

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 6, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 6, 2007. Chairman Smith called the meeting to order at 7:33 p.m. Mr. Santarsiero called the roll.

Those present:

Board of Supervisors:            Ron Smith, Chairman  
   Greg Caiola, Vice Chairman  
   Steve Santarsiero, Secretary/Treasurer  
   Grace Godshalk, Supervisor  
   Pete Stainthorpe, Supervisor

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

PUBLIC COMMENT

Ms. Jeanne Bray, 12 Terracedale Road, stated next Thursday, June 14 will be the first farmers' market. She stated this will be held every Thursday until September from 4:00 p.m. to 7:30 p.m., and it will be held in the Edgewood Village Pocket Park at the intersection of Heacock and Edgewood Roads. There are six to eight local farmers who will be in attendance along with crafts people. They also hope to be able to provide musical entertainment. Master gardeners will offer a program for children on composting. They are still accepting Applications from farmers and crafts people. These are available in the Environmental Advisory Council's rack at the Township Building. Mr. Smith stated everyone who has been made aware of this has been very enthusiastic. Ms. Bray stated this will be an opportunity for people to purchase local fresh produce, cheeses, and crafts. She feels this will eventually become a place for people to gather.

Mrs. Godshalk asked if they have the required Permits from the Bucks County Board of Health. Ms. Bray stated it is actually the Department of Agriculture that issues the Permit since they are not preparing food on site. She stated the representative from the Department of Agriculture will be in attendance on the first day of the farmers' market.

Mr. Joe Sundeen, 1108 Pratt Drive, stated the farmers' market is also a way to address global warming since buying local products means they do not have to be shipped from far away which helps reduce emissions. Mr. Sundeen also reported on the recent

Delaware Valley Regional Global Warming Conference held on Saturday, May 19 at Charles Boehm Middle School. He stated approximately eighty-five people were in attendance including Municipal officials, citizens, and educators from Bucks, Montgomery, and Mercer Counties. He stated lectures were given on the scientific data and reasoning that support current professional thinking on the issue of climate change. He stated many questions were submitted by the audience to the panel and the questions and answers will be posted on the EAC Website. He stated the afternoon sessions were brainstorming sessions, and they will have a follow-up meeting early next year. Mr. Sundeen stated Congressman Murphy addressed the morning session, and State Representative David Steil addressed the afternoon session. He stated the EAC would like to thank Supervisor Godshalk for attending the Conference and Supervisor Santarsiero for his encouragement and participation in the planning and successful execution of the event. Mr. Sundeen stated they also want to thank the co-Sponsor of the Conference – the Pennsylvania Land Use Coalition for funding a major portion of the expenses – and the Pennsbury School District for waiving fees for use of the auditorium. He also thanked McCaffreys and the Yardley Starbucks for providing refreshments and lunch as well as the Horsham Pennsylvania Wal-Mart which provided low-energy light bulbs which were given to each of the attendees. Mr. Sundeen stated a number of environmental groups and alternative energy providers displayed information, and they also encouraged residents of Lower Makefield to sign up as part of the Cool Cities Pledge which will help the Township acquire a free solar facility.

Mr. Sundeen stated he feels the issue of climate change is real, and they cannot wait while World leaders work out the political and economic ramifications of large-scale approaches to reversing global warming. He stated they have the power within their families and communities to start the process and create the momentum which will shift the direction of climate change.

Mr. Scott Burgess, 15 Glen Drive, stated the Bucks County Flood Task Force had their first meeting last week, and he sent updates to Mr. Fedorchak and Mr. Majewski as to what the group did. He stated another meeting is scheduled for June 26. Mr. Burgess asked about the back-flow preventers, and Mr. Majewski stated they are still waiting for them. He stated he called the manufacturer yesterday to find out where they are noting the Bill of Lading indicated they were sent May 17 from Canada. Mr. Burgess asked that he be e-mailed as soon as they are received. Mr. Burgess stated RAFT will hold a meeting on Thursday, June 21 at 7:30 p.m. They are sponsoring a power point presentation to be delivered by a member of the Delaware River Conservancy group on the New York reservoirs and the impact they have on the downstream residents.

Mr. Smith stated he has received phone calls about the Tocks Island situation, and he asked if this is part of the Task Force discussions. Mr. Burgess stated while this was mentioned, their number one priority is the reservoirs as there is a vote to be taken by

the DRBC in December on their long-term program. They will also discuss safety issues and floodplain mapping.

Ms. Sue Herman thanked the Board of Supervisors and the Environmental Advisory Council for the Global Warming Seminar. She stated it was good to brainstorm with other community members and was a good motivation. Mr. Smith thanked Ms. Herman for working on the traffic problems including her involvement with the Regional Traffic Task Force.

#### APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the May 16, 2007 Minutes as written.

There was discussion on the Special Meeting held on May 30, 2007. Mr. Fedorchak stated a Special Meeting was held where the Board of Supervisors authorized the Township to submit an Application for a second round of flood mitigation funding. He stated the Application was to apply for Grant money in the amount of \$1 million to elevate five homes within Lower Makefield Township. The deadline was June 4 so they had to have a special meeting. Mr. Fedorchak stated he did receive word from FEMA that they approved the Resolution amending the original Flood Mitigation Plan to include these five properties. While this is not a guarantee that they will receive the money, it is an important first step.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the Minutes of the Special Meeting of May 30, 2007 as written. Motion carried with Mr. Santarsiero abstaining.

#### APPROVAL OF MAY 7, 2007 AND MAY 21, 2007 WARRANT LISTS AND APRIL, 2007 PAYROLL

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the May 7, 2007 and May 21, 2007 Warrant Lists and April, 2007 Payroll as attached to the Minutes.

#### AWARD CONTRACT FOR LINDENHURST ROAD TRAFFIC CALMING

Mr. Caiola moved and Mr. Santarsiero seconded to award the Contract for Lindenhurst Road Traffic Calming to K.E. Seifert in the amount of \$317,325.75.

Mr. Stainthorpe asked how much they received from the State, and Mr. Fedorchak stated they received \$250,000 from the Department of Community and Economic Development. Mr. Stainthorpe stated it appears that it will cost the Township an additional \$60,000, and Mr. Fedorchak stated it may in fact be more since some of the \$250,000 was already spent for the traffic signal at Woodside Road; however, they had budgeted \$315,000 out of the Street Projects Fund for Phases I and 2.

Mr. Stainthorpe asked about Alternates 1 and 2. Mr. Majewski stated Alternate 1 was to provide a right-turn lane into Trowbridge Drive so buses could pull over, and Alternate 2 was to install islands and crosswalks in front of the Heather Ridge Development.

Mr. Santarsiero stated they have been told by the School Board, and the Police Department concurs, that they cannot have school buses coming into Trowbridge, so the only other alternative to allow for the safety of the children would be the turn-in lane; and Mr. Majewski agreed. The cost for this would be \$78,000. Mr. Stainthorpe stated he feels they should find the money to do this, and other Supervisors agreed.

Mr. Smith asked where they stand with regard to the PennDOT Permit, and Mr. Fedorchak stated the Highway Occupancy Permit has been received.

Mr. Stainthorpe asked if they could find \$78,000 to proceed with Alternate 1, and Mr. Fedorchak stated he feels they would have this in the Capital Reserve Fund. He stated he does not feel there would be any money left in the Street Escrow Fund to pay for the additional \$78,000, but they would have this in the Capital Reserve Fund. Mr. Stainthorpe stated one of the key concerns was the School bus traffic; and he feels to leave this out, would take too much away from what they are trying to accomplish.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to amend the Motion to include Alternate 1 in the amount of \$78,002.50.

Mrs. Godshalk stated the Minehart property is to be developed on the other side of the street, and she stated this will result in another School bus problem.

Mr. Matt Maloney, 2 Hillside, thanked the Board, Mr. Majewski, and Mr. Fedorchak for their diligence in exercising what needed to be done to get this project started and obtaining the Highway Occupancy Permit. He asked how soon construction will begin, and Mr. Majewski stated a Notice of Award of the Contract will be sent tomorrow. He stated the contractor will need to provide the necessary insurance certificates, bonds, and shop drawings. Construction will start shortly thereafter, probably in a few weeks. Mr. Maloney stated he would also encourage the Board to approve Alternate 1 for the protection of the children on the School buses.

Mr. Smith thanked Ms. Torbert and Ms. Herman for their attendance at the Regional Traffic Task Force noting there were a number of people on the Task Force who did not want the traffic calming done on Lindenhurst Road. Mr. Maloney stated the traffic calming was not intended to be adversarial and was being done to protect everyone and they would encourage others to do the same in their Townships. Mr. Caiola stated PennDOT would not have approved this if they felt it would have an adverse impact on the other communities.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated one of the points made at the Task Force by those against this was that they felt Lower Makefield wanted the traffic calming primarily to take truck traffic off Lindenhurst Road and put it on Swamp Road, and she stated this was not their reason. She stated they tried to advise them that the reason for the traffic calming was to improve the safety on Lindenhurst Road and adding the turning lane for the buses is an important piece of that.

Mrs. Godshalk stated she was on that Committee for many years and the other Townships do have genuine concerns; but she feels by Lower Makefield leading the way, those Townships will then go out and seek similar traffic calming measures in their Townships.

Ms. Sue Herman thanked the Board, Mr. Majewski, and Mr. Fedorchak for their support of Lindenhurst Road traffic calming. She stated she feels others will now look at traffic calming to make their roads safer. She thanked Mr. Smith and Mr. Caiola for their support of traffic calming throughout the region. She thanked the Citizens Traffic Commission members who attended the meeting and supported residents who live on Lindenhurst Road. She stated there is also the issue of timing of lights on the Newtown By-Pass, and she stated they learned at the Task Force meeting that PennDOT-Harrisburg has completed their portion of the work and handed it off to Newtown Township for completion. She stated she feels this is a critical time to continue communication as they would like to see the project completed by the end of June which was the target completion date. She stated the Delaware Valley Regional Planning Commission had indicated they would assess the impact of making the lights traffic responsive by early fall. She asked if the Board of Supervisors would consider sending a formal letter to PennDOT-Harrisburg asking for a status report and detailed time line as to what needs to transpire to complete the project by the end of June. This was acceptable to the Board. She also asked if they could contact the Acting Township Manager in Newtown as well. Mr. Fedorchak agreed to make the contacts.

Mr. Smith noted that on July 31 there will be another meeting of the Regional Traffic Task Force Meeting to be held at 7:30 p.m. in the Lower Makefield Township Building.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she understands the amount for the traffic calming is now \$395,000, and she asked how many bids were received.

Mr. Majewski stated they received three bids. Ms. Bosley asked if all were qualified under the new Ordinance; and Mr. Majewski stated while he did not specifically check for this, he feels they were. Ms. Bosley asked if the contractor selected was the lowest bidder, and Mr. Majewski stated he was. Mr. Majewski stated the project was bid before the new Ordinance, but he feels K.E. Seifert does have all the requirements under the new Responsible Contractor Ordinance.

Motion to amend carried unanimously. Motion as amended carried unanimously.

**AUTHORIZE ADVERTISEMENT OF SIGN ORDINANCE CREATING A SPECIAL OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT**

Mr. Santarsiero moved and Mr. Caiola seconded to authorize advertisement of the Sign Ordinance creating a Special Off-Premises Advertising Sign Overlay District with a date set for the Public Hearing of July 18, 2007.

Ms. Helen Bosley asked what this is. Mr. Truelove stated they were requested by the Board earlier in the year to draft an Ordinance with regard to billboards as a result of litigation in other Townships and at the Supreme Court level in Pennsylvania where the Courts have indicated that if Municipalities do not take some action to set aside an area where billboards would be approved, the possibility would exist that they could proliferate in areas where the Municipalities would not like them to be. The Ordinance would restrict the area similar to the area where cell towers are permitted along the I-95 corridor and limited areas along the Super Highway of Route 1. They would also have to comply with setbacks according to Federal law. Mr. Truelove noted the action this evening is only to authorize advertisement. Ms. Bosley stated she is concerned that there are a number of residential buildings along I-95 particularly along Township Line Road. Mr. Fedorchak stated the Ordinance the Board is considering will be available for public inspection along with maps which would help clarify the Districts involved. They will have a detailed presentation at the Public Hearing.

Mr. Smith stated the Township does not currently have such an Ordinance and several other Municipalities have had statutory law imposed on them with respect to placing billboards in places where the Township would not have allowed them in the first place. He stated they are trying to enact a fair Ordinance which provides for something that was not specifically provided for previously.

Ms. Torbert stated unless the Planning Commission made major changes, the area they are discussing must be zoned Commercial or Office/Research. Ms. Karen Friedman, Planning Commission, stated they basically dealt with the I-95 area. She stated they worked very hard to protect residential parameters. Ms. Torbert stated there are also Federal regulations that limit how close the billboards can be to Interchanges.

Motion carried unanimously.

AUTHORIZE ADVERTISEMENT OF AN AMENDMENT TO THE ZONING ORDINANCE TO ALLOW FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT IN EDGEWOOD VILLAGE HISTORIC DISTRICT

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to authorize advertisement of an Amendment to the Zoning Ordinance to allow for Traditional Neighborhood Development in Edgewood Village Historic District with a date set for August 1, 2007.

DISCUSSION AND MOTION ON HILLTOP ROAD CUT THROUGH

Mr. Santarsiero stated at the last Citizens Traffic Task Force meeting in May there was discussion on the tendency of motorists to cut through the Hilltop Road area off of Dolington Road on their way to Taylorsville Road to get to I-95 particularly in the morning hours. He stated a number of possible solutions were discussed including having Hilltop Road where it meets Dolington Road being a one-way exit only road in the morning hours to prevent this from happening. The engineer indicated they could do this because the Hilltop Road entrance into the development in question is the only entrance off Dolington Road that these motorists are able to access to get down to Taylorsville Road. He stated this is a way by which they could deal with the problem quickly. He stated this is an immediate problem and has been occurring for several years. He stated although the Traffic Commission is now in the process of assessing all the road problems and preparing a report that will come before the Board in a few months, this was one issue which the Commission and those present felt the Board of Supervisors should act on more quickly. He stated he would like the Board to authorize the Traffic engineer to look at this situation to see if they could come up with a solution in the short term. Mr. Stainthorpe stated this has been a problem for many years. He stated his only concern is that some years ago, there was a similar situation in a different neighborhood and a vote was taken by the Board to block off one of the streets; and at the next meeting the other half of the neighbors who did not want the street blocked off came out and complained so he would like to make sure that this is thoroughly investigated.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to authorize the Township engineer to look at this situation to see if they can come up with a solution.

Mrs. Godshalk stated she would like the neighbors to be invited in to discuss the matter before any engineering starts. Mr. Santarsiero stated at this point he would only want the engineers to look at the different possibilities. He stated those who were present at the meeting indicated they were speaking on behalf of a number of their neighbors.

Ms. Torbert stated she and a number of Commission members were at Hilltop and Dolington at 7:30 a.m. today and 135 cars cut through the neighborhood in one hour.

She stated the Commission also received a copy of a Petition that was sent to the Township one year ago with over fifty signatures. She also noted the high rates of speed by those traveling down Taylorsville Road.

Mrs. Godshalk stated a light had been approved at Taylorsville and Dolington Roads and funds were contributed by a developer who was building in Yardley Borough, but those funds appear to no longer be available. She stated she feels a light could help this situation. Ms. Torbert stated she would encourage the Township to meet with Yardley Borough to work on getting funds for a light as funds are currently available through the Bridge Commission for such a light which she feels would be warranted. She stated she still feels there would be cut-through traffic even with the light.

Mr. Matt Maloney stated he agrees that the cut-through is very bad. He stated possibly they could ask the State for monies, and they could consider this at the next Regional Traffic Task Force.

Mr. Santarsiero stated the Delaware River Joint Toll Bridge Commission is a body to which they could apply for funding. Mr. Stainthorpe stated Lower Makefield cannot request a Grant for a project in Yardley Borough, and Mr. Santarsiero stated while this is correct, the Township could work with Yardley Borough toward this end. He stated this is something that would benefit residents of both Yardley and Lower Makefield. Mr. Smith stated while he would be in favor of working with Yardley Borough, he would not want to wait for them either. Mrs. Godshalk stated they did work with Yardley Borough when the development in Yardley Borough was approved since part of it was located in Lower Makefield, and they did work out a plan to have the intersection improved. Mr. Fedorchak stated he did approach Borough officials concerning this issue and the possibility of fronting an Application on behalf of the Borough for a traffic signal at that location, and the response was lukewarm. He stated he understands Yardley Borough does have some financial issues, and their share would have been \$25,000 to \$30,000. He stated with this understanding, Lower Makefield then moved onto the Creamery Road traffic signal and did receive a Grant for that.

Motion carried unanimously.

#### DISCUSSION OF ISSUES WITH SCHOOL BUS STOP LOCATIONS THROUGHOUT THE TOWNSHIP

Mr. Santarsiero stated they have repeatedly heard about problems with locations of School bus stops in Lower Makefield Township at the Citizens Traffic Commission meetings. He stated they feel that the Township should be coordinating this better with the School Board. He stated he feels they should first look at the School bus stops which have already been identified as being problems, but then also have a review of where all



stops are to insure that the children are not in potential jeopardy. Mr. Santarsiero stated he would propose that the Citizens Traffic Commission identify the stops which have already been identified as potential problems and ask that the engineer and Chief Coluzzi discuss these with the School District and that they then look at any other stops in the Township that have been identified in the past as being potentially problematic and even if there were previous discussions with the School Board about them, to reopen discussion on those.

Mr. Stainthorpe asked if they know if the residents have discussed these stops with the School District in the past; and Mr. Santarsiero stated they have been advised that they have, but no action was taken. He stated to the extent that they now have further complaints, it makes sense for the Township to look into this and have discussions with the School District. Mr. Santarsiero stated he is not being adversarial, and only wants to improve communication.

No Board action was necessary.

Mr. Stainthorpe stated he feels it would be good if they could communicate with the School District prior to the start of the School year so that they can resolve these issues before the fall bus routes are set, and Mr. Santarsiero stated he feels the Citizens Traffic Commission recognizes this.

#### DISCUSSION OF ORDINANCE NO. 370 AMENDING THE ORDINANCE TO ALLOW A TEMPORARY HOLDING TANK ON A DEVELOPMENT PROJECT

Mr. Truelove asked that this matter be deferred. He stated this is not a MPC Ordinance, but it does require DEP review; and they are in the process of reviewing this now, and if substantial changes were made, it would have to be re-advertised. No action was taken this evening and it was agreed to defer the matter.

#### APPROVE REQUEST OF RICK WILSON TO INSTALL A WELL AT TOWERING OAKS MODEL HOME

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the request to install a well at Towering Oaks.

Mr. Rick Wilson, 1332 Moon Drive, was present. Mr. Wilson stated he met recently with the PA American Water Company. He stated originally they had approval to cross a Farmland Preservation property with an Easement and connect between two homes on Brookfield Road. He stated during the meeting, PA American Water indicated they had recently completed a different water routing through the Chanticleer Development and

were recommending that instead of going through the Farmland Preservation property, that they use the routing through Chanticleer. They also indicated that there is another Application before the Planning Commission for an additional ten to twelve new homes which would also be in the same routing. He stated they also indicated that this new routing would serve the homes on Sunnyside and Delaware Rim so that they could get off wells in the future. Mr. Wilson stated he agreed to come before the Board to ask for permission on a temporary basis to use a well until PA American Water's plans are resolved so they know where the final water routing would be. He stated the use of the well would be on a temporary basis, but they do not know how long it would take before PA American Water would be able to bring in the mains and when the new Subdivision would be approved. He stated the model home is almost completed. He stated there was an existing farmhouse at 1560 Dolington Road which was the original 12 acre farmstead; and if it is feasible to use that well, they will do so or they may have to drill a new well and this would be a temporary measure until the water mains are brought in.

Mr. Santarsiero asked if there is an estimated time as to when the mains would be brought in by PA American, and Mr. Wilson stated the only reason PA American Water could not give them any further information was because they did not know where the new 10 to 12 lot Subdivision stood in the development process. He stated he did contact the Township Planning Board but received no response on the status. Mr. Majewski stated this would be the Harmony Lane Subdivision off Dogwood Drive which was presented to the Planning Commission. The Planning Commission did not like the lay out because of woods disturbance, and it has been one year since they last submitted Plans. Mr. Wilson stated PA American Water indicated even if that Subdivision were never approved, they still prefer the routing coming through Chanticleer as the cost is considerably less than crossing the Farmland Preservation Corporation land and also added a much greater advantage so that if the homes in Sunnyside wanted to tie into that, they could do so.

Mr. Smith asked how long it would take to drill a well, and Mr. Wilson stated generally it is done very quickly although his experience is in New Jersey and not Pennsylvania. Mr. Stainthorpe stated he feels they would need a Permit from the Delaware River Basin Commission.

Mr. Majewski asked his schedule for completing the sanitary sewer, electric, and road paving so that the home can be occupied. Mr. Wilson stated they completed the interior sanitary sewer lines today, and for the next two days, they will be compacting with the expectation that they will start installing curbs next week following which they will pave. Following the paving, the electric and utility companies will come in.

Mr. Stainthorpe stated the Ordinance that was just deferred is a requirement to have the system operate, and Mr. Wilson stated he understands this.

Mr. Truelove stated they needed information from Mr. Wilson this evening to determine whether the request now before the Board would require Plan resubmission; and it appears that it is an Amendment to the prior approval and would be satisfactory as opposed to a complete resubmission. Mr. Majewski stated the Development Agreement requires all lots be serviced by public water and public sewer; and even if this were on a temporary basis, he feels they will need to amend the Development Agreement to allow this use of the well. He stated he understands there are problems with some of the wells in the area in conjunction with the Golf Course, and he questions what impact this will have. Mr. Stainthorpe stated the Basin Commission would determine this and would advise how many gallons a day they may have. Mr. Majewski stated he feels it would be appropriate to put a time limit on when public water would get to the site. He stated based on the time frame Mr. Wilson has laid out, he feels it would be best to wait a few weeks so that they can get additional information.

Mr. Stainthorpe stated the final approval has to be from the DRBC. Mr. Wilson stated he feels this is similar to the earlier request for the holding tank adding that when he went to Bucks County which has the ultimate jurisdiction over that, they advised that he needed to first get approval from the Township. Mr. Santarsiero stated given the problems they have had with wells in the area, he would be inclined, if they approve this, to do it for a relatively short period of time so that they can revisit it in the future. Mr. Wilson stated he does not have a problem with the time limitation as it impacts his desire to build the remaining homes and he does not want to hold that off not knowing when this will occur. He stated his expectation is that if the other development is not something that is happening in the near future, he would entertain doing this on a temporary basis with the understanding that it is still more advantageous and less expensive coming through Chanticleer.

Mr. Sam Conti, Farmland Preservation Corporation, stated a formal easement was granted to Mr. Wilson through the Farmland Preservation property at the northwest corner of Dolington Road and Woodside Road. He stated in January, 2003 when Farmland Preservation was requested to provide the Easement, Mr. Wilson was asked to attend one of their Board meetings; and at that meeting, he committed that he would not conduct work on the Easement during the period of cultivation, growing, and harvesting of the farm crops. He also agreed that in the excavation process, he would set aside the top soil for its return to the excavated area. He stated Mr. Wilson in fact did destroy the corn crop and did not restore the area. He stated this plot of farmland has been destroyed and cannot be productively cultivated in its current condition. He stated there was a letter to Mr. Hoffmeister dated October, 2004 where Mr. Wilson stated there was nothing in the Deed of Easement which precluded him from installing the sanitary sewer at any point in time and does not obligate him to grant any restitution for crop loss. He stated before Mr. Wilson is given any accommodation, he would ask that he be held to the agreements he made with Farmland Preservation. He stated he has asked Mr. Fedorchak to provide

Escrow amounts in favor of Farmland Preservation if Mr. Wilson does not adhere to these conditions.

Mr. Wilson stated there was no commitment on their part to restrict when the work would be done. He stated the work was never done as they never installed the sanitary sewer line. Mr. Stainthorpe stated he has been out to the site and something was done as there is a large hole in the around and soil was moved around. Mr. Wilson stated approximately three years ago the contractor who was to install the sanitary sewer lines immediately ran into bedrock at 6 feet below grade. Mr. Stainthorpe stated if he dug down six feet, it would still have to be restored. Mr. Wilson stated he understands this. Mr. Stainthorpe stated he feels it would be a simple matter to correct this, and he would agree with Mr. Conti in this instance adding that nothing has been done in three years. Mr. Wilson stated it was the contractor who did this, and he is in litigation with the contractor on a number of items. Mr. Smith stated it appears that Mr. Wilson is indicating that he is not going to remedy the problem on the Farmland Preservation land until he resolves this litigation with his contractor. Mr. Wilson stated this is incorrect, and stated there are many things the contractor was to do including preserving the topsoil and set it aside so there would not be any damage done; and Mr. Wilson stated he intends to do that and preserve as much as they possibly can so that the farmland is preserved. He stated he feels Mr. Conti would be in favor of what is before the Board now since it does not involve an easement through the Farmland Preservation land. Mr. Smith stated while this is correct, they still need to correct what they did before. Mr. Wilson agreed to make the commitment that they will fix what was done on the Farmland Preservation property. He stated if there is not sufficient topsoil on site, they will replace the topsoil so they can continue to grow crops.

Mr. Stainthorpe asked if the farmer has cultivated this land, and Mr. Conti stated they have not planted that corner this year because the ground as it is not suitable. Mr. Conti stated the balance of the land is being cultivated. Mr. Stainthorpe stated if nothing is being grown in that area now, they could fix this problem relatively quickly. Mr. Wilson stated the new contractor is working now installing the sanitary sewer lines, and the expectation is that on Monday he will be doing the rest of the work in the sanitary sewer easement going through the routing which was approved by the Board of Supervisors. He stated they will make sure he is conscious of the fact that all topsoil should be saved and put back on the farm easement so they can continue to grow crops there.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to amend the Motion that the well at Towering Oaks be approved and amend the Development Agreement to allow for the installation of the well to service the homes at Towering Oaks for a maximum time period of six months and make this approval contingent on first having the developer of Towering Oaks restoring to the satisfaction of the Farmland Preservation Corporation the land that has been disturbed in question and setting aside an escrow amount to be determined by the Township engineer for the cost of this work.

Mr. Conti stated the crop was destroyed and there was never any compensation and this should be paid to the farmer. In addition, they have not had use of the land for three years so the farmer has not been able to cultivate it, and he feels the farmer should be compensated for this as well.

Mr. Wilson stated he would like to have the Township engineer and himself go out to assess the extent of the damage. He stated if there were any test pits done it was a 20' wide hole on a 50' basis for an extent of 500'. He stated they have not destroyed fifteen acres of cropland as it was within the confines of the easement itself. Mr. Smith stated he would like a member of Farmland Preservation to be at the meeting with Mr. Wilson and the engineer, and Mr. Wilson agreed.

Mr. Santarsiero asked if Mr. Conti could provide a value for the loss of crops, and Mr. Conti stated they did put a value on this and had provided this to Mr. Fedorchak.

Motion to amend carried unanimously. Motion as amended carried unanimously.

#### APPROVE EXTENSION OF TIME FOR RADVANY SUBDIVISION

Mr. Caiola moved, Mrs. Godshalk seconded, and it was unanimously carried to grant an extension of time to Radvany Subdivision to 9/23/07.

#### APPROVE GRANTING CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF ECKERD SIGN WITH A RITE AID SIGN AT LOWER MAKEFIELD SHOPPING CENTER

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to grant Certificate of Appropriateness for replacement of Eckerd Sign with a Rite Aid Sign at Lower Makefield Shopping Center

#### DISCUSSION AND MOTION ON REQUESTS FOR RELEASE OF PERFORMANCE BONDS FOR VALLEY DAY SCHOOL SUBDIVISION (AKA DEERBROOK) AND WILSHIRE GLEN

Mr. Majewski stated they conducted an inspection of the sites, and there are a few items that need to be done yet on both Valley Day School and Wilshire Glen prior to the release of their Performance Bonds. Mrs. Godshalk stated the Board did not receive a copy of the punch lists. She also noted an official letter will need to be sent out.

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried not to release the Performance Bond for Valley Day School.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried not to release the Performance Bond for Wilshire Glen.

#### ZONING HEARING BOARD

With regard to the David Nirschi, 1425 Dolington Road, Variance request to construct an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Lutheran Church of the Resurrection, 1700 Makefield Road, Variance requests to permit expansion of its place of worship, it was agreed to have the Solicitor participate.

With regard to the William and Denise Patskanick, 268 Wild Orchid Court, Appeal of the determination of the Zoning Officer regarding grading work done on adjacent properties without the benefit of a Grading Permit, it was agreed to have the Solicitor participate.

#### APPROVAL AND AUTHORIZATION OF EXECUTION OF THE CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Fedorchak stated the Township has been informed by Bucks County that they have approved the Township's Community Development Block Grant Application in the amount of \$46,700 to continue the work at the Satterthwaite House. He stated one year ago, they granted the Township \$20,000; and the Township has been using that money to fix up the front of the house by re-painting and stabilizing the front porch. He stated in this case, they will work on the north and west sections of the house including shutters, eaves, re-glazing windows, and re-painting. They feel this work will equal approximately what the Grant award would be.

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to authorize execution of the Contract for Community Development Block Grant in the amount of \$46, 700 for rehabilitation work at the Satterthwaite House.

Ms. Virginia Torbert, Patterson Farm Committee, asked if this will go out to bid; and Mr. Fedorchak stated it will. Ms. Torbert noted the recent public notice in the paper for painting the north and west sides of the Adams house; and Mr. Fedorchak stated while this sounds like it, he is not familiar with it as his staff handles this. Ms. Torbert questioned why it was advertised prior to the Board voting on it. Mr. Stainthorpe stated

they are voting to accept the Grant money. Mrs. Godshalk stated they are not awarding the bid for the work. Ms. Torbert stated as a member of the Patterson Farm Committee, it appears that the Committee has not been included, and she is concerned about that. She feels the Historic Commission probably feels this way as well.

Mr. Stainthorpe stated he understood that the Patterson Farm Committee was a stakeholders' committee assembled to advise Mr. Marshall and to provide community input and is not a Committee to approve everything that happens at the Patterson Farm. Mr. Santarsiero stated the charge of the Committee was to work with Jeff Marshall in coming up with proposals that could be presented to the Board of Supervisors for their consideration as to what they should do with the Patterson Farm. Ms. Smith stated he assumes Ms. Torbert would agree that the work being considered is desperately needed and long overdue, and Ms. Torbert agreed. Mr. Caiola stated what is being considered this evening is maintenance work and does not change the character of the house. Mr. Smith stated it will also not interfere with what the Task Force has been charged with. Ms. Torbert stated they are currently at a standstill, are not meeting, and are "out of the loop." She stated they would appreciate being included.

#### DISCUSSION OF REQUEST TO POSTAL SERVICE FOR ADDITIONAL ZIP CODE AND ADDITIONAL POSTAL UNIT

Mr. Fedorchak stated the Board of Supervisors had expressed an interest in having a Lower Makefield Post Office or at least its own Zip Code. He stated he sent a letter to the U.S. Postal Service District Manager noting the Board's desires. The Township has received a response dated 5/31/07 as follows" The Postal Service is considering applying for an additional Zip Code for the Morrisville Post Office in the future with the tentative timeframe of July, 2009. This will permit a full review while abiding by the National criteria. This process will begin by meeting with the Townships within the Zip Code, 19067, and discussing initial processes. This meeting should include Township Officials and the Postal Service Managers from various Departments within." Mr. Fedorchak stated he has asked for a date certain of when the meetings will take place, and he will update the Board once he obtains this information.

#### APPROVE MODIFICATION OF POLICE PENSION PROVISIONS OF COLLECTIVE BARGAINING AGREEMENT

Mr. Truelove stated approximately six weeks ago, they were approached by the PBA to modify the Pension Plan to add a service increment of \$100 per month for each year of service to each Officer who has served in excess of twenty-five years to a maximum of \$500 per month for each completed year of service in excess of twenty-five years with the Township Police Department. He stated the purpose is to provide an incentive for the

more senior Officers to consider retirement. He stated they consulted with Chief Coluzzi who gave his approval. Mr. Truelove stated he and Mr. Fedorchak met with PBA representatives to discuss this. The Board of Supervisors has also discussed this in Executive Session, and the Board of Supervisors has authorized that this be presented publicly for a vote. The PBA has agreed to this in principal. It provides Officers of senior status the incentive to retire at a time when they can take advantage of the incentive; and it has the added benefit to the Police Department and the Township that as some of the more senior Officers do retire, they would be replaced by newer Officers whose salaries and benefits would not be as costly as some of the senior Officers who would be retiring. This increment would be available June 1 of this year and would expire coextensive with the expiration date of the existing Agreement because it would then have to be renegotiated.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve this change to the Pension Plan as outlined in the Solicitor's letter.

Ms. Helen Bosley asked how many individuals this would relate to and asked if this is a one-time opportunity or will it continue to occur. She stated it appears that it would be \$500 per month additional per retired Police Office which would be \$6,000 per year additional retirement income. She stated if they retired and then lived for 30 more years, it would be \$180,000 additional per retired Police Officer. She stated this is not a small amount of money; and while she appreciates the service they have given, these types of increases once they are given, do not usually go away. She stated she recognizes that they would hire some lower paid individuals, but stated this type of liability, which under certain Accounting rules should be brought forth to the public, is in fact a liability that will be with the Township.

Mr. Fedorchak stated there is a date certain that this benefit will end. If approved this evening, it would be with the understanding that this benefit will terminate 12/31/09 and it would then have to be re-negotiated. The additional funding requirement on an annual basis would be \$55,000 per year. He stated what more than offsets this is the savings they would realize by hiring new Police Officers and typically this would be approximately \$40,000 per Officer. Mr. Fedorchak stated they anticipate that as many as seven Officers will retire within this period of time and added two Police Officers, in anticipation of receiving this benefit, have already met with the Finance Director and filed their Pension papers. He feels this will be a win/win situation for the Township and the Police Department.

Mr. Bosley asked at what age they will be allowed to retire, and Mr. Fedorchak stated to be eligible for the benefit, they would have to be fifty-five and have been with the Township for thirty years to receive the full amount of the benefit. Ms. Bosley stated at \$55,000 per year and the average life expectancy of twenty more years, this would be over \$1.1 million. Mr. Fedorchak stated the only additional cost to the Township would



be the amount he stated of \$55,000 on an annual basis. Ms. Bosley stated they will now have to recognize this under the changed regulations with respect to accounting for Pension and other liabilities. Mr. Fedorchak stated the actuaries have worked out the numbers and the numbers as he has stated are the additional costing requirements that they have advised would be necessary. Ms. Bosley stated she is still quite concerned about this.

Mr. Matt Maloney stated he is a Pension Actuary and in Gasby 23 which is the accounting standard for Pension liabilities for Governmental bodies, those are two separate concepts from the funding rules that guide them – how you account for them on your books and how you fund them – are two different ideas; and the math is not so simple as taking the life expectancy and multiplying it by the cost per year. He stated that cost is going to be assumed in twenty years so today's dollars it would be a very different amount of money and the funding base does not work that simply. He stated the best way to consider it is as stated by Mr. Fedorchak which is \$55,000 which is the added ongoing cost, and it is assumed to be part of the Pension Plan until the end of the Collectively Bargained Agreement at which time the benefit will cease unless it is collectively bargained again. He stated at that time the \$55,000 estimate will be irrelevant because they will be dealing with a different demographic cut – younger Officers who would cost less.

Motion to approve carried unanimously.

**AUTHORIZE TOWNSHIP MANAGER TO SIGN AGREEMENT WITH WOODSIDE PRESBYTERIAN CHURCH REGARDING USE OF ITS PARKNG LOT FOR ADDITIONAL PARKING FOR FARM MART**

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to authorize the Township Manager to sign the Agreement.

**APPROVE HIRING SOUND ENGINEER TO EVALUATE NOISE IMPACT FROM OPEN AIRE AFFAIRS EVENTS AT ELM LOWNE**

Mr. Stainthorpe stated at the last meeting it was suggested that they have the Elm Lowne Committee consider this matter so he assumes that this is their recommendation. Mr. Santarsiero stated he and Mr. Smith met with residents, representatives of Open Air Affairs and one member of the Elm Lowne Committee. Mrs. Godshalk questioned why she was not advised of this meeting as she had shown up for a meeting on this and was advised it was cancelled. Mrs. Godshalk stated she is very concerned that she was not advised of the date of the meeting which actually did take place.

Mr. Santarsiero stated at the meeting there was some question about the level of noise that existed when the affairs occur; and the representative from Open Aire Affairs had with him a decibel meter, and stated he had done his own readings. There was some question what the impact was on the residents. He stated they discussed bringing back to the Board of Supervisors having a sound engineer go out and evaluate the noise impact on the residents on Heller Drive and the other resident whose home is adjacent to Elm Lowne.

Mr. Caiola asked why the Township should hire someone if Open Aire Affairs has the equipment and is willing to do this testing again. Mr. Santarsiero stated they wanted to get an unbiased opinion as to the impact on the residents. Mr. Santarsiero stated they also wanted the Board to discuss with Open Aire Affairs what changes they could make to the way they handle their functions at Elm Lowne so as not to impact the surrounding residents. Mr. Smith stated they were trying to see what remedies are available to correct the complaints of the neighbors. He stated they would like to have an independent individual provide an understanding of the noise levels and how it impacts the residents.

Ms. Anita Grossman, 1368 Heller Drive, stated many residents attended the meeting and indicated they could hear the parties in their homes and can actually “feel” the beat of the music. She stated this particularly impacts those whose back yards border the property, and they have totally lost the use of their back yards. Ms. Grossman questioned the decibel readings provided by the representative from Open Aire Affairs. She stated they have twenty parties scheduled for the rest of the year.

Mr. Santarsiero stated they would like to verify the noise readings and get ideas as to how to mitigate the problem.

Mr. Santarsiero moved and Mr. Stainthorpe seconded to retain a sound engineer to perform an evaluation.

Mrs. Godshalk stated before the Township approved the Contract with Open Aire Affairs, they had their own Contracts; and they advised those using the property what kind of music they could play and also required them to face the music a certain way so it did not face the residences and everyone was very cooperative. She stated they could require this of Open Aire Affairs as well once the results come back from the sound engineers.

Ms. Grossman thanked the Board for their consideration.

Mr. Burgess questioned why they could not contact the Police Department if it is too loud and the Police would advise that it is too loud and they would be required to turn the music down. He stated he does not understand why they have to spend money to find out if the music is too loud. Mr. Santarsiero stated the Contract the Township has with Open

Aire Affairs stipulates that they must maintain sound at reasonable levels, but the question is what is “reasonable.” He stated the Township needs evidence as to what is happening. He stated they also need to have someone consider what can be done to mitigate the problem as they do not want to handicap Open Air Affairs from being able to continue at Elm Lowne as it is a benefit to the Township, but they need to balance that interest with the interest of the neighbors.

Mrs. Godshalk stated there is a precedent for using sound engineers as they did hire someone in the past when Shady Brook Farm was disturbing some of the neighbors with their activities and sound readings were taken at that time.

Motion carried unanimously.

#### SUPERVISORS’ REPORTS

Mr. Stainthorpe stated the Golf Committee made their numbers for the month of May and beat last year by 25% which was a good year. He stated the Course is in great shape. He stated he recently played in an Outing at the Course and received many compliments about the condition of the Course and the quality of events. Mr. Stainthorpe stated the Disabled Persons Advisory Board working with Chief Coluzzi has come up with a data base of people living in the Township with disabilities which will be passed onto 911 at the County level so that if there is an emergency, they will know that there is someone with a disability at a specific home. He stated the Disabled Persons Advisory Board is a great Board, and they are finding excellent ways to serve the community.

Mr. Smith asked about the water problems at the Golf Course, and Mr. Stainthorpe stated they will consider this at their next meeting on June 18. He stated there is not a problem yet; but if they do not get sufficient rain, they would have to use the wells and this can impact the other homes in the area.

Mrs. Godshalk stated the Historic Commission and Planning Commission have been working hard on the Edgewood Village Historic District Traditional Neighborhood Amendment. She looks forward to passing this Ordinance which has now been advertised. She stated on Monday there was an article by Mr. Mullane in the Bucks County Courier Times about those who lost their lives in Iraq, and he referred to different Memorials and indicated that everyone should visit the Garden of Reflection. She stated they feel there will be an influx of people a result of the article. She thanked the Township for taking over the work that the Memorial Committee has started on the arboretum at Memorial Park. They have received a number of trees which were donated and paths have been installed outside of the Memorial.

June 6, 2007

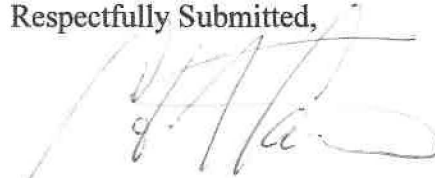
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Mr. Caiola stated the Economic Development Commission toured Edgewood Village, and he thanked Mr. Majewski for the maps. He stated the Commission is very interested in this area.

Mr. Smith noted the upcoming Community Pride Day to be held on Monday, September 3.

There being no further business, Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 9:50 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "S. Santarsiero", written over a horizontal line.

Steve Santarsiero, Secretary



# Township of Lower Makefield

BOARD OF SUPERVISORS  
Ron Smith, Chairman  
Greg Caiola, Vice-Chairman  
Steve Santarsiero, Secretary/Treasurer  
Grace M. Parkinson Godshalk, Supervisor  
Pete Stainthorpe, Supervisor

**MAY 2007 WARRANT LISTS AND  
APRIL 2007 PAYROLL COSTS FOR APPROVAL  
JUNE 6, 2007 BOARD OF SUPERVISORS MEETING**

5/7/2007 Warrant List	\$ 635,622.59	
5/07 Manual Checks	4,140.00	
5/21/2007 Warrant List	567,887.57	
Total Warrants & Prepaids		1,207,650.16
<u>PAYROLL COSTS:</u>		
APRIL 2007 Payroll	257,717.83	
4/07 Payroll Taxes, etc.	126,510.00	
Total Payroll Costs		<u>384,227.83</u>
TOTAL TO BE APPROVED		\$ <u><u>1,591,877.99</u></u>

