

TOWNSHIP OF LOWER MAKFIELD  
BOARD OF SUPERVISORS  
MINUTES FEBRUARY 7, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 7, 2007. Chairman Smith called the meeting to order at 7:35 p.m.

Those present:

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

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

Mr. Smith announced that Mr. Jeff Werner, who has been part of the Yardley News for twenty years, will be leaving the paper for a position in Hershey. All Supervisors thanked Mr. Werner for his fair and professional reporting, his service to the community, and wished him well in his new endeavors. Mr. Werner noted it was a pleasure to cover Yardley Borough, Lower Makefield, and Morrisville; and his goal for the paper was to make it very balanced. He stated while it was a difficult decision to leave, he is looking forward to new challenges; and he hopes to take what he has learned and apply it to his new position.

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of the January 17, 2007 Regular Public Meeting and the January 17 Special Session to Interview Candidates for Boards and Commissions.

### SPECIAL EVENTS COMMITTEE PRESENTATION

Ms. Suzanne Matarese, Ms. Karen McElwee, Ms. Wendy Jacobsen-Simon, Ms. Susan Steiner, and Ms. Marielle Wolf were present. Ms. McElwee stated they are proposing a Spring Fling on Sunday, May 6 to be held at Elm Lowne from 1:00 p.m. to 5:00 p.m. She stated they plan to have “Field-Day” type events, carnival games, arts and entertainment, and refreshments. They feel this would be a good opportunity to showcase this property.

Ms. McElwee stated they also want to hold Community Day again on September 3. They are working on ideas and also hope to improve upon the successful event they had last year. They would also like to have fireworks. Mr. Santarsiero stated last year they had discussed switching the fireworks to July 4<sup>th</sup>. Ms. McElwee stated they did discuss this, and came up with a number of reasons why they felt the fireworks should be held on Community Day including the fact that the entire Committee will be out of town the week of 4<sup>th</sup> of July. She stated they also felt many residents could possibly be out of town as well. She stated the fireworks company which was contracted last year has been in touch with the Committee and indicated it would be less expensive and easier to provide the technicians and transportation for a Labor Day display as opposed to a 4<sup>th</sup> of July display. Their best technician would be available to them on Labor Day.

Mrs. Godshalk stated she likes the spread of time between May 6 for the Spring Fling and September 3.

Ms. McElwee stated they also propose a Veterans’ Day Event to be held on Sunday, November 11. They are calling this a Salute to the Armed Forces – Past, Present, and Future. She stated they would like to have a Parade in the center of the Township, which would be Edgewood Village. They are still working on the details of this Event. They are hoping to present it as a living event in that they plan to reach out to a broad range of people and groups including the Veterans representing the past, those currently serving the Country representing the present, and the future being represented by groups such as ROTC and Scouts. They would also like to include organizations such as the Elks, Lions, Rotaries, Women’s’ Auxiliaries, Police, Fire, and EMTs. Ms. McElwee stated after the Parade, there would be an assembly area to present a Wreath of Valor to the VFW with whom they would work closely on the project. They would also like to include various demonstrations from the various organizations, and serve light refreshments.

Mr. Stainthorpe stated he always felt Veterans’ Day was an overlooked Holiday, and he feels this is an excellent idea. Mr. Smith stated last year Mrs. Godshalk and the Historic Society ran a program for the surviving Veterans of World War II and stated she could act as a liaison. Mrs. Godshalk stated Yardley Borough usually has a Veterans Day Event at the Memorial near the Yardley Inn which is usually held 10:00 or 11:00 A.M., and she suggested the Lower Makefield event be held following that so there is not a

conflict. Mr. Smith stated he feels this event will result in a great turn out, and he looks forward to participating. Mr. Santarsiero stated he is in favor of the use of Edgewood Village for this event.

Ms. McElwee stated they hope to continue to bring before the Board unique ideas that will appeal to all the residents.

Mr. Santarsiero stated in setting up the Committee and working on these events, their goal was to bring the community together and to forge more of an identity as Lower Makefield residents. He feels everything they have done and what they are planning for the future advances this, and he thanked them on behalf of the Board for their work.

Mr. Caiola stated Mr. and Mrs. Matarese need to be acknowledged for their fundraising efforts to benefit Ashley Zauflik, the Pennsbury student who was recently injured in the bus accident. Mr. Sal Matarese stated he was very pleased with the number of people who came out to their event and the amount of money they were able to donate. He thanked all those who participated. Mr. Smith wished for the on-going recovery of Ashley on behalf of the Township. Mrs. Godshalk stated Mr. and Mrs. Matarese's efforts show that this is a very caring community. Mrs. Matarese stated the entire community came out in support of Ashley.

Mr. Smith noted the Township is still looking for people to serve on the Special Events Committee and anyone interested should send a letter of interest to the Township Manager.

#### ANNOUNCEMENT OF GOVERNOR'S RELEASE OF CANAL FLOOD MITIGATION MONEY

Mr. Santarsiero stated they recently received a copy of a letter from the State to Representative Steil confirming that \$2.85 million would be released on 2/15/07 for the performance of the work at the Delaware Canal to include dredging of the Canal between Black Rock Road and Lock 5, widening of the culvert at Black Rock Road, and the repair of the Lock at Lock 5. He stated the Governor has requested that the DCNR, which will be performing the work, proceed in all haste to begin the planning and begin the work as quickly as possible. He stated they are hopeful that this will go forward quickly in 2007, and they will be in a position to have that work completed to help mitigate any future flooding problems in the area while at the same time enable them to proceed with the bikepath planned along Black Rock Road. He thanked the Governor, Representative Steil, and Mr. Truelove for their work in this matter.

Mr. Fedorchak stated the Township staff will be meeting tomorrow with the Director of Design for the DCNR on the site. They will be touring Morrisville up through Yardley

Borough. He stated the engineer from Schoor DePalma who did the flood mitigation study will also be on site to meet with the engineers.

Mr. Majewski stated the Delaware River Basin Commission (DRBC) established a Flood Mitigation Task Force last year in response to the flooding to investigate what alternatives there are to help mitigate future flooding. Last week the DRBC sent out their Preliminary Action Plan for public review. He stated they are looking into this on a more global basis including looking into the northern reservoirs and how they can be better maintained and better store the water to help mitigate the flood damage. They are also trying to push for better flood mapping and better floodplain regulations throughout the entire watershed to help alleviate some of the flooding problems.

#### DISCUSSION OF TOWNSHIP SIGNAGE ORDINANCE

Mr. Smith stated he has received e-mails and calls about the plethora of signage in the community particularly on the weekends. He stated he would like the Township solicitor to look into the Township Ordinances to see if they are tight enough or if they need more enforcement. He stated in his own review, he did not see much reflected in the Ordinances with regard to enforcement or with regard to billboards. He noted a recent Court decision in Doylestown with regard to billboards where they were forced to allow the installation of a billboard because they did not have anything in their Ordinance allowing billboards.

Mr. Caiola stated if signs are left up for a significant period of time and are not taken down in a timely manner, he feels this could be considered under a Litter Ordinance as this is how it is handled in some other Municipalities.

Mr. Smith stated he has been advised that there is one Township employee who goes around the Township each week collecting signs. Mr. Fedorchak stated one employee is the Sign Enforcement Department; and from Monday to Friday at least one or two days a week, he will canvass the Township, and it is not uncommon for him to bring back twenty to thirty signs. He has not done this regularly on the weekends. Mr. Fedorchak stated he feels most of the signs are being put up Saturday morning and taken down Sunday afternoon when they know there is less of an opportunity that the Township will take the signs. He stated he has had discussions with the Township employee involved, and it has been agreed that he will go out one weekend a month and pick up some of the other signs they are discussing so they will be increasing their sign enforcement.

Mr. Caiola asked if they do follow up on this to make sure that this is not a continuing problem. Mr. Fedorchak stated if they see repeat offenders, they do get a follow-up letter. Mr. Smith asked if anyone has ever received a citation, and Mr. Fedorchak stated while he feels they have, he is not sure when the most recent one was issued.

Mr. Stainthorpe asked that Mr. Truelove look into the billboard law as he feels this is potentially the one that could change the Township landscape the most. He stated he feels they probably have to have a place in the Township where billboards are permitted; and if they do not designate such an area, they could be forced to allow one at any location. He stated they should also recognize that I-95 goes through the Township which would be a prime location for numerous billboards. Mr. Smith agreed that this should be done as soon as possible as they do not want to be put in a position where they have signage at a location where they do not want it.

Mr. Santarsiero stated what is primarily being considered is commercial speech which is not as strictly protected by the Courts as political speech. He stated he is concerned that they may be forced to allow billboards to go up. He feels the Solicitor should look at the law to see what can be done by way of an Ordinance change to protect the Township in the future.

Mr. Smith also noted political signs and stated the residents have complained about the very large signs. He stated he knows there are some rules and regulations on these but there seems to be a lack of enforcement on the very large signs which some people have indicated are a public safety issue as they obstruct sight distance. He stated while there is less restriction that can be placed on political speech, some of these signs are almost as large as billboards. Mr. Truelove was also asked to look into the enforcement mechanism.

Mrs. Godshalk stated the five Supervisors could agree not to have very large political signs. Mr. Stainthorpe stated he has never put up a large sign, but three other Supervisors present have done so in the past. He stated there were sign regulations for political signs in the Township at one time, but they were declared un-Constitutional; and a lawsuit was filed against the Township because of this. Mr. Stainthorpe stated he would agree not to put seven signs on one corner. Mr. Smith stated he feels they should pledge to limit the size of the size of the signs to something that is not obtrusive to the community. Mr. Santarsiero suggested that the Democratic and Republican Clubs discuss this to see if there was something they could all agree to with regard to the signs.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road stated the last few years she does not feel there was much enforcement of the Sign Ordinance particularly with regard to political signs since the previous Solicitor indicated because of some Court Decisions he did not feel some sections of the Sign Ordinance could be enforced and would not survive a Court challenge. She stated the Sign Ordinance does need some work. She feels it would make sense that even if they do not limit the size of the signs, language should be tightened as far as the safety issue that the signs not be permitted to obstruct sight distance. She stated she feels there should also be a limit on the number of signs for one person on each corner. She stated she feels the very big signs become targets for vandalism.

Mr. Truelove stated political speech is to be guarded more closely, and the regulations would have to be carefully crafted. He stated the prior solicitor was correct, and the Courts look upon these regulations to make sure they follow the “Strict Scrutiny Test” for political speech. He stated commercial speech is less subject to the oversight of the Courts. He stated he feels particularly with the I-95 Corridor, they already have an Overlay District for the cell towers which essentially tracks I-95; and they may be able to “piggy-back” a similar situation with billboards in the event that they need to regulate. Mr. Truelove stated health, safety, and welfare is the utmost responsibility of the Township; and they need to make sure that no matter where the signs are, they cannot impede or obstruct traffic or sight lines. Mr. Santarsiero stated those Police power functions will survive a strict scrutiny test in most cases.

#### APPROVE TRANSFER OF EIGHT HYDRANTS IN MAKEFIELD GLEN FROM PRIVATE TO PUBLIC RESPONSIBILITY

Mr. Hank Hoffmeister, Sewer Administrator, was present with Mr. Zachary Rubin, Treasurer of the Makefield Glen Homeowners’ Association. Mr. Hoffmeister stated there are seventeen fire hydrants in the Makefield Glen Subdivision eight of which were considered to be qualified private hydrants to be paid for by the Homeowners’ Association.

Mr. Rubin stated this is a financial injustice that has been perpetrated on the community. He stated he represents 848 homeowners in the Makefield Glen Association. He stated they are being billed monthly by the Pennsylvania American Water Company (PAWC), \$167.30 for private fire service. He stated this has nothing to do with usage of the water from the fire hydrants as they do not use any water from them. He stated it also has nothing to do with fire protection from the Yardley-Makefield Fire Department. He stated what they are paying for is, in case there is a fire and the Fire Department has to come out, they would be using PAWC water that is unmetered. He stated they are being billed for eight fire hydrants per month and this equals \$2,007.60 per year. He stated the Township also has fire hydrants throughout the Township, and they have budgeted in their operating expenses hundreds of thousands of dollars to pay for the same service. He stated this has nothing to do with maintaining fire hydrants as every homeowner is billed by PAWC a certain 5% charge to maintain the water lines and the fire hydrants. He stated the Makefield Glen Homeowners Association feels that they are being double billed as every homeowner in the Township is assessed .29 mills to pay for the same fire service for all the fire hydrants in the Township. He stated a typical homeowner in their Association is paying the Township \$9.70 for use of fire hydrants and the Homeowners’ Association is also paying PAWC for the use of the fire hydrants. He stated their community pays to the Township approximately \$8,225 a year for use of fire hydrants. He stated the development has been there for seventeen years, and there has never been a fire and they have never availed themselves with PA water. He stated they are asking the

Township to take over the monthly payment of the eight fire hydrants for which the homeowners are already paying the millage. They feel they are being double billed.

Mr. Hoffmeister stated the Board has before them the Agreement prepared by PAWC transferring the private qualified hydrants and the maintenance by Makefield Glen Homeowners' Association over to the Township.

Mr. Stainthorpe stated he agrees that they are being double billed, but he is concerned that these type of things eventually reach the Supervisors when for one reason or other, they do not take full Dedication of streets, hydrants, etc. from the developer. He stated at some point someone must have felt this was a good idea to have these as private hydrants. Mr. Stainthorpe stated the Township needs to be careful about these types of things when they accept Dedication.

Mr. Rubin stated while he agrees with Mr. Stainthorpe, Makefield Glen does not own the fire hydrants as PAWC owns them and all they are doing is paying for the use in case there is a fire. He stated those hydrants could also be used for Heritage Oaks which is across the street. He stated he does know why Toll Bros. or the Makefield Glen Association decided these should be private qualified hydrants. He stated four of the hydrants are on Covington Road, which is a Township road.

Mrs. Godshalk asked if this same situation exists in other condominium developments, and Mr. Hoffmeister stated he did discuss this with a representative of PAWC and he does have a list of these. Mr. Smith asked Mr. Hoffmeister to provide more details on those locations to the Board.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the transfer of eight hydrants in Makefield Glen from private to public responsibility.

The President of the Makefield Glen Homeowners' Association asked if the Township is paying for the hydrants on an individual basis or is it a blanket bill they pay to the Water Company. Mr. Hoffmeister stated billings he has seen are based on the individual hydrants noting that there could be a difference in the cost depending on the age of the hydrant. He stated they also receive a bill from Morrisville which has fifty-eight hydrants in the Township. The gentleman stated he wanted to make sure that there was not double billing taking place and that the Township was paying for the same hydrants the Association was paying for.

Motion carried unanimously.

Mr. Rubin stated he would like a financial redress of grievance; and since they feel they have been double billed for the last seventeen years, they would like a reimbursement

that they have been saving the Township. He stated the Association has paid approximately \$34,000 to PAWC which they were saving the Township and were also paying approximately \$140,000 to the Township for the use of fire hydrants. Mrs. Godshalk stated they could look into whether or not the Water Company was double billing; and if the Township is successful in recouping this money, she would consider making an award to Makefield Glen. Mr. Hoffmeister stated since he is going to look into the number of other hydrants which may have a similar situation in the Township, and the cost associated, he will also look into whether there was double billing.

Mr. Stainthorpe stated according to the Pennsylvania Constitution, property taxes must all be equitable; so even had they known, Makefield Glen homeowners were paying this, they could not exempt one development from paying the Fire Hydrant Tax. When you establish a tax, it must be imposed on every homeowner, regardless of whether they use the service or not. Mr. Hoffmeister stated they also have an Ordinance in place which indicates that if a home is within 600-700 feet of a hydrant, it is subject to that tax. He noted there are areas in the Township where the dwellings do not pay the tax because they have no hydrant system at all. Mrs. Godshalk stated this is also the case with regard to the Lighting Districts.

Mr. Rubin stated they are not asking for relief from their millage. He stated they feel since they have been paying for these hydrants for the last seventeen years, and saving the Township \$34,000, they are looking for redress. He stated he would not have a problem with the Township reimbursing them the \$34,000, and the Township could then get relief from PAWC and keep the money.

Mr. Stainthorpe stated he would not be willing to make a commitment tonight until the Board knew the total liability.

Mr. Rubin stated they have a bill due February 15, and this was presented to the Township Manager this evening.

#### ESTABLISH HYDRANTS IN THE BOXWOOD SUBDIVISION OFF OXFORD VALLEY ROAD

Mr. Hoffmeister stated this is the standard process indicating the Township will accept the hydrants to be established within the new Subdivision to be ultimately Dedicated. He feels this is normally included in the Development Agreement.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to establish hydrants in the Boxwood Subdivision off Oxford Valley Road.



Mr. Santarsiero stated the historic home on the property has been sitting on stilts for some time. Mr. Majewski stated the house has been moved, and it is in the location where it will be permanently situated. They are currently constructing the foundation. He has asked someone to contact Mr. Mazzarro to get an update on the completion of this. He added he feels the Bond expires the end of February.

Motion carried unanimously.

#### HIRE HOWARD J. WOODS & ASSOCIATES, L.L.C. AS A CONSULTANT FOR THE POTENTIAL SALE OF THE SEWER SYSTEM

Mr. Fedorchak stated when they first discussed the potential sale of the sewer system last year, everyone agreed the Township would benefit by hiring an experienced consultant to help the Township properly value the sewer system and help develop and manage the sale process. He stated in 2006 they put together an RFP which was issued in January. They made contact with several consulting firms, five of which expressed an interest. Ultimately two firms bid on the job, one offering a fee of \$41,000 and Howard J. Woods & Associates a price of \$37,990. Mr. Fedorchak stated they did reference checks on both firms, both of which had experience with these types of appraisals and sales and were well qualified. The staff recommends proceeding with hiring the low bidder.

Mr. Stainthorpe stated he was advised by Mr. Truelove that he can participate in the discussions. Mr. Stainthorpe stated he has reviewed the proposal which he feels is very thorough, and he is impressed with the experience of the low bidder. He stated he serves on another Board and is familiar with the sale of the Upper Dublin system which is very similar in size to Lower Makefield although he feels that system did include treatment. He feels they should move forward.

Mr. Caiola moved and Mr. Santarsiero seconded to hire Howard J. Woods & Associates, L.L.C. as a consultant for the potential sale of the sewer system in the amount of \$37,990.

Mrs. Godshalk stated the Township is not familiar with this type of proposal, and the Township has always owned the sewer system which is a non-treatment system. She stated she feels to come up with cost estimates of the value of this would be easy to estimate based on the amount of homes and what people pay and then include an inflation factor of what it might be over a certain period of time. She stated there is no treatment facility to evaluate, and she feels \$37,990 seems very expensive.

Mr. Santarsiero stated when this matter first came up last year, the members of the Sewer Authority indicated that before the Township proceeded any further in considering the potential sale of the Sewer system, they should hire a consultant which is why they are proceeding in this fashion. Mr. Caiola agreed and stated the Township does not know

much about this since they have not sold much in the Township. He stated this is why they should go with a professional who could make recommendations to them that make sense for the community. He stated both proposals received were relatively close in cost. Mr. Caiola stated they can benefit from the fact that there have been some recent sales of sewer systems in the area. Mr. Smith stated Mr. Stainthorpe has also indicated that he is familiar with this company with regard to the Upper Dublin system.

Mr. Fedorchak stated he did have discussions with several consulting firms; and a few quoted figures of \$75,000, so he was very pleased with the two bids they received.

Mr. Sam Conti asked if the Board decides to proceed with the sale of the system, will it be put up as a Referendum for a vote by the public. Mr. Santarsiero stated they are not at this point yet; and he feels they should get the consultant's report first, and they can then make a determination what is the best way to proceed. Mr. Conti asked if any internal analysis has been done on this before they get the consultant's report on the impact to the consumers. Mr. Caiola stated without doing all the research and having a determination of whether the sale would be beneficial, he does not feel there is anything internal they can do until they get the information from the consultants. Mr. Smith stated much of this started because Mr. Hoffmeister came before the Board and made a recommendation that they consider the sale of the sewer system. He stated they felt the next step was to get experts to evaluate the condition of the system and decide whether it would be proper to proceed. Mr. Conti asked if the consultant will consider the impact to the consumers, and Mr. Caiola stated this will be a critical factor of this as they do not want there to be a short-term benefit but a long-term pain for the Township.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she was present last year when the issue of refinancing the sewer bonds came up. She stated the refinancing included an expiring bond which would have had three more years to go at which point, they would have paid off \$500,000 in principal this year, next year, and be completely paid in the third year. She stated the Supervisors chose to refinance that shorter bond along with a much longer bond. She feels if they do sell the sewer system, they will get back in proceeds \$1 million less than had they not done what needed to be done and raise the rates then. She stated she feels the Township is now looking for ways not to have to pay for deferred maintenance that may not have been paid or there was an unwillingness to do that in a scheduled way and have the ratepayers pay what they should. She stated the actual proceeds from the sale should be appropriately defined and there be an audit trail to see what is happening.

Motion carried with Mrs. Godshalk abstained.

## SUPERVISORS' REPORTS

Mr. Smith announced that the Regional Traffic Task Force met last week at the Township Building, and they have scheduled an Open House in Lower Makefield at the Charles Boehm School on Thursday, April 26 most likely from 5:00 p.m. to 9:00 p.m. He stated this will be for discussion of any matters currently before the RTTF. He encouraged Lower Makefield residents to attend this meeting. Mr. Smith stated the Elm Lowne Committee is planning this year's events. He stated they are in need of additional members, and he asked anyone interested to submit a letter of interest to the Township Manager.

Mr. Caiola stated the Economic Development Commission had their first meeting in January and discussed the mission of the Commission as well as Edgewood Village and available open space. Mr. Caiola stated he also serves on the Bucks County Performing Art Center, and on March 3 at 7:30 p.m. they will have a concert at Pennsbury High School with a blues' guitarist and storyteller. Tickets are \$8. He stated this is a non-profit group which is trying to provide a variety of music to the community.

Mr. Santarsiero stated the Park & Recreation Board met in January and discussed the need to look at the Samost tract and come up with a Plan. This is being driven partly by the fact that PAA has approached the Board of Supervisors requesting land where they could construct an indoor facility. They would like this to be put in a site where it makes sense so they want to plan out the entire area to see what athletic facilities they want to see in this area. He stated initially, they were considering baseball fields and tennis courts. Mr. Santarsiero stated the EAC will meet this month and will then come before the Board of Supervisors to discuss the Cool Cities Program. Mr. Smith agreed that they will be on the next Agenda of the Board of Supervisors to discuss this program. Mr. Santarsiero stated this program deals with global warming and involves signing an Agreement which many Municipalities throughout the Country have signed onto. He stated last year the Township agreed to purchase renewable sources of energy, and this would be the next logical step. Mr. Santarsiero stated they will also discuss the Conference on global warming that will take place in May. Mr. Santarsiero stated the Citizens Traffic Commission is approximately one month away from starting their Hearings on the traffic problems in each of the regions of the Township. They will be soliciting comments from the public. Mr. Santarsiero stated the Southeastern Bucks League of Municipalities had a meeting one week ago to discuss regional and local issues. Their next meeting will be March 29, 2007 in Morrisville at 7:30 p.m.

Mrs. Godshalk stated the Planning Commission will meet on February 12 to discuss Edgewood Village. She hopes all residents have been advised of this. She stated the Historic Commission met, but they did not have a quorum. She stated they did go over the Edgewood Village guidelines. She stated there are two vacancies on this Board; and she asked that those interested in serving, send a letter of interest to Mr. Fedorchak.

Mrs. Godshalk stated the Garden of Reflection Committee meets twice a week on various items including benches and the final resolution of the beam. She stated they are also doing further landscaping and are drawing a Plan for an arboretum. She stated she has been attending meetings of Towns Against Graffiti (TAG), and stated any Township in the lower part of the County can contact them to clean up graffiti. She stated they do need additional funds and will be having a fundraising Art Auction at Elm Lowne on Friday, March 2, 2007. Tickets are \$20.

#### REPORT BY THE CHIEF OF POLICE

Chief Coluzzi stated A. J. Poux, one of the Township Police Officers, responded to a report of a bank robbery in Morrisville. After searching the area for the suspects, he returned to the crime scene to assist Morrisville Police and found substantial pieces of evidence which led to the identity of the perpetrators who were subsequently arrested.

Mrs. Godshalk stated on Sunday they had a derailment of a CSX train. Chief Coluzzi stated a large CSX freight train was traveling through the Township and lost a wheel on one of the box cars. He stated this blocked several intersections from 10:00 a.m. to 8:00 p.m. when it was eventually cleared. Mr. Santarsiero stated there is anecdotal evidence that the CSX trains do not comply with Federal regulations as to what they are carrying and where in the line of trains they are carrying it; and this is a concern to the extent that there might be a derailment. He stated this could pose a risk to the Township residents, and he feels the Board needs to follow up on this to put pressure on CSX to make sure they are complying with Federal regulations. Mr. Smith asked if the Emergency Management Committee should consider this. Mr. Stainthorpe stated they do have a Plan to deal with such a contingency, but he does not feel they would have the authority to regulate this as the Rails are regulated by the Federal Rail Administration. Mr. Santarsiero stated he is suggesting that they start writing letters and put pressure on the Federal government to enforce these regulations to make sure the Township residents are safe. Mrs. Godshalk stated approximately two years ago the Township received notice that the Federal government was going to be transporting nerve gas through the Township, and the Board did go against this as did many other Municipalities in Bucks County; and they decided not to do it. Mr. Santarsiero stated there is therefore precedent to get something done if they stand together.

Mr. Smith stated this relates to the Command Center that Chief Coluzzi previously discussed. Chief Coluzzi stated it would cost \$40,000 to \$50,000 for a fully-equipped vehicle. He stated they have used the Command Center owned by another Municipality in the past. He stated Newtown, Middletown, and Falls Township have such Command Centers. Chief Coluzzi was asked to get additional information on this to Mr. Fedorchak so that it can be put on the next Agenda. Mr. Stainthorpe noted this item would have to be budgeted for next year's Budget.

Chief Coluzzi stated with regard to the hazardous material, it would be difficult for the Emergency Management Committee to regulate what comes through the Township in the form of hazardous material, but it is a priority for the Committee to be able to properly identify any material that is coming through in the event of a spill or derailment; and they do work on this extensively. He stated any efforts that could be made to reduce what comes through the Township would be greatly appreciated.

#### RATIFY CONTRACT WITH BARNOLOGY FOR STABILIZATION OF THE SATTERTHWAITE BARN

Mr. Stainthorpe moved and Mr. Caiola seconded to ratify the Contract with Barnology for stabilization of the Satterthwaite Barn in the amount of \$17,440.

Mr. Fedorchak stated at the last Board meeting, they promised they would move quickly to do whatever was necessary to stabilize the barn; and toward that end, they were able to enter into a Contract with Barnology, which is a local, well-respected company in the field of barn restoration. He stated he has seen some of their work which was very impressive. He stated they were to have started work this week but unfortunately, the weather would not allow them to do so. If the weather becomes milder, they will be able to begin.

Motion carried unanimously.

#### DISCUSSION AND MOTION TO POSTPONE PURCHASE OF ADDITIONAL EQUIPMENT AND SERVICES FOR TV PRODUCTION

Mr. Fedorchak stated he is asking that the Board consider authorizing the purchase of \$13,838 in additional equipment and services from Lerro Corporation for TV production. He stated they feel these items will significantly enhance the TV production. He stated one of these items is a third mounted camera which would allow the production crew to be able to cut to whoever is speaking much more quickly. He stated another item is an automatic switcher which will allow for the re-broadcast without the need for the technician to come to the Township and set it up. He stated another piece of equipment would enhance Channel 22 with graphics, scrolling messages, and videos.

Mr. Stainthorpe stated some of the items are insignificant sums but noted the cost of the new camera of \$4,335, and stated he is not sure this is a good use of taxpayers' money. He stated he is pleased with the production values they currently have. He stated he feels they have already spent the money which was granted by Comcast. He suggested they go through the list and proceed only with those items which are a priority.



TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
INTERVIEW CANDIDATES FOR BOARDS AND COMMISSIONS  
MINUTES – JANUARY 17, 2007

A meeting of the Board of Supervisors of the Township of Lower Makefield for the purpose of interviewing candidates for Board and Commission vacancies was held in the Municipal Building on January 17, 2007.

Those present:

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

Others:                            Terry Fedorchak, Township Manager

Absent:                            Grace Godshalk, Supervisor

Mr. Smith called the meeting to order at 7:00 p.m.

Interview of Helen Bosley

Ms. Helen Bosley was present seeking re-appointment to the Golf Committee. Mr. Smith asked why Ms. Bosley would like to be re-appointed. Ms. Bosley stated finally at the last Golf Committee meeting she was able to put forth a proposal that addressed the issue of increasing involvement of those who are not eighteen-hole golfers. She would like to address a different population in terms of the Township. She would like to help the Committee and the management company work on this. Mr. Smith asked if there has been any interest expressed in this idea, and Ms. Bosley stated there has been. She would like the opportunity to convince people that there is an interest and a need in the community for this.

Mr. Stainthorpe stated he feels this proposal is a creative way to make the Course more friendly to women golfers who may want to golf during the week but do not have partners.

Mr. Caiola asked for more information on the proposal, and Ms. Bosley stated there has been some interest in the community expressed to herself and other people that women or others with young children may want to play nine holes of golf after 9:00 a.m. during the weekdays after the children are in School. She stated there are those that only want to spend the time playing nine holes as opposed to eighteen. She stated she is trying to

work out a small carve-out in terms of a group that would have a specific time perhaps every week to be able to do this. Mr. Caiola asked about the rate, and Ms. Bosley stated the rate would be the same, unless there were some other kind of Association. She stated it would be not much different from the Makefield Highlands Golf Association.

Mr. Santarsiero stated Ms. Bosley interviewed a short time ago, and he felt she was a good candidate then; and he would be in support of her now.

#### Interview of Jo Norum/Jennifer Stark

Ms. Jo Norum was present. She is requesting re-appointment to the Elm Lowne Committee.

Mr. Stainthorpe asked Ms. Norum her thoughts for creating greater access and usage of Elm Lowne. Ms. Norum stated the Committee has worked extensively on this question. She stated they feel Elm Lowne should be considered a public property and used the same way the Township Municipal Building is used. She stated they feel it should be provided as a meeting facility for resident groups at no cost to those wishing to meet there. She stated currently the Lower Makefield Women's Club is meeting there as is the Martha Washington Garden Club. She stated they are meeting at Elm Lowne on a regular basis at no charge. She stated they are also looking at a small fee of approximately \$75 for non-resident groups for this same use.

Ms. Norum stated they are also considering event activities from a resident and non-resident perspective. She stated this could include social events, fundraisers, etc. They would consider this a private affair but not characterize strictly what that means. She stated they are recommending that residents pay \$155 for use of the facility as well as a house sitter fee of \$20 an hour for the entire time they are in the building plus one half hour before and one half hour after the event. She stated they also have a house sitter fee when Open Aire Affairs makes use of the property.

Mr. Caiola asked about usage in 2006 compared to 2005. Ms. Norum stated there was an up tick and more groups are looking at it. She stated when the Elm Lowne Committee first went into this, she feels they went into it the wrong way as they looked at it solely as an income-producing venue; and there was a very complicated fee schedule. She stated what they are now considering would be more long-term enduring. Once the schedule is agreeable to everyone, they would like to have it publicized.

Mr. Santarsiero asked if there are any other groups that have used the facility for an extended period of time. Ms. Norum stated both the Makefield Women's Group and the Martha Washington Garden Club use it monthly. She stated the Republican Committee and Historical Society also use it quite frequently. She stated the use of the property as a



meeting facility to groups has not yet been publicized as they did not know if it would be acceptable to the Board of Supervisors. She stated they also need to consider other details such as the cleaning procedure. Mr. Santarsiero stated when they discussed this in October, they were still in the Budget process. He stated he felt that the Elm Lowne Committee was going to come back to the Board of Supervisors with a more refined Plan based on the Budget and some additional details as to use. Ms. Norum stated they have been through the Committee with this several times; and she is not clear what additional information the Board of Supervisors would be looking for. She stated the Township will be using the facility for a picnic in May. Mr. Santarsiero stated he is looking for a plan based on the costs they know are associated with the property and for their proposals in terms of rates. He stated what the Board had seen previously was a little general and did not take into consideration the whole financial picture. He suggested that the Elm Lowne Committee come in before the Board of Supervisors in the next month or two. He stated they could then look at the past financial information and consider what should be done in the future.

Ms. Norum stated they did submit a Budget. She stated the Committee feels they should stop looking at the Elm Lowne Committee, which is a preservation Committee, as a financial Committee. She stated they went off into that direction when the property was first purchased. She stated Open Aire Affairs should provide income to the Township and let the Elm Lowne Committee be in the process of preserving the house and grounds for the current and future residents.

Mr. Smith noted the vacancies on the Board and asked if she has anyone in mind they may want to have send in an Application, and Ms. Norum stated she does. She stated she would also like a public request for Applicants.

Mr. Smith asked the condition of the barn. Mr. Fedorchak stated in connection with the Township's review of the Satterthwaite barn, he has asked Mr. Marshall, who has been taking barn experts to the Satterthwaite barn for their assessment, to also look at the Elm Lowne barn. Ms. Norum stated there was an architectural group that was awarded Grant money and part of that money was used to bring out their historical engineer to inspect the barn. There was a report written indicating that the oldest part of the barn was extremely sturdy, but the barn addition is in very bad condition.

Ms. Jennifer Stark was present who is also applying for re-appointment to the Elm Lowne Committee, and was invited forward.

Ms. Stark was asked why she would like to be re-appointed. Ms. Stark stated on 8/12/99 they came before the Board of Supervisors about what to do with Elm Lowne, and they are still discussing this. She stated her mission for 2007 is to determine what to do with Elm Lowne. She stated she is a practicing architect with a Masters in Historic Preservation and has been practicing preservation, planning, and architecture for

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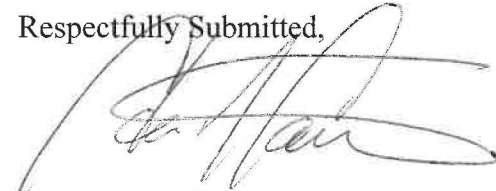
seventeen years. She stated would like a decision to be made by the Township to either keep the property or re-assess it. She stated she would like to see Elm Lowne have a place as a cultural asset either as a privately-owned property with open space around it or as a property that is maintained by the Municipality.

Mr. Smith stated this year he is planning to have one or two of the Townships Boards come to a Supervisors meeting at each of their meetings or monthly to discuss their Agenda for the next twelve months. He stated once they have made the remaining appointments to the Elm Lowne Committee, and they have had an opportunity to meet, he would like to schedule the Committee to come in to speak to the Board of Supervisors.

Ms. Stark stated she has put together a plan for a public-use facility aspect for the property which was the Committee's attempt to tell the Board what they know about the intricacies of the property. She stated they need the Township's input with regard to budgeting and costs to see if there is a way to make this asset work or not. She stated this document is still ready to be used as part of their input.

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Santarsiero", written over a large, sweeping flourish that extends to the left and underlines the signature.

Steve Santarsiero, Secretary