

**TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 15, 2006**

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 15, 2006. Chairman Santarsiero called the meeting to order at 7:30 p.m. Mr. Caiola called the Roll. Mr. Santarsiero noted the Board met from 5:30 to 6:40 to interview people for various vacancies on Township Boards and Commissions. The Board met in executive session from 6:40 to 7:30 to discuss various litigation and real estate matters.

Those present:

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

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

PUBLIC COMMENT

Mr. Santarsiero asked if there was any public comment. None was noted from the audience.

APPROVAL OF MINUTES OF JANUARY 25, 2006 TO DISCUSS EDGEWOOD VILLAGE AND SPECIAL MEETINGS OF JANUARY 26 AND 31 TO CONDUCT INTERVIEWS OF ENGINEERING FIRMS

Mr. Stainthorpe moved and Mr. Caiola seconded the motion. Mr. Santarsiero asked if there were any corrections or changes. He noted he had one change to the January 26, 2006 interviews of Engineers that the record reflect that Mrs. Godshalk joined the meeting in progress at 5:25 p.m.

Mr. Stainthorpe asked why they were not approving the February 1, 2006 minutes tonight. Mr. Santarsiero stated that meeting tape is in the possession of the Police Department.

The motion unanimously carried.

TABLE AGREEMENT WITH MATRIX DEVELOPMENT

Mr. Santarsiero stated the Board hoped to have a finalized settlement agreement between RAM, Matrix Development Group and the Township that would finally resolve the Matrix dispute which resolution has been a matter of negotiation for several years. There is one issue that needs to be resolved which makes it impossible for the Board to consider a final agreement tonight.

Mr. Santarsiero moved to table discussion of the final agreement between Matrix, the Township, and RAM until March 1, 2006. Mr. Caiola seconded and the motion was unanimously carried.

TABLE APPROVAL OF ORDINANCE NO. 358 RECINDING ORDINANCE NO. 355 WHICH ESTABLISHED AN AGE QUALIFIED COMMUNITY AS A PERMITTED USE

Mr. Santarsiero stated because of the status of the proposed agreement with Matrix, he moved to table approval of Ordinance 358 to a March 1, 2006. Mr. Smith seconded and the motion unanimously carried.

APPROVAL OF THE MINEHART SUBDIVISION PRELIMINARY PLAN

Mr. Santarsiero noted when this matter was last before the Board in February; the Board had just chosen Schoor DePalma to be the Township engineer. He stated that Schoor DePalma represents the applicant in this case and so a conflict existed. The Board decided at that meeting that the Board would retain Pickering Corts to serve as Township engineer with respect to this project and Roger Phillips will be participating at this part of the meeting on behalf of Pickering Corts.

Mr. Eric Tobin from Eastburn & Gray introduced himself, the applicant Mr. Chris McGinn and project engineer Mr. Mark Buchvalt from Schoor DePalma. Mr. Buchvalt stated the property is located along Lindenhurst and Woodside Roads in Lower Makefield Township. He stated his client received preliminary plan approval from the Planning Commission then went before the Zoning Hearing Board for encroachments for utilities and driveways in environmentally sensitive areas, which would require variances. He stated the last time they were in front of this Board was to discuss those variances and get support for those variances based on options they presented.

Mr. Buchvalt stated this site has a number wetlands and wetland buffers, a substantial amount of existing wooded areas and a transcontinental right-of-way running through the site. He stated the current proposal is for seven single-family homes with its own driveway, two driveways coming out to Lindenhurst, one to the existing Toll Brothers site and the remaining coming out onto Woodside Road. He stated due to the amount of natural resources on the site, we have a very low-density development. The minimum lot area for this zoned district is 25,000 square feet and if we did not have the environmental constraints one could imagine the amount of units one could have on this site. Mr. Buchvalt stated we are not even disturbing 30% of the trees on the site with construction.

Mr. Buchvalt stated he would like to discuss the CKS review letter dated November 22, 2005 and stated they will comply with the issues in this letter and resubmit the plans. He asked if they should resubmit the plans to CKS or the Township Sewer Engineer. Mr. Santarsiero stated the plans would go to the Township Sewer Engineer.

Mr. Buchvalt stated he would like to discuss the December 7, 2005 review letter from Pickering Corts and Summerson. He stated the first comment in the letter is regarding Item no. 1, the fee in lieu of road widening, curb and sidewalk improvements. He stated it is their understanding that an agreement was reached back when this land was originally subdivided and the fee was predetermined that Mr. Minehart would have to pay for the improvements that were already

constructed. Mr. Buchvalt stated it has been in the letter for quite some time and they need to talk with the Board about the appropriateness of the \$160,000 fee that is in the letter and on the previous plans.

Mr. Tobin stated there are minutes from the June 17, 2002 meeting at which the \$160,000 fee was set. It is his understanding the improvements have already been installed and this would be reimbursement to the Township. Mr. Santarsiero stated he did not understand. Mr. Buchvalt stated there was a previous subdivision on this property taking it to two different parcels. As part of that subdivision on those plans, an agreement was reached at that time that future development of the property the developer is required to pay a fee of \$160,000 in lieu of road widening, curb and sidewalk improvements based on improvements the Township was going to do at that time. He stated those notes are on previously recorded plans.

Mr. Santarsiero asked what are they asking about the fee in lieu. Mr. Tobin stated they know they will pay the Township a few in lieu of doing road and sidewalk improvements and the way it was setup in 2002 was there was to be reimbursement to the Township in the amount of \$160,000. Mr. Buchvalt stated the question in the review letter is has the Board determined whether the proposed amount is appropriate and we feel that it is based on the history of what he presented.

Mr. Truelove asked if this is on page 3 of the letter from Pickering Corts and Summerson. Mr. Tobin replied yes. Mr. Phillips stated we have not seen any breakdown on the \$160,000 in the existing agreement. He stated what Mr. Tobin and Mr. Buchvalt are referring to is the copy of the plan from 1986 when the parcel was subdivided into two individual lots, there was a note on the plan that said any further development would require a major subdivision with full road improvements. Mr. Tobin stated according to the June 17, 2002 minutes, the breakdown is \$82,000 for improvements on Lindenhurst Road and \$78,000 for improvements on Woodside Road.

Mr. Santarsiero stated we couldn't address the fee in lieu issue tonight because we don't have enough information to respond.

Mr. Buchvalt stated Item no. 2 stated that Mr. Minehart will comply and will retain property for himself and it will be added that there will be no further subdivision. He stated they added Item no. 3 to the waivers and can review later in the meeting. Item no. 4, they sent notice to Tranco regarding the work they are doing near their easement and noted we are not encroaching on the easement but were requested to send a letter anyway to notify them. Mr. Buchvalt stated Transco responded and gave requirements to work near the easement and both those letters have been submitted to the Township. Mr. Buchvalt stated they would comply with Item no. 5 relating to tweaking the tree line. He stated they would comply with Item nos. 6 and 7 relating to the comments from the authorities and outside interests. He stated we have the Bucks County Conservation District permit secured and will need is a letter from the Township that the road improvements and driveway locations are acceptable so that we can go to PennDot for review.

Mr. Buchvalt stated he has some issues with the Bucks County Planning Commission letter. Mr. Santarsiero asked what are the issues. Mr. Buchvalt stated he would go through the waivers first then go back to this letter. Mr. Stainthorpe asked if this was discussed at the Planning Commission

meeting and asked if he has been through the Township Planning Commission. Mr. Buchvalt stated they made a resubmission to the Township Planning Commission.

Mr. Buchvalt referred to the Waiver Request letter, noting that they are asking for a waiver for Item a, core samples be provided from all of the roads abutting the site. He stated the Township had recently worked on Lindenhurst and Woodside Roads and the Township Engineer is aware of the composition of the roads. Mr. Phillips stated this would dovetail in with the road improvements if they were to be required instead of the fee in lieu of. Mr. Buchvalt stated the Planning Commission and Engineer did not have an issue at that time with this comment and all of these items were discussed at the Planning Commission meeting. Mr. Phillips stated if there are no road improvements required there would be no core samples required. Mr. Buchvalt stated as to Item b, excessively irregular lots are to be avoided. He stated they put the lots lines where most logical to follow the right-of-way, stream, transcontinental easement, streets and what is already on-site. Item c requires compliance with Section 17856 that nothing be planted or placed near and easement except for buffer plantings. He stated running through one area of the site we are going to have driveways and utilities and service to the homes, this area would be land-locked without access through this easement and the easement was put there because it is least intrusive to the wetlands. Mr. Tobin stated if the easement were moved away from the driveways it would encroach the driveways into more environmentally sensitive areas and that was the reason to put the easement there.

Mr. Santarsiero asked what is the black line on the plan. Mr. Buchvalt stated that is the edge of the wetlands. He stated the existing sanitary easement come right through there which is the most ideal way of entering into the two properties being discussed. They added a note to the plan at the recommendation of the Planning Commission that the homeowners of these two houses would be responsible if there was maintenance needed on these sanitary lines to restore the driveways. Mr. Buchvalt stated Item d and e are two different requirements in SALDO for stormwater. He stated their reasoning for the waiver is the same for both. He stated Item d states that all plans and designs for stormwater management facilities shall determine the maximum expectant discharge and runoff. Item e states post-develop release rate criteria for the one through one hundred storm vents shall be met. He stated the Township ordinance would require that the entire site be taken into account in pre-development and reduce it post-development by 50%. He stated it is not feasible for us on this site to accommodate that requirement. He stated we are only disturbing such small pockets of areas. If we were to meet the requirements for the release rates and maximum of this site we would need swales that would run down along the stream on both sides to collect input. That would be more disturbance and tree removal and going against the natural flow of the site, everything runs down to the stream. We are mitigating the areas we are disturbing and are working with underground beds. Some of those beds will promote infiltration. We will have several areas of discharge, which is better, and will meander through and disburse through the wetlands.

Mr. Tobin stated they also are restricting total impervious area of each lot. Mr. Buchvalt stated Item f requires that all discharge points for stormwater management and the issue was raised that discharge was going across other people's property. He stated that we do not want to take the pipes all the way to the stream and if required we would need to cut down trees and go through the wetland buffers. He stated we would like to discharge earlier but away from the homes and allow

the water to meander through the natural vegetation and dissipate. He stated that all of these things are more in line with the current philosophy of stormwater management and the new Act 67.

Mr. Santarsiero asked what is the topography of the site. Mr. Buchvalt stated it is a sheet flow on both sides. Mr. Buchvalt noted that discharge from one house is coming through the backyard of another lot and the Planning Commission did not like that configuration so we relocated the pipe behind. Mr. Buchvalt stated Item g, regarding grading should start five feet from the property line and we are starting at the property line on one side of the plan to mitigate their affects on the wetland buffers. Mr. Buchvalt stated Item h is another stormwater requirement, which says that for each lot the stormwater facility should be designed anticipating the maximum impervious for that site. He stated if someone is allowed 15% on 3 acres, we don't want to design our facilities for that much impervious. We did allow for some expansion on some lots and added additional capacity in the stormwater facilities for approximately 400 to 500 square feet for decks or patios. Mr. Buchvalt stated on larger areas we have allowed an additional 2,000 square foot and have added notes in the plan that anything beyond that allotment the homeowner would have to apply to the Township and have a plan approved to expand their structure. He noted there is not much room in the building envelope for the homeowner to add significant amounts of impervious, patios or decks on their property.

Mr. Santarsiero noted the building envelopes for the two houses on the eastern edge of the plan are fairly large. Mr. Buchvalt replied yes and that is why they allowed for a larger increase in the future and is accounted for in the stormwater facilities. Mr. Phillips stated he does not have an objection to that, noting if the lot is sized to the letter of the ordinance there would be more disturbance required. Mr. Santarsiero asked if Mr. Phillips agreed as a practical matter that both lots would not ever get to that size. Mr. Phillips stated he agreed certainly if it were restricted for future approval and the owners would have to come back to the Township for approval.

Mr. Buchvalt stated that was the end of their revised waiver list. He stated we added one waiver to comment 3 and deleted Item c.

Mr. Santarsiero asked Mr. Buchvalt to address the Bucks County Planning Commission letter. Mr. Santarsiero stated the Board did not have a copy of the letter. Mr. Truelove asked what is the date of the letter. Mr. Buchvalt stated the letter is dated December 16, 2005. Mr. Buchvalt stated the reason he is addressing the letter is because they don't agree with all of the Bucks County Planning Commission's comments. Mr. Santarsiero temporarily adjourned the meeting for fifteen minutes to make copies of the letter.

Mr. Santarsiero called the meeting to order and noted the Board has copies of the Bucks County Planning Commission letter dated December 16, 2005. Mr. Buchvalt stated Item 1 is BCPC reiterating the waivers that were in the letter. Item no. 2 site capacity calculations, they continue to question why there are zero acres of wetlands on the site in the calculations on the plan. Mr. Buchvalt responded to BCPC that there are wetlands but it is listed as zero because we cannot overlap the easement when doing calculations, the wetlands are completely in the wetland buffer so they are not counted. He stated they raised the same issue as the Pickering letter, Item 1 about curb and sidewalk and the fee that was discussed earlier tonight. Mr. Buchvalt stated Item 4, BCPC

asked for additional bike path and walkways crossing the transcontinental right-of-way and along Lindenhurst Road. He stated this was discussed with the Planning Commission and if you look to Lindenhurst Road, the bike path comes down and extends to the gas facility and there is a bike path on the other side of Woodside Road. Mr. Buchvalt stated there was some discussion of responsibility of extending the bike path beyond the gas facility to the end of the road. He stated we made comments at the Planning Commission that we feel the Township should investigate this issue and whether or not Toll Brothers should be responsible for extending the bike path based on some agreements that were in place when their subdivision was completed. Mr. Santarsiero asked if it was across the street. Mr. Buchvalt asked the Township to investigate whose responsibility that would be, therefore we do not agree with that item.

Mr. Buchvalt stated Item 5 is a comment that the property was on the map of inventoried properties for consideration of open space. He stated Item 6, in areas where we have the need for sill fence we are using Super Sill Fence, also a tree protection fence and he does not see why there should be an issue with that, noting it is a chain link high fence. Mr. Phillips stated he agrees with Mr. Buchvalt's reasoning. Mr. Buchvalt noted that was the end of his presentation and asked they be granted conditional preliminary approval from the Board so they can continue the process.

Mr. Santarsiero asked Mr. Phillips his opinion on Mr. Buchvalt's presentation. Mr. Phillips stated he was okay with the engineering aspects but it is not his decision with the waivers that are requested. He stated from an engineering standpoint, the outstanding comments are basically housekeeping comments and would move forward and address them in final. Mr. Santarsiero asked Mr. Phillips his opinion with the stormwater waivers. Mr. Phillips stated he has no objection to stormwater waivers.

Mr. Smith stated he is concerned about, based upon what the engineer just stated, that we reserve the right to revisit the fee in lieu. Mr. Santarsiero stated we could grant preliminary approval tonight and reserve that until the time Mr. Minehart comes to the Board for final plan approval. Mr. Tobin stated we are amenable to that and stated that earlier. Mr. Santarsiero stated that is also related to the core sample issue. Mr. Buchvalt stated his understanding is from the Planning Commission is core samples are for roads that we are doing work on and have no record of what is really there. He stated since those roads were recently worked on the Township clearly has a record. Mr. Stainthorpe stated relating to the fee in lieu, stated since this figure was established in 2002; minimally it needs to be updated for current construction costs. Mr. Buchvalt stated that issue was raised and our understanding is that the Township has already spent the money. Mr. Santarsiero stated Mr. Minehart would be reimbursing the Township for money already paid and need to figure out if that is case.

Mr. Santarsiero asked if the Township has undertaken investigation of the bike paths. Mr. Fedorchak stated the last he recalled the Township was having difficulty securing a right-of way over the property owned by the gas company. He stated this goes back two to three years and there is an impasse and the matter has not been picked up since then. Mr. Santarsiero stated we are not sure whose responsibility it is or if a previous agreement with Toll exists to put the bike path in. Mr. Fedorchak stated he would investigate that.

Mr. Santarsiero asked if there are any comments from the Board or audience. Hearing none Mr. Santarsiero asked for a motion. Mr. Truelove stated the motion would be to approve the preliminary plan for the Minehart Subdivision, Tax Map Parcel 20-3-28 and 20-3-28-2, dated August 8, 2003, last revised as of October 20, 2005, subject to conditions:

1. Applicant shall comply with the Lower Makefield Township SALDO, Zoning Ordinance and all applicable local, state and federal statutes and laws;
2. Receipt of all permits, authorizations or approvals from all agencies with jurisdiction including PennDot;
3. Compliance with the Pickering, Corts and Summerson, Inc. letter dated December 7, 2005;
4. Compliance with CKS engineers letter dated November 22, 2005 regarding fifth revised preliminary plans;
5. Compliance with Bucks County Planning Commission letter dated December 16, 2005 with exceptions to Items 2 & 6 and Items 3, & 4 to be investigated;
6. The issue with respect to the fee in lieu and road widening, curb and sidewalk improvements will be deferred until further investigation by the Township as to the amount, if any of improvements that have already been depleted by the Township and would be subject to reimbursement;
7. Further investigation of the bike and pathway issue on Lindenhurst Road;
8. Pursuant to SALDO section 178-7 the applicant shall construct any improvements in connection with the conditions set forth therein or shall deposit funds or security in escrow to sufficiently cover the cost of the required improvements and inspections as determined by the method set forth in SALDO, section 178-7;
9. Including the waivers set forth in the February 8, 2006 letter to Mr. Fedorchak from Mr. Buchvalt.

Mr. Stainthorpe moved and Mr. Caiola seconded the motion. Mr. Santarsiero asked for any discussion from the Board. Mr. Santarsiero asked Mr. Phillips about Item 2 on the Bucks County Planning Commission letter and asked if the wetland buffer calculations were correct. Mr. Phillips stated the reasoning is correct. Mr. Santarsiero asked if there was any discussion from the audience. None was noted.

The motion unanimously carried.

APPROVAL OF LEASING TOWNSHIP LANDS FOR FARMING

Mr. Santarsiero stated the next issue for discussion is leasing Township lands for farming. The Vargo Farm is 19 acres and Patterson Farm is 188 acres.

Mr. Fedorchak advised the Board that the Township placed out to bid the leasing of both 188 acres at Patterson Farm and 19 acres of Vargo Farm, the site of Memorial Park. He stated the Township received three bids and crafted a five-year lease, finding that the longer term produces the higher price per acre. Tanner Brothers bid \$60 per acre for both Patterson Farm and Vargo Farm. Mr. Fedorchak stated the rent for Patterson Farm would be \$11,280 per year and \$56,400 total rent for

five years. He stated the rent for Vargo Farm would be \$1,140 per year and \$5,700 total rent for the five-year period. Mr. Fedorchak stated Sterling Farm bid \$55 per acre for both Patterson Farm and Vargo Farm. He stated the rent for Patterson Farm would be \$10,340 per year and \$51,700 total rent for five years. He stated the rent for Vargo Farm would be \$1,045 per year and \$5,225 total rent for the five-year period. Finally, Charlann Farms bid \$72 per acre for Patterson Farm, \$13,536 per year, \$67,680 total rent for five-year and they bid \$58 per acre for Vargo Farm, \$1,002 per year and \$5,510 total for the five-year period.

Mr. Fedorchak stated he places this before the Board for consideration this evening. It would appear that based on the three bids submitted, that Charlann Farms would be the highest qualified bidder for Patterson Farm at \$72 per acre, \$67,680 total over a five-year period and Tanner Brothers would be the highest bidder for Vargo Farm at \$60 per acre, \$5,700 total over the five-year period.

Mr. Santarsiero stated the Mr. Fedorchak provided the Board with a memo dated February 8, 2006, which he noted that the last time either farm were leased out bids came in April 2001 and Tanner Brothers was the highest responsible bidder at \$114,000 for both properties. He asked if he is to assume the difference of the substantially higher amount paid for the two properties that were previously paid by Tanner Brothers even over the highest bids tonight by Charlann and Tanner is attributable to the reduction in the size of the Vargo tract. Mr. Fedorchak stated that is true to some degree and other economic considerations. Mr. Stainthorpe noted the Township has also lost some land on the Patterson tract for the new on-ramp.

Mr. Santarsiero asked for a motion to accept the bids. Mr. Caiola moved to award the bid for Vargo Farm to Tanner Brothers for a five-year lease totaling \$5,700 and Patterson Farm to Charlann Farm for a five-year lease totaling \$67,680. Mr. Stainthorpe seconded the motion. Mr. Santarsiero asked if there are any comments from the Board.

Mr. Smith noted at the last meeting there was discussion and he made a motion to explore the transfer of the Patterson Farm to Farmland Preservation Corporation and believe we tabled that until a date certain. He asked what affect would this five-year lease have if the Board decides to transfer Patterson Farm to Farmland Preservation Corporation, if any. Mr. Santarsiero stated if the Board decides to deed Patterson Farm to Farmland Preservation, we do that pursuant to that to an existing lease and could negotiate any deal we want and require that rent money come into the Township. He stated he did not think the Township would be put at a disadvantage by entering into a five-year lease. He stated if the Township agreed to a shorter lease, the Township would have to re-bid farming the land. Mr. Truelove stated any reduction in the lease term would require re-bidding. Mr. Smith asked the solicitor if he concurred with Mr. Santarsiero. Mr. Closser stated the property could still be transferred.

Mr. Santarsiero asked for any comment from the audience.

Mr. Sam Conti asked if the leases are contingent on Patterson Farm. Mr. Fedorchak stated the leases were bid separately. Mr. Conti stated that Tanner Brothers might back out of the lease if he did not get both farms. Mr. Fedorchak stated he did not discuss this with the two high bidders and

when he goes back to Tanner he will discuss that he was awarded the bid for Vargo only and he may back out.

Ms. Virginia Torbert stated the Tanner bid is half of what it was the last time and asked if the Board knew why. Mr. Santarsiero asked if she is basing that on the \$114,000 total for the two properties. Ms. Torbert stated she knows that five years ago they were paying \$125 per acre and now they are bidding at half an acre. Mr. Fedorchak stated he did not know why. Ms. Torbert stated she made the comment because of the leaves on the property. Mr. Stainthorpe stated that Tanner has always been in favor of the leaves and has helped the Township. Ms. Torbert suggested the Township have someone regularly test the soils given the quantity of leaves that have been placed on the property over the years noting the quality of the soil may have been compromised.

Mr. Santarsiero asked what is the issue with the leaves relating to the soil. Mr. Tom McGowen stated we should look at the environmental impact the leaves are having on the affect of the soil. He stated there are two lakes on Creamery Road, which used to have Bass and Turtles in them and now they cannot support any life at all. He stated if the Township is placing leaves on the soil without letting them compost properly the will smother the soil. Mr. McGowen stated he feels the Township is going backwards in its ability to sustain agriculture and crops.

Mr. Leo Cohen stated when the farms were bid several years ago how many bidders were there. Mr. Fedorchak stated there were six bidders. Mr. Smith asked how was this bid advertised. Mr. Fedorchak stated there were a few ads placed in the Courier Times and Mr. Coyne reached out to a number of local farmers. Mr. Smith stated he saw a notation that some of the previous bidders chose not to bid. Mr. Fedorchak replied yes.

Mr. Santarsiero asked if all of the leaves collected in the Township are spread on Patterson. Mr. Fedorchak replied yes and on the Vargo tract. Mr. Santarsiero asked what is the volume. Mr. Fedorchak replied alot.

Mr. Buster Doan stated this year he has already spread leaves several times with a 900 to 950 ten-ton spreader and he is only halfway done. He stated something should be done in the future with the volume of leaves.

Mr. Doug Riblet stated there are experts here that are developing the impression that if the leaves could be spread to the Farmland Preservation parcels, that result would be favorable to the soil as opposed to what is happening at Patterson. Mr. Santarsiero asked if there is a general agreement in that statement. Mr. Doan stated that Tanner uses lime to breakdown their leaves.

Mr. Santarsiero stated he would like to put leaf issue on the agenda next month for further discussion and the Board needs to get educated as to exactly what the problems are. He asked Mr. Doan, Mr. McGowen, Mr. Conti and Mr. Riblet to be involved in that discussion. Mr. Stainthorpe stated he thinks the Penn State extension service will come out and test the soil. He stated he agrees with Ms. Torbert that we are not using sound procedures and the leaves could be destroying the ability to produce crops and it is reflected in the bids.

Mr. Vince Bodner asked if the Township should hold off on accepting the bids pending further information. Mr. Doan stated that we have fewer farmers this time around than last time. Mr. Santarsiero stated we could change things on a going forward basis but are not sure they could do much about this now and should accept the bids.

Mr. Cohen stated the Township should also test the water. He stated by giving a lease to someone now could make the situation worse. Mr. Santarsiero stated if the Township awards a lease tonight we are not tying our hands with respect to the leaves, the leaves come from the Township. He stated the Township could modify that part of the arrangement anytime we want. Having the testing done on the soils and water should not require that we not go forward with awarding the lease tonight. If it seems based on the outcome of those tests that the Township should modify our behavior than that is what we need to do.

Ms. Torbert stated we need a local farmer to take care of the farms who knows farming. She stated the problem is with the leaves and we want the land managed to keep the soil to produce. Ms. Torbert noted that Mrs. Godshalk raised the issue of a provision in a resolution that Farmland Preservation passed that land could be developed if not farmed. Mr. Smith stated he reviewed the resolution. Mr. Santarsiero stated the point is if a rule is setup by resolution it could be changed by the Board at anytime. He stated we ultimately want to think of a long-term resolution after the Heritage Conservancy issues its recommendation.

Mr. Fedorchak stated he is interested to explore using the Farmland Preservation Corporation properties for the leaves. He stated he has seen an increase in the number of trees and leaves in the Township in the recent years.

Mr. Santarsiero stated a motion has be made to award the five-year lease to Tanner Brothers for Vargo Farm at a total of \$60 per acre, \$1,140 per year and a total of \$5,700 for the five-years term and to Charlann Farms for Patterson Farm for a five-year lease for \$72 per acre, \$13,536 per year and a total of \$67,680 for the five-year term. The motion has been made and seconded. The motion unanimously carried.

REPORT ON SNOWSTORM OF FEBRUARY 11th and 12th

Mr. Fedorchak stated the Township received 18 inches of snow on Sunday morning, starting around midnight and lasting until noon. He stated the Township started to mobilize its Public Works people late Saturday evening and by 3:00 a.m. Sunday morning we had 13 full-time and 7 part-time employees and 4 contractors plowing snow. He stated all day Sunday into Sunday evening the Township had no less than 20 trucks on the roads. Mr. Fedorchak stated they had a problem with the wind drifting snow and keeping the roads in the north part of the town clear. He stated on the whole, Public Works did a good job yet received a number a complaints and have made every effort to get back to each one to make things better. Mr. Fedorchak stated all 13 full-time employees put in at least 28 continuous hours of plowing, most in the 32-33 hour range of plowing.

Mr. Santarsiero stated he wanted to thank the Public Works employees for the work they did. He stated there were complaints from the residents ranging from the street was not adequately plowed

to streets were not plowed until late Monday. He stated he would like to take a closer look at the Township's snow removal policy and procedure and if there are improvements we could make we should. Mr. Santarsiero suggested the Board sit with Mr. Coyne and Mr. Fedorchak and discuss the procedure and what options and resources we have available.

Mr. Santarsiero noted the variable that exists in each storm is the severity of the storm and as in this case we don't know that until the last minute. Mr. Santarsiero stated he would like to look at a better system for notification and for problems. When people feel their street has not been adequately plowed or the Township hasn't gotten there quickly enough, we need a hotline to call into and speak to someone and be apprised of the schedule of when a truck will come out. He stated he would like put all of these issues relating to snow on the agenda for the next meeting.

Mr. Smith noted in the last five years the number of Township roadways has increased. He asked if the number of personnel been increased to correspond with the number of roadways. Mr. Fedorchak stated the full-time employees no. He stated we have tried whenever possible to increase our pool, especially the part-time people who help us with other seasonal activities. He stated we couldn't always guarantee we will have six to nine people in each storm. He stated we've added an extra contractor bringing the total to four. Mr. Fedorchak stated at the conclusion of a major storm I conduct a critique with my staff, which would work perfectly with what the Chairperson is suggesting.

Mr. Smith stated putting aside the severity of this storm, based upon the pool of part-time people, was the Township short-handed. Mr. Fedorchak stated that is difficult to answer because in the north end of town in the early morning the windy conditions blew the road shut and that challenged our employees to keep the roads open. He stated he has three employees assigned to three districts up there and one of the employees got sick and went home, then a truck broke down later and something always comes up. Mr. Fedorchak stated if we can add more contractors and individuals it should improve service. Mr. Santarsiero stated we are not prepared tonight to detail that discussion and would like to talk about this at the next meeting.

Mr. Buster Doan suggested the Township establish a one-hour limit after the storm starts that all cars must be taken off the street. He noted there is a problem with private snow plows pushing snow from driveways into the street. Mr. Santarsiero agreed with Mr. Doan's comment and noted it is hard to regulate that.

Lee Seglem, 1802 Wrightfield Avenue thanked the Township for responding to his e-mail. He stated he has lived in the Township for 16 years and has never felt compelled to complain about snow removal before. He stated his street was not plowed until 6 p.m. on Sunday.

Mr. Buster Doan suggested the Township purchase new trucks noting that many of the Township trucks are more than twenty-three years old. Mr. Santarsiero stated that is a continuing problem which came before the Board during budget discussions and we had to increase taxes this year to make ends meet to provide the services we want to and were criticized.

Mr. Tom McGowen asked if there is an ordinance in place about cars placed on the road. Chief Coluzzi stated at 7:00 p.m. on Sunday they declared a snow emergency and once that is declared no vehicles are supposed to be traveling the roadways, noting most people comply. Mr. Caiola asked if the Township acts on the cars that don't comply. Chief Coluzzi stated the cars that get snowed are stuck there and that is penalty in itself. Chief Coluzzi also stated in addition to all of the things the plows have to do, we are in constant contact with every truck and if we have a Police emergency and need to get down a street, which is not plowed, they are there for us. The snow trucks will also follow the unit in the event the unit gets stuck.

Mr. Santarsiero asked if there were any further comment from the Board or audience.

ZONING HEARING BOARD

It was agreed to continue the Dana Weyrick, Gary Cruzan and Residents Against Matrix appeal to the Zoning Hearing Board alleging that the adoption of Ordinance No. 355, "Age Restricted Qualified Ordinance", to February 21, 2006.

In the matter of Thomas Sherry Golden, 1463 Hidden Pond Drive, it was agreed to authorize the Solicitor to participate and investigate with the assistance of the engineer to determine if there are any drainage issues implicated by the moving of the fence and request that if the variance is granted the homeowners and applicants agree to pay any costs incurred by the Township to move the fence to deal with any easement issues.

In the matter of Stephen and Kris Young, 906 Greenway Avenue, variance request to construct an addition resulting in a greater than permitted impervious surface. It was agreed to authorize the Solicitor to participate to determine if the Zoning Hearing Board and applicant could be convinced to reduce the impervious surface increase as much as possible to the amount that is currently existing. This is a pre-existing non-conforming use and the current Zoning impervious surface ratio permitted is 18%. Because it is a pre-existing non-conforming use the residence currently has 24% impervious surface. The request would increase the impervious surface ratio to 27.6%.

Zoning Hearing Board appeal concerning Giant Supermarket and its request that its store hours be extended to midnight. Mr. Santarsiero stated the Township opposed that application and it is his understanding the Zoning Hearing Board granted the application by a three to two vote. Mr. Santarsiero made a motion that the Board of Supervisors and Township appeal that decision to the Court of Common Pleas. Mr. Smith seconded and the motion unanimously carried.

SUPERVISORS REPORTS

Mr. Santarsiero stated he attended the Environmental Advisory Council last week and noted the Board is going to propose that the EAC have its role expanded to become an actual review board that would review all use applications that come before the Township just as the Planning Commission does now and advise the Board of Supervisors. He stated the idea is as we move forward and adopt a Low Impact Development Ordinance for the Township environmental issues will become increasingly important and it will be important for the EAC to function in that capacity.

He noted many other towns already do this and I think it makes sense for Lower Makefield and the EAC is receptive to the idea.

Mr. Santarsiero stated there has been some discussion about increasing the frequency of the newsletter to four times a year, but cutting back the size of the newsletter. We currently publish two newsletters a year that are eight pages in length. The idea would be to decrease the two newsletters that are published in June and December to four pages and publish two additional newsletters in late March or early April and sometime in the fall that would be a large postcard mailing. He stated the costs would be a wash if we pursue this but would have more opportunity to communicate with the public.

Mr. Santarsiero noted the Citizens Traffic Commission has not yet been formed but we have received applications. He noted the Southeastern Bucks League of Municipalities has not met.

Mr. Smith noted there was no Planning Commission meeting this week due to lack of agenda items, the Historical Commission meets next week, the Regional Traffic Planning Task Force meeting he gave an update at the last meeting and would next meet in May and Farmland Preservation one vacancy is coming up and they discussed their objectives for this year.

Mr. Caiola stated Cable TV Committee met and the gentleman from Comcast did not attend the meeting who is usually there to work with the Committee and work out issues. The Cable TV Committee has not had any feedback on the new franchise fees, the new deal or any complaints from neighbors. He noted the Board should have a discussion in the future about lack of attendance at Committee meetings.

Mr. Stainthorpe did not have anything to report.

APPROVAL OF TRANSITION AGREEMENT BETWEEN PICKERING CORTS AND THE TOWNSHIP RELATING TO THE TRANSITION OF FILES FROM PICKERING TO SCHOOR DEPALMA

Mr. Fedorchak stated he recommends that the Board enter into the transition agreement between Pickering, Corts and Summerson. He stated per his letter to Pickering, Corts and Summerson which the Board has a copy of, he asked PCS to provide us with literally hundreds of pieces of information and files which will take them a considerable amount of time an effort to provide. He stated last week Mr. Majewski and I met with Mr. Phillips and John Prybella, the president of the company and went over what was needed and PCS is being very cooperative and helpful.

Mr. Santarsiero asked for a motion to approve the Transition Agreement between Pickering, Corts and Summerson and Lower Makefield Township. Mr. Smith moved and Mr. Stainthorpe seconded and the motion was unanimously carried.

APPROVAL TO AUTHORIZE TRAFFIC SIGNAL MAINTENANCE

Chief Coluzzi asked the Board for authorization to go out to bid for traffic signal maintenance. He stated it would be a three-year contract which would include a base bid for traffic signal maintenance for each year of the contract and an alternative bid for emergency service to include normal hourly rates, overtime hourly rates, cost of materials, cost of traffic signal loops, cost of repair of underground cable. He stated the bid documents should include qualifications of the contractor, which would be proof of competency according to Pennsylvania law, and PennDot regulations, international municipal certifications for work zone control and for traffic signal level one certifications and any and all documents as required by law.

Mr. Santarsiero asked for a motion to authorize going out to bid for traffic signal maintenance pursuant to the description given by Chief Coluzzi. Mr. Smith moved and Mr. Stainthorpe seconded and the motion was unanimously carried.

APPOINTMENTS TO BOARDS AND COMMISSION

Mr. Santarsiero stated there are no appointments to Boards or Commissions this evening and will continue our interview process on March 1, 2006

Mr. Smith invited the public to attend the interview sessions for the Boards and Commissions at 5:30 p.m. on March 1, 2006

There being no further business, it was unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Caiola". The signature is written in a cursive, flowing style.

Greg Caiola, Secretary