

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 16, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 16, 2011. Chairman Caiola called the meeting to order at 7:35 p.m. Mr. Smith called the roll.

Those present:

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

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Tom Roche, Police Department

Mr. Caiola congratulated Jeff Benedetto and Dobby Dobson for winning the two Supervisor seats. He also congratulated Ken Seda, Ron Schmid, Ron Smith, and Kristin Tyler for their efforts; and he feels it is impressive that the Township had six people in the Township running for the two spots.

Mr. Smith congratulated Jeff Benedetto and Dobby Dobson and wished them luck. He stated he feels the Township should come together as one, and he wishes the new Board success.

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road, stated at a recent Seniors meeting, Mr. Fazzalore gave a presentation on the site selection for the Community Center and indicated that they may get a building by 2013. Mr. Koopersmith stated he understands that the Township will provide the land and put up a building for \$1 million which they are receiving from the State, and the Township will put up nothing. Mr. Stainthorpe stated until they start discussing the programming and start to design the building, they are not sure of the cost. Mr. Koopersmith asked if the cost goes over \$1million where will the money come from. He stated he feels the Seniors think that the Township has a lot of money somewhere that they are withholding from the Seniors. Mr. Koopersmith stated he has also raised the issue of maintenance costs, and the Seniors have indicated they are entitled to money from the lottery. Mr. Koopersmith asked the Board if they

know how much it will cost to maintain the building, and Mr. Fedorchak stated they will not know this until they know details about the building. Mr. McLaughlin stated his expectation is that the design will be similar to the amount that is available to be spent which is \$1 million.

Mr. Koopersmith stated he does not feel anyone is considering the whole package. He asked why it would take two years to get a building constructed. Mr. Stainthorpe stated at this point they do not have a design or zeroed in on the place where it is to be built. He stated they got a gift that was somewhat unexpected. He stated he agrees with Mr. McLaughlin that they should design a \$1 million building. He stated they are very early in the process. He stated they will have to go through the Planning process just as a regular developer would have to. He stated it takes a lot of time to put a building like this together. Mr. Koopersmith stated he feels they could get Plans from other Senior Centers that are existing and put up a building quickly.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated the Artists of Yardley are serving wine on Township property, and she feels this is not a good idea and there should be discussion about this as it could bring about a liability issue.

APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of November 2, 2011.

APPROVAL OF NOVEMBER 7, 2011 WARRANT LIST AND OCTOBER, 2011 PAYROLL

Mr. McLaughlin moved, Mr. Maloney seconded and it was unanimously carried to approve the November 7, 2011 Warrant List and October, 2011 Payroll as attached to the Minutes.

AUTHORIZE ADVERTISEMENT OF BIDS FOR THE SATTERTHWAITE PROPERTY SUBDIVISION

Mr. Truelove stated the documents, except for some minor language changes, are ready to be authorized for advertisement; and he proposes that they be made available for publication next Monday or Tuesday in the local newspaper; and this would allow for bids to be opened and have the Board make a decision on December 7, 2011.

Mr. McLaughlin moved and Mr. Smith seconded to authorize advertisement of Bids for the Satterthwaite Property Subdivision.

Mr. Caiola stated this matter has been discussed quite extensively, and he asked those who wish to make public comment to offer new testimony. He stated they recognize that there is an impassioned group that is against the sale of this property, but the Board has voted to move forward with this.

Ms. Donna Doan stated throughout the process of obtaining the Patterson Farm, she feels there was misinformation given to the public as to how it was obtained from the Pattersons. Ms. Doan stated members of the Board of Supervisors have indicated that eminent domain was not used, but she obtained documents this week through the Freedom of Information Act that she feels prove it was a condemnation by eminent domain. She stated she is quite certain that the Pattersons would not approve. She stated the eminent domain was used as a coercive tactic to get the Pattersons to sell the Farm to the Township. She stated there are a number of heirs to the Patterson Estate, and they did suffer a financial loss because the property was sold at much less than market value. She stated since the property was taken and they suffered a loss, she feels if any funds are derived from the sale, they should expect a lawsuit from the heirs to try and recover from that loss.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked Mr. Truelove to summarize the special requirements in the bid documents. Mr. Truelove stated in the bid documents themselves there is an effective date that does not start to run until both parties sign the Agreement of Sale; and this starts the clock running for the buyer to obtain any necessary Zoning relief. He stated in the bid document themselves there is a statement with supporting documentation that the bidder has sufficient available funds, letters of credit, or other financial resources to cover the cost to undertake the necessary maintenance and to cover the terms of the Façade Easement which amount shall not be less than \$500,000. He stated the bid also incorporates the Agreement of Sale, and they must agree to the terms before the bid will be awarded.

Mr. Truelove stated the bid also requires that on the effective date, the bidder will deposit with the Township proof of insurance to cover the full replacement cost of all improvements including the **facades** of the house and the **Pennsylvania** bank barn. He stated the bidder will also agree to maintain casualty insurance.

Mr. Truelove reviewed portions of the Agreement of Sale with regard to the restrictions related to the house and the Pennsylvania bank barn. He stated these provisions are perpetual. He stated there is also a requirement regarding obtaining written approval for any additions or improvements. He stated there is also a requirement in the Agreement of Sale itself about having sufficient funds and obtaining a Certificate of Occupancy and the

amount indicated in order to maintain the house in a habitable condition shall not be less than \$500,000 as discussed in the Appraisal Report dated 6/25/10 prepared by the Township's appraiser, Mr. Gleason.

Mr. Truelove stated they are trying to preserve the historical and structural integrity of the house and insure that the buyer will legally and ethically agree to the terms and conditions for the property to be maintained and improved. He stated the Township bought it but could not afford to maintain it in the manner it needed to; and the buyer should understand that it is their responsibility to restore and maintain it. Mr. Truelove stated they want to preserve the interest of the community and the Township, but not make it too difficult for purchase that no one would want to buy it under the conditions; and this is a balancing act.

Ms. Doan asked what is the provision for the use of the driveway for the leaf trucks once the parcel is sold. Mr. Truelove stated they would discuss this during Land Development. Mr. Fedorchak stated the Township will have to construct a new entranceway into that side of the property, and Public Works is examining various alternatives and will come up with a recommendation to the Board of Supervisors. Ms. Doan stated it is leaf season now. Mr. Truelove stated even if a bid is awarded on December 7, there would still be a great deal of time between now and when the leaf season is over particularly if Zoning relief is required.

Mr. Stainthorpe stated even though this is done by a public bid, settlement would take thirty to sixty days; and Mr. Truelove stated given the potential for Zoning relief needed it would probably be after that.

Ms. Doan stated Mr. Stewart needs to access the driveway for his tractor trailer, and it will be difficult to get another access approved since it is in the Agricultural Security District which requires oversight by the State in order to take any of the land out of farmland. She stated she is asking if they are going to ask the buyer to grant a right-of-way to go through their driveway. Mr. Truelove stated this is not in the bid documents and this would be an agency approval they will have to seek.

Ms. Doan stated she assumes they are looking for a cash buyer as they would not be able to get a mortgage on the house. Mr. Truelove stated as he noted earlier financial security is required as part of the documents. Ms. Doan asked if there is a minimum that they will accept. Mr. Truelove stated this would depend on the appraisal and is something that the Board will have to determine once they receive the bids. Ms. Doan stated there has been a lot of money invested in the property, and she does not feel they should just give it away to a buyer. She stated they had previously discussed that the barn cost \$200,000 to fix and the roof on the Satterthwaite House was over \$100,000; and she feels those

repairs could have been done at a more reasonable cost. She stated now that the taxpayers have invested all of this money into the property, she feels it is counter-productive to give it away at less than has been invested. Mr. Truelove stated the minimum amount that the bidder would have to demonstrate commitment to is \$500,000 just for restoration of the buildings, and the bid for the property itself is even before that. Mr. McLaughlin stated if Ms. Doan's question is whether the Board has an obligation to recoup the investment that was put into the property in the purchase price collected, the answer is no. Mr. Truelove stated the Board also has the right to reject all bids if they do not feel they are appropriate.

Ms. Doan asked for an estimate of what it has cost the taxpayers to have the property surveyed and for legal fees. She stated she feels this is an ill-conceived sale as she sees it as a loss and a detriment to the Farm. She stated she feels the Board should have put in a minimal investment throughout the years to maintain the property instead of spending all the money to get rid of it. Mr. McLaughlin stated the cost on a yearly basis to maintain the property is probably four to five times what the Township has spent in preparation to sell the property.

Ms. Doan stated the Farm has saved the Township millions of dollars in tipping fees for the leaf removal. She stated they have also given away the opportunity to generate income by giving away the Patterson's house to the Artists of Yardley adding the farmer wanted to rent out the property and the Township indicated they would charge him \$3,500 a month rent. She stated she feels there should have been a more dedicated effort to bring in income and maintain the property.

Mr. Tristram Heinz, 532 Stony Hill Road, stated he is not opposed to the sale. He stated it seems they are anticipating a Zoning Appeal, and he asked if there will be special consideration and support from the Board of Supervisors to influence the Zoning Hearing Board to approve such a request. Mr. Truelove stated the Board does not attempt to influence the Zoning Hearing Board, but they could decide whether or not they wish to take a position on any request. Mr. Heinz asked if this would be dependent upon the party making the Application, and Mr. Truelove stated this would be speculative since they do not know who the bidder is. He stated he does not feel the Board has ever taken a position based upon the party making Application, unless the Township itself is the party.

Mr. Heinz stated it was noted that there was a minimum guarantee on the part of the bidder of a \$500,000 investment to improve the buildings; and Mr. Heinz asked if this means they have to guarantee they have \$500,000 available or is there any "give" in that number in that a private individual doing maintenance and repairs often pays less than Governmental entities would have to pay. He stated he believes the \$500,000 figure was based on what the Township would have to pay to do these tasks. Mr. Truelove stated he

is not aware that the appraisal indicated that; and that it was just a figure of what it would cost to do the repairs, and they did not take into account prevailing wage labor. Mr. Heinz asked if the buyer, who may be able to perform the repairs and maintenance activities for less than \$500,000, is going to be given any leeway in that figure; and Mr. Truelove stated he feels that if the perspective buyer comes in and demonstrates to the Board that they have the in-kind ability through their own knowledge and ability or through people who volunteer time and money in lieu of paying for the costs, he feels the Board could consider this, but at this point it is too early to decide this. He added the minimum value of the repairs and renovations would be \$500,000. Mr. Heinz stated he assumes a prospective buyer would have to prove that their in-kind ability equals the \$500,000, and Mr. Truelove agreed adding that this is all speculative at this point.

Mr. Heinz stated he has been reviewing the discussions on this issue on the Website which he feels is a great benefit to those who are unable to attend the meetings due to having other obligations. He asked if anyone followed up with Ms. Doan or her group with respect to the offer she made at the September 7 meeting about an in-kind lease; and it was noted they did not. Mr. Stainthorpe stated the Board has already made a decision to move forward with the sale of the property, and tonight the only vote is to advertise that sale.

Mr. Truelove stated he would not recommend under any circumstances that the Board or any other governing body deviate from the appraisal amount that was indicated in the appraisal of \$500,000.

Ms. Roseanne Friehs, Historic Commission, stated the appraisal value was \$265,000 and they have indicated it will be \$500,000 for repairs so the total that a buyer would have to have on hand would be \$765,000; and Mr. Truelove stated he would not call it “on hand,” but the \$265,000 for the house if that is appropriate would be one number and the \$500,000 would be some kind of financial security which could be cash or it could be some other form with the total value to be approximately \$765,000.

Ms. Friehs thanked Mr. Caiola, the past liaison to the Historic Commission, for his help in the past years. She stated as an Advisory Board to the Board of Supervisors it is the job of the Historic Commission to advise them, and the Historic Commission again advises against the sale of the 5.14 acre parcel with the Satterthwaite House. She stated by creating this parcel of more than five acres, special Zoning exceptions will apply to the property with its underlying R-1 Zoning; and by changing the R-1 status, they are inviting Commercial development on the Patterson Farm, and they are concerned what will result from that.

Ms. Friehs stated for the past two years since Ron Smith was their liaison he attended one meeting, and in 2010 they have had no Board of Supervisor liaison to help them with this volatile matter. She stated their current liaison, Matt Maloney, has not attended any of their meetings nor has he responded to any e-mails. She stated as a Supervisor and their liaison, Mr. Maloney is being paid with Township tax dollars to attend meetings and to act as a liaison; and she asked Mr. Maloney to explain his neglect and remiss of duties to the Historic Commission with respect to this important matter. Mr. Maloney stated when Mr. Caiola gave him the position of liaison to the Historic Commission he acknowledged his inability to attend meetings at 10:00 a.m. on a weekday which is when the Historic Commission holds their meetings. Ms. Friehs stated they offered to have meetings in the evening, and they received no response; however, Mr. Maloney stated he does not recall ever seeing or hearing anything about this, and he apologized if this was offered as he was not aware of it. Ms. Friehs stated they could change their meeting time to fit Mr. Maloney's schedule as they need Supervisor input.

Ms. Helen Heinz, 1555 Edgewood Road, asked Mr. Truelove about the Façade Easement since the Historic Commission did not see any of the wording. Mr. Truelove stated it was developed in conjunction with Jennifer Stark who developed the ones for Elm Lowne, and they followed the same format. He stated he feels they are very historically conscious, and the purpose is to preserve the appearance in a historical and tasteful manner consistent with the location and the history of the Farm; and he feels this has been achieved. He stated whoever buys the house will have to agree to abide by those.

Ms. Heinz stated she is particularly concerned with back east of the house which, while it looks not to be very important, is the oldest section of the house. She particularly noted the rear westerly wall of the structure which is a stone wall and has a huge fireplace at the end. She stated the front section of that particular piece has a small shed addition that was put on in the early 19th Century and is fairly important. She asked who will make the decision as to what will get saved. She asked if everything is part of the Façade Easement and asked what Board they must come before and who has oversight on the Façade Easement. Mr. Truelove stated it would be similar to Elm Lowne; and in addition to the Façade Easement, there is a requirement to have a minimum of \$500,000 to maintain and renovate the property to include the entire house, and the back part noted by Ms. Heinz would be part of this. He stated the goal is to make sure that the entire property including the interior and exterior are maintained in a way that puts the house in better condition than it is now and anticipates that it be conscious of the history of the area.

Ms. Heinz stated the Township is notoriously bad about maintaining Façade Easements and enforcing Façade Easements, and she feels there is ample evidence of this. She asked if the Board of Supervisors has the fortitude to carry forward with this if someone decides to demolish. She stated her experience with the Board of Supervisors previously is that they do not care. Mr. Truelove stated he feels that the Board does feel the

Façade Easement that has been filed is important since it is part of the bid requirements. Ms. Heinz stated they do not know if they are going to be enforced, and Mr. Truelove stated it is part of the Condition and there are several ways it could be enforced including Building Codes. He stated he feels the documents are very indicative of the Township's commitment. He stated they are also trying to strike a balance to make sure the Township's interests are maintained while at the same time still be attractive enough for a purchaser; and he feels given the lengthy nature it has taken to get to this point, they have attempted to do this

Ms. Heinz stated making this over five acres will make it extremely likely that this will be purchased by someone for some sort of Commercial venture, and this is what the Board of Supervisors is passing down to the Township.

Ms. Doan stated with respect to her offer to spearhead a project to restore the house, after the Board of Supervisors broadcasts were aired when her offer was mentioned, she was contacted by people who offered money and to donate skills so there is interest in the property in the community. She stated the garage on the property was painted with her father's funds, and he donated this to the Township in an effort to have the Farm look nice; but it now looks "terrible" because it has been neglected by the Township.

Ms. Doan noted the May 4, 1998 Resolution authorizing the acquisition of the Patterson Farm when it was condemned and taken by eminent domain, and Mrs. Godshalk, Supervisor, stated "There has been an outpouring of congratulations by a number of taxpayers regarding the purchase of this tract. She feels this is a gift to future residents that this land will never be developed." Ms. Doan stated she feels it is shame that this particular Board does not see the value the rest of them see.

Mr. McLaughlin stated Ms. Doan had indicated previously that the heirs of the estate were denied economic value, and Ms. Doan stated this was by the taking of the Farm. Mr. McLaughlin asked what the heirs were going to do with the land and what was the economic value of which they were deprived. Ms. Doan stated the economic value to the Pattersons and to their heirs was the production of food. She stated the Pattersons have heirs that were then and are now engaged in farming. She stated Mr. McLaughlin is suggesting that a monetary value would have value over the value of farmland to people who are farmers. She stated this is the culture clash they are experiencing because politicians do not realize that farmers see much more value in productive land.

Mr. McLaughlin asked about a potential lawsuit that would suggest they deprived people of a farm versus the money they received for the Farm. Ms. Doan stated the Pattersons were adamantly opposed to the Township getting this Farm, and they had their own plans for preservation; and there was never any agreement between them and a developer. She stated if the Township had not "meddled" in their affairs, the Pattersons would have preserved the Farm as they chose to. She stated if it were not for the interference by the Township with their eminent domain that was used to coerce them into a sale, the Farm would have been preserved and would not have cost the taxpayers \$7 million.

Mr. Heinz stated they indicated that they were going to publish the bid documents this coming Monday or Tuesday, and he asked if they would also be published on line; and Mr. Truelove stated they will make sure that this is done and published on the Township Website.

Motion carried unanimously.

OTHER BUSINESS

Mr. Truelove stated Executive Session was commenced at 7:00 p.m. and items of personnel, real estate, and litigation were discussed.

Mr. Caiola stated there are Boy Scouts from Troop 10 with their leaders who are earning one of their badges this evening. He stated they appreciate all the hard work the Scouts and their leaders do. He stated if they have questions of the Board, they can reach them through the Township Website.

APPROVAL OF EXTENSION DOGWOOD DRIVE

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve an extension of time for Dogwood Drive (a/k/a Harmony Lane) Preliminary Plan to March 7, 2012.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS

Mr. Stainthorpe moved, Mr. Maloney seconded and it was unanimously carried to grant the Certificate of Appropriateness to demolish a fire-damaged dwelling and detached garage at 1674 Yardley-Langhorne Road.

ZONING HEARING BOARD

With regard to the Christy Lazzarino, 1006 Lafayette Drive, Variance request to permit keeping five chickens and a coop on her property, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the SPRIG, LLC, Variance request to construct an enclosed porch at 877 Kirby Drive resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Joann Kung, 493 Kings Road, Variance request to expand the driveway and walkway resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Martina Warren, 1499 Overlook Road, request for a Special Exception to permit caretakers or others needed for ability to live in the home due to medical needs, Mr. Truelove stated the Applicant is a former client of his from years ago so there is a conflict. He stated Mr. Koopman is representing the Township and has already appeared at the Planning Commission last evening where the Planning Commission voted against the Application for a Special Exception. Mr. Truelove stated the Board of Supervisors may wish to participate in this matter because it involves significant neighborhood needs. It was agreed that the Township will participate in this matter with Mr. Koopman representing the Township.

Mr. Neil McKeon, 1474 Overlook Road, stated they are present to request the Board of Supervisors to participate. He stated a Special Exception has been requested to allow for boarders for medical needs. He stated the neighbors do not believe that this is a true representation of what the request actually is. He stated he was before the Board of Supervisors approximately two months ago and they have since learned that there are actually eight bedrooms that have been constructed in this four-bedroom house. He stated there have been boarders; and the last advertisement they saw on line was dated November 3, and the neighbors had submitted their complaint on July 7, and she still has boarders and is still advertising for boarders. Mr. McKeon stated they are frustrated that they are now four months into their complaint and nothing has been done other than the progress that they are now making to the Zoning Hearing Board. He asked that the Township participate in opposition to the Special Exception. He stated they do not feel the request itself is an accurate representation of what is actually happening in their neighborhood. He stated this is changing the aesthetic make up of the neighborhood, and they do not feel their neighborhood should allow for boarders especially transient people. He stated this house is on a corner with multiple School bus stops; and they do not want their children on a bus stop where there are transient people boarding at the house, so there are safety concerns.

Mr. Maloney asked the status of general enforcement issues with regard to boarding; and Mr. Truelove stated because it is a Zoning issue, they are going through the process. He stated she is in violation now, but he is not sure whether any Citations have been issued. He stated the Zoning Hearing Board is scheduled to hear this matter December 6; and if the Zoning Hearing Board denies the Application, enforcement proceedings can be commenced. He stated there is also an Appeal process. Mr. Truelove stated he is not sure that the Board was aware of the specific number of bedrooms that were constructed; and it was noted Ms. Warren admitted this at the Planning Commission meeting.

Mr. Maloney stated he felt that when the neighbors were present some months ago complaining that there was a boarding house being run, he felt the Township was going to pursue enforcement mechanisms in the general violation of the Residential Code that applies to the house. Mr. Truelove stated this may be one process, but the other one is when there was a violation of the Zoning Ordinance, Ms. Warren made the Appeal for a Special Exception. Mr. Fedorchak stated they started the enforcement process, and she was notified and then she made the Appeal. Mr. Smith asked if the Citations are stayed until the Zoning Hearing Board rules, and Mr. Fedorchak and Mr. Truelove agreed.

Mr. McKeon asked that they also look at the Police activity for this residence as this year alone the neighbors have counted five to six incidents where the Police have been called to the house for landlord/tenant issues. Officer Roche stated he knows of a recent incident and also watched the meeting when the residents were previously before the Board of Supervisors; however, any other prior Police calls to the house were not flagged so that they would keep an eye on the residence, but they could easily research this, and he agreed to do this. Mr. McKeon stated there have been two incidents at the house since the neighbors were before the Board of Supervisors.

Mr. McLaughlin stated he understands that the Township sent a letter regarding enforcement which prompted Ms. Warren to seek the Special Exception; and Mr. Fedorchak agreed. Mr. McKeon stated she missed three deadlines before she filed the Special Exception, and Mr. Fedorchak stated he would have to discuss this with his staff.

Mr. Smith stated he is concerned that the neighbors are having to suffer a “nuisance house.” Mr. Stainthorpe stated once an Appeal is filed, they have to follow the process. Mr. McKeon stated their frustration is that three deadlines were given, and the first deadline should have been sufficient; and he does not know why additional deadlines were given. He stated there have been two Police incidents since the neighbors were last before the Board, during one of which one of the neighbors was threatened. He stated they do not feel safe with this progressing at the speed with which it is progressing, and they are asking the Township to enforce this and have it move along in a speedy fashion.

Mr. Smith asked Officer Roche to advise the Chief of Police of this situation and to convey the concern of the Board. Mr. McLaughlin stated they would also like to have information on the Police activity at this residence.

Mr. Doug Behan, 1491 Overlook Road, stated he lives next to the property in question. Mr. Behan stated a number of residents were present and spoke at the Planning Commission meeting Monday night, and the Planning Commission voted to oppose the Special Exception. He stated later that night at 12:30 a.m. he was awakened by someone repeatedly ringing his doorbell; and when he went to the door the two owners of the house next door, Marty Warren and Derrick Warren were at the door and both were

yelling. He stated Mr. Warren was bloody with a bandage on his nose, and Ms. Warren had a vial of his blood in her hand, and they were yelling at him. Mr. Behan asked them to leave the property, and he then had to call the Police. He stated this was a very menacing experience and is indicative of what is happening at the property. He stated over the years, there has been a complete disregard of neighborhood norms. He stated he now feels there is a ruse that there needs to be approval for boarders for medical reasons; and while he agrees that there are compelling medical and mental health issues at this home that are legitimate, he does not feel they warrant allowing boarders to live there; and he feels this is just a family business to generate revenues, and they were concerned that this revenue was going to stop, and they are looking for legal sanctions to continue this revenue-generating boarding house. He stated given how they have done this in the past, he feels to allow this to happen will cause it to continue in this fashion. He provided a packet of information including a petition to the Board this evening. He asked that the Board oppose this in a vigorous way.

Ms. Karen Merrigan, 1482 Overlook Road, asked about the original complaint the neighbors filed in July when they indicated that they had concerns about the home being a boarding house and also noted sanitation issues that were occurring as a result of the boarders being there. Ms. Merrigan stated she does not believe those sanitation issues have been addressed, and she does not believe that there is regular trash removal at this property. She stated in her review of the Zoning file, it does not seem that those issues have been addressed at all. She asked if they are separate from the Special Exception; and Mr. Fedorchak stated they are; and in the case of the sanitation issues, they can also involve the Bucks County Health Department as to trash pick up which is a separate Township Ordinance. He agreed to follow up on this independently. Mr. Maloney noted an e-mail from one of the Planning Commission members indicating that Ms. Frick was going to follow up on any enforcement opportunities. Mr. McLaughlin asked that the sanitary issues be followed up immediately, and Mr. Fedorchak agreed to do so.

Ms. Merrigan also asked for the support of the Police Department in the neighbors' calls. She stated there have been domestic violence issues related to that property, although she is not certain who was involved. She stated the property is listed on-line for weekly rentals so it is very hard to keep track of who is a weekly or monthly tenant, who is living there, who is doing work there, etc. She stated there have been times during which the Police have responded and not been very responsive to the neighbors. Mr. McLaughlin asked how the Police have been unresponsive; and Ms. Merrigan stated if someone is knocking at your door bloody at 12:30 a.m., this is an issue that should be taken seriously and not dismissed. She stated this is only one example. She stated there are issues at the home which could be escalating. She stated she does not feel the Police are taking this seriously, and the Officers are answering each response individually; and she feels the Police are treating them as if they are wasting the Officer's time. She stated they are not calling unless it is a serious concern. She stated she recognizes that it is not

the Police's responsibility to get involved in neighborhood disputes, but this is clearly a property that has issues which have been documented; and they are asking for Police support.

Ms. Lise Deguire, 1491 Overlook Road, stated it was her home where the incident occurred two evening ago; and while the Officers came promptly and calmed the situation down, the tone of the Officers was dismissive. She stated she was scared, and she did not appreciate this. Ms. Deguire stated she feels the Police Department is not getting the message that this is a serious problem; and she feels this house should have been flagged given the number of calls that have been made to the Police about this house.

Mr. Caiola stated he feels by December 7 they will have answers to these questions. He stated he is sorry the neighbors are going through this, and he has every confidence in the Police Department; and he knows Captain Roche will take this back to Chief Coluzzi, and they will have a response to the neighbors at their next meeting if not before.

SUPERVISORS REPORTS

Mr. McLaughlin commended the Township for the Veterans' Parade which was held on Sunday. He stated it was the largest turn out they have had since the Parade began, and they had great speakers. Mr. Caiola stated the Veterans Committee and the Special Events Committee did a great job in working together on the fifth annual Parade. He thanked Mr. McLaughlin for his support as well as all the other Supervisors and Supervisor-elects.

OTHER BUSINESS

Mr. Truelove stated they have a request from the PLCB to renew the Liquor License for the Golf Course

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to authorize the filing of the PLCB renewal application and addendum for the Lower Makefield Township Golf Course and authorize Mr. Fedorchak and Mr. Stainthorpe to execute such Applications and any other papers required by the PLCB.

ACCEPT RESIGNATION OF MATT MALONEY

Mr. Maloney stated he has recently become engaged and is no longer able to commit himself to the office of Supervisor and is asking his colleagues to accept his resignation tonight as Supervisor. He stated he regrets that he is unable to fulfill a promise he made to the residents of the Township to serve out a full term and that much of what he had hoped to do remains unfinished. He stated he hopes that those who follow him will continue to push the Township in areas that are of concern to him which are capital reinvestment, improving technology, and environmental stewardship. He stated he would like to see proactivity of Government continue. He stated he is proud of the changes of which he was a part, and he encouraged the current Board of Supervisors and those who follow to recognize that there is more to serving the community than just preserving the cost of Government at 1990s levels. He stated he feels it is important to balance the needs to maintain tax levels and fund that which needs to be funded. He thanked his family and friends for their support as well as the Township residents for allowing him to serve them.

Mr. Harold Koopersmith asked how much time is left on his term, and Mr. Maloney stated there are two years. Mr. Koopersmith asked that the Board nominate Mr. Smith to fill out this term. Mr. Smith thanked Mr. Koopersmith for this suggestion, but declined. Mr. Smith stated although he and Mr. Maloney have disagreed on some matters, he respects him and thanked him for service. He particularly noted his help with advances in technology for the Township.

Mr. Stainthorpe stated while they did not always agree, he had no doubt that he tried to do what he felt was the right decision for the community. He stated they will especially miss him during Budget time because he was valuable in this process. Mr. Stainthorpe stated anyone who runs for office and makes a commitment to public service is a “warrior.”

Mr. McLaughlin stated whether you disagree with Mr. Maloney or not, he makes you better as he is highly intelligent and highly passionate, and he has come to admire and respect him. He stated he is one of the finest individuals he has come across especially in public office, and he has not done this job for anything other than to serve the people of Lower Makefield.

Mr. Caiola stated Mr. Maloney has done exceptional work, and Mr. Maloney had an expertise that none of the other Supervisors had. He stated he is a committed person and he is making the most important commitment to his family which is always before politics and community. Mr. Caiola stated both Mr. McLaughlin and Mr. Maloney are very committed to their beliefs, but they were able to work together and this made the Board much better. He wished Mr. Maloney the best in his new life in New York.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to accept the resignation of Matt Maloney.

Ms. Virginia Torbert echoed comments made previously about Mr. Maloney and stated she appreciates all he has done for the Township.

Mr. Caiola stated the next step in the process is that they will request resumes from those people interested in serving, and Mr. Fedorchak was directed to have a deadline of November 22 for submission of resumes, and the Board can then decide when to hold the interviews. He stated they have a total of forty-five days to do all of this.

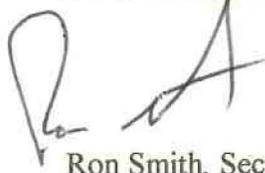
Mr. Smith encouraged the three other individuals who ran in the election for Supervisor to go through the interview process.

ANNOUNCEMENT OF BUDGET HEARINGS

Mr. Caiola stated the Budget session schedule for November 17 was cancelled with the next Budget session to be held on November 21.

There being no further business, Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

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

Ron Smith, Secretary



Township of Lower Makefield

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

NOVEMBER 2011 WARRANT LIST AND OCTOBER 2011 PAYROLL COSTS FOR APPROVAL NOVEMBER 16, 2011 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
11/07/11 Warrant List	\$ 391,814.91	
Manual Checks:		
11/07/11 Warrant List	\$ 1,787.92	
Total Warrant Reports		\$ 393,602.83
Payroll Costs:		
October 2011 Payroll	\$ 302,859.47	
October 2011 Payroll Taxes, etc.	\$ 129,563.16	
Total Payroll Costs		\$ 432,422.63
TOTAL TO BE APPROVED		\$ 826,025.46

