizing that there will have to be some contingencies since the survey is not complete and the final acreage has not been determined.

Mr. Fedorchak showed a map of the Patterson Farm. He stated the light green area is the original County Open Space Easement that was secured in 1998 shortly after the Township purchased the Farm, and is approximately 71.3 acres. The dark green area is what is being considered this evening which will be part of the County Agricultural Conservation Easement. He stated this Easement is a three-party Easement – the Township, the County, and the State. He stated the dark green area represents approximately 93 acres. Mr. Fedorchak stated what remains is the area identified in blue; and within that area is the Satterthwaite Tract, the Janney-Brown farmhouse where the Artists of Yardley have their headquarters, some other small structures, and the large barn. Mr. Fedorchak stated once the Board approves the Agreement everything other than the blue area will be locked up.

Mr. Stainthorpe stated there is language in the Contract which came from the County that does allow for certain equine uses which include pasturing horses, boarding horses, and offering riding lessons. He stated there is nothing that permits an equine hospital. He stated the underlying Zoning remains R-1. He stated Variances would still be required to permit a use such as Dr. Bentz was seeking. Mr. Stainthorpe stated the Contract does not preempt the Zoning laws.

Mr. Stainthorpe stated the Board has some ideas as to how to protect the blue area, and he has asked Mr. Jeff Marshall to attend this evening to discuss this possibility.

Mr. Dobson moved and Ms. Tyler seconded to approve the Sales Agreement with Bucks County and the State of Pennsylvania to establish an Agricultural Easement for approximately 93 acres of the Farm.

Mr. Benedetto stated in the initial Agreement it is 81.22 acres and he asked Mr. Fedorchak if there is a dollar amount if it is going to be 93 acres, and Mr. Fedorchak stated they would multiple by \$9,000 whatever the final acreage is going to be. Mr. Benedetto asked if the 12 initial acres are woodlands, and Mr. Fedorchak agreed.

Mr. Benedetto stated with regard to the commercial equine activity, he now understands that this is boilerplate language that is part of every Agricultural Conservation Easement Contract. He also noted Exhibit C, the second paragraph which discusses construction of buildings and other structures and Section 2, Paragraph B regarding construction of an additional residential structure which is permitted if the use of the residential structure is limited to the landholders' principal residence; and he now understands that this is also boilerplate language.

Mr. Stainthorpe stated what they are trying to do with the Satterthwaite parcel is to preserve the home. He stated they have no intention of sectioning off any more of the Farm; and they want to lock it up so no future Board can do so. He stated there is an additional step which Mr. Garton can describe.

Mr. Garton stated the Easement is a document that gets recorded of Record and remains of Record in perpetuity and follows the land so that if a future Board chose to sell the property to a third party, the Easement and the restrictions associated with it would follow the land. He stated the consideration being paid will be half from the County and half from the State of Pennsylvania.

Mr. Garton stated the form that is imposed upon the Township is the State form. He stated the Easement indicates that in exchange for the sum of money to be determined once the survey is complete the use of the property will be restricted for “crops, equine, livestock, and livestock production including the processing and retail market of such crops, equine, livestock, and livestock products if more than 50% of such process, merchandise are produced on the land.” Mr. Garton stated they can have “field crops, corn, wheat, oats, barley, fruits, vegetables, nursery stock, livestock, cattle, sheep, hogs, timber, wood products, aquatic plants and animals.” He stated the form also states, “Commercial equine activity including boarding of equine, training of equine, instruction of people in handling, driving, and riding equines, use of equines for driving or riding purposes, pasturing equines all where a fee is collected. The term does not include race horse activity.” Mr. Garton stated except as to those numerated items, you cannot do anything else.

Mr. Garton stated with respect to construction of buildings, “all construction is precluded except fences for agriculture purposes like keeping livestock in, to preserve lakes and streams, and one additional residence if it is utilized for the person employed on the farm or by the residential owner no other residential structures can be constructed.” Mr. Garton stated the area around that house could not be more than two acres, and the residential structure’s driveway cannot significantly impact the economic viability of the subject land for agricultural productions. Mr. Garton stated the maximum building coverage is covered by the County program, with a limitation to size. He stated theoretically the property could be Subdivided, but all the restrictions follow the Subdivision. Mr. Garton stated there is also the right to bring utilities to any structure created. He stated it also permits mining, although he added he does not feel there is any intention to do mining on the property.

Mr. Garton stated there is also a requirement that “any agricultural activity must be in accordance with good conservation measures that are done by the Bucks County Conservation District.” He stated it also understood that there are no obligations imposed upon the County or the State to repair or replace but they can enforce the restrictions in Court in the event that there is a violation, and they have the right to inspect the property to make sure that it is in compliance.

Mr. Garton stated as noted earlier by Mr. Stainthorpe, irrespective of the Easement terms, the Township has the right to file a Unilateral Declaration of Restrictions and Covenants which means they could impose their own limitations and grant to any resident the right to enforce those limitations. He stated if the Township were to Record a Declaration of Restrictions and Covenants that stated “no equine hospital,” anyone in the Township could enforce that if it were ever changed.

Mr. Garton stated this will not preempt Zoning; and if someone or the Township wants to do something with the area, they would have to comply with the Easement restrictions and comply with the Zoning Ordinance. He stated this could also include construction of a secondary residence and could be restricted. He stated while what is before the Board is a standard form, the Township can add additional restrictions if they so choose.

Mr. Benedetto stated as he advised in Executive Session, when he first read the Agreement he was very concerned about the language because it seemed close to the Zoning Hearing Board Decision; and he stated he was wrong to call into question anyone’s motive in the Township or on the Board of Supervisors, and he apologized. He stated he now understands that this language was inserted by the State and County and cannot be removed. He stated what is being proposed is good for the Township and for those individuals looking to preserve Patterson Farm.

Ms. Tyler stated if they approve the Easement from the County and State, they will lock down between 81 and 93 acres. They can then Deed Restrict the property further. She stated neither of these actions could then be overturned by any future Board, and Mr. Garton agreed.

Mr. Zachary Rubin, 1661 Covington Road, stated he has a copy of Mr. Garton’s letter to the Township outlining this Agreement, and the Agreement does not include storing mulch on the property. He asked if that also includes storing leaves. Mr. Garton stated they cannot store leaves on the dark green piece. Mr. Rubin asked if leaves are currently stored on the dark green piece, and it was noted that they are stored on the blue portion. Mr. Rubin stated the Agreement of Sale with the equine hospital indicated that leaves could not be within 500’ from the property line. He asked if this Agreement does not go through, the Township would still have a place to put the leaves in the blue area, and Mr. Fedorchak agreed. Ms. Tyler stated

this is the reason why they are not putting in the entire property because the Township would not be able to use that property for mulching and other Public Works activities.

Mr. Jeff Marshall, Heritage Conservancy, stated a Declaration of Covenants can be put on but it must be approved by the County so that it does not adversely impact the economic viability of the farming. He stated the purpose of the document is to preserve the Farm for economic viability of agriculture. He stated another benefit is that if this is preserved through the State Program, it would help prevent PennDOT or any State agency from condemning the land for future expansion. Mr. Marshall noted with regard to the price being paid, the County has a ceiling of \$9,000 per acre so the Township is getting the maximum amount by statute that the County can give.

Mr. Harold Koopersmith asked about locking up the blue portion, and Mr. Stainthorpe stated Mr. Marshall will be discussing this as the Heritage Conservancy has a program through which they feel the blue area could be preserved. Mr. Koopersmith asked how much it will cost the Township to put the blue area in the kind of condition it should be put in, and how much it will cost the Township to maintain it on a monthly or yearly basis. He also asked where the Township will get the money to do this. Mr. Stainthorpe stated he does not feel it will cost any money to preserve it. He stated with regard to maintenance per year, there will be money coming in from the County in the amount of \$750,000 to \$800,000; and they will set up a Patterson Farm Fund as has been requested of the Board. He stated this Fund would then handle issues as they come up.

Mr. Mark Moffa, 1531 Derbyshire Road, stated this is good news for the Township. He stated he now understands that the funds from this sale will go into a separate fund dedicated to the Patterson Fund. Mr. Stainthorpe stated this process will take some time as it has not been before the State Board although when a County goes before the State Board with a request for this, they do usually get it; but this has not happened yet. He stated they do not know when the actual Settlement will take place. He stated they do want to take a portion of this money and set up a Patterson Farm Fund, and they may also want to take a portion of the money and pay down some of the debt. Mr. Moffa stated he feels the entire payment should go into a Fund. He stated this is almost the exact amount of money that they heard in Testimony would be needed to rehabilitate the Satterthwaite House and that would get that property ready for whatever use may come up in the future.

Mr. Stainthorpe stated there is still not a conclusion with Dr. Bentz. Mr. Moffa stated under the assumption that Dr. Bentz either does not Appeal or loses, the ownership of that property would revert back to the Township; and this amount of money is the amount that was indicated in Testimony that it would take to rehabilitate the Satterthwaite House. He stated there could then be a public use or it could be sold

as a Residential property, and the Township could then realize the revenue back and then preserve the house on the Golf Course. He feels using all of the funds received for preservation would be a great idea. Mr. Stainthorpe stated they do not know what Dr. Bentz plans to do at this point. He stated the Board may pursue other options to sell the property to private owners. He stated he also feels that before they put a significant amount of money into the House, there should be a very clear, public purpose and public benefit. He stated they have discussed this for a number of years, and no one has come up with a public use yet. He stated they will take at least a portion of the money and set up a Patterson Farm Fund. He stated they do have work that needs to be done to some of the barns to make them more useful. He stated the Board does want to preserve the Farm, and this is a big step in getting this done.

Mr. Moffa stated he hopes that the Board will take the full amount and put it into the Fund. He also feels it would be wise for the Board of Supervisors to set up an additional Board that would facilitate the expenditure of the Patterson Farm funds similar to the Farmland Preservation Corporation; and given the Board of Supervisors previous history and position on handling Patterson, it would be a good idea to have a separate Board facilitate the handling of the money. Mr. Moffa stated with regard to the Agreement before the Board this evening, he feels it would be a good idea to add an amendment to the Easement to restrict any future equine hospital and a future house on the property.

Mr. Benedetto stated he feels the community has been challenged by the Chairman of the Zoning Hearing Board, Mr. Bamburak, as well as by Mr. Stainthorpe and other individuals over the years to step forward and make their voices heard and "reach into their pocketbooks as well." He stated while he would like to see the money from the Easement put into a Patterson Farm Fund, there should also be some community involvement and release of the burden on the Township that would give everyone some ownership. He stated in 2008 there was a Stakeholders Report that offered some suggestions and possibly they could come back together and offer some new ideas. He stated he feels it is past time that the community step forward. Mr. Moffa agreed, and stated it is the time for the community and the Board together to try to find a use. He stated he does feel that they should put some money into the Satterthwaite House which may make it easier to find a buyer if it were in better shape.

Ms. Donna Doan, 1584 Edgewood Road, asked if the map shows the woodlands that were included, and Mr. Fedorchak stated the woodlands is the dark green. Ms. Doan asked with regard to the language in the Agreement that they take out the language regarding allowing fur-bearing animals to be raised there; and Mr. Garton stated they are not allowed to take anything out of the Agreement. Mr. Garton stated with consent of the County, they could add additional restrictions.

Ms. Doan stated with regard to the Satterthwaite House, she feels it is important that they think of the use of the House for the future. She stated as development continues to encroach in the County, it will be very hard for a farmer to commute to that Farm. She stated if agricultural preservation is the ultimate goal, there will need to be a house there for the farmer to occupy and a place to be able to store equipment. Ms. Doan stated she does not feel that the Township has to have the burden, and a Patterson Farm Preservation Land Trust could take over the management and restoration of the Satterthwaite House and take this burden off the Township. She stated she knows that there is great interest in this, and it would not have to remain in the ownership of the Township. She stated she would be willing to pursue this option as would a lot of people in the community. Ms. Doan stated she spoke to Doug Wolfgang who indicated that the buildings do have contributory value to a Farm, and she feels to separate that out or change their use would be an unwise decision and should be reconsidered before they are removed from the protected parcel.

Mr. Benedetto asked if they have the ability to add any more of the blue area. Mr. Fedorchak stated he has had a number of discussions with Rich Harvey about the acres, and he has expressed a willingness to consider additional acres. He stated they could discuss this in the future. He added that the final number will come from the survey.

Ms. Doan stated Mr. Stewart would like to use the pack house, and it appears that is excluded from the preservation area. She stated that building is viable for agricultural use and could be used right now.

Ms. Doan stated she is disappointed that the Township did not do this when they would have received \$12,000 an acre rather than the \$9,000 they will be getting; but she was pleased that this is being done at this time.

Mr. Adrian Costello, N. Crescent Boulevard, asked if Bright Farms is also in an R-1 Zoned area, and Mr. Garton stated it was the same Zoning classification as the rest of the Farm. Mr. Costello stated it did not seem like Bright Farms went through all the normal processes in the R-1 Zone since it happened so quickly, and they put up a Commercial facility without a Zoning Board Approval process. Mr. Benedetto stated he was concerned about this as well, and he understands from Mr. Garton that Bright Farms was an agricultural use that was permitted by the Zoning and would have been permitted by the Conservation Easement as well. Mr. Costello stated there could be another Bright Farms type use, and he would like to understand the controls the Township has. Mr. Benedetto stated the Township will still own the property, and the Township Zoning still applies to the land. He stated the Zoning would not permit a Commercial Equine activity, so a Use Variance would still be necessary.

Mr. Garton stated if there was a desire to do something on the property besides what is being done currently, there would be the need to meet the requirements of the Easement and the requirements of the Lower Makefield Township Zoning Ordinance.

Mr. Costello stated he feels the Satterthwaite House has been neglected and should be fixed since the Township owns it and they should be keeping it up to a point where it is a building that can stand.

Mr. Tom Conoscenti, 1595 Gingko Lane, asked if they intend to proceed with a Declaration for further protection, and Mr. Stainthorpe stated he feels they will although he does not feel it is necessary. He stated they have no intention to sell off any of the land or do anything else with it other than keeping it as a farm.

Mr. Garton stated he had another client who was not a Governmental entity who wanted to remove the permitted use of mining, and they were not permitted to do that as the standard State form cannot be amended if you want to accept money from the State. He stated it is permitted to have a supplemental Declaration of Restrictions and Covenants. Mr. Stainthorpe stated they will first vote on this Agreement and then consider a Declaration of Covenants.

Mr. Joe Menard, 917 Putnam Drive, asked if there is a different set of restrictions because of the Agreement with the County/State situation than there is for the area in the blue; and Mr. Garton stated the County and State restrictions do not apply to the area in blue because it is not part of the acreage that will be subject to the Conservation Easement. He added that the area in the blue will be restricted only by the Zoning Ordinance at this point. Mr. Menard asked the total acreage of the area in blue, and Mr. Fedorchak stated it is approximately fifty-five acres. Mr. Menard stated with regard to what to do with the funds, for many years people have stated that they have an interest in saving the Satterthwaite House, but other than the equine center no one has come to the Township to really do anything with it. He stated he personally feels the majority of the money should go into a debt service fund and the Township should not spend hundreds of thousands of dollars rehabilitating a property unless there can be proved a return on the investment. He stated the property does not have wider benefits to the Township; and there are only a few people who want to see money put into the property, and if they want that they should “step up to the plate” and come up with a plan to preserve it.

Ms. Sue Herman stated they have indicated that there has not been a clear public purpose or public benefit for the Satterthwaite House, and she asked if preserving the Home for a farmer would be the way to insure the agricultural viability of the Farm. She stated she feels they should form a group of people like they did for Kids Kingdom where the community comes together. She stated the act of building it would be a public benefit for the community as it was at Kids Kingdom.

Ms. Herman stated she feels the Supervisors would need to be behind this although they would not have to take the brunt of the responsibility. She stated the Supervisors would need to help market this to the people. She stated she would help and would donate money, and she feels there are a lot of other people who would do so as well. Mr. Stainthorpe stated they are going to look at all options and will not take anything out of consideration once they know what Dr. Bentz proposes adding that if Dr. Bentz decides to Appeal, this could take a year to be resolved.

Ms. Donna Doan stated she hopes a community effort comes to fruition, but she would also propose an alternative. She stated the Township paid considerably less for the Patterson Farm than what it is worth, so they should think that the Satterthwaite Parcel was a “freebie” that went with the purchase of the Farm. Ms. Doan stated her father grew up and worked at the Farm to earn a piece of it. She stated when the Township declared eminent domain, they changed his inheritance. She stated if the Township does not want the Satterthwaite House, they should deed it back to her father and it will be restored by the Doan family and rent it to a farmer to live in.

Motion carried unanimously.

Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to authorize Mr. Garton to prepare a draft Declaration of Restrictions and Covenants.

DISCUSSION OF PROTECTION OF REMAINING PATTERSON FARM FARMLAND AND AUTHORIZATION FOR THE TOWNSHIP MANAGER TO WORK WITH THE HERITAGE CONSERVANCY

Mr. Stainthorpe stated the Heritage Conservancy is considered the “gold standard” in the area of preservation. Mr. Jeff Marshall, Heritage Conservancy, was present and stated the Heritage Conservancy is an accredited land trust which means they have gone through a rigorous approval process with the Land Trust Alliance, a National organization. He stated there are 1,800 Land Trusts in the United States, and less than 200 of them are accredited; and the Heritage Conservancy is one of them.

Mr. Marshall stated the Heritage Conservancy has been approached to enter into a discussion with the Township on a Conservation Easement for the blue area that the Township would donate to the Heritage Conservancy which would then have the responsibility to maintain and enforce the Easement. He stated there are a number of reasons to consider this as opposed to adding it to the Agricultural Conservation Easement. He stated the Agricultural Easement is to preserve the economic viability of farming and commercial farming is not always

aesthetically pleasing as it can involve odors, noise, and can be unsightly. He stated many people when they think of preservation of farmland do not always think of grain elevators, industrial looking farm operations, trucks, noise, etc. He stated the Heritage Conservancy works with the property owner to determine their goals and the conservation value of the property as well as the character-defining elements of the property that they want to preserve forever, and they craft a document that preserves the features that are important. He stated they are not as concerned about the use as they are the physical manifestations of the use. He stated they are flexible unlike the County Agriculture program where you use their Easement which cannot be changed. He stated the Heritage Conservancy's goals are to balance the Township's needs for the property with the restrictions the Conservancy wants to see on the property. He stated they use the Pennsylvania Land Trust Association Model Easement providing flexibility as they cannot predict what the future will be. He stated they will have a minimal protection area as well as the highest protection areas which are areas which they do not want to see changed such as woodlands, ponds, waterways, or land that abuts a public thoroughfare where they may not want an agriculture structure built that would disrupt the panoramic view across the property.

Mr. Marshall stated the Heritage Conservancy Easements also allow for the addressing of historic resources since they are also a historic preservation organization. He stated a lot of their Easements have restrictions related to size, scale, and general appearance and view from a public thoroughfare. He stated the blue section does show the Satterthwaite property, and the Easement would allow for a Subdivision if it is approved prior to the Easement being placed.

Mr. Marshall stated placing a Conservation Easement with the Heritage Conservancy on the property would take away some of the autonomy the Township has as the property owner, but he understands that there is a desire by those in the community to protect this public investment as open space. He stated with the Conservation Easement, the Township and Conservancy will be further describing what is meant by open space and specific issues as to what can and cannot be built which would be articulated more in the Conservancy Easement than it was in the original purchase.

Mr. Marshall stated they often work with the County, State, DCNR, or some other agency to co-hold the Easements so that there is an extra set of protection as well. He stated even if they cannot add acreage to the Agricultural Conservation Easement at this time as part of this funding cycle, land could be added to it in the following years. He stated a future Board could therefore add some of the blue to the Agricultural Conservation Easement.

Mr. Marshall stated what is being proposed working with the Heritage Conservancy will give the Board of Supervisors the flexibility needed to manage the property with an “extra set of eyes” to protect it from future Boards maybe “backsliding” on a significant public treasure and public investment. He stated they would be honored to continue discussions with the Township.

Mr. Stainthorpe stated what they would be doing would be granting an Easement to the Heritage Conservancy. The Township would not be receiving any cash compensation for this. Mr. Garton stated the Township would continue to own the property, but there would be certain restrictions that the Heritage Conservancy would be able to enforce. He stated they would be able to negotiate what can take place on the property so that they could have the mulch piles, Artist’s of Yardley could continue to be there, etc. with the essence being preserving the key elements of the property. Mr. Marshall stated with regard to the mulch pile, they could have a mulch pile but it could not be 80 feet tall or 40 acres.

Mr. Marshall stated the next step would be that he would meet with whoever the Board decides, and they will craft a document to be reviewed by the solicitors for both the Township and the Heritage Conservancy and eventually have it approved by the Heritage Conservancy Board of Directors. Mr. Stainthorpe asked the typical timeline, and Mr. Marshall stated from the time the Easement is crafted it would be less than a month. Mr. Garton stated they could authorize Mr. Fedorchak to begin discussions and this will then require further public discussion with Board involvement. Mr. Stainthorpe stated there is public sentiment to have the Farm totally preserved, and he feels the Board is committed to moving in that direction.

Mr. Benedetto moved and Ms. Tyler seconded to authorize the Heritage Conservancy to work with the Township Manager to craft a Conservation Easement for the balance of the Farm.

Mr. Benedetto asked if this was discussed as an option in 2008 in the Stakeholders Report for the Patterson Farm, and Mr. Marshall stated it was considered that there should be a Conservation Easement. He stated at that time the County program was not looking favorably on Municipalities for the Farmland Preservation program. He stated the debt service was also high so while this was discussed, it was not considered further.

Mr. Benedetto stated he understands that the Township would not receive funds from the Heritage Conservancy, but he asked if there would be a fee paid to the Heritage Conservancy from the Township; and Mr. Marshall stated their Board of Directors has a requirement of a one-time endowment at the time they accept an Easement that will generate the funds necessary for annual maintenance and a legal defense fund. He stated the time spent in negotiating the Easement is a discussion

they have with their partners. He stated they are a non-profit, and if someone is willing to pay them for doing the work, they would accept this; however, if Mr. Fedorchak indicates that they cannot do this, they will try to find a way to compensate their staff time. He stated there will be a request for a one-time endowment whether it comes from the Township, citizens, or from a Foundation. Mr. Benedetto asked if there are other Townships in Bucks County with which they have such Easements, and he asked what the fee has generally been in the past. Mr. Marshall stated their recommended fee is \$12,500 minimum depending on the complexity of the property, how much Subdivision is allowed, and how many owners they will be dealing with in the future. He stated they are currently working with another Township to try to strengthen protection of a property. He stated Lower Makefield and this other Township are one of the very few that own land. He stated they have a similar relationship with Upper Makefield, Springfield, Buckingham, and other Townships where they are called the Land Trust Beneficiary where there is land on which there are Easements, but they are afraid their Supervisors will not enforce the Easements, and the Heritage Conservancy has the right to veto any amendments or extinguishments of those Easements. He stated Lower Makefield is rare in that it owns the land in fee as most Municipalities preserve land through Easements.

Mr. Tyler asked if they should consider applying this concept to other Township-owned parcels other than Patterson Farm, and Mr. Fedorchak stated you can do this. Mr. Stainthorpe stated at this time he would like to limit this to the Patterson Farm to see how it works out. He stated they have worked with the Heritage Conservancy before, and he believes that this will work out well; and it may be a step they could take with other open space in the Township to make sure it stays open space in perpetuity.

Mr. Dobson asked if they go through this process will they be able to clearly say that future Boards would not be able to do anything else to this property, and Mr. Garton agreed.

Mr. Sam Stewart stated he feels this is a good idea; however, he asked if they will be a half owner, will he have to sign two Leases when he bids for the job. Mr. Garton stated the Heritage Conservancy will not be a half owner, but they will have the right to insure the continued use and the restrictions. He stated Leases would only have to be signed with the Township.

Mr. Koopersmith stated the Board may not want to lock up this property since they have no idea what might happen in fifteen to twenty years. He stated the Board of Supervisors has to decide what the best use of the property is before they do anything.

Ms. Herman stated she knows that the Heritage Conservancy is well intended with protecting the Township land; however, she asked if going forward would restrict their ability to weight an option like the one she and Ms. Doan brought up.

Mr. Stainthorpe stated the Satterthwaite House will not be included in any of this, and it has been Subdivided out and is not part of the Patterson Farm. He stated they do have an option in the future to put it back in if they desire.

Motion carried unanimously.

DISCUSSION OF MATRIX OPEN SPACE

Mr. Stainthorpe stated at the last meeting Mr. Rubin asked some questions about the status of the Matrix open space. Mr. Garton stated the Agreement provides that there will be approximately five acres of open space given to the Township which is to be conveyed to the Township within 120 days after completion of the pavilion structure. Mr. Garton stated the open space will be on the left side of Big Oak Road/Robert Sugarman Way driving toward Styers Orchard past the commercial uses. Mr. Garton stated the development has not commenced on that side of the street, so the developer does not have an obligation yet to convey the open space. Mr. Garton stated the pavilion is to be 2,500 square feet, and it will include picnic benches. Mr. Garton stated he provided to the Board a copy of the Plan showing where the area is located.

Mr. Rubin reviewed the history of the Matrix project which resulted in the development for that location as well as the Township getting the approximately five acres of open space. Mr. Rubin stated he has a copy of the letter from Mr. Garton to the Township, and he particularly noted the last paragraph. Mr. Garton stated the attached Stipulation indicates that there are phases to the Plan, and the Phase that has the pavilion has not commenced as yet. Mr. Rubin stated he does not feel that it states that they cannot convey the five acres of land to the Township. Mr. Garton stated it states that they will not convey until the pavilion is constructed, and the pavilion has not been constructed because they have not proceeded with that Phase yet. Mr. Rubin stated this does not preclude them from putting the pavilion in there tomorrow. He stated he is concerned that the current project has nine phases, and the Board just gave them Final Approval to do Phases 7, 8, and 9. Mr. Eisold stated there are seven phases. Mr. Rubin stated he understands that they are at Phase 5; and Mr. Eisold agreed. Mr. Rubin stated they want to put 167 carriage homes on a Phase on the east side that they have not yet engineered or presented a Sketch Plan; and this could be over ten years away since they are years away from doing Phases 6 and 7 on the project now. Mr. Rubin stated he does not feel there is any reason that the Board of Supervisors could not tell them that they will not give permission for Phases 6 or 7 until they put up the pavilion. He stated

there is nothing in the Agreement that says they cannot start the pavilion tomorrow. Mr. Garton asked how anyone would get there since they would have to build the roads, parking lots, and sidewalks to get to the pavilion to get to the open space. Mr. Rubin stated this land abuts Old Oxford Valley Road, and he feels they should convey the five acres tomorrow.

Mr. Rubin stated Lynn Bush and the Bucks County Planning Commission along with the Township Planning Commission is updating the Ten Year Comprehensive Plan, and in the Comprehensive Plan they discuss open space and recreation facilities; and he feels that this five acres should be included since the Township is entitled to it.

Mr. Garton asked if there is a Lot to be conveyed that has been subdivided on that side of the street, and Mr. Eisold stated he does not believe that anything on that side of the street has commenced. Mr. Garton stated there is no five acre parcel now that can be conveyed. Mr. Rubin stated Mr. Garton provided a map with the five acres on it; however, Mr. Garton stated that shows the Plan that was Approved, but the Subdivision of that piece which is done by Recording a mylar in Doylestown has not been Recorded so there is no separate tax parcel or legal description that constitutes that five acres. He stated they could ask the developer if they would do so, but at this point there is no separate parcel that could be conveyed. Mr. Rubin stated they are paying taxes on that side of the street so there is a Tax Parcel although it has not been subdivided. Mr. Rubin stated he feels it is imperative that the Board get the five acres.

COMMENTS BY MR. GARTON

Mr. Garton stated the Board met in Executive Session prior to the meeting to discuss the four Zoning Hearing Board matters to be considered later on the Agenda.

Mr. Garton stated a few weeks ago he and Mr. Ron Smollow, who represents RAFR, were asked to meet with Mr. John VanLuvanee, who represents Aria, for the purpose of having Aria present some new ideas with respect to their intentions. Mr. Garton stated he and Mr. Smollow made it clear to Mr. VanLuvanee that they were present at his request, but not with any authority from the Township Board of Supervisors or the Directors of RAFR. Mr. Garton stated he and Mr. Smollow agreed that they would convey to their respective clients that Aria wants to make a public presentation to the Board, RAFR, and the public about their new ideas at the second meeting in September. Mr. Garton stated the new proposal does not include construction of a hospital.

MID-YEAR FINANCE REPORT

Mr. Fedorchak stated the Mid-Year Finance Report is on the Township Website. He stated across all Township Funds, the Revenues are tracking at 63% of Budget and Expenses at 44% as of June 30; and this is what is typically expected at this time. He stated with respect to the General Fund, it is doing quite well; and all Revenue line items such as Property Tax, Local Services Tax, Permit Fees, and Cable TV Franchise Fees are tracking at or ahead of Budget. He stated with respect to the Deed Transfer Tax, they are on pace to have the best year since 2007. He stated the housing market has picked up considerably, and it seems that it will sustain that pace in the foreseeable future. With respect to General Fund Revenues, the Township is at about 48% as of mid-year.

Mr. Fedorchak stated with regard to the Golf Fund and Sewer Fund Revenues and Expenses are tracking as forecast. He stated the Community Pool membership numbers and revenues are tracking 7% less than 2012. He added that he has reported in the past that they have seen declining membership numbers over the last approximately four years, and this is something they need to watch and discuss during the 2014 Budget discussion.

Mr. Benedetto stated this year they did allow non-residents to join, and he asked the impact of this. Mr. Fedorchak stated they did not really market this, and it was largely a word of mouth effort to the Pool members. He stated this was a sponsorship program and a Pool Member needed to sponsor a non-resident family. He stated they did get 71 new members which is a significant number. He stated the 7% does reflect the inclusion of those non-resident members. He stated the 71 new members equated to approximately \$35,000 in revenue so it was fortunate to the bottom line that they were able to implement the program this year. Mr. Fedorchak stated he feels they should be able to grow the program next year in a way that the existing members will be comfortable with.

**APPROVE PRELIMINARY/FINAL PLAN FOR WRIGHT AND HYER PROPERTIES
MINOR SUBDIVISION/LOT LINE CHANGE**

Mr. Edward Murphy, attorney, was present on behalf of the Applicants. Mr. Garton stated the Applicant proposes to Subdivide Tax Parcel #20-2-1 so as to subdivide from the larger parcel a portion of the property containing approximately one acre. He stated that acre will be consolidated with the adjoining parcel owned by Ruth Wright, Tax Parcel #20-3-39. Mr. Garton stated the Township Planning Commission discussed the matter at their meeting on August 12, and recommended the Board approve it subject to Conditions.

Mr. Garton stated this is a Lot Line Change that essentially would carve out one acre of an existing property on Lindenhurst Road that is currently vacant and owned by an Estate. The acre in the front of the parcel along Lindenhurst would be merged into Mrs. Wright's property which is already the subject of a Conservation Easement. He stated this additional acre has no buildings or structures on it, and no building or any type of activity; and the Wrights would like to re-claim that property back into the original farm. He stated the Conservation Easement on the Wright Farm would be revised to include this additional acre, and everyone who has reviewed it has recommended Approval including the Township Planning Commission.

Ms. Tyler moved and Mr. Dobson seconded to Approve the Preliminary/Final Plan for Wright and Hyer Properties Minor Subdivision/Lot Line Change, Plans dated 3/26/13, last Revised 5/30/13 subject to the following:

- 1) Compliance with the Boucher & James report dated 7/10/13;
- 2) Deeds of Consolidation to be prepared and Recorded contemporaneously with the Mylar Plans such that the owner of the Hyer Property shall deed approximately one acre to the owner of the Wright Farm and that one acre will be consolidated into a description to cover the entire Wright Farm including the additional one acre;
- 3) Conservation Easement presently effecting the Wright Farm shall be modified so as to include the additional one acre being conveyed to the Hyer property;
- 4) Applicant shall pay any professional fees for all reviews and costs in connection with the Approval of this Subdivision Application;
- 5) Receipt of all Permits and Approvals from any agency having jurisdiction over such matters;
- 6) No Traffic Impact or Recreation Fees shall be required since there are no new lots;

- 7) Applicant has requested several Waivers from the Subdivision Ordinance. One is to show the front, side, and rear setbacks from all the buildings; and this is being requested because of the limited nature of the Application. They are also requesting being relieved of the responsibility to have a key map showing all the improvements within 800' because of the limited nature of the Subdivision, and they are requesting a Waiver. They are also requesting a Waiver with respect to the need to have an Erosion and Sedimentation Control Plan since no earth moving will occur as it is just a lot line change.

Mr. Garton noted that a copy of the Plan was sent to Newtown Township and the Lower Makefield Township Historic Commission, and no comments were received from either entity.

Mr. Murphy agreed to the Conditions.

Mr. Benedetto asked the intent of the owners of the Hyer property, and Mr. Murphy stated they feel it is excess real estate and does not contribute to the value of the property that they are going to sell. He stated it is oddly-configured and is a triangular-shaped piece that is being acquired by the Wrights. He stated it is logical how it is lotted out to reclaim it back for the Wright Farm.

Motion carried unanimously.

APPROVAL OF FINAL SUBDIVISION PLAN FOR FREEMAN'S FARM @MAKEFIELD (A/K/A FERRI TRACT)

Mr. Edward Murphy, attorney, was present

Mr. Garton stated the Application proposes to subdivide Tax Parcel #20-34-129 into fifteen Lots, with one of the Lots to include the existing single-family dwelling. He stated the Planning Commission recommended Approval at their meeting held on August 13, 2013, and the Board of Supervisors had Approved the Preliminary Plan on August 18, 2012.

Mr. Murphy stated this property has been the subject of discussion for a number of years. He stated when the Preliminary Plan was Approved by the Board of Supervisors it was Conditioned upon various review letters and Conditioned on obtaining various State Permits including an NPDES Permit about which there was some questions. He stated there were issues raised by neighbors from Falls Township about the impact of stormwater on their property. Mr. Murphy stated the

Board of Supervisors also directed at that time that the Township engineer meet on the site with the neighbors and the developer's engineer to discuss some additional stormwater safeguards that might be able to be implemented in order to address the concerns of the Falls Township neighbors. Mr. Murphy stated although it was not reflected in the Plan, Mr. Eisold reported on the agreement reached that the developer would install additional underdrains in various sections of the roadway closest to the Falls Township line to insure that stormwater would be collected and directed away from the Falls Township neighbors and towards the low area on the Applicant's site which is a wetland area that also serves as a stormwater management facility. Mr. Murphy stated those recommendations made by Mr. Eisold have been incorporated into the Final Plans. He stated the Plan has proceeded in the normal course with reviews by the Township engineer and other reviewing agencies.

Mr. Murphy stated he was questioned earlier this evening by one of the Falls Township neighbors about the u-drain, and he assured him that this detail was included in the Plan. Mr. Eisold stated they did meet with the neighbors about the groundwater along the southern boundary, and the developer was asked to install a underdrain system along the edge of the perimeter of the road in that area to intercept any groundwater that may be flowing in that direction. Mr. Eisold stated this has been added to the Plans that were reviewed.

Mr. Benedetto stated in March, 2012 Mr. Harvie, Supervisor from Falls Township, discussed a meeting that took place between Mr. Eisold, Mr. Sullivan, the Falls Township engineer, and Mr. Young; and he asked Mr. Eisold to speak to that discussion. Mr. Eisold stated Lower Makefield wanted to have the Falls Township engineer review this Plan and make comments. The Falls Township engineer did review the Plans and indicated that he agreed with the changes that were proposed with regard to the water flowing toward the Falls Township portion of the property. He signed off on this and he sent a letter to the Township stating his Approval with what had been done and that he was in agreement. Mr. Murphy stated he was in agreement with what was to be done. Mr. Murphy stated the three engineers met on site, and there was an agreement in principal.

Mr. Benedetto asked for an update on the NPDES Permit, and he asked if it was ever revoked or Approved. Mr. Murphy stated it was Approved in 2012. He added there was an issue about whether or not the information supplied to DEP was accurate and appropriate to rely upon to issue a Permit; and all the information and the allegations were conveyed directly to DEP, and DEP ultimately issued the Permit. He stated the Township has a copy of this.

Mr. Benedetto stated in March, 2012 there was discussion about the developer having discussions with the residents since the residents were concerned that the original and subsequent developers had not met with them. Mr. Murphy stated this was supplemented by the agreement to meet on the site with all of the engineers. Mr. Benedetto stated one of the Falls Township residents indicated he was an engineer and he wanted to have input as well and he assumes he gave his input to Mr. Sullivan, the Falls Township engineer. Mr. Benedetto asked if Erin Homes had a meeting with the residents, and Mr. Murphy stated he had no knowledge of this.

Mr. Dobson moved and Ms. Tyler seconded to Approve the Final Plan for Freeman's Farm @ Makefield (A/K/A Ferri Tract) Plans dated 2/29/09, last Revised 4/16/13 subject to the following Conditions:

- 1) Continued compliance with the Conditions of Preliminary Plan Approval that occurred on 8/18/12 to the extent same have not been modified by the Final Plans;
- 2) Compliance with Boucher & James report dated 6/3/13;
- 3) Compliance with Tri-State Engineers and Land Surveyors report dated 5/28/13;
- 4) Applicant to pay a Fee-In-Lieu of Recreation in accordance with the Township's standard fee schedule;
- 5) Applicant to pay Traffic Impact Fees in accordance with the Township's fee schedule;
- 6) Receipt of all Permits and Approvals from any agencies having jurisdiction over such matters including but not limited to PennDOT, DEP, and the Conservation District;
- 7) Any signs proposed to be placed within the development must comply with the Township's Sign Ordinance and can only be placed after securing any and all Permits from the Township;
- 8) All lighting shall comply with Township Ordinances and no glare shall be on adjoining properties, and a Note to that effect will be added to the Plans;

- 9) Applicant shall execute a Declaration of Unilateral Restrictions and Covenants as it relates to the Notes on the Plan, which Declaration shall be filed contemporaneously with the Final Plan;
- 10) Plans shall be ADA compliant;
- 11) Funding and Execution of Development and Financial Security Agreements.

Mr. Murphy agreed with the Conditions of Approval.

Mr. Benedetto stated Mr. Dresser had comments about groundwater and none of this was incorporated into anything. Mr. Benedetto stated it seems that the biggest objection is that the surface water issues will be made worse; but the engineers have indicated that this is not an issue that will be made worse and the condition has existed for over forty years, and it is possible that the conditions will improve. Mr. Benedetto stated it does not seem that the residents believe this since it was based on a two-year storm as opposed to more recent storms which seem much more involved. Mr. Benedetto asked if there will be a “meeting of the minds” between the Falls Township residents and this Approval where they feel their concerns were addressed or will there not be agreement with the residents, and they will have to proceed with approval and “live with it.”

Mr. Murphy stated Mr. Dresser’s comments were with regard to the NPDES Permit, and the underlying assumptions and facts supplied to DEP; and this has been resolved. Mr. Murphy stated with regard to the stormwater, this was the reason that the Board of Supervisors required that there be a meeting of all the engineers on site including the Falls Township engineer to make certain that what they believe was true that they are making the conditions as it pertains to the Falls Township residents much better so that there is no opportunity for any stormwater to flow in that direction and it will all flow into the basin as intended. He stated the professionals agree that the Plan is sound and ready to move forward.

Mr. Stainthorpe stated the requirement on Mr. Murphy’s client is to meet the Lower Makefield Township Ordinances and Statewide stormwater management. He stated it would be difficult to get everyone in the public to agree, but the Board did take the extra step of having the three engineers meet to make sure everyone was being properly protected. Mr. Murphy stated extra steps have also been taken given the installation of the additional underdrain that Mr. Eisold and Mr. Sullivan recommended that would probably not otherwise have been required.

Ms. Barb Tantala, 12 Hilltop Drive Falls Township, stated they have major problems currently in their back yards because of the underground stream from the Ferri Farm; and with the new development, she is very concerned that the water will run down their hill from the Ferri Farm. She stated this will worsen their problem rather than taking care of it because of the existing underground streams. She stated they have been discussing this for ten years; and if the Board approves this, it will create another problem for the Falls Township residents.

Ms. Nancy Ackerman, 20 Hilltop Drive, stated they have been contesting this for ten years for good reason. She stated water follows the path of least resistance; and though everything sounds good on paper, they know what water does. She stated the area is also wetlands. She stated it did not pass the perc test over twenty-five years ago. She stated if they move forward with this, they are aware of the protections that they have stated are in place. Mr. Benedetto asked if any more trees have come down because of water in the area, and Ms. Ackerman stated more have come down since March, 2012. She stated it is a wetlands.

Mr. Benedetto asked Mr. Murphy what the conclusion was with regard to the existence of wetlands. Mr. Murphy stated there has been an Army Corps of Engineers Jurisdictional Determination issued to delineate exactly where the wetlands are located. He stated recently the Army Corps had to go out and re-do it, and the Permit and Jurisdictional Determination is in place. Mr. Garton stated the wetlands will be subject to a Conservation Easement in favor of the Township.

Mr. John Bossman, Falls Township, stated he previously asked the Township to come to the site; and before the engineers came out he had suggested the drain on the property. He asked how deep the drain will be since if it is 2' or 4' it will be useless, and it should be much deeper. He stated the problem is groundwater that is already existing that is coming from elsewhere. He stated he has watched the property change from farmland to a wetland. He stated he also advised the Township about the fall line. Mr. Bossman stated he feels the Board should address the groundwater issues in the Township since he feels the Planning Commission is "ignorant" of the problem and still feels that the property pitches toward Big Oak Road which it does not since it breaks at the line. Mr. Bossman stated if the problem gets worse, they will see the Township in Doylestown.

Mr. Benedetto asked about the access points, and Mr. Murphy stated there is a proposed principal access off of Big Oak Road and an emergency-only access in the southwest corner of the site that connects to a dead end street in Falls Township. He stated originally some individuals had requested that there be full access for vehicles to the street in Falls Township, but the Lower Makefield Board of Supervisors and Falls Township had objected to this. It will only be an emergency access.

Mr. Thomas Haerther, 48 Howley Drive, stated there are several trees that have died within the last two years on the developer's property that are overhanging his property; and something needs to be done about this before it falls on his shed. He stated other trees have fallen onto his property and taken out part of his back fence. He stated the land is changing rapidly, and in two years it has gone from dry to very, very wet. He stated the break point has moved, and the land is sinking because it has not been planted. Mr. Haerther stated the drain has to be as deep as the catch basin.

Mr. Benedetto asked if there was ever consideration given for fewer lots, and Mr. Murphy stated earlier proposals had significantly more lots than they are proposing. He stated this proposal has the fewest lots that have been proposed for the past ten years. Mr. Murphy stated there will be fourteen new homes and one existing home. Mr. Benedetto asked if there will be any other structures such as a Club House, and Mr. Murphy stated there will not.

Mr. Bob Harvie, Chairman of the Falls Township Board of Supervisors, thanked the Board for the cooperation they have shown in the past with regard to this development particularly with regard to including their engineer. He stated he understands the position the Board is in as there is an Applicant who has rights to the property provided they comply with all the laws of the Commonwealth and the Township, and there is a limit to what the Township can do if the Applicant meets those requirements. He stated the Lower Makefield Township engineer and the Falls Township engineer have agreed that the plan in place should make things better. Mr. Harvie stated they also need to weigh the fear that they are hearing from the residents of Falls Township who have lived there for decades. He stated they are the only ones who have first-hand knowledge of the property in terms of living there. He asked that they be extra vigilant with the project as will Falls Township. He added that Falls Township is in the process of re-constructing Hilltop Drive and putting in additional underdrains in anticipation of this project coming through, and they are hoping that it will make things better. He stated if they see that there is any increase in groundwater or other problems, they will quickly contact Lower Makefield to halt construction and determine what is happening.

Mr. Harvie stated with regard to the access road that comes off of Hilltop, the residents are satisfied with this provided it is for emergency vehicles only. He stated that there is a concern that construction vehicles will try to use this during construction, and the Falls Township residents know to call the Police if they see any vehicles using this emergency access. He asked that Lower Makefield and the developer be vigilant about this as well so that the contractors do not use this as an access point.

Mr. Harvie asked who will be responsible for maintaining the stormwater management system that is on the site, and Mr. Stainthorpe stated it will be the Township's responsibility once it is dedicated to the Township. Mr. Harvie stated there was some thought that a homeowners' association would be maintaining it, and Mr. Murphy stated the roadway will be dedicated to the Township.

Mr. Benedetto stated Mr. Harvie had previously indicated in March that he wanted to see this Plan "over-engineered;" and Mr. Harvie stated he trusts the engineer from Falls Township but recognizes that he was operating on the information he was getting from the Applicant.

Mr. Wes Plaisted, 50 Howley Drive, stated he has been an engineer for forty years and stated there are problems with the groundwater. He stated they did ask for a hydraulic report, but they never saw this. He stated he has worked with both Mr. Eisold and Mr. Sullivan and trusts their opinions. He stated he does appreciate the fact that they will have an underdrain, and it should be as deep as possible because of the ground water.

Ms. Susan Plaisted, 50 Howley Drive, stated she has lived there since 1983, and she now has a wetlands. She stated she invited the Supervisors to see her property, and she is afraid.

Mr. Mark Sanford stated he lives on the eastern side adjacent to the property and concurs with the Falls Township residents. He stated when he built his home, the house was backfilled; and when it rains, the water table comes up. He stated he is on top of the hill. He stated the back property of his neighbor who is next to the church is perpetually soggy. Mr. Sanford stated he was able to alleviate his own water table problem by putting in a perimeter drain around the house and removing the static pressure of the water. He asked how deep the retention will need to be to be sufficient. Mr. Sanford stated his main concern is in the front where it is a lower area since water runs over into the driveway area, and he already has a problem keeping that maintained. He stated he hopes there is due diligence done there to make sure water does not come down the northeastern side of the property. Mr. Eisold stated there are four bio-retention basins on the site that drain into the wetland areas. He stated the road that comes up from the cul-de-sac will take the majority of the property going toward the street and away from Mr. Sanford's property. Mr. Eisold stated the water will go into the basins and then down through the existing wetland system that is on the property.

Mr. Sanford asked if they will be putting in natural gas for the development, but Mr. Murphy stated he did not know. Mr. Sanford stated he would be interested in natural gas for his property.

Mr. Dan Jones, 936 Big Oak Road, stated he lives across the street from the proposed development. He stated currently he does not have access to public sewer, and he asked if they would be able to get access to the Township sewer. Mr. Eisold stated the Plan does show public sewers in the new road which would come out to Big Oak Road. He stated those wishing to tap in would be subject to the tap-in fees, but it appears that they could tie in.

Ms. Veronica Bittner, 924 Big Oak Road, stated she has been in her property since 1966; and they put French drains around the entire house and had no problem since it was farmland, but when the developments came in it changed the water level on Big Oak Road and they have had floods. She is concerned what will happen with this new development. She also asked if they are going to be able to connect to the sewers since her house is graded lower than other houses. Mr. Stainthorpe stated if the pipe is in the street, she could hook up to the public sewer at her own expense; and she would have to contact the Sewer Authority and obtain a plumber. Ms. Bittner stated she was previously told that she would need a grinder pump, and her plumber told her there are problems with this. Mr. Stainthorpe stated she will not be forced to hook up to the public sewers if she has a functioning septic system. Mr. Eisold stated while it appears she could connect through gravity, this could not be finally determined without elevations for her property. He stated once the sewer line is in, she could approach the Sewer Authority about tying into the public line. Ms. Bittner asked the cost; but the Board was unable to provide this cost. She asked when she should approach the Township about hooking up; and Mr. Eisold stated once the sewer line is, she could go to the Sewer Authority and make an Application to tie into the sewer line. It was noted that this could take up to two years.

Mr. Bossman asked how deep the drain is; and Mr. Eisold stated it is 4' to 5' deep along the edge of the road, and it was put at this depth to tie into the inlets that are in the street so that the water can be carried away.

Motion carried with Mr. Benedetto opposed.

ZONING HEARING BOARD MATTERS

With regard to the Karl W. and Carolyn Foerster Variance request for the property located at 6 Austin Road in order to permit construction of an in ground pool with concrete walkway resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the David Smith Variance request for the property located at 673 Leslie Lane in order to permit construction of a fence within the buffer easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Thomas Foulds Variance request for the property located at 1479 Big Oak Road in order to permit construction of a storage building with a height greater than the maximum allowed, Mr. Dobson moved Ms. Tyler seconded and it was unanimously carried that the Solicitor be authorized to participate because of concerns with the height of the structure and concerns about commercial activity that may be taking place.

With regard to the Michael O'Neill Variance request for the property located at 107 Shelley Lane in order to permit construction of a single-family detached dwelling on a non-conforming lot resulting in greater than the permitted maximum height, it was agreed to leave the matter to the Zoning Hearing Board.

CANCEL SEPTEMBER 4 BOARD OF SUPERVISORS MEETING AND SCHEDULE ARIA PRESENTATION FOR SEPTEMBER 18

Mr. Stainthorpe stated September 4 is the start of Rosh Hashanah. Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to cancel the September 4, meeting of the Board of Supervisors.

It was agreed to schedule the discussion with Aria for September 18.

SUPERVISORS REPORTS

Mr. Benedetto stated the Citizens Traffic Commission has indicated that now that the Edgewood Café is open, there will be more traffic in that area; and they may need to address this in the near future.

Ms. Tyler stated construction is taking place across the street from the Township Building where they are building two new ball fields. She stated they anticipate seeding to be done this fall; and while they hope to be able to use the fields in the fall of 2014, they may have to wait until spring, 2015.

August 21, 2013

Board of Supervisors – page 28 of 28

**AUTHORIZE SIGNING OF CONTRACT FOR WEDDING AT PATTERSON FARM AND TO
PREPARE A POLICY WITH REGARD TO FUTURE EVENTS**

Mr. Stainthorpe stated previously there was a discussion about a wedding at the Patterson Farm.

Ms. Tyler moved and Mr. Dobson seconded to authorize the Township Manager to sign the Contract for the wedding and ask the Township Manager to develop a policy with regard to future events at the Patterson Farm. Motion carried with Mr. Benedetto abstained.

There being no further business, Mr. Dobson moved, Ms. Tyler seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Pete Stainthorpe', with a long horizontal line extending to the right.

Pete Stainthorpe, Chairman



Township of Lower Makefield

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

AUGUST 2013 WARRANT LIST AND JULY 2013 PAYROLL COSTS FOR APPROVAL AUGUST 21, 2013 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
08/05/13 Warrant List	\$ 476,896.91	
08/19/13 Warrant List	\$ 508,922.80	
Manual Checks:		
08/05/13 Warrant List	\$ 333,379.06	
08/19/13 Warrant List	\$ 17,242.92	
Total Warrant Reports		\$ 1,336,441.69
Payroll Costs:		
July 2013 Payroll	\$ 418,544.60	
July 2013 Payroll Taxes, etc.	\$ 168,916.10	
Total Payroll Costs		\$ 587,460.70
TOTAL TO BE APPROVED		\$ 1,923,902.39

