

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – AUGUST 17, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 17, 2011. Chairman Caiola called the meeting to order at 7:30 p.m. Mr. Caiola asked for a moment of silence in memory of Danny Quill, a long-time Lower Makefield resident who was a World War II Veteran who passed away recently at the age of 96. Mr. Smith called the roll.

Those present:

Board of Supervisors: Greg Caiola, Chairman
 Pete Stainthorpe, Vice Chairman
 Ron Smith, Secretary

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

Absent: Dan McLaughlin, Board of Supervisors Treasurer
 Matt Maloney, Supervisor

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road expressed his concern with the State and Federal Government.

Mr. Peter Blum, 561 Heritage Oak Drive, requested that the Board of Supervisors change the Ordinance to prohibit smoking at the Makefield Highlands Golf Course. He stated he sent a letter to the Board which he understands has been circulated. He stated he has a tee time for 6:50 a.m. on Saturdays; and he never knows until he gets there and sees who he is paired with, whether he will be able to play because he could be paired with someone who is a heavy smoker. He noted that for the most part there are few smokers, but there have been times when he has been paired with a smoker. He stated his only option is to walk away and get credit for the round and hope that the next time he goes out to play, that he will not be paired up with a heavy smoker.

Mr. Stainthorpe stated he did read the letter but the Board has not discussed it yet. He stated he voted in favor of banning smoking at the Township Parks two years ago, but they specifically exempted the Golf Course. He stated he has been the Liaison to the Golf Committee several times, and one of the concerns was that a number of golfers do smoke cigars as they consider this part of the experience. He noted they even sell

cigars in the Pro Shop. He feels it would be a bad business move on the Board's part to ban smoking; however, he feels they can find a middle ground which would not involve changing the law or creating an Ordinance. He stated he feels no-smoking foursomes would be a good option. He agrees that Mr. Blum should not have to be subjected to the smoke, and by creating non-smoking foursomes, this would be an option. Mr. Stainthorpe suggested that the Golf Course management company and the Golf Committee discuss this issue.

Mr. Caiola agreed that they should look at options other than banning smoking. He thanked Mr. Blum for submitting his letter prior to the meeting so that the Board members could think about the issue and be prepared to discuss it this evening.

Mr. Smith suggested that Mr. Blum attend the next Golf Committee meeting to be held on September 12, 2011.

Mr. Carl Weigand stated he is a 32-year resident and expressed concern with the condition of his street, N. Homestead and asked if this will be considered in the discussion of the 2011 Road Resurfacing Program; and Mr. Majewski stated this will be considered as one of the Alternate Bids.

APPROVAL OF MINUTES

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of July 20, 2011 as written.

APPROVAL OF AUGUST 1, 2011 AND AUGUST 15, 2011 WARRANT LISTS, AND JULY, 2011 PAYROLL

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the August 1, and August 15, 2011 Warrant Lists and July, 2011 Payroll as attached to the Minutes.

DISCUSSION AND MOTION ON REFINANCING 2006 BONDS

Mr. Gordon Walker, Public Financial Mgt., Inc. was present and provided to the Board this evening a Preliminary Refunding Analysis for the 2006 Bonds. He stated the 2006 Bonds were issued in the amount of \$9.580 million of which \$2.4 million was used to refinance the 2003 Bonds and \$7 million was used mostly for sewer as well as a small piece for the acquisition of fire and rescue equipment.

Mr. Walker noted the first page of the handout discusses the condition of the market including a drop in interest rates since June and July with rates back to the levels of last fall when they did the last Bond issue for the Township. He also noted that when there is uncertainty, more people tend to buy something safer such as Municipal Bonds.

Mr. Walker stated the outstanding amount of the 2006 Bond is \$8.045 million. He noted the rates of interest shown in column 3 as well as the debt service in column 6. He stated because this is out twenty years, it will generate more savings the longer the issue, the more savings you can get, and more time to realize the reduction in rate. Mr. Walker stated they estimate that it will take \$8.255 million to refinance the Bond which will pay the Bonds off plus accrued interest plus expenses of the transaction.

Mr. Walker stated he is presenting four options this evening, but a decision does not have to be made until the next meeting. He stated Option 1 is shown on Page 5 and takes all the savings as early as possible. He stated under this Option the Township would realize \$402,000 after expenses next year which would be a reduction in the debt service, \$183,000 in 2013, and break even thereafter. Total savings would be \$598,000.

Mr. Walker stated they would not be extending the debt in any of the scenarios; and in one option are actually reducing the term.

Mr. Walker stated Option 2 is shown on Page 6 and is a modified up-front option and they would take the savings over the next three years at about \$200,000 a year. He stated they could also calculate this using four years. He stated the savings under this option would be approximately \$600,000.

Mr. Walker stated Option 3 is to take a level savings over time at about \$40,000 a year with a total savings of \$818,000.

Mr. Walker stated Option 4 is one which not too many Municipalities do which is to shorten up the debt, keeping the payments the same. He stated this produces more savings long-term although the current residents do not benefit. He noted this is shown on Page 8; and if the issue is shortened up, all the savings occur in 2029, 2030, and 2031 as rather than the issue paying off in 2031, it would pay off in 2029 and would result in savings of over \$1.3 million.

Mr. Walker stated they propose to again have a competitive sale on the Internet which he feels will get the Township the best rates. He noted the number of bids received over the Internet on a recent sale his firm handled. Mr. Smith stated in the past, they were able to realize even greater savings that what had been estimated for prior issues. Mr. Walker stated they have built in a cushion in case there is a rise in interest rates since the sale would not be until September or October depending on how quickly decisions are made.

Mr. Fedorchak asked the average interest for the twenty years; and Mr. Walker stated this varies, and the average rate for Option 4 would be the lowest because that is the shortest issue. He stated this is shown on Page 8 which is the shortest option producing the highest savings, and the average rate would be 3.4 to 3.5. He stated the highest interest rate would be Option 1 where they are taking all of the savings up front and this would be closer to 3.6 or 3.7.

Mr. Walker stated they did get a call today from Moody's and the Township's AA1 rating was reaffirmed. He stated this is the top end of the Moody's scale.

Mr. Walker stated the Board also needs to make a decision as to the Bond Counsel. He stated Curtin & Heefner was involved in the last three to five issues.

Mr. Stainthorpe stated they had Stark & Stark as co-counsel on the last issue.

Mr. Walker stated if they can make a decision this evening on the Bond Counsel, they can start the process quicker. He stated they could wait until the next meeting on the Bond Counsel if they desire as well as a decision on the savings structure. He stated if all decisions are made by September 7, they could have the Internet sale on September 21 with the closing on the Bonds the third week in October.

Mr. Stainthorpe stated since two of the Board members are not present this evening, he feels they should wait to make a decision.

Mr. Walker stated they should choose a Bond Counsel that regularly does this type of work so that it goes smoothly. Mr. Stainthorpe stated one of the reasons they had co-counsel the last time was because they wanted to get some other people involved so that there would be competition within Bucks County as opposed to going to a Philadelphia firm. Mr. Stainthorpe stated Curtin & Heefner is no longer the Township solicitor, and they should decide whether they should stay with them, have a co-counsel arrangement, or go with Stark & Stark. Mr. Stainthorpe stated Stark & Stark has not done one of these on their own; and Mr. Walker stated they are not in the "Red Book" which lists qualified law firms that do this kind of work. Mr. Stainthorpe stated he would prefer to proceed with the co-counsel. Mr. Walker stated Stark & Stark is qualified to be co-counsel.

Mr. Stainthorpe moved to approve the same arrangement for Bond Counsel as last time with Curtin & Heefner and Stark & Stark as co-counsel.

Mr. Caiola stated this arrangement was approved last time with a 5-0 vote.

Mr. Smith asked why they had this arrangement last time, and Mr. Stainthorpe stated he had previously stated that they should get proposals for this so that there would be competition. He stated Stark & Stark is not a "Republican or Democratic" firm, so he felt this was a good firm to go with to get competition.

Mr. Walker stated last time, it was a very smooth transaction.

Mr. Smith seconded the Motion, and the Motion carried unanimously.

Mr. Walker stated now that the Board has made a Decision on the Bond Counsel, he feels they should be able to have the sale on September 21.

Mr. Koopersmith suggested that they go out as far as they can with a level payment given the state of the economy.

Mr. Fedorchak stated they have always been proactive looking ahead to what other refinancing options there are. He noted the financing for the Golf Course is in two pieces, and last year they refinanced one piece and saved a significant amount of money. He stated the second piece has approximately \$8.5 million remaining on it over a twenty-one year term. Mr. Fedorchak stated currently they are paying interest only on that piece, and will be doing so for the next ten years. He stated currently it is approximately 1% including the administrative costs, and they are saving a significant amount of money on that now. He stated looking ahead ten years, they are paying interest on the full \$8.5 million so that if the interest rates were to go up, the Township could be paying substantially more. Mr. Fedorchak asked Mr. Walker if they should fix the rate at this time. Mr. Walker stated the Fed indicated last week that they were going to keep rates low for two years so he would recommend staying variable since the variable rate will probably remain around 1%. He stated in a year and a half or two years, they could look at this again. He stated currently the Township has a good mix of fixed and variable rates, taking advantage of the low rates that exist and refinancing the fixed ones when they can.

Mr. Jeff Benedetto, 22 Green Ridge, asked if there is an increased cost with having two counsels; and Mr. Truelove stated they split the fee. Mr. Truelove stated it is not an hourly rate, it is a sum that is determined and built into the cost.

Mr. Zachary Rubin, 1661 Covington Road, stated when they split the debt service for the Golf Course over two different types of loans – the fixed and the variable, the interest-only loan was because the Golf Course was not generating any money. He asked if there is now a positive cash flow, and if it is time to start paying down the \$8 million. Mr. Fedorchak stated last year there was a positive cash flow of approximately \$100,000. He stated he is not sure that it is enough to start paying down the debt since competing with that are capital needs that are on the immediate horizon for the Golf Course, and he feels the Golf Committee would recommend that they take care of the capital needs first.

DISCUSSION OF 2011 ROAD RESURFACING PROGRAM AND AWARD OF CONTRACT

Mr. Hank Hoffmeister, Public Works Director, was present. Mr. Majewski stated on August 11, the Township opened three bids for the 2011 Road Paving Program. He stated there was a base bid and three alternates. He reviewed what was included in the base bid and what was included in the three alternates. Mr. Majewski stated the cost for the base bid was \$479,904.90; and of that amount, Middletown Township has committed to pay for their share of Township Line Road which is approximately \$40,000. Mr. Majewski stated if you add the base bid and all three alternates, the total would be \$600,177.80, less the \$40,000 that Middletown Township has committed to.

Mr. Majewski stated they must discuss how much money is available to award for the bid. Mr. Fedorchak stated they budgeted \$255,000 from the Liquid Fuels Fund for road resurfacing. He also stated that when Elm Lowne was sold, the Board of Supervisors earmarked \$255,000 toward the Roads Program so there is \$510,000 for this year's Road Resurfacing Program.

Mr. Fedorchak stated Mr. Hoffmeister did have a cost overrun of approximately \$21,000 in the course of repaving some of the roads. Mr. Hoffmeister reviewed some of the work that had to be done because of safety concerns. He stated this resulted in a Budget overrun for rentals and materials. Mr. Hoffmeister stated he had written to Mr. Fedorchak requesting approximately \$50,000 which would cover what he had already spent in materials and rentals and would provide a cushion to do some other patch paving, noting some areas which need work. Mr. Fedorchak stated he feels that if this is acceptable to the Board, in order to stay within Budget, they should only award the base bid. Mr. Majewski stated he feels they could do the base bid and some other work. He suggested that they award a certain dollar amount

Mr. Fedorchak stated he is concerned that once they get out on the road, they usually run into some additional costs so he was trying to have a cushion. Mr. Hoffmeister stated he had requested \$50,000 which is probably on the high side and \$30,000 to \$40,000 would still allow him to do the spot paving. Mr. Fedorchak stated there may be a \$20,000 cushion which might cover one more area, and Mr. Hoffmeister stated he feels Sandy Run Road should be added since it is a major travel road. Mr. Majewski stated the net for the Township would be \$470,064.90 but the Contract would be \$510,064.90 which would include the Base Bid and Alternate 2.

Mr. Stainthorpe moved to award the Contract in the amount of \$510,064.90 to General Asphalt.

Mr. Majewski stated since they want to get some of this work done before School starts, he would recommend that they waive the thirty day notification period under the Responsible Contractor Ordinance since they are very familiar with General Asphalt's qualifications.

Mr. Stainthorpe amended the Motion to include waiving the thirty day notification period under the Responsible Contractor Ordinance. Mr. Smith seconded the Motion.

Mr. Zachary Rubin stated Road Resurfacing comes out of the Operating Budget as opposed to the Capital Budget, and Mr. Fedorchak stated it comes from the Liquid Fuels Fund which is the Grant that is received from the State every year. Mr. Rubin asked if this is the Operating Budget or the Capital Budget, and Mr. Fedorchak stated it would be considered the Capital Budget; however, you can take Operating Expenses out of the Liquid Fuels Fund. Mr. Rubin asked if they are doing that this year, and Mr. Fedorchak stated they are. Mr. Rubin stated he feels it is a bad fiscal policy for a Township to sell an asset, Elm Lowne, to pay off Operating Expenses. He stated the Board is selling an asset to pay an Operating Expense for the fiscal year, 2011.

Mr. Rubin stated he does support doing the roads. He stated there is a ten year Plan that Mr. Hoffmeister came up with which would be approximately \$600,000 a year. He stated the Township is short this year, next year, and the year after unless they put some kind of stability into the Budgeting with a combination of expenses and revenues to pave the roads.

Mr. Smith stated this was not the reason why Elm Lowne was sold. He stated it was sold because it had become a situation which the Township could not afford to maintain. He stated it had also become a nuisance to many of the surrounding residents. He stated the Township could not operate Elm Lowne in any fashion without it becoming a nuisance to the surrounding residents. He stated Elm Lowne is back on the tax rolls so the Township is deriving tax revenue from it, it is being restored at no expense to the Township, is being retained, and is no longer a nuisance to the surrounding residents.

Mr. Rubin stated he feels Mr. Smith is missing his point, and he is not saying that they should not have sold Elm Lowne, but that they should not sell Township assets to pay down Operating Expenses. He stated he is not saying that he opposed the sale of Elm Lowne.

Mr. Jeff Benedetto asked if this will cover the \$50,000 requested by Mr. Hoffmeister. Mr. Hoffmeister stated he is satisfied with what has been included. Mr. Benedetto asked if there is still a cushion in case there is an overrun; and Mr. Fedorchak stated it is early in the process, and until they get into the field, they do not know exactly what the costs will be which is why they are trying to keep a cushion. He stated it is also possible that it may not be as expensive as they estimated, and they could then add something.

Mr. Ken Seda, 912 Weber Drive, asked how they will execute the Roads Plan in terms of the long-term improvements. Mr. Majewski stated every year they update the Plan. He noted the last two winters have been particularly harsh on the roads, and this is why Mr. Hoffmeister had to do some paving that was not anticipated. He stated they are tracking along with the Plan; but in the coming years there will be extra roads that will need to be paved because of all the development that was done in the late 1980s, and the Budget will need to be increased over the next few years to stay on track. He stated currently they are not too far off track, but hopefully there will not be another harsh winter which does damage to the roads. Mr. Seda asked if they feel they will have enough money in the Budget for 2012 and going forward. Mr. Fedorchak stated they have just started the 2012 Budget process, and adequately funding the Road Resurfacing Program will be one of the priorities. He stated it is too early to state what they will be able to do in 2012.

Motion carried unanimously.

AUTHORIZATION TO GO OUT TO BID FOR LEAF PICK UP AND SNOW REMOVAL

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to authorize Mr. Hoffmeister to go out to bid for leaf pick up and snow removal contractors.

DISCUSSION OF BIDS RECEIVED FOR THE VETERANS MONUMENT

Mr. Majewski stated on August 4, 2011 the Township opened up Bids for Phase I and Alternate Phase II of the Lower Makefield Township Veterans Monument. He stated the base bid price was \$273,342 and the Alternate Bid was \$194,743 for a total of \$468,085. Mr. Majewski stated these numbers are higher than the Veterans Committee anticipated, and they are currently looking at the Bids to see if part of Phase I could be scaled back and still suit their needs or they may re-advertise.

Mr. Jeff Benedetto asked for clarification about the prior Motion that involved General Asphalt and the Responsible Contractors Ordinance. Mr. Stainthorpe stated there is still a Responsible Contractor Ordinance that covers certain financial obligations, being free from criminal activities, etc. but the requirement to have an Apprentice Program is no longer a requirement. Mr. Majewski noted that to his knowledge, they have not worked previously with the apparent low bidder for the Veterans Monument.

APPROVAL TO ACCEPT FEMA FLOOD MITIGATION GRANT TO ELEVATE HOME AT 1437 NORTH RIVER ROAD AND SEVERE REPETITIVE LOSS GRANT TO ELEVATE HOME AT 1451 NORTH RIVER ROAD

Mr. Majewski stated Lower Makefield Township submitted Grant Applications to elevate these two homes. He stated the property at 1437 North River Road received a Grant to elevate the home under the Flood Mitigation Assistance Program, and the other home located at 1451 North River Road received a Severe Repetitive Loss Grant.

Mr. Majewski stated the Grant for 1437 North River Road is a 75%/25% Grant with 75% of the cost being paid by the Federal Government and 25% by the homeowner. He stated this is inclusive of all costs the Township pays out. He stated the Grant for 1451 North River Road is a 90%/10% Grant with 90% of the costs being paid by the Federal Government and 10% by the homeowners again with all Township costs being reimbursed by the Grant.

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to accept both Grants.

OTHER BUSINESS

Mr. Truelove stated prior to the public meeting, the Board met in Executive Session at 6:30 p.m. and discussed litigation and real estate matters.

DISCUSSION OF LIBERTY TOWERS VERSUS LOWER MAKEFIELD TOWNSHIP ZONING HEARING BOARD DECISION

Mr. Truelove stated the Application for a cell tower by Liberty Towers at the Brookside Swim Club came before the Zoning Hearing Board in 2008. He stated the Zoning Hearing Board denied the request, and Liberty Towers took two Appeals one to the Court of Common Pleas and one to the Federal Court raising the same issue raised to the Court of Common Pleas as well as issues under the Tele-Communications Act seeking a Court Decision indicating that the Township's Ordinance would be preempted by the

Tele-Communications Act. Mr. Truelove stated last week the Judge with the Federal District Court in Philadelphia issued an opinion which was favorable to Lower Makefield Township's position; and the Court found that the Zoning Hearing Board's Decision was supported by substantial evidence. Mr. Truelove stated this was also a good test of the Township's Ordinance from a legal perspective as the Court found that the "Board's Decision did not prohibit or have the effect of prohibiting provision of wireless service."

Mr. Truelove stated they have not heard whether Liberty Towers plans to appeal the matter to the Third Circuit; but based on the Judge's Opinion, which was twenty-four pages, he feels she strongly laid out the facts in support of her decision on both of the major issues, and he feels the application of the law is very favorable to the Township.

Ms. Chris Tyler, 548 Jenny Drive, stated Nate Edelstein, a local attorney did a fantastic, professional job in representing the residents and supporting their cause.

APPROVAL OF EXTENSIONS – DOGWOOD DRIVE, FLOWERS FIELD AT YARDLEY, JENNINGS TRACT

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Extension of time for Dogwood Drive (a/k/a Harmony Lane) Preliminary Plan to 12/7/11.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Extension of time for Flowers Field at Yardley Revised Preliminary Subdivision Plan to 11/20/11.

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Extension of time for Jennings Tract Preliminary Land Development Plan to 12/31/11.

DISCUSSION OF SATTERTHWAITE BIDDING PROCESS

Mr. Truelove stated this matter has been discussed several times, and because of the importance of this, they have taken quite some time putting together the Bid documents which will soon be ready to go out to bid. He recommended that if the Board is so inclined, that they be approved subject to some additional refining by the Township engineer and his office and that they also approve the employment of Jennifer Stark to prepare the Façade Easement consistent with her work on the Elm Lowne project.

Mr. Truelove stated the Bid documents would consist of the advertisement, the Bid Cover Sheet, the Bid Conditions and Requirements, the Agreement of Sale, the Deed of Façade Easement, and the Patterson Farm Minor Subdivision/Lot Consolidation Plan which would be attached as an Exhibit. He stated the advertisement is required by the Second Class Township Code for sale of property owned by the Township with a value in excess of \$1,500. He noted what was included in the Bid Cover Sheet including the requirements that the Bidder will agree to including the Agreement of Sale, the Façade Easement, and other Bid documents. He stated the Bidder also agrees that the Bid is a firm offer and cannot be withdrawn for a period of time. He stated the Bid Conditions and Requirements is an overview document which **sets** forth the process of the Bid, the general terms of the **Bidding**, Bid submission criteria, etc. He **stated** forms are attached to this document. He stated these documents aim to eliminate any claim or appearance of impropriety. He stated this was done with the Elm Lowne property as well. He stated the Agreement of Sale is a General Sale Agreement but terms included that are specific to this property include the purchase price, escrow deposit, and other standard terms. He stated the terms specific to the Agreement are similar to those that were used with regard to Elm Lowne and reference the architectural design features, Façade Easement, and other conditions so that the **historical** preservation aspects are taken into account.

Mr. Truelove stated the Façade Easement is a document which seeks to preserve the façade of the structure as viewed from Mirror Lake Road. He stated the Board could limit the scope to the farmhouse or could include the other structures. He recommended that they appoint Ms. Stark, who has previous experience in this regard, to prepare the materials for the Easement to insure that the **interests** of the Township are protected.

Mr. Truelove stated they know that they have to consider further the issue with regard to the sixty-day window of time to complete the transaction from the Bid to the Closing as there is also a ninety-day period for Zoning relief; and they need to coordinate those two timeframes. Mr. Majewski stated currently there is a gravel driveway that goes through the Satterthwaite parcel; and during the ninety-day period, the Township would have the opportunity to relocate that road to another location.

Mr. Smith asked if the Historic Commission has reviewed this, and Mr. Fedorchak stated they have looked over the matter for some months. He stated he attended their meeting about four to five months ago, and he understands that the Historic Commission voted that they did not feel the Façade Easement was necessary in this case.

Mr. Stainthorpe moved and Mr. Smith seconded to approve the Bid package documents subject to further review by the Township attorney and engineer and approval of the Façade Easement to be prepared by Jennifer Stark.

Ms. Virginia Torbert stated they have now indicated that they are relocating the road, and stated this is the first time she has heard this as she had been assured all along that the person who buys the property would allow everyone to use the driveway. She stated she would like to reiterate her feeling that there is a need for a cohesive Plan. She stated if this were a resident indicating they wanted to subdivide and sell a small portion of their property and not tell what else they were going to do, she does not feel this would be permitted; and she feels that is what is happening in this case. Ms. Torbert stated the rest of the Farm is going to be impacted by this if they move the roadway.

Ms. Torbert stated at the last meeting the issue also came up about the Senior Center and whether or not it would have to be located on the Farm. Mr. Fedorchak stated they did discuss this with the State officials, and they indicated that the Township is not limited to the Patterson Farm location; and the Board of Supervisors is free to locate the Community/Senior Center anywhere within the boundaries of Lower Makefield Township.

Ms. Torbert stated the Façade Easement is only restricted to Mirror Lake Road but a lot of people would see it from other locations as well; and Mr. Stainthorpe stated this has not been finally decided.

Ms. Torbert stated if the Community Center is to be on the Patterson Farm, they would need to have a roadway that would need to accommodate the farming operation, the Artists of Yardley, potentially the Community Center and any other use the Township has, as well as the buyer of the Satterthwaite Subdivision. She suggested that before they move ahead with selling five acres, there be an idea of what is going to go on at the rest of the Farm.

Mr. Caiola stated a group is meeting to discuss the location of the Community Center, and the Patterson Farm is still being considered as a possible location.

Ms. Torbert stated there is no Plan for the entire Farm. Mr. Smith stated there was a Task Force which provided a report, and they are using the Task Force Report, and they have implemented some of the ideas that were in that Report that came out of the Task Force on which Ms. Torbert served. Mr. Smith stated he agrees that they cannot look at the road without looking into the future for the property. Mr. Smith stated he is pleased to hear that they do have flexibility with regard to the location of the Community Center.

Ms. Roseanne Friehs, Historic Commission, stated the Historic Commission has not reviewed the documents; and before the Board votes on this, she feels the Historic Commission should review them. She also stated she feels they should have maximum flexibility. She stated the Board of Supervisors indicated in the spring that the Satterthwaite property would go up for sale or lease, and not just for sale. She stated she recalls specific Supervisors saying that lease of the Satterthwaite property was still on the table.

Mr. Fedorchak stated they just received the documents a few days ago, and they do intend to get them to the Historic Commission. Ms. Friehs stated the Board is planning on voting on this; but Mr. Truelove stated they will not be finalized this evening, and the Historic Commission could review them.

Dr. Helen Heinz, Historic Commission, stated the Historic Commission did not review any documents about Façade Easements although they did discuss Façade Easements and her personal opinion that “they are not worth the paper they are printed on.” Dr. Heinz stated the façade of the house is critical because the back section of the house is the oldest structure on the Farm and probably dates prior to 1730. She stated she disagrees with Ms. Stark over that particular part of the site, and she objects to the Board using Ms. Stark alone and not looking at other potential information about this particular site.

Mr. Smith asked Dr. Heinz about her disagreements with Ms. Stark, and Dr. Heinz stated she disagrees with her over the **age** of the house and what section of the house is the oldest. Mr. Smith stated he understands that Ms. Stark is one of the most competent, qualified historical architects in the area. Dr. Heinz **stated** she disagrees with Ms. Stark over the date of the structure as she feels the house was occupied in 1732, and Ms. Stark does not feel it was before 1765. Dr. Heinz stated when you look at architectural history, this is significant. Mr. Smith asked if there are other issues where there is disagreement, and Dr. Heinz stated she disagrees with her over other architectural issues as to what sections were added on first. She **stated** she would also like to discuss with Ms. Stark what she sees as important going forward. Mr. Smith suggested that Dr. Heinz reach out to her; and Dr. Heinz stated she was not aware she was doing this work until this evening. Mr. Caiola stated this information is new to all of them. Dr. Heinz stated in the past Ms. Stark did a report prior to the Conservancy Report which she assisted her with providing her information on Deed research which Ms. Stark did include in her report.

Dr. Heinz stated she is disappointed with the Board of Supervisors not taking advice from the Township Commissions and the paid professionals. She stated the report of the Task Force indicated that this property should not be sold and no portion of the Patterson Farm should be sold until an overall plan was produced. She stated the Stakeholders Report is available on the Township Website, and she feels people should read this. Dr. Heinz stated the PHMC professionals had indicated to the Board of Supervisors when they were offering the Grants that stabilizing the house and fixing the roof effectively “mothballed”

the house. She stated the Historic Commission has repeatedly reported to the Board of Supervisors that in their estimation, the best thing the Board of Supervisors could do for the house was to rent it, do nothing other than have citizens groups work on repairing it, or if it is to be sold, to sell it for domestic use.

Dr. Heinz stated she is disappointed with the Board of Supervisor's response to the Historic Commission and to herself personally. She stated she feels the Board is being "penny wise and pound foolish" moving forward this quickly on the Satterthwaite House. Dr. Heinz stated she feels as if she has failed as a historian to indicate to the Board the importance of the site and the history of Lower Makefield, and that the Board does not understand that as one of the first Townships created in the colony, it is important to preserve what they have. She stated she hopes that this will change going forward. She stated they have not had a Supervisor attend one of their meetings in the last seventeen months. She thanked Mr. Caiola for the time he spent in the past, and moving forward, they would like to have one of the Supervisors attend one of their meetings.

Ms. Smith asked the approximate cost for work needed to be done on the Satterthwaite House. Mr. Fedorchak stated over the years they have had a number of architects evaluate the structure, and a conservative figure of what needed to be spent was \$500,000. Mr. Smith asked the cost for repairs that were done to the barn, and Mr. Fedorchak stated they fixed the roof and upgraded the barn at a cost of approximately \$210,000. Dr. Heinz stated this was matching funds from the State and without repairs that were done to the roof and the downspouts. She stated this was before the Grant that the Township took from the PHMC that said the house would be open to the public and used for continual restoration.

Ms. Sue Herman stated the Board committed to preparing both lease documents and sale documents for the parcel, and she asked where the lease documents are. Mr. Smith stated he feels they committed to exploring leasing and/or the sale of the parcel in accordance with certain guidelines. He stated he does not set the Agenda, and the Agenda indicated the discussion of the Satterthwaite bidding process. He stated he agrees that there should be the alternative of leasing it if the Board decides to explore this for the parcel.

Ms. Herman stated they already had this discussion, and the five Board members agreed that they were going to prepare lease documents and there was to be exploration of both of those options, and people could offer to lease the property. Ms. Herman stated she feels the Board is being extremely deceitful. She stated the Board made an agreement to prepare both sets of documents. Mr. Smith disagreed and stated they made an agreement to explore leasing and to explore the sale. He stated he agrees they should explore both options. Ms. Herman stated to explore both options, they need both documents. Mr. Smith stated the Board made a pledge to explore the leasing and the sale.

Ms. Herman stated she would like the Secretary to be directed to go back and listen to the tapes because she believes the Board made a commitment to the public. Mr. Caiola stated they could go back to the Minutes. Ms. Herman asked that they go back to the tapes since the Minutes are not stenographer's Minutes, and they should listen to what the Board said they would do. Mr. Caiola agreed to direct the Recording Secretary to review the tapes or the Minutes and make this information available for the next meeting. Ms. Herman asked that the tapes be reviewed as the Minutes are a summary of the tapes. Ms. Herman asked that the tapes be made available to her so that she could listen to them herself.

Mr. Stainthorpe withdrew his Motion stating there needs to be further discussion on this.

Mr. Smith stated he does not have a problem with further research into the possible lease if this is how the Board wishes to proceed. He stated he agrees with Ms. Herman that the Board agreed to explore this. Ms. Herman stated she feels they already agreed to prepare lease agreements. Mr. Smith stated the Motion is being withdrawn and they are going to have counsel look at this and prepare those documents if the whole Board decides this is the way to proceed – whether to lease, sell, or some combination. He stated this is the “pledge” that he made which was to explore this. Ms. Herman stated she would like to see what the Minutes and tapes of the meetings say.

Ms. Herman stated people on the Commissions are very passionate and may cross the line in the Boards' eyes in terms of their professionalism, but she appreciates the diligence of the Historic Commission **and** their passion in trying to preserve things for the community that they will never get again once they are destroyed or let go. She stated she feels that the Historical Commission has not been treated respectfully through this process over the last six months, and she feels they have been talked down to. She stated they are citizens who are giving a lot of their spare time and passion over what they are doing, and she feels they deserve the Board's respect.

Mr. Smith withdrew his Second and asked that this matter be placed on the next Agenda. Mr. Caiola asked the Recording Secretary to research this matter, and she agreed to work with Mr. Fedorchak on this.

UPDATE ON RACP GRANT AWARD

Mr. Fedorchak stated as indicated earlier this evening, the Board of Supervisors has the ability to locate the Community/Senior Center anywhere within the boundaries of Lower Makefield Township. Mr. Stainthorpe stated he feels the Board still needs to take a vote; and Mr. Fedorchak stated based on this information, he would recommend that the Board approve the Contract. Mr. Caiola stated they will consider this the first meeting in September. Mr. Smith asked about the Committee which is working on the Center;

and Mr. Fedorchak stated they have had their first meeting, and they will be meeting again and one of the topics on the Agenda will be looking at possible locations. Mr. Majewski will be preparing information on possible sites.

ZONING HEARING BOARD MATTERS

With regard to the Scott and Lisa Harrah, 1336 Jacob Drive, Variance request to permit an existing stone wall and paver patio to remain resulting in disturbance to the 100 year flood plain, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Peter and Irene Tarasov, 857 Princess Drive, Variance request to permit an existing shed to remain creating greater than permitted impervious surface and encroachment into the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Kay Improvement Variance requests for the property at 947 Weber Drive to permit construction of an addition resulting in greater than permitted impervious surface and encroachment into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Robert Frankievich and Cynthia Shaw, 1210 Evergreen Road, Variance request to construct a patio resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Dave and Dianne Henn, 1049 Erin Court, Variance request to construct a fence in the buffer easement, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Caiola stated the Citizens Traffic Committee will be partnering with some other organizations on October 29 at Pennsbury East on the Save-A-Life Tour. He stated they are hoping to get parents involved to come out to the program, and they feel the larger venue will be able to serve more people. He commended the Citizens Traffic Committee for continuing to work on the safe driving program which they have done for a number of years.

OTHER BUSINESS

Mr. Smith reported that two weeks ago the Town Watch with the cooperation of the Police Department put on a self defense/community protection program in the Township Building. He stated some residents have indicated they would have liked to have known more about this event, and he hopes that next year they will be able to advertise this more. He thanked the Town Watch and Police Department for jointly putting on a great event.

APPOINTMENTS

Mr. Caiola noted that Laura Brandt's term is up on the EAC; but rather than being re-appointed as a full member, she would like to have her status changed to Alternate member due to time constraints. Mr. Fedorchak stated he understands that Ms. Brandt is interested in taking on special projects rather than having to attend every meeting.

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to appoint Laura Brandt as an Alternate Member to the Environmental Advisory Council.

There being no further business, Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ron Smith', written in a cursive style.

Ron Smith, Secretary



Township of Lower Makefield

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

AUGUST 2011 WARRANT LIST AND JULY 2011 PAYROLL COSTS FOR APPROVAL AUGUST 17, 2011 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
08/01/11 Warrant List	\$ 564,126.04	
08/15/11 Warrant List	\$ 420,075.45	
Manual Checks:		
08/01/11 Warrant List	\$ 40.00	
08/15/11 Warrant List	\$ -	
Total Warrant Reports		\$ 984,241.49
Payroll Costs:		
July 2011 Payroll	\$ 349,141.83	
July 2011 Payroll Taxes, etc.	\$ 141,186.67	
Total Payroll Costs		\$ 490,328.50
TOTAL TO BE APPROVED		\$ 1,474,569.99

