

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 3, 2007

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 3, 2007. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Santarsiero called the roll. Mr. Santarsiero noted that the Board met in a public session earlier this evening to conduct interviews and were in Executive Session for one hour.

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

APPOINTMENTS

Mrs. Godshalk moved, Mr. Caiola seconded and it was unanimously carried to appoint Anthony Zamparelli from an Alternate to a full member of the Zoning Hearing Board, re-appoint Paul Kim as an Alternate to the Zoning Hearing Board, Keith Dossantos as an Alternate to the Zoning Hearing Board, Marilyn Schwartz to Special Events and Wendy Farsiou to Special Events.

PUBLIC COMMENT

Janet Smith, 15 Ivy Lane, stated on Friday, October 5 from 6:00 p.m. to 9:00 p.m. they will hold their Annual Taste of Elm Lowne, a Tasting Party hosted by the Elm Lowne Preservation Committee and Open Aire Affairs. She stated twelve caterers and area restaurants will present a wide variety of food. Tickets are \$35 and reservations can be made through the Township. Information is on the Township Website. Invitations are available at the Township Building this evening. She stated the proceeds are used to support this historic property. While reservations are preferred, tickets are also available at the door for \$35.

Mr. Paul Pflaumer, 29 Lower Hilltop Road, stated he was pleased to see action taken regarding the traffic situation in his area, but noted the left turn sign limits residents from accessing their neighborhood at that time of the day. He stated a number of residents in this area take children to Quarry Hill School and are then not able to make the left into their neighborhood when they come home. He stated this morning there was an Officer in the area giving out warnings, and someone made a u-turn in the middle of Dolington Road. He stated when the temporary sign was placed it indicated Lower Hilltop would be closed to through traffic, and this was satisfactory; but the no left turn sign then went up which limited the residents from accessing their neighborhood unless the residents are exempt. Mr. Pflaumer stated he feels the best solution would be a traffic light at the bottom of Dolington Road. He added he discussed this with Mr. Fedorchak who indicated they would not be able to get cooperation on this from Yardley Borough. Mr. Pflaumer stated at the last meeting a comment was made about the Tax Collector, and he stated he has always found Ms. Cecchine to be exceptionally cooperative. He stated he does feel she should be charged rent at the rate of \$1 per year. Mr. Santarsiero stated at the next Citizens Traffic Commission meeting, they will discuss the issue raised by Mr. Pflaumer. Mrs. Godshalk stated when Orchard Hill was developed Lower Makefield required the developer to set aside funds for a traffic signal on Taylorsville Road. She stated only three of the homes in that development are in Lower Makefield and the rest are in Yardley Borough. She stated since Yardley Borough was the major entity, they received the money; but they have spent it elsewhere. Mrs. Godshalk stated most of the people who are inconvenienced by this traffic are Lower Makefield residents. She stated possibly Lower Makefield should consider putting in the light and charging Yardley Borough \$1 a year.

Mr. Bob Deely, 597 Long Acre Lane, asked if they will still hold the way-side horn testing on Friday, and Mr. Smith stated the equipment has been delivered to the Township that will be used during the test. Mr. Deely asked about the criteria to be put in place to view whether or not the test is successful, and Mr. Majewski stated the measurement will be subjective based on Township and resident input. Mr. Smith stated residents are invited to attend the test which is scheduled for this Friday at 8:30 p.m. at the Heacock crossing.

Ms. Sue Herman, RRTS, stated as a result of what residents heard at the 9/20/07 Regional Traffic Study Open House, they fear that State Representatives Dave Steil and Scott Petri are planning to “ram” the 6/07 draft of the Bucks County Regional Traffic Study through as is as a final report at the October Regional Traffic Planning Task Force Meeting. Ms. Herman stated she feels this is unacceptable and does not feel proper consideration has been given to the concerns expressed in written comments sent to the DVRPC from citizens, RRTS, and Townships. She stated she feels the vote on the final report must be deferred until after there is discussion among the seven Municipalities regarding the citizens input and the unacknowledged disputes that Townships have. She stated the conclusions and recommendations that arise from these discussions should be

incorporated into a revised draft for another review and comment period by the Municipalities. Ms. Herman stated she feels it will be a breach of public trust if Representative Steil and Representative Petri succeed in “ramming” the draft through as final. She stated she also feels \$400,000 in taxpayer money will have been “squandered” on a report where the outcome is what these Representatives wanted it to be.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated the Yardley Makefield Democrats collected 33 pints of blood during their blood drive on September 28. He thanked all those who attended the Blood Drive.

APPROVAL OF MINUTES

Mr. Caiola moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes from the 9/19/07 Special Meeting to Interview Candidates for Volunteer Boards as written.

Mr. Caiola moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Minutes from the 9/19/07 Public Meeting as written.

DISCUSSION AND MOTION ON ORDINANCE NO. 372 AMENDING THE ZONING ORDINANCE TO PROVIDE FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT IN EDGEWOOD VILLAGE.

It was noted a Court Stenographer was present for this matter, and Mr. Truelove stated this proposal includes a Zoning change; and since a Public Hearing is required, it requires the participation of a Court Stenographer.

Mr. Carter VanDyke was present. He stated since he was last before the Board of Supervisors, they have incorporated all comments from the Bucks County Planning Commission, and had two more meetings with the Township Planning Commission. The letter dated 9/27/07 was noted which was provided to the Board and outlines the changes made. He noted the Bucks County Planning Commission felt it was appropriate to clarify the Zoning Map changes which were made and these were presented this evening by Mr. VanDyke in a power point presentation.

Mr. VanDyke noted a number of definition changes which were recommended by the Bucks County Planning Commission which have been incorporated. Mr. VanDyke stated the Ordinance is designed to allow flexibility in parking standards to be met on-street and off-street for non-Residential development and have made some other changes with respect to parking. He stated they have also changed the calculations for green space, clarified shared-parking requirements, and made reference to HARB and the Historic

District Act of 1961. He stated they have also made requirements to conform to the initial use designation, and they have included a long list of prohibitive uses.

Mr. VanDyke stated at the Lower Makefield Township Planning Commission meeting of 9/10/07, they discussed ATMs and revised it to say, “The Supervisors shall be permitted to regulate ATMs.” There was also discussion about signs and additional language was added regarding signs and lighting of signs. At the 9/24/07 Planning Commission meeting there was further discussion on signs as a result of the changes made since the 9/10 meeting.

Mr. Stainthorpe stated the last time this was presented to the Board of Supervisors, he made a comment about apartment sizes that would be permitted over retail stores which he felt were too small. He noted these are still in the Ordinance with efficiencies at 300 square feet, one bedroom apartments at 450 square feet, etc. He stated while he recognizes that these are minimum sizes, he feels they may be establishing low-income housing which he does not feel is in the best interest of the success of making this Village a Town center. He stated he does not feel apartments in Lower Makefield are much smaller than 700 square feet and feels these figures should be reconsidered to stay within the character of the neighborhood. Mr. Stainthorpe also asked since this is an Overlay, could one developer develop under the TND and another choose not to, and Mr. VanDyke stated this is correct as it is an option.

Mrs. Godshalk stated with regard to the apartment size, apartments are planned to go over the buildings which will be smaller scale because of the historic dimensions of the building; and this is why the apartments are small. She stated she would assume that within this neighborhood, rents would be what the neighborhood can bear. She stated the Township cannot control the sale prices of the homes or the rents of the apartments. She stated they did ask that there be apartments of this size for people who may want a smaller apartment at a lower rate. Mr. Vandyke stated this will be market driven. He stated one of the reasons the Historic Commission was interested in this was because they wanted to make sure that there were apartments, and the sizes were developed as a way of encouraging apartments. He stated they want this to be a livable community and not just a commercial strip. Mrs. Godshalk stated this is why they wanted housing so it would provide customers for the shops. She stated all types of housing are integral to a Village.

Mr. Caiola stated he likes the concept of building a customer base for the stores, and asked if there are locations where this has worked elsewhere. Mr. VanDyke noted this is prevalent in Doylestown. He noted particularly townhouses he is aware of which are live/work units which are designed with an office on the lower level and owner occupied on the second level. He stated they are driven by the marketplace, and they are going for \$700,000 to \$800,000. Mrs. Godshalk stated Yardley Borough has many businesses where there are apartments over top.

Mr. Stainthorpe stated he was not questioning having apartments but was concerned with the sizes. Mr. Smith stated he feels apartments of this size may attract young people to move back into the community after attending college. Mr. VanDyke stated for the success of the District they also need an employment base; and one of the uses they feel will drive this are the restaurants, and it would be helpful to have places where people who work in the restaurants can live in the Village.

Mr. Santarsiero stated he accepts the idea of having apartments over businesses, but he shares Mr. Stainthorpe's concern with the size of the apartments. Mr. Santarsiero asked if the buildings limit the space, and Mr. VanDyke stated he does not feel it would hurt to increase the size of the units. He stated the Bucks County Planning Commission does have good standards for efficiencies at 500 square feet and a one bedroom at 650 square feet. Mrs. Godshalk stated she does not feel they have to expand it since it states "minimum" so that there is nothing that would stop it from being larger; and it will be driven by the size of the buildings that is under it. She stated if they had a larger base underneath, they would be getting away from a historic-designed building.

Ms. Rae Pinchuk, Historic Commission, stated they were concerned that if the size was as large as they had originally considered, the older homes would not be able to have an apartment on the top floor. She stated the in-fill may also not be wide, and the top would not be able to be used for much more than storage if they set the minimum square footage higher. She stated the cost per square foot is expensive in this area, and it would not make sense for someone to build an apartment and not be able to get enough for it.

Mr. Edward Murphy was present on behalf of Cameron Troilo. He stated he and Mr. Troilo have been working with Mr. VanDyke and other members of the Township staff going over the Ordinance. He added Mr. Troilo is the owner of one of the largest pieces of the Village that would be subject to these new regulations if adopted. Mr. Murphy stated he and others were concerned that the Township may be developing an Ordinance which no one would then build; and he feels by having input from a builder/developer as to the reasonableness and appropriateness of the regulations, he feels the Ordinance will work particularly with regard to the Residential portion.

Mr. Murphy stated one issue they are concerned with deals with the provision in the Ordinance that only permits offices on the second floor. He stated Mr. Troilo has previously expressed to the Board the difficulty he has been having attracting the type of tenant both he and the Township expect for the Commercial development. He stated they would suggest amending the Ordinance to permit no more than 50% of the first floor space to be used for office. He stated this is not Mr. Troilo's preferred approach, and they would make every effort to develop it commercially; but he feels some additional flexibility as opposed to limiting office only to the second floor would be appropriate. He stated he feels everyone recognizes that what is proposed is an ambitious project and he stated he and Mr. Troilo feel this will happen over a phased period of time. He stated

currently they are not sure whether it will be Residential and then Commercial or some combination of the two. He stated Mr. Troilo is committed to moving forward with the one comment about the office space.

Mr. Smith asked if anyone was present representing Mr. Messick; but no one appeared to be present.

Mr. Zachary Rubin, 1661 Covington Road, stated he is opposed to the suggestion to change the Ordinance to permit offices on the first floor. He stated in Yardley Borough, there is a maze of Realtors, and he feels Edgewood Village was to be a retail center and he does not feel they want it to look like Yardley Borough.

Mr. Bruce Jones, Woodside Presbyterian Church 1667 Edgewood Road, stated they have had the opportunity to make comments before the Planning Commission and many of them were accepted and resulted in some of the revisions shown this evening. He stated they are still concerned that the Church may be a future land developer in the area and there are two provisions which are difficult for a developer to quantify and make decisions. He stated they recognize that they have the choice of choosing between two different Zoning parameters – the underlying or the Overlay. He noted Page 14 Paragraph F (1) which states “garages, driveways, and/or parking lots shall not be the dominant aspect of the building, design, and/or streetscape as viewed from the street,” and they feel this is extremely open-ended and is difficult particularly for a Commercial establishment having to deal with parking to interpret this as to what it would mean from a quantifiable point of view. He stated it makes it difficult to plan their parking needs in the future for the Church. He also noted Page 15, Sub H #2 dealing with defining landscaping as an essential requirement of the District for approval by the Township. He feels “essential” is very open ended.

Mr. Matt Maloney, 2 Hillside Lane, commended the Board for working on this project. He stated based on the most recent Ordinances passed related to Zoning, he hopes the Township continues to move forward with aggressive traffic issues and stormwater management. He stated he feels the market will dictate the price, cost, and size of the housing and setting minimums are good guidelines toward the preservation of the historic buildings. He does to feel they are creating low-cost housing.

Mr. Smith noted a letter from David Miller, 1648 Yardley-Langhorne Road, who asked that his letter be read into the record. Mr. Smith stated Mr. Miller in the past has had concerns about access to public water and sewer in this area. Mr. Smith stated he is also concerned about the requirement in the Ordinance for each landowner to pay a pro rated fair share toward the regional stormwater management system, and questions if this would require him to contribute to a regional system if he continues to live at his home. Mr. Smith read the letter as attached to the Minutes.

Mr. Stainthorpe stated typically sewer and water are not part of a Zoning Ordinance although they are part of Land Development Plans. With regard to landowners/developers; he would assume that an existing homeowner would not have to contribute to stormwater management but that it would be the responsibility of the developer.

Mr. VanDyke stated if a landowner is not going to change the use, there would be no cost; but if they were to change their use to conform to the TND and do some re-development, they would have to pay a pro rated fair share for the regional stormwater management system. Mr. Stainthorpe stated he feels the language related to this should be clarified.

Mrs. Godshalk stated if a current landowner wanted to put on an addition and increase impervious surface, they may need to have other on-site drainage. Mr. VanDyke stated currently they would have to comply with the Stormwater Management Act and do some type of stormwater management; but this Ordinance allows some flexibility, and they could contribute toward a regional system and this would be reviewed by the Township engineer. Mr. Majewski stated he feels that the language should be revised to state "Each developer or Applicant for Stormwater Management Permit," and Mr. VanDyke agreed to make this change.

The Public Hearing was closed.

Mr. Truelove stated it appears that there is some additional work that needs to be done, and they will have to re-advertise. Mrs. Godshalk stated she does not feel there is anything major that is being revised. Mr. Stainthorpe stated he would be prepared to vote tonight subject to the minor language changes which have been discussed.

Mr. Santarsiero stated the only other open issue would be the issue raised by Mr. Murphy regarding allowing some office space on the first floor.

Mr. VanDyke stated they did make a distinction for Heston Hall which is an existing building and has offices on the first floor. He noted Heston Hall is set back from the road, but they wanted to make a distinction that uses against the street could not have offices on the first floor. Mrs. Godshalk stated she feels they want a Village atmosphere where people can walk and look into windows, shop, and go into restaurants. She stated there is room elsewhere in the area for offices in the back part. Mr. Stainthorpe stated he agrees with Mr. Rubin and stated they do not want a Yardley Borough look with multiple Real Estate offices. He stated Yardley Borough has a Business Privilege Tax; and it is possible that if Lower Makefield permits first floor offices, many of the Yardley Borough Offices will come to Lower Makefield and he does not feel this is what they want for the Village.

Mr. Murphy stated he does not feel Mr. Troilo wanted this either; but they do want to see the project succeed. He stated the fear they have is that because of the market that has been in existence for some time and recognizing the efforts Mr. Troilo has made to date

to try to market the commercial end of the proposed development without much success, they were looking for a fail-safe proposal to insure that if they move forward, all their expectations can be met and they will not have vacant space. He stated Mr. Troilo's preference is to develop it commercially, but this may be a problem since the initial effort has not been strong. Mr. Smith stated while they appreciate this, they would prefer that this be a Newtown Borough concept as opposed to a Yardley Borough concept. He stated they could reconsider this in the future; but at this point he would prefer that they proceed in this way. Mr. Murphy asked that they be flexible in the future, and if they reach a point where they are not successful that the Board be open to re-visiting this issue. This was acceptable to the Board.

Mr. Matt Maloney stated there are two developers who will be paying to develop the area; and he feels they should be considerate of this adding the Township does not want empty buildings either so that if this does not turn out to be successful, he feels the Board would be open to do whatever is necessary to make the buildings full.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to approve Ordinance No. 372 subject to minor changes noted this evening including language changes to Page 23, Paragraph L.

Mr. Caiola stated Mr. Miller should be sent a letter notifying him what was done this evening.

Motion carried unanimously.

Mrs. Godshalk thanked Mr. VanDyke for all his work on this as well as the Historic Commission and the Township staff. She stated what has saved the Village was the original Historic/Commercial Zoning since previously it was Zoned for Commercial, and they would have had strip shopping centers.

Mr. Santarsiero stated what has moved this along has been the resolve of the Board over the last one and a half years to make this a priority issue, and they are now much closer to having this revived Village. He also thanked Mr. VanDyke, the Historic Commission, and the Planning Commission for their work as well.

APPROVAL OF RESOLUTION NO. 2149 IN SUPPORT OF BUCKS COUNTY OPEN SPACE REFERENDUM

Mr. Santarsiero stated this Resolution will make it clear that Lower Makefield Township supports the passage of the Bond Referendum to incur debt in the amount of \$87 million for the preservation of open space in Bucks County. He stated this question is on the

ballot on November 6. He stated Townships throughout the County are joining to show their solidarity in getting the Bond passed.

Mr. Stainthorpe stated previously he has indicated he feels the Lower Makefield Board of Supervisors should be concerned with Township business and stay away from Resolutions supporting State and National initiatives; however, in this case, the Township is a partner with the County, and the County has been a partner with the Township in the past in every major acquisition of open space made. He feels they should support this as it will be important for Lower Makefield. Mr. Santarsiero stated the Township is also a partner with the State and they should have supported the Growing Greener Fund issue as well. Mrs. Godshalk stated the County did participate substantially in the Development Right purchase for the Wright Farm.

Mr. Santarsiero moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution No. 2149.

DISCUSSION OF DEER MANAGEMENT PROGRAM AND APPROVAL OF RFP

Mr. Bryon Shissler was present with Mr. John Heilferty, Five Mile Woods Naturalist. Mr. Shissler stated they have submitted the RFP for removal of deer in the Township through a sharp shoot. He stated the Township must decide what areas of the Township they wish to treat. He stated he has suggested three areas. The Township also needs to select the contractor and then apply to the State for a permit. He stated they also suggested that the Township begin to look into where they will take the venison. He stated it can be donated to a charitable organization or, with the permission of the Game Commission, to people interested in eating alternatives to beef and pork who are typically willing to pay the processing fee. He stated sometimes a charity will pay these fees as well. He stated it will not be the contractor's responsibility to get the approval for the removal sites. The contractor will work with the Township to choose the sites, but the Township will have to get approval. They will also need to solicit and screen volunteers to be trained by the contractor. The contractor in the RFP is not only responsible for the removal for two years, but also to train local people who will do this in the long term. He stated compliance monitoring is also needed, and he suggests that the compliance people be Police Officers. He stated the role of the compliance people is to ensure that the standard of behavior and techniques which have been required by the Township are being followed for the removal of deer.

Mr. Heilferty thanked Mr. Shissler for coming back to the Township to discuss the RFP. Mr. Heilferty stated he can assist to some extent recognizing that he does have a full-time job as well as his responsibilities working part-time at the Five Mile Woods.

Mr. Joe Ardin, Langhorne, was present and stated he reviewed Mr. Shissler's report and has prepared a finding which he provided to the Board of Supervisors this evening. Mr. Ardin stated he has over forty years of wildlife management and is Team Captain of Hunter Education in northern New Jersey. He has thirty years of hunting experience. He stated in reviewing Mr. Shissler's document he feels there are some omissions and program risks within the sharp shooter program that have not been conveyed to the public. He stated they need to compare the differences between an archery and shotgun program recognizing that the end result is the same. Mr. Ardin stated a sharp shooter program will involve individual bait sites set up in advance. He stated Mr. Shissler's report discounts the advantages of recreational hunting and promotes the short-term benefits realized by the services of sharp shooting companies. He stated it is clear that the use of sportsmen and/or law enforcement officials are required to produce a resource pool for the sustainability of the program. Mr. Ardin stated the first year costs and number of deer to be harvested are plentiful to be taken by sharp shooters with relatively little difficulty. He stated they will charge a lot of money in the first year, and the deer will be easily harvested; but the interest will fall off in the subsequent years so that the benefit to the community of using sharp shooters is not a long-term solution.

Mr. Ardin stated he feels the document is skewed toward the end that the recreational hunters within Bucks County are not evident, and Mr. Ardin stated this is incorrect since there are a significant number of local archers in the area. He stated there is no reference as to what agencies were reached out to in attempting to find interest in having an urban deer management program.

Mr. Ardin stated he is also concerned with the time period as under the controlled hunt permit it would occur between February and September, and the deer will only be susceptible to baiting during the periods of cold weather when the deer herd is "yarded up" in the wintertime and are susceptible to recreational hunting or a sharp shooter program. He stated it is also important to recognize that during February through September, they will be dealing with a large population of mature, pregnant does who will have large fetuses within them that will have to be removed. He stated once the does have dropped their fawns in May, those fawns will lose their parents if they are shot.

Mr. Ardin stated the report indicates they will use a small caliber weapon, and he stated he assumes the shooting will be conducted from vehicles that may or may not have come to a complete stop; and the shooting will occur from inside the vehicles which means they may not have taken the time to charge the weapon prior to entering the "kill area." He stated transporting and positioning a loaded firearm in a vehicle is a dangerous act and could endanger the public. He stated the caliber to be used are noted to be small caliber but added the State guidelines require the caliber prescribed to be used for large size game such that a 22 caliber or larger must be used noting these could have muzzle velocities in excess of 3,200 feet per second. He stated when they choose to go to a sharp shoot, there could be an inherent risk.

Mr. Ardin stated he feels the resources within the community belong to the community, and he feels they should explore other options. He stated he has worked in Chester County in the last five years, and they have introduced deer management programs within their communities. He stated he runs an independent organization called Treetop Sportsmen which is a group of 20 individual, local residents who do residential deer management and contract directly with the local homeowners; and they are very discreet.

Mr. Ardin stated he would propose that Lower Makefield create an Urban Deer Management Committee that would propose a non-profit organization that is fully insured and independent of the Township which would mitigate the Township's risk and work in the best interest of the community by doing an on-site survey to evaluate the best method of removing excess deer. He stated they could secure the Permits in the event they chose the option of having a sharp shoot at certain locations if it became necessary, although he feels this would be highly unlikely. He asked that they put a Citizens Advisory Committee together. He has also provided some of the State guidelines and would be willing to work with the Township on this issue.

Mr. Stainthorpe stated at the last meeting he indicated he was in favor of going forward with the RFP, and he feels they should do this so that they can get firm costs. He still feels they should look into some of the alternatives as well so that they can decide what is the most cost effective and efficient way to do this. He stated he does not want to form a Citizens Committee as he would not want this issue to go on much longer as there is a serious problem now. He would like to get some additional information on alternatives. He stated he did discuss this issue with one of the Upper Makefield Supervisors who indicated that with the archery program they have, they expect to harvest over 800 deer.

Mr. Smith stated several months ago he indicated he wanted to explore all options and provide an opportunity for people to speak to this issue. He stated he does feel they should move ahead with the RFP.

Mrs. Godshalk stated some of the points Mr. Ardin brought up were questions she asked at the last meeting regarding the caliber of the bullet and the trajectory but she does not feel her question was answered. She stated Mr. Shissler had indicated at the last meeting that there would be sites set up where there would be an earthen berm.

Mr. Heilferty stated when they retained Mr. Shissler's services his report did include a review of all the different management practices. He stated he does feel they need to hire another consultant to re-visit what Mr. Shissler has already researched.

Mr. Santarsiero stated they are not considering sharp shooters shooting out of moving vehicles, and Mr. Shissler stated they would never recommend driving around the Township and shooting deer when the opportunity presents itself. He stated every removal site has a backstop so that regardless of the trajectory of the bullet it cannot

travel beyond the earthen backstop that is there because of the topography or because of the elevated position of the shooter. He stated what he has proposed is a very safe technique and no one has ever been injured in a sharp shoot. Mr. Shissler stated they did look at recreational hunting in the Township. He stated every hunter is legally required to report every deer they kill; and in the Township last year they reported less than forty deer. He stated the overall issue is not how many deer they can kill, it is whether you can achieve the goal which is to solve the conflicts between people and over-abundant deer. Mr. Shissler stated there are many places in Chester County where recreation hunting is a very effective tool. He stated Lower Makefield is a very difficult landscape for recreational hunting to realize the Township's goals. He also noted that only the Township can apply for the Permit. He stated deer do not "yard up" in this area and only do this where there are sustained amounts of snow.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to approve the RFP.

Mr. Coluzzi asked that they include in the RFP that they submit a signed consent form for a background investigation and criminal record check for all owners, operators, and employees of whoever submits a bid.

Mr. Stainthorpe and Mr. Santarsiero agreed to accept Mr. Coluzzi's suggestion as an amendment to the Motion.

Mrs. Godshalk stated she would like to get figures from Chief Coluzzi as to costs for compliance monitoring by the Police Department as recommended by Mr. Shissler. She asked if it is necessary for the Police Officers to be with those hunting the entire time. Mr. Shissler stated they do not have to be with them all the time, and he would suggest that when they put out the RFP they will then get the feedback of those who bid in terms of the techniques and the Police Department will then be in a better position to judge what will be required. He stated in his experience all that is required is spot checking to make sure they are in compliance with what has been agreed to. He stated after the RFP, they would draft the Contract.

Mr. Patrick Frain, 16 Delaware Rim Drive, stated at the last meeting he was unable to stay until the end of the meeting when this was discussed, but he was able to watch the entire meeting when it was re-broadcast and noted many people speaking about problems with the deer. He stated he is a life long resident of the area, and he has seen significant impact by the deer on his landscaping, has had a deer/car collision, and his daughter has contracted Lyme's Disease. He is glad that the Board is going to move forward and do something about the deer overpopulation.

Mr. Frain stated he was disturbed that Mrs. Godshalk abstained from the vote on this matter at the last meeting, and asked why she did so noting all the problems there have been with deer. Mrs. Godshalk stated a Board member has the right to abstain.

Mr. Frain stated he feels a valid reason for a Board member to abstain would be because they did not have sufficient information to vote on a matter. Mrs. Godshalk stated she is not sure that she is in favor of the process proposed, and she would prefer bow and arrow hunting. She stated she knows people who live in Lower Makefield who allow people on their land with bow and arrows. She stated she is not against hunting but is against slaughter. She stated mice are the largest carriers of deer ticks. Mr. Frain stated he would have preferred that Mrs. Godshalk voted yes or no rather than abstain. He stated he feels this is a public safety issue, and the Board of Supervisors are there to keep the public safe. Mrs. Godshalk stated she will probably abstain on this matter this evening as well since she just received the RFP one hour ago and she would also like to read Mr. Ardin's report.

Ms. Torbert stated her concern is with regard to the timing of the hunt noting if it is held at a certain time of year, fawns could be left without their mothers. Mr. Shissler stated they would never recommend that deer be removed when fawns are dependent on the doe. He added that Mr. Ardin also raised the issue of deer being pregnant at the time of the removal, and he stated this is the case in every legal hunting season in Pennsylvania.

Ms. Torbert noted on the Lower Makefield Township Neighborhood Watch Website there is a message that the Police are receiving calls about hunting season and it states "If you are calling to ask if hunting is permitted in a Residential neighborhood, the answer is probably yes," and she feels this is disconcerting. She stated she feels they should state that while hunting may be allowed in a Residential area, you cannot hunt within 150 yards of a building. Chief Coluzzi stated he feels it also refers to the Websites to get proper information and this would clarify the distances. He stated there are so many distances that would have to be listed, hunting information would have taken up the entire Website. Ms. Torbert stated the only thing it says is "Yes, you can hunt in a Residential neighborhood," and she does not feel this is the only thing they should say and it should be worded differently.

Mr. Smith stated he was notified by a resident concerned about wooded areas behind the Garden of Reflection and the potential for hunting in this area since it is not posted. He stated this has been referred to the Township Manager, and the area will be posted. He stated if there are other areas in the Township which need to be addressed, he asked that the Township be notified.

Mrs. Godshalk stated guns in any situation are dangerous, and at the last meeting they were not told the caliber or trajectory of the guns. She stated this evening she has learned how far they can travel and feels it is very dangerous. She noted some situations she is aware of when bullets came into or near homes. She stated even in a controlled situation she is concerned with a hunt. She feels arrows would be much safer.

Ms. Debbie Wachspress, Yardley Hunt, stated she feels this conversation is necessary but very unfortunate and many people in the community are upset about this. She does feel this must be dealt with. She stated she feels the Township residents are getting very little information about this, and they should be provided with much more information. She stated there is a public relations issue, and they need to make sure the public is getting a safe a measure as possible and carried out in a way where people feel that their lives are not at stake with this.

Mr. Santarsiero stated the Board decided two weeks ago to adopt Mr. Shissler's recommendations with the understanding that if in the future alternatives to a sharp shoot present themselves, they would consider those. He stated the RFP was prepared and once they get this back, they will decide on the specifics of how the hunt will be done including caliber of the gun, how the sharp shoot will take place, etc. He stated all of these items will be part of the public discussion when the bids are reviewed.

Mrs. Godshalk stated she feels they should also put out an RFP for alternatives such as bow and arrow, noting Upper Makefield has used this technique. Mr. Santarsiero stated this would be out of order at this point as they have already addressed this issue at the previous meeting. He stated they are now at the point where they are considering the RFP that is before them.

Mr. Heilferty stated Mr. Shissler's Plan is available on the Township Website and available to be read by the public so they can find out about the techniques and safety procedures.

Motion carried with Mrs. Godshalk voting no and she noted the reason she is voting no is because there are no alternatives.

DISCUSSION AND MOTION ON TOWNSHIP WELCOME SIGNS

Ms. Doreen Albahary, Ms. Michele Stambaugh, and Ms. Rae Pinchuk from the Historical Commission were present. Mr. Smith stated several months ago they discussed the lack of signage to differentiate Lower Makefield from the surrounding areas. Mr. Smith showed pictures of signs from some of the surrounding Townships.

Ms. Albahary showed a mock up of the large sign proposed. She stated the symbol shown is a hand plow which relates to the Township's agricultural heritage. Ms. Stambaugh stated there was discussion about adding the word "Welcome," and they have shown this on the smaller version.

Mr. Smith stated he feels this is long over due, and he thanked them for working on this project.

Mr. Stainthorpe stated he understands that they are proposing six large and six small signs. Ms. Stambaugh stated they discussed with Ms. Liney the proposed locations for the signs. Mr. Stambaugh stated if there is gold trim, it will show up better at night. Mr. Stainthorpe stated he feels the green with gold leaf is consistent with other Township signs. He stated it appears that if they have six large and six small signs it will cost approximately \$14,000 plus \$90 an hour for installation. He asked how many hours they estimate will be required; and Ms. Stambaugh stated from personal experience she feels each sign will take one and a half hours. Mr. Caiola stated it appears it will cost \$16,000. Mr. Stainthorpe stated he feels that anything over \$10,000 requires competitive bids, and Mr. Truelove agreed. Mr. Stainthorpe noted he understands they would like to have the firm that worked with them on the design get the bid; but he feels in the interest of the taxpayers, they should go out to competitive bid. Mr. Truelove stated they would also be subject to “responsible bidders,” and they would have some discretion within that once they see the responders as to how they want to proceed.

Ms. Stambaugh asked if the Historic Commission could request that the bidders be required to use particular materials since they have done a lot of research on this; and Mr. Stainthorpe stated they can make the specifications as tight as they wish. Ms. Stambaugh stated they are concerned about fading as some of the existing Township signs are fading. She feels as they go forward, they should address this as signs need to be replaced. She noted particularly the Patterson Farm sign. Mr. Truelove stated Mr. Majewski is able to prepare specs and suggested that they work with him on the design of the specs.

Mr. Stainthorpe asked if Public Works could install these signs as a way to save money; and Mr. Fedorchak stated he feels they could, but he would like to discuss it with them first.

Mrs. Godshalk moved and Mr. Santarsiero seconded to approve that the Historic Commission prepare specifications for the signs as shown this evening.

Mr. Caiola stated the Economic Development Committee was looking into the possibility of a slogan for the Township; and while he does not feel they could put this on these signs, it is something to be considered in the future.

Mr. Robert Smith, Economic Development Committee, stated they feel it is very necessary to create a unique image from the neighboring communities. They would like to work with the Historic Commission on a going-forward basis on projects like this and would like to schedule some joint meetings in the future.

Ms. Debbie Wachspress stated in some Townships they have businesses that sponsor signs and pay for them and asked if they considered this. Ms. Stambaugh stated they did consider this for Edgewood Village which will have their own signs. She stated they

could explore this if the Board of Supervisors was interested; but she would question if they would lose their creative integrity. Mr. Stainthorpe stated while this would save the Township money, he is concerned about having a business name on the Township sign. Ms. Wachspres stated in communities in New Jersey she has seen this done in a “classy way.”

Ms. Torbert stated the sign at Patterson Farm is splitting as well as fading.

Motion carried unanimously.

A short recess was taken at this time. The meeting was reconvened at 10:00 p.m.

DISCUSSION OF OPEN GOVERNMENT ORDINANCE

Mr. Santarsiero stated he has prepared an Ordinance which was e-mailed to the Board of Supervisors yesterday. Mrs. Godshalk stated she did not receive it. Mr. Santarsiero stated he is not proposing that the Board act on this tonight, and it is only up for discussion purposes. Mr. Santarsiero stated if the Board of Supervisors is in favor of proceeding with this, he would suggest that Mr. Truelove review it.

Mr. Santarsiero stated for some time he has wanted to propose codifying the Township’s policy with respect to obtaining documents in the Township. He stated Lower Makefield has a fairly liberal attitude toward providing information to residents, but Pennsylvania law, which ultimately controls absent some other action by the Board, is fairly strict with respect to making public records available. He stated in Pennsylvania the rule is that documents are not available unless they fall into some category of availability, and the burden rests with the person requesting the information to prove that they are entitled to it. He stated Federal law and the law in most other States is the reverse; and in that case, the assumption is that the documents are available to the public unless the documents fall into certain limited and clearly-defined exceptions. He stated what he has tried to do with the proposed Ordinance is create that kind of scheme for Lower Makefield so that it is clear that residents have a greater access to Government documents.

Mr. Santarsiero stated the issue which will require some thought by the Board of Supervisors and the Solicitor is exactly what should the limited categories be. He stated in Section 3 he has set forth the things that would typically fall into more privileged information which under the Sunshine Act the Board is permitted to discuss in Executive Session such as attorney/client communications, settlement communications, litigation, and personnel records. He stated this is not intended to be an exhaustive list or the list that is ultimately decided to be appropriate, but he put this forward as a place to begin discussion and to have the Solicitor consider.

Mr. Santarsiero stated the second part of the Ordinance deals with prohibition on political activities which is an outgrowth of the recent controversy with respect to political information in the Tax Collector's Office and having a policy going forward on how to deal with that situation and secondly whether there should be some limitation on political activity by Township employees during the course of their duties during business hours. He stated approximately six years ago there was a Township employee who ran for Supervisor, and at the time there was some discussion that there should be some modification to the Township Ordinances to make it clear that in that situation it would be better to have the person resign their position first so there is not partisan politics going on within the Township Administration. He stated in Section 4 of the Ordinance he has proposed that if any Township employee decides to run for Office, they would have to resign their position prior to filing as a Candidate, that no Township employee while on duty should engage in any partisan Political activity, that no partisan political material may be displayed or distributed in any Township Office or any Office owned by the Township; however, this would not apply to any community group meeting in one of the Township public meeting rooms, and that any Township employee who violates these terms of the Ordinance would be subject to discipline up to and including termination of employment. He stated in this way they can try to avoid the situation which occurred in September so that everyone knows what the rules are and to try to keep partisan politics out of Township Government so everyone in the community can be assured that their Government is functioning for the taxpayers without regard to partisan political issues.

Mr. Stainthorpe asked if there are not already applicable State laws that would cover these items. He stated he knows that use of a paid staff in the House of Representatives cannot be used in campaigns and asked if these laws would not also apply to the Township. Mr. Santarsiero stated while they do, they do not go so far as insuring that they do not have employees of the Township running for office. He noted the Federal Hatch Act requires this, but there is no State law. He stated he feels the Federal Hatch Act goes too far as it prohibits Federal employees from engaging in political activity outside of their jobs which he feels is a violation of the First Amendment.

Mr. Stainthorpe asked with regard to documents if there are documents that the Township is not making available at this time, and Mr. Truelove stated currently there is the Open Records Law which is one of the more restrictive in the County in terms of where the burden is placed. He added it is currently being debated at the State level, but given the full Agenda they have for this Session, he doubts they will get to this. He stated he will want to determine whether or not State law will pre-empt the Township from doing this. He stated this does not mean that certain Laws may not be allowed to be expanded upon provided they do not conflict with the State law and he will have to look into this further.

Mr. Stainthorpe stated there are a number of smaller Townships where Supervisors are in fact Township employees. He stated they should consider if what is being proposed is

really necessary, Constitutional under the State Constitution, and if this is something that they should spend a lot of time and money on since it may already be covered.

Mr. Santarsiero stated he does not feel it is unnecessary recognizing that they have a Board today which may have a more Liberal attitude toward providing information to the public; but they do not know what the composition of the Board may be twenty years from now; and they want to provide for the most open access of information while at the same time prevent potential conflicts of interest. He stated as to Constitutionality, he doubts they have any Constitutional issues since the Hatch Act is actually more restrictive and has been upheld in Federal Courts.

Mr. Stainthorpe stated if under the Second Class Township Code, an employee is allowed to serve as Supervisor, he feels this Code as State law would supersede any Ordinance created. Mr. Truelove stated the Second Class Township Code does allow for a Supervisor to serve as a Road Master but he is not sure about other capacities. He stated in the drafting process, he would recommend that there be something in the Preamble recognizing the primacy of the Second Class Township Code; and where there may be conflict, the Second Class Township Code would take precedence. He does not believe for Township Managers, clerical staff, or Public Works Directors that there would be a problem with enacting an Ordinance like what has been proposed. He stated he would have to look into this further.

Mr. Smith stated there is a question about access to records. Mrs. Godshalk stated the Township allows this now. Mr. Smith stated there have been questions about this and stated most recently some residents indicated they could not get certain records with regard to the Marrazzo issue. He stated the proposed Ordinance would address access and the cost of this since many times the employees are doing constant searches for individuals who want certain records and it takes away from their Township business. He stated the Ordinance also addresses a reasonable cost associated with reproduction of records. Mr. Fedorchak stated currently they charge \$.25 a page. Mr. Smith asked about the manpower hours involved in searching for these records, and Mr. Fedorchak stated they cannot charge for that time. Mr. Stainthorpe stated he feels there is State law that covers what you are allowed to charge.

Mr. Santarsiero stated he feels \$.25 per page is a lot for a document although they can discuss this further as they consider the Ordinance. He stated his main concern was a conceptual one which is access to documents should be easier for people. He feels as a matter of policy they should be interested in creating more accessible Government where information is more readily available. He stated the State Legislature has had this matter on the Agenda in the past and he is hopeful that at some point in the near future they will pass this type of law for all of Pennsylvania but until they do that he feels it is up to the Township to adopt this kind of Ordinance.

Mr. Smith stated Mr. Santarsiero's proposed Ordinance also discusses the prohibition of campaigning on Township property as well; and Mr. Santarsiero stated he feels the situation which occurred in the Tax Collector's office when the Board learned of it and had the information taken out was a mistake that was quickly rectified; but on a going-forward basis, they should have a firm policy as to what they want to do and having it codified as an Ordinance gives this firm policy so everyone is on notice what the rule is.

Mr. Truelove stated the current Right to Know Act has a fee limit for duplication of materials such that it must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.

Mrs. Godshalk noted in the definitions proposed it states "Township employees is any person employed by the Township in any capacity excluding elected officials," and she stated "elected officials" have been declared "employees" when filing for Social Security so that definition would be conflicting. Mr. Santarsiero stated the definition states it "excludes elected officials," and it is a definition for the purpose of this Ordinance.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in favor of the Ordinance. He stated he feels the Freedom of Information Act is the most important Act ever passed. He reviewed the history of this Act. He feels anything that can be done to open up Government is well taken.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she is against the proposed Ordinance. She stated she has been a Township resident for thirty years and has always been provided any information she has requested from the Township. She feels the Township already has open Government and Township employees have always respected the residents' ability to obtain information as needed. She feels this type of thing in terms of Ordinances at local levels is not necessary if there are Federal, State, or County laws under which the Township has the ability to operate. She stated with respect to keeping partisan politics out of Government, she noted several years ago a Township employee did run for Supervisor in the Republican Primary. The individual made it very clear that if she won the Primary, she was going to take a leave of absence. She feels a number of the Ordinances and Resolutions which continue to come forward are things that are more restrictive on the Township than most would imagine or want to happen. She stated approximately one and a half years ago she had asked about the expenses for legal fees in the Township and whether they were going to exceed those spent in the prior year, and Mr. Santarsiero indicated that they would not. She stated she feels this proposed Ordinance is a perfect example of what happens when they start generating Ordinances, Resolutions, and other things such that the legal fees paid by the Township have in fact doubled over the two years. She does not feel there is a need for these types of Ordinances and Resolutions when in fact the Township has operated extremely well. She feels if there were issues with respect to getting public documents, the Board would hear about them.

Mr. Santarsiero stated with respect to the legal fees under the last Republican majority, the Township exceeded the legal fee budget with the previous firm. He stated they are on budget this year with respect to the fees. He stated last year they did a number of things that were innovative and it did cost additional money, but it is important to remember that there was no tax increase.

Mr. Matt Maloney stated he agrees that this is a very important step forward and feels it is not necessary to take every step to codify everything but feels there are certain tenants that they hold true as a society, and in this case the Commonwealth has not taken the necessary steps to codify things at the appropriate level. He does not feel what is proposed is a restrictive Ordinance to require that information be accessible, and is in fact quite the opposite. He stated he feels the staff is very cooperative, but it is important to place it in the Code.

Mr. Stainthorpe stated before they proceed too far his sense is that most of these things are already covered under existing law. He stated they should find out what documents that are not available now would be made available by this Ordinance and what documents that are now provided could they legally not provide if they so chose. He stated he would also like to know more about how the Sunshine Law affects this. He feels distribution of literature in public buildings is covered by a State law already. He stated if they are going to take the time and spend the money, they should create good policy and not just be reiterating policies that already exist. Mr. Truelove agreed to look into these matters. He noted when the Building is used as a polling place, this would be an exception.

Mrs. Godshalk asked Mr. Fedorchak if he feels people have access to what they want other than personnel records. Mr. Fedorchak stated he feels for the most part they do. He cannot think of anything in particular that they could not get but he would want to consider this further. Mrs. Godshalk stated over the years she has been advised that anything the Board is provided that does not have to do with legal or personnel matters can be provided to the public. Mr. Fedorchak stated he would like to have an opportunity to review this further.

Mr. Santarsiero stated it is important to have the rule that they are going to recognize exists so that it applies in every circumstance regardless of who is on the Board.

Mr. Fedorchak stated he is in support of the political restrictions identified in the proposed Ordinance; and to the extent that they can restrict Township employees' political activities to the fullest extent permitted under the law, he feels this is a good thing.

Mr. Caiola stated he wants to make sure that they are not doing something which is redundant; but after what transpired last meeting, he feels they should consider this.

He stated if they had something in place like this before last meeting, they could have avoided a contentious meeting

Mr. Smith stated he feels a lot of the ill feeling which took place at the last meeting could have been avoided if they had something like this in place and he supports the end of any potential partisan activities within the Township Building.

Mrs. Godshalk suggested they just have Section 4 – Prohibition of Political Activities since she feels everything else is already covered. She feels what the Ordinance as written is saying that the Township is not serving the needs of the public, and she feels they are. Mr. Santarsiero stated this is not what it is saying. He stated the current policy is different than a rule that has been passed by the Board of Supervisors; and if it is not a rule passed by the Board of Supervisors, it is a policy that could be changed at some future time. He feels the question the Board should consider is the one which was raised by Mr. Stainthorpe which is under the current State law which governs the Township, what is the Township obligated to provide and what are they not obligated to provide. Once they make this determination, this will show why having this approach he is suggesting is preferable. He feels Mr. Truelove should look into this and they can then discuss it further.

Mr. Smith stated he also wants them to consider the avoidance of partisan activities in the building. He stated he feels by enacting a strict policy, they can avoid the situation which occurred last meeting.

It was the consensus of the Board of Supervisors that Mr. Fedorchak and Mr. Truelove should look into this matter further.

APPROVAL OF PUBLIC WORKS BIDS

Mr. Caiola moved and Mr. Stainthorpe seconded to award the leaf collection bid to Ken's Lawn Service and Douglas Scott Landscaping.

Mrs. Godshalk asked what will happen to all the equipment the Township owns, and Mr. Fedorchak stated they have been using additional contractors for the last four to five years to supplement their leaf collection activities.

Motion carried unanimously.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to award the 2007-2008 Consortium Salt Bid to Cargill, Inc.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to award the bid for snow plowing and salting to JD Equipment, Scott's All Season Inc, McCallister Construction, Green Grass Landscape, Ken's Lawn Service and Kent's Lawn and Landscaping.

APPROVE EXTENSIONS

Mr. Santarsiero moved, Mr. Caiola seconded and it was unanimously carried to approve extensions of time to the following:

Woodside Presbyterian Church – 1/ 5/08
The Gatherings at Yardley - 2/ 1/08
Flowers Madany - 1/19/08

ZONING HEARING BOARD MATTERS

With regard to the T.M. Krautheim Company, Inc. Variance request for property located at 1212 Yardley-Morrisville Road to remove three dead trees within the natural resource protection area, it was agreed to leave the matter to the Zoning Hearing Board.

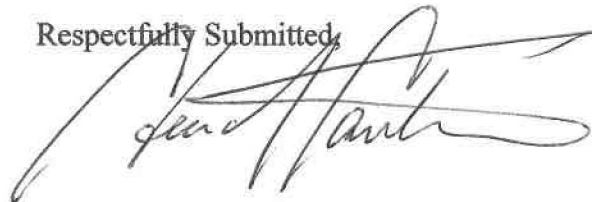
SUPERVISORS' REPORTS

Mr. Santarsiero stated the Energy Audit is going forward and they should be in a position in about one month to have the results.

Mr. Smith stated a banner has been erected on Heacock Road announcing the Veterans' Day Parade to be held on Sunday, November 11 and they invite all Veterans to contact the Special Events Committee to participate in the Parade.

There being no further business, Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,



Steve Santarsiero, Secretary